

CITY COUNCIL
CITY OF NEW YORK

----- X

TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON GOVERNMENTAL OPERATIONS

----- X

March 14, 2016
Start: 10:03 a.m.
Recess: 5:52 p.m.

HELD AT: Committee Room - City Hall

B E F O R E: BEN KALLOS
Chairperson

COUNCIL MEMBERS: David G. Greenfield
Mark Levine
Carlos Menchaca
Antonio Reynoso
Ritchie J. Torres
Joseph C. Borelli

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

Lisette Camilo, Commissioner
Department of Citywide Administrative Services, DCAS

Dawn Pinnock, Deputy Commissioner
Human Capital Services
Department of Citywide Administrative Services, DCAS

Susan Cohen, Assistant Commissioner
Energy Budget, Supply, & Reporting
Department of Citywide Administrative Services, DCAS

Emily Dean, Deputy Assistant Commissioner
Policy & Program Implementation
Department of Citywide Administrative Services, DCAS

Richard Badillo, Deputy Commissioner
Fiscal and Business, Management
Department of Citywide Administrative Services, DCAS

Ricardo Morales, Deputy Commissioner
Asset Management
Department of Citywide Administrative Services, DCAS

Keith T. Kerman, Deputy Commissioner
Fleet Management
Department of Citywide Administrative Services, DCAS

Zachary W. Carter, Corporation Counsel
New York City Law Department

Georgia Pestana, First Assistant Corporation Counsel
New York City Law Department

Muriel Goode-Trufant, Managing Attorney
New York City Law Department

Mike Ryan, Executive Director
NYC Board of Elections, BOE

Dawn Sandow, Deputy Executive Director
NYC Board of Elections, BOE

Gerald Sullivan, Finance Officer
NYC Board of Elections, BOE

Fidel Del Valle
Commissioner and Chief Administrative Law Judge
Office of Administrative Trials and Hearings, OATH

Roy Mogilanski, Director
Financial Information Services Agency, FISA
Integrated Comprehensive Contracts Information System
Office of Payroll Administration, OPA

Andrea Glick, Deputy Executive Director
Administration
Office of Payroll Administration, OPA

Rose-Ellen Myers, Deputy Executive Director
Citywide Systems
Office of Payroll Administration, OPA

Neal Matthew, Deputy Executive Director
Payroll Operations
Office of Payroll Administration, OPA

Ellen E. Hoffman, President, Tax Commission
President and Commissioner, Tax Appeals Tribunal

Pauline Toole, Commissioner
City Dept. of Records and Information Services, DORIS

Naomi Pacheco, Director of Administration
City Dept. of Records and Information Services, DORIS

Ken Cobb, Assistant Commissioner
City Dept. of Records and Information Services, DORIS

Terence McCormick, Director of Records Management
City Dept. of Records and Information Services, DORIS

Sylvia Kollar, Municipal Archivist
City Dept. of Records and Information Services, DORIS

Latha Thompson, District Manager
Manhattan Community Board 8

Bob Gormley, District Manager
Manhattan Community Board 2

Mark Diller, Chairperson
Manhattan Community Board 7

Noah Pfefferbilt, District Manager
Community Board 1;

Andrew Sandler
Bronx Board 7

Jaqua Curiel, Treasurer
Bronx Community Board 5

George Torres, District Manager
Community Board 12

Gerald Arletti

2 [sound check, pause background noise

3 [gavel]

4 CHAIRPERSON KALLOS: Good morning and
5 welcome to this hearing on the Committee on
6 Governmental Operations. I'm Ben Kallos, Chair of
7 the committee, and you can Tweet me at Ben Kallos,
8 especially for those of you watching online or on
9 television. If you have a question that you'd like
10 to ask, please Tweet at Ben Kallos. I'm happy to do
11 so. For the next seven hours or more, we'll be
12 hearing from ten mayoral agencies and offices as we
13 discuss the fiscal 2017 Preliminary Budget and the
14 Preliminary Mayor's Management Report. From keeping
15 the heat on to setting outstanding--settling
16 outstanding cases of discrimination to cutting the
17 checks for each of the 325,000 municipal employees to
18 holding our elections, government operates in the
19 background and programmed to the lives of all New
20 Yorkers 24 hours a day. It is for that reason we are
21 here today to talk with agencies that perform various
22 citywide services about their financial plans, budget
23 proposals, performance measures and other operational
24 issues. The agencies that will testify today are the
25 Department of Citywide Administrative Services, the

2 Law Department, Board of Elections, the Office of
3 Administrative Trials and Hearings, the Financial
4 Information Services Agency, the Office of Payroll
5 Administration, the Office of Administrative Tax
6 Appeals and Tax Commission, the Department of Records
7 and Information Services, the Board of Standards and
8 Appeals and representatives from some of our city's
9 59 community boards. Afterwards, the general public
10 will have an opportunity to weigh in. In particular,
11 the committee is focused on operational efficiencies
12 that generate cost savings, efforts to reduce
13 reliance on outside contractors, and management of
14 capital contracts including best practices to reduce
15 or avoid cost overruns. We'll be discussing the
16 relationship between agency budgets and performance
17 documented in the PMMR, and about the current and
18 proposed initiatives and what we can expect in terms
19 of return on our investment. Coming from my
20 background in finance, I believe any time we're
21 investing in additional funds in anything, we should
22 see improvements. Ultimately, much like when city
23 agencies expect their contractors to deliver
24 services, the goal of this hearing is to ensure that
25 New Yorkers get a return on the investments

2 government makes on their behalf. For all their hard
3 in putting today's hearing I'd like to thank Unit
4 Head John Russell, Finance Analyst James Subudhi from
5 the Finance Division, as well as committee counsel
6 Shamika Deshmukh, Policy Analyst Laurie Wenn and my
7 Legislative Director, Paul Westrick. I'd also like
8 to--[pause]--and--and with that, I'd like to call the
9 Department of Citywide Administrative Services from
10 managing the City's fleet of vehicles to
11 administrating civil service exams, DCAS has enormous
12 responsibilities not only in many citywide functions
13 but also ensuring other city agencies have the
14 critical resources and support needed to provide the
15 best possible service to the public.

16 In the Fiscal Year 2017 Preliminary
17 Budget the funding for DCAS totals \$1.18 billion with
18 the majority allocated toward paying the heat, light
19 and power bills for city agencies, which is budgeted
20 at \$757 million. During today's hearing, we'll
21 examine many aspects of DCAS' operations and how the-
22 -they impact the City's budget. Joseph Lee will be
23 discussing the City's energy and environmental
24 policy, provisional employees, public safety
25 initiatives and the PMMR. With an eye on possible

2 economic uncertainty ahead, we'll discuss efforts to
3 reduce citywide spending, and as we have a new
4 commissioner, I'd like to hear about your vision for
5 the department and strategies you have to improve
6 performance. Lastly, we'd like to hear details about
7 energy offsets, city surplus, contracting and other
8 new needs in Fiscal Year 2017 Preliminary Budget. We
9 have today our newly appointed Commissioner, Lisette
10 Camilo. Welcome Commissioner and congratulations on
11 your new appointment. I'll ask you and your members
12 of your team who will testify to please raise your
13 right hand. Do you affirm to tell the truth in your
14 testimony before this committee and to answer
15 honestly the council member questions?

16 COMMISSIONER: I do.

17 PANEL MEMBER: Yes.

18 CHAIRPERSON KALLOS: Thank you. You may
19 now begin your testimony when ready.

20 COMMISSIONER LISETTE CAMILO: Good
21 morning Chair Kallos. I am Lisette Camilo,
22 Commissioner of the Department of Citywide
23 Administrative Services. Thank you for the
24 opportunity to appear before you today. It has been
25 almost two months since I started my appointment, and

2 it's been an exciting time as I learn about all the
3 services DCAS provides to the City agencies to help
4 them fulfill their respective missions. I'm joined
5 today by members of my senior staff to discuss the
6 planned expenditures and revenues for FY17, as well
7 as highlights of the DCAS Capital Plan, all of which
8 are aimed to help further and support the operations
9 of city government. As you know, DCAS ensures that
10 City agencies have the critical resources and support
11 needed to provide the best possible services to the
12 public. DCAS accomplishes its mission through six
13 lines of service, that jointly help support this
14 administration's important goals of equity, growth,
15 resiliency and sustainability. To that end, we
16 administer the City's Civil Service system and help
17 recruit, retrain and develop a diverse workforce,
18 operate and maintain 55 city buildings, and oversee
19 an additional 21.5 million square feet of leased
20 space providing city agencies with and the public
21 with safe and clean facilities; manage the utility
22 bills and implement energy conservation initiatives
23 throughout 4,000 city buildings and over--oversee the
24 citywide fleet, which includes 28,000 vehicles, one
25 of the largest and greenest fleets in the nation.

2 Before I turn to the budget, I would like to take a
3 minute provide the Council with an update on various
4 initiatives we're currently implementing. DCAS is
5 one of five agencies leading Vision Zero with our
6 efforts focused on fleet safety, and as part of our
7 Vision Initiative, we have developed and installed
8 life saving truck side guards designed to keep
9 pedestrians, bicyclists and motorcyclists from being
10 run over by a vehicle's rear wheel--rear wheels and a
11 side impact collision. To date, 300 city trucks have
12 been retrofitted with these guards, and we expect to
13 have at least 500 completed by the end of 2016.
14 Looking forward, DCAS has now incorporated side
15 guards into new vehicle contract specifications as a
16 standard requirement, and we expect to start seeing
17 delivery of these trucks with side guards already
18 installed by late 2016. I'd like to take this
19 opportunity to mention that Fleet's partnership with
20 the United States Department of Transportation's
21 Volpe Center on Truck Side Guards, receive the 2016
22 National Excellence in Technology Transfer Award from
23 the Federal Laboratory Consortium. Another key
24 component to the Vision Zero Initiative is a mandate
25 that all city vehicle drivers must take the defensive

1 driving course administered by Fleet. In FY16 so far
2 more than 4,700 employees have taken the course
3 bringing the total number of city workers trained in
4 safe driving techniques since 2014 to nearly 27,000.
5 In addition to working on safety of pedestrians,
6 Fleet is also working on the NYC Clean Fleet
7 Initiative to benefit the environment. The NYC Clean
8 Fleet Initiative has a goal of adding 2,000 electric
9 vehicles to the City fleet by 2025, and reducing the
10 greenhouse gas emissions from the city's fleet by 50%
11 by 2025. Efforts to achieve this goal include as
12 part of the FY17 January Financial Plan, Fleet
13 received an initial allocation of \$2.5 million in the
14 current Fiscal Year to purchase 90 EVs along with the
15 necessary accessories such as the EV chargers. To
16 date in FY16, a total of 130 electric vehicles have
17 been ordered by city agencies including DCAS adding
18 to our existing EV hybrid fleet of 6,104 vehicles.
19 In December 2015, DCAS issued a request for
20 information to solicit ideas for alternative vehicle
21 technologies, fleet efficiencies and new fields in
22 support of the NYC Clean Fleet Initiative. DCAS has
23 seen a tremendous engagement on this initiative as we
24 received more than 75 responses to the RFI. The
25

2 Human Capital line of service the DCAS is committed
3 to improving and strengthen the City's Civil Service
4 system by enhancing service delivery to city
5 agencies, improving access to job seekers, and
6 overseeing the Provisional Workforce Reduction Plan.
7 Human Capital is increasing the accessibility and
8 capacity of test taking--of taking civil service
9 exams with a special emphasis on historically under
10 represented communities. With support from the City
11 Council, DCAS is expanding the city capacity at our
12 existing Computer Based Testing and Application
13 Center, CTAC in Manhattan and Brooklyn by an
14 additional 155 seats a 77 increase procession. In an
15 effort to reach more of our communities directly, in
16 FY17 DCAS will open a third center in Queens. The
17 center will have a 153 work stations, which will
18 increase our overall testing capacity by almost 150%.
19 In addition to this new testing facility, we're
20 working to finalize CTAC locations in Staten Island
21 and the Bronx. Having an exams testing center in
22 every borough demonstrates this Administration's
23 continued commitment to equitable access to civil
24 service for all citizens across the five boroughs.
25 In FY15, Human Capital launched another component of

2 an improved service delivery strategy by establishing
3 the Office of Citywide Recruitment, OCR, that markets
4 city government opportunities and provides tools to
5 New Yorkers on how to navigate the Civil Service
6 system for both current and prospective city
7 employees. Examples of outreach events held to date
8 include 94 job fairs throughout the city, 49
9 information centers--sessions including Professional
10 Hiley High School and the Brooklyn Workforce Career
11 Center. Upcoming job fairs include Hostos Community
12 College, Hiring our Heroes, which targets veterans,
13 and NYC Baby Showers, an initiatives of the New York
14 City Children's Cabinet, which seeks to establish
15 links to essential services. We have also partnered
16 with some of your colleagues in providing outreach on
17 the civil service system to specific communities, and
18 welcome the opportunity to part with--partner with
19 you and increase these outreach efforts in the coming
20 year. Over the last 17 months Human Capital has
21 executed various initiatives to increase permanent
22 status opportunities for city workers through it's
23 Provisional Reduction Plan by offering more exams for
24 the titles with the most provisional workers, and
25 exploring reclassification opportunities. The focus

of the Provisional Reduction Plan extension, which began on October 31, 2014, was to address the total of 8,660 provisional employees we had two strategies: Competitive examinations and targeted reclassifications. Over the course of the extension, we have administered 290 exams, which represent a record high for this agency. We have already addressed 1,442 of the provisionals specified in our plan, and through the certification of lists and the administration of exams slated for the remainder of 2016, we will address another 5,233 provisional appointments by the end of the extension. Despite our efforts, there has been a slight uptick in the overall number of professionals. Over the last-- provisionals-- Over the last two years, the provisional count has grown by 98 to a total of 23,052 since October of '14 as vacant positions have been filled and new rules have been created to support citywide programming initiative.

Notwithstanding these challenges, we remain committed to reducing the provisional headcount while also ensuring that the city has the workforce needed to ensure that all mayoral agencies have the talent to pursue their missions, and serve all New Yorkers. As

2 the new Commissioner, I'm reviewing this issue
3 closely to look for additional ways to significantly
4 reduce the number of provisionals, and we'll be
5 working with all of our partners to do so. The
6 Office of Citywide Diversity and EEO is tasked with
7 advancing the Administration's Equity Agenda through
8 diversity and inclusion initiatives that directly
9 touch our municipal workforce. Since 2014, CDEEO has
10 provided EEO compliance as well as diversity and
11 inclusion training to over 17,000 municipal employees
12 through either live classroom or computer based
13 formats. CDEEO introduced several new training
14 courses in FY2016 on topics including Unconscious
15 Bias, LGBT Inclusion, Structured Interviewing, and
16 Disability Etiquette. In just over six months more
17 than a thousand managers and staff have received
18 leadership training--development training in these
19 areas. CDEEO is also developing a computer based
20 training module for Unconscious Bias training. This
21 course intends to educate managers as to how their
22 personal beliefs and perceptions can lead to
23 stereotyping and biased employment practice--
24 practices in the workplace. The Unconscious Bias CBT
25 will allow management and staff employees at 40

2 mayoral agencies to take this training at their work
3 site, and minimize interruption of their work day.

4 We anticipate during FY17 that approximately 16,000
5 employees will participate in this training. Another
6 initiative of CDEEO is the Managing Diversity
7 Leadership Initiative that promotes 15 employment
8 best practices to broaden, develop, engage and retain
9 employees. The workforce and work place practices
10 are focused on the inclusive recruitment, Retention
11 and development of employees. Practices include
12 establishing mentoring programs, personal commitments
13 from agency heads, diversity and inclusion councils
14 and the identification of diverse high potential
15 talent. Thirty-nine mayoral agencies are currently
16 engaged in implementing MDOI. Our Office of Citywide
17 Procurement provides agencies with an efficient cost-
18 effective means of obtaining needed goods and
19 services. OCP leverages the city purchasing power to
20 obtain the most competitive pricing for goods and
21 services by aggregating demand and consolidating
22 contracts. To achieve these benefits, OCP maintains
23 a portfolio of about 1,000 requirements contracts for
24 goods and selected services that all agencies
25 utilize. OCP also utilizes other strategies to

2 provide additional benefits to our client agencies.

3 For example, in December 2015, OCP registered the

4 first best value bid for furniture. The best value

5 bidding method allows city agencies to make awards to

6 a bidder whose bid represents the best value to the

7 City by optimizing quality, cost and efficiency

8 rather than an analysis, which relies solely on the

9 lowest responsible bid. We continue to maximize MWBE

10 vendor participation by conducting outreach and

11 ensuring that MWBEs are included as a normal part of

12 the agency purchasing culture. For FY16 to date DCAS

13 has awarded approximately \$16.3 million to MWBE

14 vendors. As an aside, I've spent the better part of

15 my career in government working on MWBE issues, and

16 particularly the past year and a half working to

17 implement Mayor de Blasio's MWBE Citywide Agenda. I

18 look forward to working closely with MWBE Director

19 Mia Wiley and the rest of the team to help achieve

20 the Mayor's \$16 billion goal. DCAS continues to play

21 a central role in the city's efforts to energy

22 consumption and greenhouse gas emissions from

23 municipal buildings by 35% by 2025 and additional--

24 and an 80% decrease in emissions from municipal

25 operations by 2020--by 2050. In compliance with

2 Local Law 87 of 2009, Energy Management conducts
3 building energy audits, and fund retro-commissioning
4 projects in buildings over 50,000 square feet. By
5 the end of FY2016, DCAS will complete 117 energy
6 audits and fund retro-commissioning work in
7 approximately 100 city buildings. In FY2016 in
8 partnership with the City University of New York
9 Energy Management offered training in energy
10 efficient building operations to 300 city facilities
11 staff. In addition, under the goals established in
12 One City Built to Last, the City has committed to
13 installing 100 megawatts of solar by 2025. By 2018,
14 we're going to grow our installed solar capacity to
15 nearly 25 megawatts, including panels on 88 city
16 owned roofs as a part of a solar power purchase
17 agreement, which requires no upfront capital costs to
18 the city. Energy Management is also installing solar
19 panels at 24 schools across the city in partnership
20 with NYPA, all of which will be fully operational by
21 Earth Day on April 22nd. Once the systems are fully
22 installed, DCAS will receive approximately \$3.5
23 million in NYC Sun Incentive Funding from the New
24 York State Research and Development Authority. This
25 funding will reimburse over 15% of the project cost.

2 Building solar energy capacity provides savings to
3 taxpayers by reducing the amount of energy that the
4 city--that needs to be purchased from the grid. The
5 City has identified \$1.2 million in annual taxpayer
6 savings from solar panels already installed at public
7 facilities. Late today, Mayor Bill de Blasio will be
8 signing Intro 7--478-A, a law designed to increase
9 the development of solar across city-owned buildings.
10 The legislation will require that DCAS evaluate our
11 portfolio of public buildings and report on the solar
12 potential of each rooftop, along with the associated
13 energy savings in greenhouse gas emission reduction.
14 I'm proud that our energy management line of service
15 as well as our participating agencies are overseeing
16 a program that will benefit the environment while
17 reducing the cost of energy consumption paid by city
18 taxpayers. The DCAS real estate portfolio includes
19 the management of 27 court buildings, and Asset
20 Management is currently overseeing two court
21 relocation projects. DCAS is relocating the Brooklyn
22 Housing Court from 141 Livingston--Livingston Street
23 to 210 Joralemon Street. This will relocation will
24 allow for the adjudication of tenant landlord cases
25 to be conducted in a first class court facility. To

2 complete this project, space must be created for the
3 Housing Court at 210 Joralemon by moving various city
4 agencies to other locations. The projected opening
5 date for the new Housing Court is November, 2020.
6 The other major court project is the relocation of
7 the Manhattan Summons Court from 346 Broadway to the
8 16th Floor at One Center Street. Construction is
9 currently underway on the 16th Floor at One Center
10 Street as well as on a separate ground entrance for
11 the court. The court expects to begin operations at
12 its new locating starting in January 2017.

13 I would like--I would now like to discuss
14 highlights of DCAS' Expense Budget, Expense Savings
15 Programs, the Revenue Budget and lastly the Capital
16 Plan. DCAS' Expense Budget reflects funding of \$1.2
17 billion and a budgeted headcount of 2,167 in FY17.
18 The majority of our planned FY17 expenditures, \$757
19 million is allocated for citywide heat, light, and
20 power expenses. The FY17 Energy Budget is a
21 collaborative--a collaborative effort between DCAS
22 and OMB in forecasting agency energy usage, as well
23 as commodity rates in the upcoming Fiscal Year. As
24 previously mentioned, DCAS continues to work closely
25 with agencies citywide to enhance the energy

2 performance of their facilities through a range of
3 programs, which include retrofitting equipment,
4 improving operations and maintenance as well as
5 training and outreach to reduce the City's energy
6 costs. Now I will highlight additional expense funds
7 receive in the FY17 Budget:

8 Security of Private Schools: As you are
9 aware, Local Law 2 of 2016 was enacted to allow for
10 eligible non-public schools to receive reimbursement
11 from the city for contractual security guard
12 services. DCAS has been tasked with the
13 administration of this new program and has received
14 \$19.8 million in funding for FY17.

15 PSAC II: Effective June 1st, DCAS will
16 be providing cleaning, maintenance and security
17 services on a 24-hour, 7 days a week basis for the
18 new backup E-911 Call Center in the Bronx. DCAS
19 received a total of \$5.1 million in funding along
20 with 82 full-time positions, 61 for the operation of
21 the facility and 21 for DCAS Security Officers.

22 Cooling Water Tower Treatment: As the
23 result of the breakout of the Legionnaires Disease
24 last summer, the NYC DOHMH promulgated rules
25 mandating the testing, clean, and disinfecting of

2 cooling towers throughout New York City. In the
3 summer of 2015, DCAS Asset Management performed the
4 necessary treatments at our cooling water towers
5 located on DCAS managed buildings to comply with
6 DOHMH rules. DCAS received \$500,000 in funding to
7 continue the proper maintenance of the cooling towers
8 in FY17 and beyond.

9 Additional Staffing for Brooklyn and
10 Manhattan CTACs: As I mentioned earlier in my
11 testimony, DCAS is expanding the number of seats by a
12 total of 165 at our existing CTACs in Brooklyn and
13 Manhattan, and we've received four positions totaling
14 \$180,000 to assist in the administration of civil
15 service exams for the anticipated increase of in test
16 taking.

17 Additional Staffing for NYCAP Central:
18 DCAS' Human Capital Line of Service oversees the
19 operation of NYCAP Central, which currently supports
20 80 agencies, oversees the implementation of the
21 City's Civil Service and Human Resources transactions
22 for employees citywide, and supports employees with
23 employee self-service related questions and issues
24 provides--and provides direct support to over 96,000
25 city government employee with all their health

2 benefit needs. NCC's Human Resources Information
3 system unit--unit has received an additional three
4 positions totaling 290,000 to assist in the
5 development and maintenance of new modules in NYCAPs
6 including the e-Performance Module, which will be
7 used for employee performance evaluations and the
8 automation of several civil service components that
9 are currently being managed now nearly--or in the--or
10 in mainframes or Legacy systems with the goal of
11 deploying new functionality in NYCAPs, and retiring
12 those citywide or agency specific systems.

13 Additional Staffing for Civil Service
14 Classification and Compensation: DCAS Human Capital
15 Line of Service received two additional positions
16 totaling \$100,000 for the Civil Service
17 Classification and Compensation Unit. This unit
18 prepares classification studies on both a regular and
19 special assignment basis to reduce the number of
20 provisional appointments. This additional help--this
21 additional staff will help expedite these duties.

22 As reflected by OMB, DCAS has identified
23 savings in areas that will not adversely affect our
24 ability to provide services to both the public and
25 our sister city agencies. These efficiency

2 initiatives include citywide energy savings. DCAS is
3 projecting citywide energy savings total \$2.9 million
4 in the upcoming Fiscal Year. There are two components
5 to this savings: The implementation of retro-
6 commissioning projects and the installation of solar
7 panels to be completed by FY16. DCAS is projecting
8 annual citywide energy savings totaling \$1.7 million
9 associated with the implementation of retro-
10 commissioning projects such as reprogramming of
11 thermostats and boiler tune-ups. DCAS is also
12 projecting annual savings of \$1.2 million upon
13 completion of the installation of solar panels at
14 various Department of Education facilities.

15 Lease Audit Savings: Asset Management's
16 Lease Audit Unit conducts audits of lease payments by
17 city agencies in privately owned space. The purpose
18 of the audit is to ensure that--[coughs] excuse me--
19 the rent being charged is consistent with the lease
20 provisions. These audits can result in savings from
21 the identification of excessive lease payments made
22 by city agencies. DCAS is projecting to recover \$2
23 million in FY16 as a result of overpayments made by
24 City agencies.

2 Funding Shift in Fleet Sustainability:

3 New York received a \$1.4 million biodiesel tax credit
4 reimbursing--reimbursement relating to the City's
5 fleet use of biodiesel. This is a direct result of
6 the U.S. Senate's passage of the Tax Extender's Bill,
7 which included a provision reinstating the biodiesel
8 tax credit. The \$1.4 million represents the amount
9 the City would not have paid on the purchase of
10 biodiesel fuel for it's motor vehicle fleet if the
11 tax credit had not--had been in effect. DCAS will
12 use this reimbursement to offset city tax levy
13 expenses associated with the purchase of motor
14 vehicle fuel in FY16. The FY17 total of DCAS revenue
15 budget is \$60.9 million. Our largest source of
16 recurring revenue is from 444 leases for commercial
17 rentals of city-owned property projected to be \$42.1
18 million.

19 Another significant revenue source is the
20 sale of surplus vehicles, and other city-owned
21 equipment totaling \$6.9 million. DCAS also receives
22 revenue from applicant filing fees for Civil Service
23 examinations. DCAS anticipates collecting \$3.5
24 million from these fees.

2 I will now turn to the DCAS Capital Plan,
3 which totals \$590 million in FY17. A majority of the
4 Capital Budget is dedicated to facility upgrades and
5 energy conservation initiatives. Highlights of our
6 program include DCAS managed facilities, DCAS Capital
7 Construction Program for city-owned office and court
8 buildings in FY17 totals \$314.4 million. Major
9 projects funded in FY17 include \$127.5 million for
10 interior renovations for the following projects: The
11 relocation of housing and civil court parts from
12 leased space at 141 Livingston Street to 210
13 Joralemon; a renovation of 345 Adams Street to
14 relocate agencies from 210 Joralmeon; and the
15 relocation of the Board of Standards and Appeals to
16 253 Broadway. \$53.5 million for fire suppression and
17 detection systems for buildings, which include the
18 Brooklyn Supreme Court and Manhattan Family Court;
19 \$32.9 million allocated for exterior facade
20 improvement for certain facilities; \$28.6 million in
21 electrical upgrade for Manhattan Surrogates Court,
22 Brooklyn Appellate Court and Brooklyn Island--Staten
23 Island Borough Hall.

24 Leased Space Construction Projects:

25 DCAS' Capital Program for the construction of space

2 and the purchase of furniture and related equipment
3 in leased facilities for FY17 totals \$31.8 million.
4 Projects include \$26.1 million to relocate the
5 Department of Finance to 375 Pearl Street, and \$2
6 million--\$2.7 million for the new SeaTac (sic) in
7 Staten Island.

8 Energy Conservation and Clean Energy
9 Projects: In FY17 \$226 million in capital funding is
10 allocated for citywide energy conservation and clean
11 energy projects to support the Mayor's One City Built
12 to Last program. Projects include lighting upgrades,
13 solar panel installation, building controls and HVAC
14 improvements. These projects are located at
15 facilities citywide, and examples \$16 million for
16 energy upgrades at the Bronx County Court, Bronx
17 Criminal Family Court and Queens Criminal Court; \$9
18 million for a chiller (sic) replacement at Queens
19 Borough Community College, and \$4.8 million for
20 boiler upgrades at NYPD facilities.

21 Thank you for this opportunity to testify
22 about the Department of Citywide Administrative
23 Services Planned Expenditures and Revenues for FY17
24 as well as our Capital Plan. As the new
25 Commissioner, I'm taking the time to evaluate the

2 agency and all its processes to identify efficiencies
3 and improvements to ensure that City agencies receive
4 excellent customer service so that they can be
5 singularly focused on furthering their respective
6 missions. I look forward to having a productive and
7 collaborative working relationship with the Council
8 in this new role, and I would be pleased to take any
9 questions at this time.

10 CHAIRPERSON KALLOS: Thank you. I'd like
11 to thank the members of the press for being here
12 today, and for joining us for what will be a long
13 day, but a fun day. I'd also like to acknowledge
14 that we've been joined by Council Member Joe Borelli
15 who has 100% perfect attendance, and I'd also like to
16 take a moment for a special welcome to Council Member
17 Antonio Reynoso as this is his first meeting as a
18 member of this committee, and we welcome him to the
19 committee and look forward to your contributions.
20 I'd like to begin by following up provisional
21 employees. This committee jointly with the Committee
22 on Civil Service and Labor has held two hearings on
23 provisional employees since 2014, and according to
24 DCAS' Provisional Reduction Plan released in October
25 of 2014, we had 22,939 provisional employees. The

2 goal as stated in the plan was to reduce that number
3 by 8,666 by end of 2015, which is less than nine
4 months away. It appears, though, that despite
5 initial progress since the end of 2014, we're heading
6 in the opposite direction. DCAS' progress reports
7 list the numbers of provisional employees as 22,954
8 on October 31, 2014; 21,535 on February 28, 2015;
9 21,572 on June 30, 2015; and 22,205 on October 31,
10 2015. So we're still below where we were a year and
11 a half ago, but we're above where we can--where we
12 were a year ago. When will the number of
13 provisionals again begun--begin to go down, and are
14 we still on track to achieve the reduction outlined
15 in the 2014 plan? And last but not least, would you
16 support adding the number of provisionals as a metric
17 in the PMMR and MMR, and we will need to swear in
18 your deputy. Please state your name.

19 DEPUTY COMMISSIONER PINNOCK: Dawn
20 Pinnock.

21 CHAIRPERSON KALLOS: Thank you. Do you
22 affirm to tell the truth in your testimony before
23 this committee and to answer honestly the council
24 member questions?

25 DEPUTY COMMISSIONER PINNOCK: Yes, I do.

2 CHAIRPERSON KALLOS: And I--I just want
3 to note that you've--it's been an amazing partnership
4 with you. It's been a pleasure to work with you on
5 reducing the timeline for exams, and I think you are
6 still the only agency that's ever given me a flow
7 chart, and other agencies I've had to make the flow
8 chart for them, but I look forward to working with
9 you, and we wouldn't be working with you on these
10 issues if we weren't seeing results and responses.
11 So thank you. [pause]

12 COMMISSIONER LISETTE CAMILO: I'll start
13 it off and then I'll turn it over to Dawn. As I
14 mentioned in my testimony, when DCAS initially put
15 together the--the plan, the--the goal was to reduce
16 it by 8,600 provisionals or so. And at that moment,
17 it was a snapshot in time, and since that time there
18 have been a number of initiatives that DCAS has been
19 you know, working tirelessly for. As I mentioned
20 before, a recording 290 exams to really target as
21 many provisionals as possible, and we're in the
22 process of doing that. And while we've addressed
23 about 1,400 provisionals from that initial 21,000 or
24 so or 22,000, and we have--we have in the pipeline
25 exams that we've already administered that are--we

2 are currently putting together lists to certify by
3 the end of the period or our plan, we will have
4 addressed over 5,000 other provisionals. So we are
5 on track to--to--make significant gains. Given the
6 City's operational needs, however, agencies have had
7 to have--make hires during this time as well. So,
8 unfortunately the, the amount--the numbers of
9 provisionals that we have addressed through our--our
10 plan has been outpaced by the backfills of vacancies
11 that agencies have had to operationalize and hire up
12 for. And so, wit that, I'll just turn it over to--to
13 Dawn.

14 DEPUTY COMMISSIONER PINNOCK: Thank you
15 and just to underscore some of what Commissioner
16 Camilo mentioned, as stated, 1,400 have been
17 currently addressed, and we are well positioned to
18 address another 5,200 by the end of the plan, which
19 brings us to about 6,600 provisionals that will be
20 addressed. That being said, we have seen through
21 just normal attrition greater retirement eligibility,
22 a number of permanent employees. You know, legal
23 city government and just in terms of the normal turn,
24 and then in some cases, there needing to be a
25 provisional appointment made in that particular

2 title. So that also contributes to some of the
3 increases that we're seeing. That being said, we are
4 still tackling very large exams. As you know, the
5 Sanitation worker that was a huge lift for the
6 agency, the largest administration of 25 years and
7 the managerial exams, we have also tackled those.
8 And those really helped to position us well. By the
9 end of the plan to have addressed another significant
10 portion of the 8,600 that we recorded.

11 CHAIRPERSON KALLOS: And--and by end of
12 plan, you mean end of 2016 or--?

13 DEPUTY COMMISSIONER PINNOCK: As of 2016,
14 because as we previously testified, and we--when we
15 developed a plan, we wanted to make sure that what we
16 communicated was something that we thought was
17 realistic given resources and the exams that we knew
18 we had to tackle because there were exams that had
19 large numbers of provisionals serving. But there
20 were others that through our normal course of
21 business we need to continue to administer. And so
22 that being said, when the plan was originally
23 drafted, we fully intended to request more time to
24 continue to chip away at the provisional numbers.

2 CHAIRPERSON KALLOS: So that being said,
3 we're currently at 22,205 as of October 31st, 2015.
4 Do you have--what is your current count?

5 COMMISSIONER LISETTE CAMILO: The current
6 number of provisionals?

7 CHAIRPERSON KALLOS: Yes.

8 COMMISSIONER LISETTE CAMILO: As of
9 February 29th, it's a little over 23,000.

10 CHAIRPERSON KALLOS: 20--it's 20--?

11 COMMISSIONER LISETTE CAMILO: A little
12 over 23,000.

13 CHAIRPERSON KALLOS: 23,052.

14 COMMISSIONER LISETTE CAMILO: Uh-huh.

15 CHAIRPERSON KALLOS: Okay, and so we're
16 actually over our October number as of February. So
17 you believe that by December 2016 that you will be
18 down by 5,000. So you will be--we will have 18,000
19 provisionals give or take a couple hundred by
20 December 2016?

21 DEPUTY COMMISSIONER PINNOCK: We're on
22 pace to achieve that goal, yes.

23 CHAIRPERSON KALLOS: In terms of
24 qualifier on pace what does that mean? So how much
25

2 of--I'm trying to nail, you know, I mean specifics?
3 What do you think the reasonable expectation is?

4 DEPUTY COMMISSIONER PINNOCK: The only
5 reason it seems as if I'm not giving a firm responses
6 is just because with protest review periods and other
7 aspects of the exams process, depending on the number
8 of protests we receive for a particular exam, there
9 may be some slip in the schedule. However, I would
10 say, you know, by the end of the plan we should be up
11 around 18,000.

12 CHAIRPERSON KALLOS: Okay, and then
13 18,000. Okay, and then that's 5,333 plus the 14,000
14 you already did, which still leaves us about 2,000
15 short. When can we expect the rest of them, and then
16 in terms of your broader pipeline, when do you expect
17 that to kick in? Is that posts?

18 DEPUTY COMMISSIONER PINNOCK: It would be
19 post the two-year plan. When you say the broader
20 pipeline are you talking about the larger number of
21 provisionals?

22 CHAIRPERSON KALLOS: Right.

23 DEPUTY COMMISSIONER PINNOCK: Somewhere
24 in the city, because currently--

2 CHAIRPERSON KALLOS: [interposing] Well,
3 to get that as close to zero as possible.

4 DEPUTY COMMISSIONER PINNOCK: Right,
5 certainly we need to request additional time, and
6 we're currently working internally to come up with a
7 more robust strategy because as Commissioner Camillo
8 mentioned, although we've administered these exams,
9 we've not been able to keep pace with, you know, just
10 to the natural backfilling of positions in the City.
11 That being the case, certainly we're looking to
12 devise a more robust strategy, and just in terms of
13 context, those provisional surveys showed over 740
14 titles. So the capacity that we have to administer
15 740 exams, you know, that's not realistic. So that's
16 why we're taking a second look at our plan, looking
17 at devising a plan that is more robust in nature to
18 address that larger number?

19 CHAIRPERSON KALLOS: And with regard to
20 the new positions that have been created because of
21 new initiatives, when will those provisional
22 provisions--when will those provisional titles be put
23 up for civil service? Can we expect to see those
24 exams administered to make sure we get civil servants
25 into those positions by the end of this year?

2 COMMISSIONER LISETTE CAMILO: Depending--
3 we have a number of lists that are already available
4 for agencies to use. So it really does depend on
5 what the job functions are that are required. But as
6 Dawn mentioned, we are--are constantly putting up
7 new--new--new tests in order to add, and give the
8 agencies many more resources to be able to pull from
9 the list and fill those positions?

10 DEPUTY COMMISSIONER PINNOCK: And
11 additionally, we're currently working on our exam
12 schedule for 2017, and as part of that analysis,
13 we're looking to see where there's an uptick in hires
14 in any particular title to ensure that those titles
15 are reflected on our upcoming schedules.

16 CHAIRPERSON KALLOS: Do you have any type
17 of management report that you use internally that you
18 could share with us that shows the new hired, the
19 provisionals within agencies whether or not you have
20 existing lists, and whether or not agencies are
21 availing themselves at the--of those lists or
22 ignoring them just so that we can create some
23 accountability between DCAS and the other city
24 agencies?

2 COMMISSIONER LISETTE CAMILO: We actually
3 communicate that information monthly to--to city
4 agencies with the list of provisional titles in order
5 to incur--to increase the--the transparency for every
6 agency, and we actually also communicate that
7 information to the Deputy Mayors in order to ensure
8 accountability on--on multiple levels.

9 CHAIRPERSON KALLOS: Would you be willing
10 to share that with the City Council Governmental
11 Operations and Committee on Civil Service and Labor?

12 COMMISSIONER LISETTE CAMILO: Absolutely.

13 CHAIRPERSON KALLOS: Thank you and then
14 with regard to adding the provisional count to the
15 Mayor's Management Report, would you be open to that?

16 COMMISSIONER LISETTE CAMILO: I'd be
17 happy to explore that with you and--and Operations.
18 Absolutely.

19 CHAIRPERSON KALLOS: Thank you. Thank
20 you, Dawn. Always a pleasure, and I think one key
21 piece before you go is just I think the PMMR has the
22 time for exams going in the wrong direction. So, let
23 me just double check. [pause] Do you happen to know
24 it off the top of your--? There we go. So,
25 currently we're at 200 and--Sorry, the actual for

2 Fiscal 2009 was--sorry the--the actual for Fiscal
3 Year 2015 was 209 and for Fiscal Year 16 our four-
4 month actual is 310. We don't have any target.
5 Given all the work that we put in to get it down from
6 400 including getting a better definition, would you
7 be open to setting targets? Because there are no
8 targets set, and then further, are we in store for a
9 rude awakening or will we be getting it back down the
10 200 number that you achieved?

11 COMMISSIONER LISETTE CAMILO: So, I--
12 actually, I can--I start it off and I'll kick it over
13 to Dawn. The reason for the uptick is for--as Dawn
14 mentioned before, we had a record breaking exam with
15 the Sanitation examination that actually I think it
16 was 90--90,000 applicants/

17 DEPUTY COMMISSIONER PINNOCK:
18 [interposing] [off mic] 90,000 applications.

19 COMMISSIONER LISETTE CAMILO: 90,000
20 applications, and when we have such a high volume of
21 applicants, it will--it will impact the length of
22 time to process the--the exams, and additionally with
23 the managerial exams, the length of protests
24 throughout the period has extended the--the time it
25 takes for administering a list.

2 DEPUTY COMMISSIONER PINNOCK: In terms of
3 Sanitation, I think there are a couple of things,
4 that are important to also note. Given the--the
5 scale of that exam we actually had about 75--74,000
6 test takers, and unfortunately at--given the capacity
7 at our current city tax this is not an exam that we
8 could automatic, which means that it was a paper and
9 pencil administration where we administered across
10 the city at 14 different schools. So that in and of
11 itself takes some time because of the grading and the
12 rating. And so with Sanitation in particular, we had
13 to move some resources to specifically address that
14 exam, which also contributes to the timeframe. And
15 just to underscore what Commissioner Camilo mentioned
16 about the managerial exams, we actually received over
17 2,500 protests for those particular exams. So that
18 also contributed to an increase in the time for
19 processing.

20 COMMISSIONER LISETTE CAMILO: With regard
21 to setting target, I think that this past year is
22 very illustrative of why that-- You know, I'd be
23 happy to talk about and explore that, but given the
24 types of exams that we administer, a lot of those
25 factors are outside of our control. In order to--to

2 ful--push through a target given volume and the
3 number of protests that will get better generated
4 from test takes.

5 CHAIRPERSON KALLOS: I think any time we
6 can set goal so that we can stick them, and even with
7 the protest process making sure that that is
8 streamlined and happens within a specific timeline is
9 helpful, and thank you. I'd like to acknowledge that
10 we've been joined by Council Member Mark Levine.
11 Next up is Energy and Offsets. [background noise,
12 pause] If you could state your name for the record.

13 EMILY DEAN: Emily Dean.

14 CHAIRPERSON KALLOS: Do you affirm to
15 tell the truth in your testimony before this
16 committee and to answer honestly the council member
17 questions?

18 EMILY DEAN: I do. [background comments]

19 CHAIRPERSON KALLOS: Could you state your
20 name? [pause] If you point the microphone towards
21 you it will work better. There you go.

22 ASSISTANT COMMISSIONER COHEN: Susan
23 Cohen.

24 CHAIRPERSON KALLOS: Perfect. Do you
25 affirm to tell the truth in your testimony before

2 this committee and to answer honestly the council
3 member questions?

4 ASSISTANT COMMISSIONER COHEN: I do.

5 CHAIRPERSON KALLOS: Thank you. The
6 Preliminary Plan estimates that DCAS will generate
7 savings of \$6.3 million and \$3 million in Fiscal
8 2017, as part of the Citywide Savings Plan. The
9 savings in Fiscal 2016 comes from the Leased Audit, a
10 biodiesel fuel credit, the completion of energy
11 retrofits and the installation of solar panels.
12 Energy retrofits and solar panels installations will
13 continue to generate annual savings of \$3 million
14 beginning in Fiscal 2017. When it comes to energy,
15 we can actually see the savings and costs by each
16 agency. Will this be broken up in a way that is more
17 transparent so that we can actually see the offsets?

18 RICHARD BADILLO: We have that, yes we
19 do. This is Richard Badillo. We can provide that
20 you. We don't have it here, but yes, we have the--by
21 agency how much money we're saving that makes up the
22 value that was recorded in the January Financial
23 Plan.

24 CHAIRPERSON KALLOS: With regard to the
25 Energy Management Division, which manages the energy

2 Accounts and Efficiency Initiatives for the City's
3 Operation Support, the City's ambitious PLANYC goal
4 of reducing City government's greenhouse gas
5 emissions 80 by 2050. Two years ago the City Council
6 codified the City Council's long-term commitment to
7 significantly reduce its greenhouse gas emissions as
8 the One City Built to Last Initiative. This year the
9 Financial Plan includes roughly \$35 million in Fiscal
10 2016 for the initiative. Additionally, DCAS' Capital
11 Plan includes \$705 million for energy efficiency and
12 sustainability measures and building retrofits
13 citywide. What are our city's current emissions?
14 Are they going down? If so, compared to what and
15 what year, and is the number represented in the PMMR
16 Cumulative or not, and what is the base we are
17 measuring from? I'm just looking at it, and we're
18 not seeing energy use going down. We're not seeing
19 BTUs, our--our unit of heating going down. We see
20 all those things going up while we continue to pour--
21 pour money into this. So as an investor in the City
22 of New York, my big question is just if we're putting
23 three-quarters of a billion dollars, what is the
24 return on that investment?

2 COMMISSIONER LISETTE CAMILO: I'll just--
3 I'll start it and then you guys can jump in. If
4 you're referring to the numbers in the PMMR, those
5 actually are--don't represent the full scale of all
6 of the City's efforts to attain that goal. The
7 numbers regarding the estimated reduction in
8 greenhouse gas emissions from energy projects in
9 metric tons are associated with discrete projects
10 that are--that are completed within the reporting
11 period, and it's not cumulative. So if, for example,
12 there are five projects that come online, we
13 estimate--we calculate the estimated reduction in
14 green--greenhouse gas emissions and the numbers you
15 see here are associated with those discrete projects.
16 We are actually in talks with Operations, the Mayor's
17 Office of Operations in order to put together a---a
18 more comprehensive illustration or--or indicator to
19 more fully communicate the--all of the efforts, and I
20 will also just flag for you that even the projects
21 that we have listed here don't--don't reflect all of
22 the projects that we have listed here don't--and
23 don't reflect all of the projects that we have--that
24 we have operationally. Those are actually a subset
25 of all of the projects, which is why we also are

2 looking towards being, or changing that--that
3 indicator to more fully reflect the City's efforts.

4 CHAIRPERSON KALLOS: If you can make sure
5 that the Mayor's Management Report is--accurately
6 reflects your efforts. So we've had several hearings
7 on that. So that was welcome, and if you can send
8 the information along the way, and I--but I think the
9 key thing is you're talking about solar and you're
10 saying that the solar is going to save us money, but
11 it says that we're going to use--we used 4.3 billion
12 in FY14. We used 4.3 billion kilowatts in FY15, and
13 it's--we don't have any goals for '16 or '17. And
14 so, it's just a concern. Similarly, we are actually
15 using more BTUs. So following the--the billions of
16 investment it would be good to see that tie to
17 something. Will we ever see the amount of energy we
18 use go down? [pause]

19 COMMISSIONER LISETTE CAMILO: Part of
20 the--you know, one thing to consider when we look at
21 energy usage is that energy usage is all in. So it
22 accounts for new buildings coming online, and
23 buildings staying open later to provide new services
24 to New Yorker. And also it's changing--changing
25 weather and population growth. So we are trying to--

2 we are accounting for that in our Energy Efficiency
3 Initiatives and we do expect to see energy usage go--
4 go down over time.

5 CHAIRPERSON KALLOS: So Fiscal Year 15 we
6 saw a reduction in greenhouse gases of 24,279 metric
7 tons, and for Fiscal Year 17 our goal is a--an
8 exponential fraction of that of 857.

9 COMMISSIONER LISETTE CAMILO: As I
10 mentioned, because these indicators are tied to
11 particular projects that have come online within the
12 reporting period, you see a very big jump in FY15
13 because that was when the--the Co-generation Project
14 at Corrections was--went online, and so that went
15 online and we saw a huge increase. We don't have
16 anything that large planned to come online in FY15,
17 which is why the goal is--is what it is.

18 CHAIRPERSON KALLOS: I--I would love to
19 see a stronger goal. Where--where are we in
20 greenhouse gas emissions, and what are we are
21 measuring against for the 80 by 2050?

22 COMMISSIONER LISETTE CAMILO: Sure. So
23 our score card for greenhouse gas emissions is the
24 New York City Greenhouse Gas Inventory that is
25 published by the Mayor's Office of Sustainability,

2 but it's typically published every fall. However,
3 due to a change in methodology--methodology, that
4 report is delayed. So that will actually--that
5 report is--is due out soon, and will tell us exactly
6 what our footprint was for Fiscal Year--Fiscal Year
7 14. It's in the range of 3.7 million metric tons of
8 carbon dioxide equivalent, and again, that takes into
9 account other sectors as well as buildings including
10 transportation and waste.

11 CHAIRPERSON KALLOS: Does planning to do
12 837 met--metric tons get us even close to that 3.7
13 million. What--what--how ambitious do we need to be
14 in order to actually hit our goal?

15 COMMISSIONER LISETTE CAMILO: We need to
16 be very ambitious. We anticipate seeing--we need
17 reductions in--on the order of 60% from the building
18 sector in order to meet an 80--80% reduction by 2050.

19 CHAIRPERSON KALLOS: Okay. So we'll--
20 we'll--we will receive additional information, and we
21 will hopefully see changes to the PMMR on this?

22 COMMISSIONER LISETTE CAMILO: Yes.

23 CHAIRPERSON KALLOS: And also, if you
24 could change your PMMR or whatever reporting you'd
25 like to do to say this \$700 million will have a

2 project cost savings of X so that we can actually see
3 what our--our--our-- It's called Life Cycle Analysis
4 and just being able to say if we do this we'll--and
5 it's I think what anyone would do. If you were going
6 to ask them to retrofit their house, they'd say okay
7 how long does it take for it to pay itself off? So
8 thank you. I'm now going to move over to Public
9 Safety and then turn it over to council members for
10 questions.

11 So this is on PSAC II. [pause] And I'd
12 like to acknowledge that we've been joined by Council
13 Member Miller, my partners on provisionals and our
14 Chair of the Civil Service and Labor Committee. So,
15 Dawn, we will need you back up soon. If you could
16 state your name, sir, and--

17 DEPUTY COMMISSIONER MORALES: Ricardo
18 Morales, Deputy Commissioner for Asset Management.

19 CHAIRPERSON KALLOS: Good to see you. Do
20 you affirm to tell the truth in your testimony before
21 this committee and to answer honestly the council
22 member questions?

23 DEPUTY COMMISSIONER MORALES: I do.

24 CHAIRPERSON KALLOS: Thank you. Of the
25 total increase in DCA's Personnel Services funding

2 since adoption, 89% is allocated to building
3 maintenance and security staff PSAC II in the Bronx.
4 Baseline funding of \$5 million will support 82 full-
5 time positions including 61 for building maintenance,
6 21 for security. It's my understanding that one of
7 the reasons we've invested resources in building PSAC
8 II is to augment and provide redundancy when calling
9 emergency 911 response services in New York City.
10 Essentially, PSAC II would be a 911 back-up call
11 facility that exists in case the PSAC I goes down.
12 How often has the 911 call facility gone down? What
13 would trigger the 911 back-up facility to go into
14 operation? Does it operate only during catastrophic
15 events like natural disasters or does it operate 24
16 hours a day like the current center in Downtown
17 Brooklyn? What does it do when it operates and would
18 you need to change staffing if it was operating more
19 often?

20 COMMISSIONER LISETTE CAMILO: Currently,
21 it's still not online, but the plan for the facility
22 is to be a fully redundant operation as a back-up, as
23 you mentioned. So, it--once it become operational in
24 June, it will provide 24 hours of e-911 calls just
25 like the one in Brooklyn. So we will be operating

2 two centers simultaneously in--in there. So there
3 will no break in service. It's just a fully
4 redundant operation to the--the facility in Brooklyn.

5 CHAIRPERSON KALLOS: Has the Brooklyn
6 facility ever gone down?

7 COMMISSIONER LISETTE CAMILO:
8 Unfortunately, I don't have the answer to that. I'm
9 not sure and that's--DOITT operates that facility.

10 CHAIRPERSON KALLOS: Okay, so you're
11 piece is just--

12 COMMISSIONER LISETTE CAMILO:
13 [interposing] Maintaining--

14 CHAIRPERSON KALLOS: --having the
15 building service workers and security for the
16 facility regardless of whether or not they have one
17 person there or 200 people there.

18 COMMISSIONER LISETTE CAMILO: Correct.

19 DEPUTY COMMISSIONER MORALES: So, yes
20 that correct. DOITT still has the responsibility of
21 maintaining the--the building. It's the
22 responsibility in terms of jurisdiction, and we're
23 supplying the maintenance and operation of the
24 building.

2 DEPUTY COMMISSIONER BADILLO: But the
3 staffing that's there is going to be 24/7. Obviously
4 different staffing levels during different times of
5 the day, but DOITT will have the staffing levels for
6 NYPD, EM--EMT, Fire Department, et cetera in terms of
7 how many people per--per shift there are, but it's
8 not, you know, it goes down obviously during diff--
9 different times of the--of the day depending on the
10 volume of calls that they're recording.

11 CHAIRPERSON KALLOS: Thank you very much.
12 We will now go to questions from council members.
13 Council Member Reynoso, Levine, followed by Borelli
14 and Miller.

15 COUNCIL MEMBER REYNOSO: Thank you,
16 Chair. It's good to be in this committee now, a
17 little change in pace. I think we're going to do a
18 lot of great things together. So I'm looking forward
19 to being a part of it, and welcome. Good morning.
20 So I just have two questions. One question is
21 related to DCAS leases in--especially in gentrified
22 neighborhoods it's--it's very difficult to maintain
23 leases that are what we would consider a reasonable
24 price. And in doing so, mixes (sic) with a lot of
25 these services that are to be--that are to be

2 provided for communities that are--that are in needs
3 tend to go away. My district, for example, had many
4 day care centers in leased space, and many of the
5 shut down just because they couldn't afford the rent,
6 or the city wasn't willing to front the money for--
7 for the rent because it was so expensive. In doing
8 so, we ended up losing I think it was 250 seats in
9 the last three years, and I just--I talked to the
10 Mayor and specifically asked that we--we have to
11 double down on these communities. If we have to pay
12 more, we have to pay more. It's the reality of
13 living in New York. But in one case there was a
14 lease that was--the landlord was open to negotiating,
15 and DCAS made a claim that they weren't. If it
16 wasn't for the board of the local daycare center
17 reaching out to the landlord, we would have lost that
18 building as well. The building has now been saved.
19 It's mostly a seniors building, but I kind of want to
20 go to your protocol of how you guys manage those
21 leases, negotiate those leases and--and--and protocol
22 in saying that it shouldn't have to be a board of a
23 daycare center that is negotiating the lease of a
24 site when DCAS should be playing that role, I

2 believe. Or, do you disagree? So I kind of wanted
3 to ask that question if that makes any sense.

4 DEPUTY COMMISSIONER MORALES: So--so
5 there should be no reason why the daycare should be
6 negotiating to a landlord by itself. Zero reasons.
7 We work very closely with the agency ACS, right. If
8 there's an existing lease that's a--a renewal process
9 that goes through a process with ACS coming to us
10 early on and try to negotiate an extended period of
11 time whatever the provider is in that location. Once
12 that has been approved, right, by both ACS and by OMB
13 we start in earnest doing negotiations with the
14 landlord. There should be no reason why any provider
15 should be negotiating by themselves on that. That it
16 happened, we'll look into it. I'm not saying that it
17 hasn't happened. I'm just saying that that's the
18 process that we have. Once we--and we start that
19 process pretty early anywhere between 30 months prior
20 to the expiration of the least, so that's 2-1/2 years
21 before it expires. That--that conversation should
22 start right away with programming needs, with ACS and
23 the provider, making sure that they're not--that the
24 demographics in that particular area hasn't changed.

2 COUNCIL MEMBER REYNOSO: But you said it
3 was initiated by ACS.

4 DEPUTY COMMISSIONER MORALES: By ACS.
5 That's correct.

6 COUNCIL MEMBER REYNOSO: So the 30--the
7 30-month clock doesn't click automatically by DCAS.

8 DEPUTY COMMISSIONER MORALES: No, it does
9 not. It--it--

10 COUNCIL MEMBER REYNOSO: [interposing]
11 Well, you don't--if it's not initiated by ACS, you
12 guys don't even look into it. It could be--we could
13 lose a building if it's not.

14 DEPUTY COMMISSIONER MORALES: What I'm
15 saying is that it is a collaboration. DCAS does all
16 the applications, DCAS does all the negotiations, but
17 we have to have that portion of it. Having said
18 that, on the 30th month prior to the expiration, we
19 send out literature. We ask the agency whether or
20 not they're going to stay in the space because we
21 also have to look at relocation if it's necessary.
22 We also have to look at expenditures is necessary.
23 So there is a communication. I will look into this
24 particular transaction that you're talking about
25 councilman, and see what happened and talk to the

2 staff to see exactly what kind of history we have
3 there because it is inconsistent with the way that we
4 operate.

5 COUNCIL MEMBER REYNOSO: And--and I agree
6 with. I just want to say I went--it was told us and
7 written to us that the landlord did not want to
8 negotiate this lease, the terms of this lease. The
9 landlord then told the board that three times in the
10 last three years he's been trying to get in contact
11 with DCAS or the City to negotiate this lease, and
12 now we negotiated it. He never wanted to--they were
13 saying he wanted to convert it into condos. They
14 were trying to negotiate trading properties from HPD
15 to--to sell it so that he can renew the lease. So,
16 many things were happening. We know which were true.
17 It seemed like DCAS never even made the effort to let
18 us know that that's was happening. So we almost lost
19 a daycare center with 300 seats because of it.

20 DEPUTY COMMISSIONER MORALES: We will
21 look into that, and get back to you, sir.

22 COUNCIL MEMBER REYNOSO: Okay, Muchas
23 Nunez (sic) is the name of the site, and--and it's
24 saved now, I do want to say because the community
25 came, too. But I just want to know what the protocol

2 is so that something like that doesn't happen again
3 in my district. That's all. I don't want to have
4 to fight to keep something open that is, should have
5 been easy to keep up in--in the first place. It's a
6 lot of wasted energy. The other thing is for example
7 I know in the City--in the City Council we have many
8 computers that we dumped or we got rid over because
9 they're old, they're old computers, but some other
10 folks might think that they might be of use at some
11 other sites. Not-for-profits might be able to use
12 them, some young people in community centers. What
13 happens to those computers let's say that we--we give
14 away? Are they mostly auctioned off or can they
15 possibly be donated?

16 COMMISSIONER LISETTE CAMILO: We do have
17 a program where we auction off materials, surplus
18 materials that we don't--that we--the agencies
19 determine that they don't have a use for, and we also
20 have the ability to transfer between agencies as
21 well. With the particular question on the Council
22 computers, I'm not, you know, what we can--what we
23 can do, but we can certainly look into exploring that
24 further.

2 COUNCIL MEMBER REYNOSO: But the City
3 doesn't tend to donate?

4 COMMISSIONER LISETTE CAMILO: I'm sorry.

5 COUNCIL MEMBER REYNOSO: The City doesn't
6 tend to donate? Is it a policy that they don't
7 donate, and it mostly goes to auction?

8 COMMISSIONER LISETTE CAMILO: The City--
9 right, so the City, any City property that's disposed
10 of typically has to follow a process, right. So it's
11 either a reverse auction or some--some--some process
12 in order to--to maximize the revenue.

13 COUNCIL MEMBER REYNOSO: All right, can--
14 so I just want to talk about available computers. A
15 lot of organizations are in need of computers, and I
16 just want to know what happens to them, and if--even
17 if it is a small donation, a small contribution or
18 auction that has to happen, I think they would be
19 willing to do it. I just don't know if it's public,
20 and how it is that we go through that process to find
21 out where can--we can go to auction for it.

22 COMMISSIONER LISETTE CAMILO: We can
23 happily--

24 COUNCIL MEMBER REYNOSO: [interposing]
25 Okay.

2 COMMISSIONER LISETTE CAMILO: --=you
3 know--

4 COUNCIL MEMBER REYNOSO: [interposing]
5 Okay.

6 COMMISSIONER LISETTE CAMILO: --have--
7 have a discussion.

8 COUNCIL MEMBER REYNOSO: Right, thank you
9 very much, guys. Thank you.

10 CHAIRPERSON KALLOS: Council Member
11 Levine.

12 COUNCIL MEMBER LEVINE: Thank you, Chair
13 Kallos. Good morning. It's great to see you all.
14 A question for you on--on the side of your real
15 estate work. You don't only help people in the real
16 estate leases, you are landlord. We, the City of New
17 York is a landlord as well. About how many retail
18 sites are there in the buildings that the City owns?

19 DEPUTY COMMISSIONER MORALES: I'll--I'll
20 get back to you, but it should be several hundred
21 retail across--across the band (sic). So if you come
22 out of this building, and you look at a number of
23 retail pieces at 253 at 280, et cetera, yes and in
24 Brooklyn and in the Bronx.

2 COUNCIL MEMBER LEVINE: Right I'm told
3 that it's between four and five hundred different
4 sites. I'm not sure what the square footage would
5 be. I'm interested in hearing that. Could you ask
6 them what the total revenue would be from those
7 rentals?

8 DEPUTY COMMISSIONER MORALES: I believe
9 it's about 42 million on an annual basis.

10 COUNCIL MEMBER LEVINE: Which goes to the
11 general fund.

12 DEPUTY COMMISSIONER MORALES: That's
13 correct

14 COUNCIL MEMBER LEVINE: And are there any
15 guidelines at all on the types of businesses that we
16 will lease to?

17 DEPUTY COMMISSIONER MORALES:
18 [interposing] Well, it's--

19 COUNCIL MEMBER LEVINE: Is it simply the
20 highest bidder?

21 DEPUTY COMMISSIONER MORALES: It's--it's
22 still the highest bidder, but it also depends on the
23 typography of the space, whether or not it's going to
24 be used for retail. Whether it's going to be used
25 for garage space, whether it's going to be used for

2 other. So it depends really on the configuration of
3 the building, and also the purpose within the
4 building.

5 COUNCIL MEMBER LEVINE: So we can define
6 that. On a given corner we underline a restaurant as
7 opposed to a pharmacy?

8 DEPUTY COMMISSIONER MORALES: It could be
9 depending on--on the requirements to build that, et
10 cetera, yes.

11 COUNCIL MEMBER LEVINE: Okay. That's
12 good to know. Do we just have a favorite in anyway
13 small businesses or local businesses versus chains in
14 our renting?

15 DEPUTY COMMISSIONER MORALES: We--we
16 tried--remember when we do the leasing we try to do
17 the highest and the best use for any particular
18 property. Having taken--taken that into
19 consideration there are some of our properties that
20 we do provide for not-for-profits that do have
21 functions that supplement some of the city services.
22 So, we try our hardest within the market to
23 accommodate all businesses.

24 COUNCIL MEMBER LEVINE: And do we rent to
25 fast food outlets?

2 DEPUTY COMMISSIONER MORALES: I believe
3 we do.

4 COUNCIL MEMBER LEVINE: And chain
5 pharmacies?

6 DEPUTY COMMISSIONER MORALES: I believe
7 we do also.

8 COUNCIL MEMBER LEVINE: Can you estimate
9 how many chains total we're renting to or what
10 portion of the portfolio?

11 DEPUTY COMMISSIONER MORALES: I'd have
12 to look and get back to you.

13 COUNCIL MEMBER LEVINE: I'm guessing it's
14 a significant number just based on the buildings I
15 can think of including those here near City Hall.
16 Look, the whole city right now is lamenting the
17 steady loss of small businesses, affordable
18 supermarkets, diners, independent pharmacies,
19 florists, 19 restaurants of all types. To me, it's a
20 bitter irony that in the case in which New York City
21 is a landlord that we are freely renting to the kind
22 of same--the same kind of chains that are displacing
23 small business everywhere. You know, Columbia's
24 University's main campus is in my district, and they
25 have a policy of not renting to any chains similar to

2 the City of New York for a major landlord in
3 Morningside Heights, and it has protected Morningside
4 Heights from the kind of chainification that we've
5 seen just south now in parts of the Upper West Side
6 and all over the city. A landlord with a social
7 conscience in this regard can be decisive in
8 maintaining the fabric and sole of a neighborhood.
9 And to me it's just crazy that in the 400 or 500
10 retail locations that we serve as landlord for, we're
11 not following in a similar philosophy. Is there any-
12 -would--would there be any legal barrier to
13 implementing such a policy as far as you know?

14 DEPUTY COMMISSIONER MORALES: As far as I
15 know. I'm not sure how to answer that question. We
16 could get back to you on that.

17 COUNCIL MEMBER LEVINE: Is it something
18 we can accomplish--accomplish legislatively
19 potentially or is that required.

20 DEPUTY COMMISSIONER MORALES: I can't
21 answer that question. We'd have to get back to you.

22 COUNCIL MEMBER LEVINE: Okay, well, I-I
23 would assume that--that the loss in revenue would be
24 trivial, and that the benefit and the health of our
25 communities and the vibrancy of our small business

2 sector would be considerable. So it's something that
3 I urge you to look into, and if you can get back to
4 me and for the committee on some of the questions
5 that I asked you today, I would really appreciate it.

6 DEPUTY COMMISSIONER MORALES: Thank you,
7 sir.

8 COUNCIL MEMBER LEVINE: Okay, thank you.

9 CHAIRPERSON KALLOS: A great line of
10 questions, I agree. Any of our sites that we can use
11 for Universal Pre-K, as Antonio Reynoso mentioned or
12 schools or supporting small business is something
13 supported by this committee. Council Member Borelli
14 followed by Council Member Miller.

15 COUNCIL MEMBER BORELLI: Yes, on the
16 similar topic, but on unbuildable lots. The previous
17 administration had a program where--where it had
18 promised to be a program of selling off sliver lots,
19 which they deemed as lots that were unbuildable and
20 unusable. We have dozens in my district that have
21 become sort of, you know, a rodent problem, and some
22 of them are landlocked. Has there been any progress
23 on selling them both as a revenue source in the short
24 terms sale and the long term expense reduction?

2 COMMISSIONER LISETTE CAMILO: [off mic] I
3 took it off. [on mic] That program continues. We
4 have been making headway in that as well. Do you
5 have any particular figures.

6 DEPUTY COMMISSIONER MORALES: No, but
7 what I can tell you is that it's--it's a great
8 question because the public should know this that we
9 have a--a program called Sale Away. Those are
10 slivers, access ways and interior lots. Exactly your
11 definition of what we're saying, and we make those
12 available to the adjacent landowners at a substantial
13 reduction because these are exactly what you're
14 saying. These are lots that cannot be developed at
15 all, and we had the Sale Away Program. I think that
16 this a pretty good forum to allow us the--to kind of
17 advertise that that program is alive and kicking. We
18 just got legislation to extend it.

19 COUNCIL MEMBER BORELLI: Great. Is--is
20 there a--a specific program that you allow? In the
21 case where there's two adjacent property owners is
22 there a method you guys use to pick one or is it bid
23 or is it sort of whoever gets there first?

24 DEPUTY COMMISSIONER MORALES: It's
25 usually who--whoever comes in first, but if there is

2 a bid for it, we'll take into consideration both
3 sides to figure out who--who would be--what would be
4 in the best interest of the city to sell the
5 property.

6 COUNCIL MEMBER BORELLI: Do you know how
7 many of these lots were sold or transferred in the
8 last year, say?

9 DEPUTY COMMISSIONER MORALES: I could get
10 that information to you.

11 COUNCIL MEMBER BORELLI: Okay. Thank you.

12 DEPUTY COMMISSIONER MORALES: You're
13 welcome.

14 CHAIRPERSON KALLOS: Council Member
15 Miller.

16 COUNCIL MEMBER MILLER: [pause] Thank
17 you, Mr. Chair. Good morning, Commissioner, to you
18 and your team. Thank you and thank you for coming
19 out for preliminary need in there. So, because we
20 kind of just met this is obviously for--for those
21 watching on television back in the district and
22 throughout the city. So, I have kind of number of
23 questions, and normally it would be more about the
24 human capital, and I just have a small bit of that
25 considering that we just had that conversation, but

2 what I--I--I would like to talk about in terms of the
3 budget I know last year there was additional funds
4 that were provided to DCAS that was supposed to
5 create some job positions that allowed the-the--to--
6 to able to expedite the process between the exam and--
7 -and hiring. I'm not sure how many bodies that
8 actually was, and what was the results of that and--
9 and where are we in terms of moving forward with that
10 process?

11 DEPUTY COMMISSIONER PINNOCK: In terms of
12 the lines that were approved last year, and I'm just
13 going off of memory, there are about or five clerical
14 positions that were approved for our computerized
15 testing centers. Previously, I testified we actually
16 had exam development staff working on our
17 computerized testing centers, and we had asked for
18 clerical lines to back for those positions so we
19 could have a more robust team developing the exams.
20 The staff have been brought into operation. We've
21 made sure that they're received requisite training,
22 but in terms of the numbers, I can say that
23 previously the uptick that we're seeing with the
24 median processing time is truly associated with the
25 fact that last year, the last Fiscal Year was, you

2 know, quite unusual in that we administered, you know
3 the Sanitation worker exam and two really large scale
4 managerial exams. And so, those, you know, given the
5 volume, the scale, the time involved with the protest
6 review period, we did see an increase in our median
7 time, our median processing time.

8 COUNCIL MEMBER MILLER: Okay, that--that--
9 -if I'm correct was that \$7 or \$9 million additional
10 funds that you received?

11 DEPUTY COMMISSIONER PINNOCK: That figure
12 I think was actually tied to the expansion of our
13 CTAC location because we received money for that,
14 which, you know, we certainly thank the Council for
15 their support in helping us to get that. We're going
16 to be expanding our fees at our two existing sites at
17 2 Lafayette and 210 Joralemon--

18 COUNCIL MEMBER MILLER: [interposing] Uh-
19 huh.

20 DEPUTY COMMISSIONER PINNOCK: --by
21 approximately 165 seats, which increases our capacity
22 by 77%, which is great, and also we are in talks to
23 finalize locations in Staten Island the Bronx.

24 COUNCIL MEMBER MILLER: I only had
25 Queens.

2 DEPUTY COMMISSIONER PINNOCK: Oh, Queens.
3 I'm sorry. Well, I can't forget Queens. Okay.

4 COUNCIL MEMBER MILLER: I mean it's
5 existing.

6 DEPUTY COMMISSIONER PINNOCK:
7 [interposing] My apologies.

8 COUNCIL MEMBER MILLER: If it's not
9 there, it's not there, there's something that we
10 should be negotiating further out, but certainly we
11 want to make sure all of our residents have an equal
12 opportunity to have that assessed through careers in
13 government. And one of the things that we did speak
14 about was the potential legislation around the online
15 portal. Is--is there a fiscal impact or is there a
16 reason why we have not had--that we have yet to see
17 this considering this impact on--that it would have
18 potential applicants?

19 COMMISSIONER LISETTE CAMILO: So we are
20 certainly in discussions. We're trying to figure out
21 what that would look like on our end, and we still
22 have a bit more study to go. Right now, all of the
23 functions that the--the proposed resolutions presents
24 have--there have been a number of different disparate
25 IT systems. So we need to connect all of those

2 together and--and put online. So that takes a--a
3 little bit more coordination. We have to determine
4 whether or not there will be a fiscal impact, but
5 probably yes.

6 COUNCIL MEMBER MILLER: So, you would
7 submit right now that it's more of a technical
8 problem than it is will to or dollars to--to be able
9 to make this happen?

10 COMMISSIONER LISETTE CAMILO: Oh,
11 absolutely. No, we--we are very supportive of the
12 goal of the--the resolution, which is to get as much
13 information out there to the public as possible both
14 to make the--the customer service focus on--on--for
15 New York City residents much more robust so that
16 they--we can increase the--the--the--the flow of--of
17 applicants to city workers--to city work.

18 COUNCIL MEMBER MILLER: Okay, and--you
19 know what, I'm going to jump around here. Would you
20 talk about your--the MWBE opportunities within DCAS
21 and the performance of the program over there? Has
22 it met expectations and where are we with that?

23 COMMISSIONER LISETTE CAMILO: Sure. I--
24 speaking personally that's one of the programs where
25 I have a lot of experience on coming from the Mayor's

2 Office of Contract Services where we provide
3 oversight to the mayoral agencies. So now I'm on the
4 agency side very much a very big priority personally.
5 Everywhere where DCAS has the ability to control or
6 have more discretion in exercising with respect to
7 contract awards, we're actually seeing a--a good--a
8 good percentage utilization, and I'm speaking with--
9 particularly on the smaller awards for the micros and
10 the small purchases. We are above or just certainly
11 increase from the year before. As far as the larger
12 procurements, we continue to administer procurements
13 or solicitations with MWBE languages included. We
14 make sure that we incorporate MWBE as a talking point
15 in every single touch point within the procurement
16 process to make sure that private contractors know
17 that there will be an expectation, a contractual
18 requirement to be--to meet MWBE goods--MWBE goals on
19 all of the required contracts. And we've been
20 working very well with the MWBE team to increase our
21 outreach events. In fact, last week we had a
22 procurement fair attended. I believe--I think over--
23 at least 300 people RSVPed. I'm not sure how many
24 actually attended. So MWBE is certainly a focus of--
25 of mine with--with a very clear goal to get those

2 numbers up to--to help achieve the 1.--the \$16
3 billion goal that the Mayor has established.

4 COUNCIL MEMBER MILLER: Okay. Do you
5 have the specific number in--in--in the--from last
6 year on the small and large contracts?

7 COMMISSIONER LISETTE CAMILO: I don't
8 have the numbers from last year, which I can
9 absolutely get you. For this year so far, if you'd
10 give me one second. So, so far in FY16 to date,
11 we've got \$16.3 million in awards. We've got two
12 prime contracts that were awarded to MWBEs, and the--
13 and a high--high dollar--a high percentage volume for
14 the smaller--the smaller contracts.

15 COUNCIL MEMBER MILLER: So what
16 percentage of--of--of--of total contracts would that
17 be?

18 COMMISSIONER LISETTE CAMILO: I don't
19 have that figure right now.

20 COUNCIL MEMBER MILLER: Okay. It's one
21 of those things, right?

22 COMMISSIONER LISETTE CAMILO: I'm happy
23 to follow up.

24 COUNCIL MEMBER MILLER: Well, we'll
25 follow up, please. We can get that. There was a--

2 I'm sorry. Back to the human capital. There were a
3 number--I spoke to a number of--of local unions as
4 well as managerial organizations, and they were
5 concerned about some of the titles that had not--they
6 were the exams that had not been given. In
7 particular on the managerial side, things are the
8 professional titles such as engineer and architects,
9 accounting and things of that nature there. Have we
10 addressed that--that problem, and where are we with
11 that?

12 DEPUTY COMMISSIONER PINNOCK: I'm sorry.
13 I need to hear the beginning of your questions.

14 COUNCIL MEMBER MILLER: So, we--so--so
15 one of the managerial organizations was concerned of
16 the lack of testing or exams around certain
17 professional titles such as architect, engineer, and
18 accounting. Have we addressed those issues, and what
19 impact are they having? It they have not, when are
20 we going to?

21 DEPUTY COMMISSIONER PINNOCK: And I--and
22 I mentioned this previous it's small, and we're
23 currently working on our exam schedule for Fiscal
24 Year 2017, and just in terms of sharing our rationale
25 when we develop the schedule, normally we look at a

2 few things. We look at titles for which exams have
3 not been given in a significant period of time. We
4 look at lists that are close to or at expiration, and
5 then also we really solicit the feedback from the
6 agencies because we want to support them in best
7 planning their workforce of today and tomorrow. So
8 any titles that have been left off, and we are
9 certainly revisiting those titles. We have prepared
10 an internal memo that we will be customizing and
11 sending to each agency once again asking for their
12 feedback for next year's calendar. So I'm certain
13 that we're going to see some of those more technical
14 titles appear this year because last year our focus
15 had primarily been on some of the larger scale
16 managerial exams.

17 COUNCIL MEMBER MILLER: Have--have there--
18 --have there been any coordination between these
19 organizations whether it be the union, the managerial
20 organization around creating titles? Also, there had
21 been some kind of discrepancies as to whether or not
22 some of the exams were consistent with the job
23 descriptions of--in particular as it pertains to
24 promotional exams whether they were consistent with
25 the work that those level of employees had been

2 previously doing and whether-- And--and so there were
3 one or two cases where what they were asking in the
4 job description for the promotional exam is work that
5 they--that--that title that they were being promoted
6 from had not been required to do. I think that there
7 was some sort of a disconnect there. So is there
8 generally coordination, not just between the
9 agencies, but between those bargaining units
10 representing those titles to make sure that the
11 promotional opportunities are consistent and are
12 there for those members.

13 DEPUTY COMMISSIONER PINNOCK: Certainly.
14 When we develop an exam, we reach out to really any
15 agency that has a permanent employee survey in that
16 title to ensure that the content of the exam is
17 really reflective of the job. In addition, we
18 always, you know, we consult with our legal partners.
19 And you know, and in some cases they have, you know,
20 been very vocal if they felt--if--if a testing
21 process or some of the content that has appeared in
22 our examinations did not align well with the duty.
23 So we certainly have that ongoing collaboration and
24 communication.

2 COUNCIL MEMBER MILLER: What is the total
3 of the city workforce?

4 DEPUTY COMMISSIONER PINNOCK: I should
5 know that off the top of my head. In terms of the
6 agencies under DCAS' jurisdiction because, you know,
7 we don't account for the teachers and we don't
8 account for HHC because they're their own civil
9 service commission. I think we're looming about 260,
10 but I will have to follow up with you.

11 COUNCIL MEMBER MILLER: Okay.

12 DEPUTY COMMISSIONER PINNOCK: 250,000.
13 I'll have to follow up with you on the specific
14 number.

15 COUNCIL MEMBER MILLER: Do you know how
16 many provisional, managerial, permanent?

17 DEPUTY COMMISSIONER PINNOCK: We have
18 23,052 provisionals today of which I want to say
19 about 6,000 fall within the manager--the managerial
20 titles.

21 COUNCIL MEMBER MILLER: Okay, and I--I
22 do--Commissioner I have not asked you. I--I know
23 that past commissioner had a--a position that she had
24 taken on in Civil Service 1 and 3 Rule. What is your
25 position on that?

2 COMMISSIONER LISETTE CAMILO: Can you
3 repeat the question?

4 COUNCIL MEMBER MILLER: The-the 1 in 3
5 Rule.

6 COMMISSIONER LISETTE CAMILO: The 1--oh,
7 what my position is on the 1 in 3 Rule?

8 COUNCIL MEMBER MILLER: Uh-huh.

9 COMMISSIONER LISETTE CAMILO: My
10 background is not in civil service. So for the past
11 six or seven weeks have been--it's been a crash
12 course on all things civil service from my initial 1
13 in 3 Rule, it's consistent with the policies of
14 ensuring permanent middle-class jobs New York City
15 residents with giving agencies some--some room to
16 make a selection of candidates that best fit their
17 operational needs. Some of these titles are very
18 broad, and when you take an exam, and you get on this
19 list you might--the--the top--let's say the top three
20 will have varying levels of experience that may or
21 may not relate to a city's--to the city agency's
22 operational needs. If it's an analyst position, then
23 you want to budget analyst. But all three of their
24 candidates selected might have that background.

2 Possibly one is more human services related. One is
3 more fiscally related, and another one is--

4 COUNCIL MEMBER MILLER: [interposing]

5 Yeah.

6 COMMISSIONER LISETTE CAMILO: --

7 professionally related. Right. So, it's--if we were
8 to do away with the 1 in 3, agencies wouldn't be able
9 to make a selection of the--of the person that has
10 the background that fits most neatly with what they--
11 what the city's agency's operational needs are.

12 COUNCIL MEMBER MILLER: I've heard that
13 argument, and--and the analyst position is probably
14 one of the few where that is applicable depending on
15 what agency, but I--I--I think it--it--it may in my
16 experience may--that's something that may be
17 antiquated and something that we have to revisit
18 considering that you're--you're pulling from a pool
19 of folks who--who to some degree have equal
20 qualifications based on the--their specific
21 qualifications to--that--that meets the need of a
22 particular agency. Then it gives them a head--a leg
23 up on their contemporaries, which may or may not be
24 fair. But also, there are specific--probably the
25 majority particularly as it pertains to promotionals,

2 the majority of those titles are not agency specific.
3 They're very generalized so if you are a carpenter,
4 you're a carpenter, you're a plumber or a bus driver--
5 -you're a plumber or bus driver and that in those
6 cases I think 1 in 3 would be applicable. So, I--I--
7 I think that you--I would hope that you'd be open to
8 having further discussion about that.

9 COMMISSIONER LISETTE CAMILO: Absolutely.

10 COUNCIL MEMBER MILLER: Okay. So I'm
11 sure there's much more we could talk about, but thank
12 you for your time. Thanks for coming.

13 COMMISSIONER LISETTE CAMILO: Thank you.

14 DEPUTY COMMISSIONER PINNOCK: Thank you.

15 COUNCIL MEMBER MILLER: Thank you, Mr.
16 Chairman.

17 CHAIRPERSON KALLOS: Thank you to the
18 Civil Service and Labor Chair for his partnership on
19 all things civil service and provisional, and working
20 with us to reduce the amount of time for exams as
21 well as the number of provisionals, which we will do
22 together. I just want to follow up on the MWBE
23 piece. So, your--according to you \$16.3 million,
24 would you support adding MWBE procurement to the MMR
25

2 for DCAS so that we can measure what your goals are,
3 and what you achieve?

4 COMMISSIONER LISETTE CAMILO: That's
5 conversation that I think is important to have with
6 the--with the citywide MWBE team. This is a citywide
7 initiative, and I know that there--there are many
8 ways that we are--that are--that--many discussions on
9 how best to reflect performance on this matter. So I
10 think we--we can't--it's my position that we--we--we
11 need to all be doing it together or--or--or not so--

12 CHAIRPERSON KALLOS: But, one good way to
13 make sure we do it together is making sure each one
14 of the agencies with skin in the game is doing their
15 part, and showing your \$16.3 million in the MMR is
16 one great way to show the--the value. Another way
17 would be to include a report on the number of
18 contracts awarded through the DCAS procurement
19 program. Would that--

20 COMMISSIONER LISETTE CAMILO:

21 [interposing] So--

22 CHAIRPERSON KALLOS: --would you be open
23 to that?

24 COMMISSIONER LISETTE CAMILO:

25 Contracting--contract reporting is actually something

2 that happens four times a year through the Mayor's
3 Office of Contract Services, and there are agency-
4 specific indicators relating to all sorts of data
5 points regarding MWBE contracting, and there's
6 significant information there related to DCAS both on
7 a quarterly and a yearly report.

8 CHAIRPERSON KALLOS: I guess one of my
9 larger concerns just with government is data silos.
10 So, this game of hide the ball. Like there's data
11 out there, but we won't tell you where. It's in a
12 report, but we won't tell you which report, and the
13 report doesn't actually go to the public. It goes to
14 agencies or consulate. The other thing I'm trying to
15 get is as much public and much into open data, and as
16 much into the PMR and the MMR as possible.

17 COMMISSIONER LISETTE CAMILO: Absolutely.

18 CHAIRPERSON KALLOS: Along those lines,
19 I'm actually disappointed. We were just scrounging
20 around trying to find it, but in--would--would you
21 believe me if I told you that in the 2015 PMMR, we
22 had the value of city contracts awarded to Minority
23 and Women Owned Business Enterprises, and it was \$424
24 million. It was a--a good number, and then in the
25 2015 MMR, it's gone. Why do we need to report on

2 that, and especially when you're talking about a
3 mayor's \$16 billion goal, how do we figure out if
4 we're actually getting close to that goal if we no
5 longer have a public measurement on it in the MMR and
6 PMMR moving forward?

7 COMMISSIONER LISETTE CAMILO: Okay, I
8 think and--and--and it's--it's unfortunate that
9 that's the--the perception. All of the MWBE reports
10 are posted online on Mayor's Office of Contract
11 Services every quarter. Actually, the Department of
12 Small Business Services. So it's actually very--
13 always--always been public, always on time, and
14 there's a lot of information out there regarding the
15 MWBE goal, and our progress to date on that.

16 CHAIRPERSON KALLOS: As--as of the 2016
17 MMR, we are planning on award 698 contracts to MWBEs,
18 and our Fiscal Year 9--Fiscal Year 15 actual was 902.
19 So we're actually setting the bar lower for this
20 coming year for MWBE awards despite conversations to--
21 --to the alternative. So I guess anything we can do
22 there, there's got to be--instead of--in Fiscal Year
23 15 we awarded 613 contracts and our target for Fiscal
24 Year 17 is 482. So it's just a concern that we're--
25 we're pointing the targets in the wrong direction.

2 COMMISSIONER LISETTE CAMILO: Is that--
3 I'm not sure where those figures are--

4 CHAIRPERSON KALLOS: [interposing] So, it
5 should be--

6 COMMISSIONER LISETTE CAMILO: --in our
7 report. (sic)

8 CHAIRPERSON KALLOS: --there should be a
9 corresponding section in DCAS. These are actually of
10 the SBS within PMMR, but you have reported on it as
11 part of your statements. So we went there.

12 COMMISSIONER LISETTE CAMILO: I'm sure
13 how those targets were arrived at, and we'll
14 certainly take a look at that. I--I do know that I--
15 that is--this is an area where I am laser focused on
16 improving given my background and, you know, we--we
17 will see the--my intention is to see those numbers go
18 up [laughs] every year as much as possible.

19 CHAIRPERSON KALLOS: Thank you. We're
20 lucky to have you. I'm going to ask three follow-up
21 questions from first round, and then we will go onto
22 Law Department who are waiting patiently. And so,
23 they relate to energy and the fleet as we did not
24 touch on fleet yet. So let's go to fleet and a brief
25

2 one question for City Record just because I think
3 they did an amazing job. If you can state your name.

4 KEITH KERMAN: Sure. Keith Kerman.

5 CHAIRPERSON KALLOS: Do you affirm to
6 tell the truth in your testimony before this
7 committee and to answer honestly the council member
8 questions?

9 KEITH KERMAN: I do.

10 CHAIRPERSON KALLOS: Reflected in the
11 Financial Plan for Fiscal 2016 is \$2.5 million to
12 purchase an estimated 112 electric vehicles, which is
13 part of the Mayor's Clean Fleet Initiative, which
14 would add to 2,000 electric vehicles to the city's
15 municipal vehicle fleet by 2025. Across multiple
16 agencies, the Clean Fleet Initiative is one of many
17 in the Mayor's One NYC, the long-term plan to reduce
18 greenhouse gas emissions across the city 80% by 2050.
19 Can you tell me about what cost savings we are seeing
20 in fossil fuel reductions associated with electric
21 vehicles?

22 KEITH KERMAN: Okay. Well, in the MMR,
23 you'll note that between Fiscal Year '14 and '15 we
24 used 440,000 fewer gallons of fuel. So you have the
25 cost savings there of a little more than a million

2 dollars. We also have been--used over a million
3 dollars, a million gallons more of biodiesel and it's
4 mentioned in the testimony of the Commissioner that
5 we are getting a dollar per gallon there. We just
6 got a \$1.4 million check. We're waiting for another
7 much larger check to come in the next few weeks. In
8 addition, some of the things we've seen on electric
9 vehicles is terrific movement in pricing. So we had
10 on contract the Nissan lease just two years ago about
11 \$36,000. It's now \$22,000, the exact same price as a
12 Prius. So in just a very small period we've seen the
13 cost delta disappear. In addition, although it's
14 early, the maintenance cost for the pure electric,
15 the BEVs, the battery electrics, has been
16 substantially than for gas sedans. We haven't gone
17 through a life cycle yet. So we want to be careful
18 because, you know, the first two years are always
19 less maintenance intensive.

20 CHAIRPERSON KALLOS: When can we expect
21 to have a firm number on the cost savings based on
22 the life cycle, and will these actually become
23 capital items because we actually get them to last
24 longer than three years. I think one of the funding
25 basic is that much-- (sic)

2 KEITH KERMAN: [interposing] Well, the
3 cap--the capital eligible is, as you know, \$35,000 or
4 more, but it also excludes passenger vehicles as a
5 class.

6 CHAIRPERSON KALLOS: Okay.

7 KEITH KERMAN: So unless that were to
8 change at the Brown Council, they'll--they'll always
9 be a class.

10 CHAIRPERSON KALLOS: With regard to the
11 PMR and MMR, we had a hybrid fleet--hybrid or
12 alternative vehicles at 57% in FY15. Our form was
13 actually for FY16 and 60. We're currently set at 55%
14 once setting--setting the bar lower than actual. Can
15 we change our target for FY17 to 60% or whatever it
16 would be once we add the additional vehicles?

17 KEITH KERMAN: Yeah, yeah, that's--that's
18 actually are in the MMR for the DCAS side, which
19 we've already changed and, you know, fleet has its
20 own dedicated MMR. So the new target, which is in
21 the Fleet MMR, the citywide MMR is 62 and we'll
22 adjust that. So it's 62%.

23 CHAIRPERSON KALLOS: So--so the MMR is
24 actually internally inconsistent?

2 KEITH KERMAN: There's--fleet MMR for
3 some reason that number--we--we actually changed it a
4 number of weeks ago, but you might not have that
5 copy, but 62% is our target. So we have increased
6 it, and as you'll note, you know, in the last three
7 years on the syndicator we've gone from 40% to 60%.
8 So there's been a major pretty dramatic improvement
9 in the sustainable fleet. But we are correct. We
10 make sure that that's correct. There is a number
11 where it shows 55. It should be 62 and there's an
12 inconsistency there, but it is 62 is our target.

13 CHAIRPERSON KALLOS: Great. We look
14 forward to you working with Operations to make sure
15 that the PMMR and MMR are internally consistent with
16 indicators throughout. The other piece is last year
17 I talked about side guard rails especially in
18 accordance with Vision Zero, and I had asked then
19 Commissioner Cumberbatch whether or not they would be
20 open to requiring side guard rails on all the
21 vehicles. At the time, she indicated it was a pilot.
22 Since then, we have agreed to pass a law. The Fleet
23 Division's Fiscal 2017 Budget includes \$700,000 for
24 installation and side guards on all city trucks.
25 Their testimony spoke to requiring it as part of new

2 procurement. How many guards have been installed?
3 How many more to go, and when will we have side
4 guards on the full fleet?

5 KEITH KERMAN: Okay, so--and, of course,
6 we did work with you and pass--pass that law, which
7 also includes the commercial car industry. We got a
8 great meeting with--with the Business Integrity
9 Commission and converting to commercial corridors
10 just a couple weeks ago to work on that side. So we
11 have 300 installed at the moment in the City fleet.
12 We continue to install quite literally every day.
13 We'll have at least 500 by the end of the year and
14 that's on the retrofit side. So that's for existing
15 trucks. In addition, and I think this is where
16 you'll see that number really go up quick. We
17 registered seven city contracts, and we're still
18 working on that, but in just the last six months
19 seven city contracts for new equipment that will
20 include the guards. And that's an important mode--
21 kind of move--moment in the side guard kind of
22 initiative because that's getting Mack and
23 Freightliner, the big truck manufacturers to develop
24 and design side guards up front. So we have those
25 seven contracts. There are about 100 vehicles

2 scheduled to come in at the end of this year or early
3 next year for those, and then we'll just keep pushing
4 the pace as quickly as possible. But, you know, the-
5 -the law allows ten years. We'll--we'll complete it
6 before that but, you know, right now we--we'll be at
7 least 500 at the end of this year.

8 CHAIRPERSON KALLOS: How many vehicles
9 remain the fleet?

10 KEITH KERMAN: We have about 4,000
11 eligible vehicles.

12 CHAIRPERSON KALLOS: And so far we
13 already have?

14 KEITH KERMAN: We have 300 done. We'll
15 have at least 500, likely more, but at least 500 on
16 the retrofits done by the end of this Calendar Year.

17 CHAIRPERSON KALLOS: Okay, so we're--
18 we're getting close to 25% done in the first year.

19 KEITH KERMAN: Yeah, this is--yeah, we--
20 we are still in year one of this initiative so--and--
21 and I will say, you know, retrofitting is none of our
22 trucks were--were purchased originally with the idea
23 of the guards. So each retrofit project is kind of
24 its own project and does take some time. Once we see
25 these coming in the new contracts, that's when you're

2 going to see four or five hundred a year come in, and
3 that's when we'll start really ramping this up and--
4 and you'll start seeing them at the end of this year.

5 CHAIRPERSON KALLOS: Okay. Thank you.
6 We're going to send additional questions. I do want
7 to bring up the folks from City Record because did
8 great work and I just want to ask one or two
9 questions about that. So as folks may be aware in
10 2014, one of the first laws I was able to pass was
11 putting the City Record online. So for the folks
12 responsible for that, if you could state your name
13 for the record.

14 NATHAN PATEL: Nathan Patel. (sic)

15 CHAIRPERSON KALLOS: Do you affirm to
16 tell the truth in your testimony before this
17 committee and to answer honestly the council member
18 questions?

19 NATHAN PATEL: I do.

20 CHAIRPERSON KALLOS: Okay. So we're
21 going to do this in about one to two minutes, but the
22 first question is what is the City Record everyone
23 keeps talking about?

24 NATHAN PATEL: So, the City Record is
25 started as a newspaper long back, and it's all kinds

2 of notice including safe procurements, any personal
3 change, any procurements, non-procurements. The--we
4 try to put all this kind of information online. It
5 was online before, but we did secure it online the B
6 part last year. We make it more transparent and more
7 searchable. The idea wasn't searchable.

8 CHAIRPERSON KALLOS: And--and how did--
9 how did you do it? Did you hire an outside
10 contractor? Did you do it in-house, and did you
11 actually get it launched within a timely basis? Are
12 we still waiting on that as we are on other contracts
13 that we passed for laws years and years ago?

14 NATHAN PATEL: So first is it--it's
15 completed, and the way we did it as two parts. We
16 had a consultant and an employee. We had a
17 consultant for the one year, and we had an employee.
18 So now completely consultant is gone, and it's now
19 mentoring and managed by an employee. Right now it's
20 completely in production. Whatever our goal was for
21 one year, we completed I think five days before, and
22 it's online.

23 CHAIRPERSON KALLOS: Thank you very much.
24 We will forward additional questions onto the
25 Department of Citywide Administrative Services.

2 Thank you for everything that you do from our Civil
3 Service to our fleet to our buildings, and to
4 everything else, and I would be remiss if I didn't
5 ask for DCAS to fix the clock in this hearing room so
6 that it is caught up with Day Light Savings Time. We
7 would now like to bring up the Law Department.

8 [background noise, comments pause]

9 SERGEANT-AT-ARMS: So do you have that
10 number?

11 ZACHARY CARTER: Yes, I think it's
12 already been provided I believe. I'll find out from
13 my counsel. (sic) Has the testimony already been
14 provided to him? [background comments]

15 GEORGIA PESTANA: Would you prefer.
16 They're happy if you want to just rely on those.

17 ZACHARY CARTER: That's fine.

18 GEORGIA PESTANA: Yeah, that thing you
19 don't have to read it if he doesn't want to read it.

20 ZACHARY CARTER: That's fine. That's
21 fine.

22 GEORGIA PESTANA: So we can, you know,
23 catch up.

24 ZACHARY CARTER: Yeah. We'll catch up.
25 Yeah. All right.

2 MURIEL GOOD-TRUFANT: Okay.

3 GEORGIA PESTANA: And I will.

4 [background comments]

5 CHAIRPERSON KALLOS: I'd like to now
6 welcome the Corporation Counsel Zachary Carter, head
7 of the Law Department. The New York City Law
8 Department is responsible for all of the legal
9 affairs of the city. It represents the city, the
10 Mayor, elected officials including myself, the City's
11 many agencies, and all affirmative and defensive
12 civil litigation as well as juvenile delinquency
13 prosecutions brought in Family Court and the
14 Administrative Code enforcement proceedings brought
15 in criminal court. The Law Department's proposed
16 budget for Fiscal Year 2017 totals \$185 million
17 including \$135 million to support 1,550--47 budgeted
18 positions. That's a big law firm. I'm glad they're
19 on our side. During today's hearing we will discuss
20 many aspect of the department's budgets, its
21 operational performance and how the Law Department is
22 handling various judgment and claims against the
23 city. I'd also like to discuss the department's
24 initiative to restructure the Juvenile Justice unit
25 and the Family Court Division reducing reliance on

2 contracting, the PMR metrics and the budget savings
3 especially those associated with investments we've
4 made in the department. As the Corporation Counsel,
5 any member of his team to raise his right--raise
6 their right hand. Do you affirm to tell the truth in
7 your testimony before this committee and to answer
8 honestly the council member questions?

9 ZACHARY CARTER: I do.

10 CHAIRPERSON KALLOS: Please begin your
11 testimony. Thank you.

12 ZACHARY CARTER: Well, first permit me to
13 introduce my First Assistant Corporation Council
14 Georgia Pestana, and the--and the Law Department
15 Managing Attorney, Muriel Goode-Trufant. Chair
16 Kallos and distinguished members of the Government
17 Operations Committee, it is a pleasure to come before
18 you to discuss the Law Department's Fiscal Year 2017
19 Preliminary Budget. Since the start of my tenure as
20 Corporation Counsel, I've been engaged with the Law
21 Department's staff on numerous matters with enormous
22 liability, policy and operational implications for
23 the City and its constituent agencies. Our work
24 supports important City policy initiatives, such as
25 those concerning homelessness and affordable housing.

2 Some of the department's matters involve public
3 safety and quality of life issues. Others involve
4 city's--the city's contractual relations with various
5 service providers. Still others raise important
6 issues concerning access to services. On every
7 occasion, I have never failed to be impressed by the
8 professionalism, hard work, depth of knowledge,
9 expertise and dedication of our lawyers and the
10 extraordinary staff that supports them. Ultimately,
11 our mission is to vigorously defend the legal
12 interest of the city with an appreciation for the
13 importance of fair outcomes to enhance public
14 confidence in city government. The Corporation
15 Counsel is the attorney for the City and its
16 agencies, and has responsibility for all litigation
17 and other legal mat--matters involving the City. The
18 department currently has on board approximately 782
19 attorneys and 672 support staff. Let me add that of
20 the 782 attorneys approximately 23% are ethnically
21 diverse, and 57% are women. I am particularly please
22 that over the past year the percentage of ethnically
23 diverse legal managers has grown from 16.7% to 26.7%.
24 The Law Department consists of 16 legal and three
25 support divisions. We handle an extraordinary array

2 of cases, and non-litigation matters from tort to
3 tax, from environment and administrative issues to
4 economic development and municipal finance. We also
5 represent the City as plaintiff in a wide variety of
6 affirmative matters. I total proposed personal
7 services and other than personal services budget for
8 Fiscal Year 2017 is \$185,636,245. Our proposed
9 Fiscal Year 2017 headcount is \$1,547. So a little
10 about the highlights of--of the Operating Division
11 starting with tort. The volume of litigation matters
12 pending against the City represents--presents a
13 substantial challenge. The Tort Division alone
14 defends more than 20,000 cases currently pending
15 against the City, it's agencies and employees.
16 Approximately 7,500 new tort cases are filed against
17 the city each year. Approximately, 6,000 cases are
18 resolved each year by trial, motion, practice and
19 settlement. A significant portion of the Law
20 Department's proposed personal services budget is the
21 tort area. The proposed budget will support new and
22 expanded tort initiatives. With respect to the
23 Family Court Division, that Division balances the
24 dual goals of serving the needs and best interests of
25 a child brought before the court and ensuring at the

2 same time community safety. Last year, the
3 Division's Juvenile Delinquency Prosecution Unit
4 handled approximately 4,200 new juvenile delinquency
5 referrals and 4,700 new Interstate child support
6 petitions. Preparation of cases and enhancement of
7 services are essential to the Division's mission.
8 Accordingly, the proposed allocation includes
9 staffing for a new witness location and engagement
10 unit and a new Juvenile Rehabilitation Community
11 Safety Unit.

12 During last year's budget discussion we
13 anticipated at that time that the State Legislature
14 would act upon the Raise the Age Bill. Raise the Age
15 proposals are still under consideration in Albany.
16 Should the proposed legislation become law, we have
17 continuously planned for the expansion of our
18 Delinquency Unit to accommodate the added population
19 of 16 and 17-year-old juveniles to the Family Court's
20 existing caseloads. With respect to electronic
21 discovery in litigation throughout the federal and
22 state courts, the requirements for electronic
23 discovery have been rapidly increasing. The proposed
24 budget includes three full-time technical staff to
25 address the growing workload related to collecting,

2 processing, loading and producing electronic data and
3 images. With respect to other than personal services
4 funding, the plan kind of placed an additional \$9
5 million in Fiscal Year 2016 in OTPS funds for various
6 litigation support efforts in certain large
7 litigations.

8 And finally, work with the Council. The
9 Law Department has worked with the City Council to
10 support its ambitious legislative agenda. There has
11 been a 50% increase in the number of bills reviewed
12 by our Legal Division over the previous legislative
13 cycle. We are pleased to partner with the Council in
14 this new legislative landscape, and look forward to
15 continuing to support the City Council's efforts in
16 the coming year. With that, I'm prepared to answer
17 your questions.

18 CHAIRPERSON KALLOS: Thank you very much
19 for coming before us today. I am very impressed with
20 the fact that you voluntarily reported the diversity
21 of your agency, and the fact that you had 57% women,
22 which is actually more reflective of the fact that in
23 the State of New York and in the City of New York men
24 are actually outnumbered by women, and I also
25 appreciate that you've been able to grow your

2 agency's diversity amongst managers, which is a key
3 indicator from 16.75 to 26.7%. Would you support
4 similar voluntary reporting by all the agencies in
5 our city.

6 ZACHARY CARTER: I don't know any reason
7 why not. I mean I--I chose to take the initiative
8 because we're very proud of what we have
9 accomplished, and I know with other agencies,
10 particularly under this Mayor have been encouraged to
11 improve their numbers so that the--particularly the
12 ranks of managers in all of the City agencies reflect
13 the--the population that we serve. So I'm--I'm sure
14 that other agencies would be willing to do the same.

15 CHAIRPERSON KALLOS: Would you be willing
16 to add it to your Mayor's Management Report?

17 ZACHARY CARTER: I--it--I--frankly, I
18 have no--I have no reason why it shouldn't be and--
19 and there's, you know.

20 CHAIRPERSON KALLOS: That's--then it's--
21 it's frayed, and then what do you think the correct
22 in terms--so with regard to whenever you provide it's
23 within ethnically diverse, what do you think the--the
24 right number would be. So obviously, you've gone
25

2 from 16.26 where--where are you headed in terms of
3 the target?

4 ZACHARY CARTER: To be honest, and this
5 has been true throughout my career as a manager in
6 U.S. Attorney's offices, both as a supervisor early
7 on and as an executive in the Brooklyn DA's Office
8 and as--as the United States Attorney and in the Law
9 Department, frankly if in my experience if you are
10 looking to hire the best and the brightest and the
11 most capable to fulfill the necessary functions and
12 the agencies that serve the city and most
13 particularly in the Law Department of an
14 understanding of diverse populations is indispensable
15 to representing the best--it's interested the city
16 in--on the various litigations that are pending, and
17 also to represent the best interest in city in--in
18 transactional work. Frankly, I--the numbers take
19 care of themselves when you just hire the best
20 qualified people from among this very diverse
21 population of enormously talent--talented people. I
22 don't know that having a numerical target is
23 necessary to achieve. As you see from the work that
24 we have accomplished in--in--in the substantial
25 increase in managers of color, in--in our office that

2 wasn't as a result of trying to hit--hit us at the
3 statistical target. It just came from hiring the
4 best available talent from a very diverse pool of
5 candidates.

6 CHAIRPERSON KALLOS: If I can just in--
7 indulge in one a discretion of just that plugging the
8 SUNY and CUNY Law Schools. As a graduate of SUNY-
9 Buffalo, I think you will find some of the best
10 talent coming from those schools, and I think those
11 schools rank pretty high amongst diversity. So thank
12 you. I'd like to speak about juvenile diversion,
13 which you spoke about in terms of meeting some state
14 law changes, but when compared to the same reporting
15 period the percentage of juvenile successfully
16 deferred to a diversion program with no new
17 delinquency referral within one year, decreased from
18 84% in Fiscal 2015 to 66% in Fiscal Year 2016.
19 According to the 2016 PMR, the decrease is a result
20 of a decrease in juvenile arrest in total especially
21 over the last two years under what circumstances
22 would a juvenile not be successfully referred to a
23 diversion program with no delinquency referral in a
24 year, and how can we get this number back up? Again,
25 juvenile delinquency juveniles is from 7 to 14 or

2 sorry 15, and so I'm hoping that when people are that
3 young there is still something we can do before we
4 put them into the Juvenile Justice System.

5 ZACHARY CARTER: Sure, and I--I think
6 that it's--it's difficult to read too much into year-
7 to-year statistics because the number of juveniles
8 who are suitable for diversion is going to vary
9 depending to some extent on the cases that are--that-
10 -that we intake in any particular Fiscal Year. So I
11 would not read too much in--in the--in fluctuation of
12 numbers. I would--I would frankly look at a two or
13 three-year trend to see whether or not there's
14 anything that's significant--that's really
15 significant about any increase or decrease in--in
16 diversions.

17 CHAIRPERSON KALLOS: I guess I just
18 wanted to impart that when somebody is young
19 particularly youth, we have an opportunity to use any
20 indiscretion as a--a learning moment because I guess
21 I'm overly concerned about what happens once they get
22 into the system, any system whether it's the Juvenile
23 Justice System or otherwise. Would--would you
24 support that contention?

2 ZACHARY CARTER: That's--I don't--frankly
3 I don't think it's--it's an over-concern. I think
4 it's an appropriate concern. I mean to--it's in the
5 interest of children and the overall interest of
6 public safety that we divert young people as early as
7 possible and interrupt any trend towards--towards,
8 you know, criminal conduct that will--that could
9 result later on in debilitating criminal record and--
10 and--and--and contribute to--to--to the over-
11 incarceration that lots of people at both the federal
12 and state level have been focusing on over the past
13 few years.

14 CHAIRPERSON KALLOS: Did the decrease
15 result in the restructuring of the department?

16 ZACHARY CARTER: I don't believe that
17 the--that the decrease resulted from any one--from
18 any one thing.

19 CHAIRPERSON KALLOS: Would the Law
20 Department be open to working with us to figure out
21 what the all-in costs for juvenile interventions and
22 costs to the court system for a full blown trial as
23 an adult versus trial as a juvenile versus diversion
24 and the overall cost savings of all-in for their
25 entire lifetime.

2 ZACHARY CARTER: Yes. I mean certainly
3 we're--we're proving the information that--that you
4 require to help--to help us--

5 CHAIRPERSON KALLOS: [interposing] I want
6 to be able to make the case--

7 ZACHARY CARTER: to study that.

8 CHAIRPERSON KALLOS: --that it is so much
9 less expensive to invest in our children on the front
10 end than bringing them through the system.

11 ZACHARY CARTER: Oh, I--I could not agree
12 you more. One thing I should point out, though, and--
13 -and obviously we're--we're in the earliest part of
14 this year, but in January of 2016, there were seven
15 out of seven youth who were diverted in the category
16 of those who had no--no juvenile delinquency
17 referral.

18 CHAIRPERSON KALLOS: That is--that--those
19 are great numbers and to the extent you are able to
20 update your PMMR figures to reflect these new numbers
21 so that again it was 84%. You have a target of 75%.
22 So to the extent your actuals have changed as of the
23 first half instead of first quarter, it would be
24 great to get that number back up to 85% as a target.
25 I'd like to over to judgment and claims which is a

2 number we've been talking about for quite some time.
3 The Judgment and Claims Budget is included in the
4 City's miscellaneous budget and totals \$690 million
5 in Fiscal Year 2016. It's projected to increase to
6 \$855 million in Fiscal Year 2020. The increase is in
7 part back to--we've--we've been told this because of
8 backlog of case, but what time qualifies as a
9 backlog? Why is there a backlog? What are these
10 cases with, and it also seems like we're not seeing a
11 discount from the large settlement. We settled the
12 Central Park Five in 2014 for \$41 million. We
13 settled the Fire Department Discrimination Case for
14 \$98 million in 2014. We settled the Eric Garner case
15 and rightfully so for \$5.7 in 2015, which was paid
16 off in 2016. So in terms of the big high profile
17 cases, it seems like we've taken care of most of
18 them, and yet we still see the claims going up from--
19 Starting in '12 we were \$582 million and \$524 million
20 and then \$732 million, and then instead of going back
21 down to \$500 million, we're at \$679 and climbing.

22 ZACHARY CARTER: I don't believe that
23 there's any one factor that accounts again. This is
24 another area in which year-to-year numbers do not
25 necessarily give a--a--the best--the best reflection

2 of the--the city's exposure with respect to the
3 claims that are brought, you know, particularly in
4 claims involving law enforcement, the Department--and
5 the Department of Transportation. There--there are
6 going to be year-to-year fluctuations. I don't
7 believe there's any one particular factor that
8 accounts for--for that fluctuation. Also, as we've--
9 as we've talked about in--in prior years, there's a
10 difference in the calculation by the Law Department
11 and--and--and OMB, and so that is a matter that I
12 know that you have pursued independently with us, and
13 independently with OMB, and that's--I can't--I can't
14 necessarily account for the difference.

15 CHAIRPERSON KALLOS: Can we sit down with
16 and Dean Fuleihan before the Executive Budget Hearing
17 to go over it, look at the calculations and get a
18 sense of what we can share publicly, and what is
19 internal, but just so that in our role as oversight
20 we can have a better sense of what the numbers that
21 you're proposing are, what the numbers OMB are coming
22 back.

23 ZACHARY CARTER: Yes.

24 CHAIRPERSON KALLOS: Because I think as
25 of right now we still don't know, and again this is

2 expense budgeting. So anything you set aside for
3 judgment and claims is coming out of things that
4 could be preventing children going to the Juvenile
5 Justice System like after school, summer youth
6 employment and on and so forth. So that's a yes?

7 ZACHARY CARTER: Yes.

8 CHAIRPERSON KALLOS: Perfect. Thank you
9 and along these lines in judgment claims, when the
10 city gets sued for something that we've done wrong,
11 how does the Law Department correct it? The--the
12 background is a constituent approached me and said
13 that her daughter was climbing on a tree, which is
14 what children do. They fell. They fell onto a spike
15 that was around the tree, and they had asked Parks
16 Department to--the Law Department settled, which is
17 rightful, but when they went back there was still a
18 spike there. And they went to the Law Department
19 attorney and said, well, we didn't stipulate to this,
20 but why is there no spike? And the person indicated
21 well we don't actually tell them to correct the
22 underlying condition. And then when we check with
23 Parks, I don't think that they had heard. We had
24 mentioned it to others. But is there a process by
25 which when we get sued for spikes under a tree or a

2 dangerous condition or some other situation that
3 what--in--in the absence of a court order like we
4 have in Fire Department that the City takes
5 corrective action.

6 ZACHARY CARTER: Sure and--and as best we
7 can, we--we try to observe trends based on the
8 complaints that we get in--in various areas, and we
9 have a--risk management section that does in some
10 areas collect information so that we can be a
11 positive feedback loop for the agencies that we
12 represent. So that to the extent that we have
13 identified some trend because of--of the number of--
14 of repeated claims of a certain character that--that
15 the agency can be informed.

16 CHAIRPERSON KALLOS: I guess the--the
17 quick thing is can we create a mechanism within the
18 Law Department so that if somebody is complaining a-a
19 slip and fall hazard in the park that instead of
20 looking for the trend of oh, there's a bunch of these
21 we're able to just say oh, there--there's this
22 irregularity in the sidewalk. We're being sued on
23 it. Let's call DOT and have that fixed versus being
24 in the situation of leaving them there, and then just
25 getting sued until it hits a flag.

2 ZACHARY CARTER: Well, our--our risk
3 management group does that presently.

4 CHAIRPERSON KALLOS: Okay, if we can
5 drill in a little bit and make sure that everything
6 we're getting sued on or getting the notice letters
7 of what have you is actually getting addressed
8 because for what it's worth, most of these things
9 where people think to call 311. 311 didn't fix it,
10 and whether it's coming to your attention or a
11 council member's attention we should be getting to
12 the bottom of it before the lawsuit or if not, after.

13 ZACHARY CARTER: Yeah.

14 CHAIRPERSON KALLOS: I think that is my
15 first round of questioning. I will pass it over to
16 Council Member Miller followed by Council Member
17 Greenfield.

18 COUNCIL MEMBER MILLER: Good morning, Mr.
19 Carter.

20 ZACHARY CARTER: Good morning.

21 COUNCIL MEMBER MILLER: It's great to see
22 you again, you and your team. Thank you for being
23 here. Thank you, Mr. Chair. I--I--I have just a
24 few, but they're kind of varying questions. First of
25 all, I--what I would like to ask, and I know we spent

2 some time talking about the--our juvenile situation,
3 and does--does your office support raising the age
4 here in the State of New York and, if so, have you
5 indicated that support in anyway?

6 ZACHARY CARTER: Yes, I--our office has
7 indicated support for the--for the concept of raising
8 the age. I think that would bring us in step with
9 the vast majority of jurisdictions throughout the
10 United States. But every time I've been asked about
11 raise the age, I have emphasized the fact that it
12 cannot be an unfunded mandate. We already have an
13 overburdened family court structure. I believe that
14 it in the main serves youth decently who are--become
15 part of the--of the family court system through
16 petitions of juvenile delinquency. But the resources
17 that are currently invested in the Family Court
18 system are barely enough to serve the juveniles who
19 appear before them now that is, you know, 14--13, 14
20 and 15- year-olds.

21 COUNCIL MEMBER MILLER: Uh-huh.

22 ZACHARY CARTER: If we were to add 16 and
23 17-year-olds without a concomitant investment in
24 services, it would be the worst of all worlds. It
25 would give the impression that we are gearing up to--

2 to recognize that 16 and 17-year-olds should be
3 treated as juveniles without actually delivering the
4 services necessary and the resources necessary to
5 actually meaningful address their needs.

6 COUNCIL MEMBER MILLER: Thank you, and--
7 and that's pretty insightful. Have there been any
8 preliminary conversations as to what those costs of
9 delivering those services would be?

10 ZACHARY CARTER: I don't have--I don't
11 have numbers at--at my fingertips, but it would
12 certainly involve and increase the number of Family
13 Court judges. It will require an increase in the
14 number of lawyers who serve those cases both from our
15 office and quite frankly institutional defense law
16 offices. It would require additional services in
17 terms you know, as--as--as--as Chair Kallos points
18 out in terms of the importance of diversion.
19 Diversion requires human resources. You need
20 counselors, you need social workers, you need--you
21 need programmatic alternatives. So all of those
22 things are going to be necessary to--to address the--
23 the population of 16 or 17-year-olds.

24 COUNCIL MEMBER MILLER: Good.

2 ZACHARY CARTER: And you need--and you
3 need physical resources depending on whether the--
4 raise the ages addressed by converting current
5 Criminal Court parts at 100 Center Street and other
6 Criminal courts around the--

7 COUNCIL MEMBER MILLER: [interposing] Uh-
8 huh.

9 ZACHARY CARTER: --in the--in the--in the
10 other boroughs whether it be--those are going to be
11 designated Family Court parts, or whether or not
12 they're going to increase the number of Family Court
13 parts in already over-burdened facilities in Criminal
14 Court.

15 COUNCIL MEMBER MILLER: Well, I see that
16 you have given this considerable thought, and--and
17 we're very appreciative of that.

18 ZACHARY CARTER: Okay.

19 COUNCIL MEMBER MILLER: So, you also
20 mentioned that your staff had just about doubled the
21 amount of room (sic) and working with the--the number
22 of legislation that has been sent over from the
23 Council. Do you have sufficient staff to address
24 this considering the folks like our chairman and--and
25 the aggressiveness of--of--of this current Council?

2 ZACHARY CARTER: Well, we are marshaling
3 resources to address the increase of--of bills that--
4 that have come as a result of I think the--the
5 Speaker's inclination to permit more bills for more
6 members to surface and to be considered. I--I fully
7 support that. I think it--it supports our democracy
8 in a very positive way, and we will provide the
9 resources necessary to support the, you know, the
10 Speaker and--and the Council in reviewing the various
11 alternative bills that are proposed to address some--
12 the issues that you're seeing to address.

13 COUNCIL MEMBER MILLER: Thank you and so
14 I'm going to flip my--my labor hat no here, and what
15 kind of, if any, interaction do you have with--on a
16 regular basis with the City's workforce?

17 ZACHARY CARTER: With the City's
18 workforce?

19 COUNCIL MEMBER MILLER: Yeah. If any
20 responsibility?

21 ZACHARY CARTER: I'm not sure I
22 understand exactly what you mean?

23 COUNCIL MEMBER MILLER: In terms of the--
24 the Law Department, and--and--obviously there are--
25 there are agency conflicts that--that come through.

2 Individual employee issues that--that--as--as well.

3 Do you have a dedicated union--unit that addresses
4 those employees?

5 ZACHARY CARTER: [interposing] Yes, we
6 have the Labor and Deployment. We have a Labor
7 Deployment Division that--that defends agencies that
8 are sued in employment discrimination cases where
9 they fill in. (sic)

10 COUNCIL MEMBER MILLER: Okay, aside from
11 the as--as well as workers' safety issues and things
12 of that nature as well, would that also to some
13 degree come through there?

14 ZACHARY CARTER: You mean in--[pause]
15 Well, our internal legal issues with respect to
16 employees was handled by the Administrative Division,
17 but do you mean--do you mean problems of complaints
18 of employment related--

19 COUNCIL MEMBER MILLER: [interposing] I--
20 I[--I kind of mean everything from--from Workers Comp
21 to workplace safety issues.

22 ZACHARY CARTER: Oh, we--we have a
23 separate Workers Comp Division that--that handles
24 those claims. Muriel, would you like--

25

2 MURIEL GOODE-TRUFANT: I used to be the
3 head of the Labor and Employment Law Division. So
4 that division also advises the agencies on issues
5 that--that come from the agencies on employee safety
6 or grievances that employees have, and we tried to
7 nip them in the bud, and--and help agencies work
8 through that. So it's not just the litigating
9 division. It also provides advice to the agencies as
10 well.

11 COUNCIL MEMBER MILLER: So in those
12 cases, and you said you worked with the agencies. Do
13 you also working--work with the bargaining units
14 representing those members within those agencies?

15 MURIEL GOOD-TRUFANT: We talk to the
16 counsel that--at those unions. We don't talk to the
17 unions directly because that would violate the labor
18 agreement.

19 COUNCIL MEMBER MILLER: [interposing] It
20 had a spontaneous kind of--(sic)

21 MURIEL GOOD-TRUFANT: --but we talk to
22 agency council and Union Counsel at DC37 and CWA and--
23 --and the major unions do reach out to that divisions
24 attorneys for--to discuss issues that they feel are
25 coming up.

2 COUNCIL MEMBER MILLER: Okay, so at--
3 yeah, as--because when--as we started talking about
4 litigation and numbers and stuff like that I know
5 it's always been at the forefront in--in attempting
6 reduce the number claims in--that we see throughout
7 the city, and--and what mechanisms of safety and so
8 for that we could put in place. And I think that
9 would be a critical bylaw to come from your
10 department as well. In terms of litigation from
11 workplace discriminations and so forth, you don't
12 have to be--I'm not going to ask that you address any
13 particular issues, but I know that there have been
14 some [pause] such--there have been such litigation,
15 and cases that involve discrimination and managerial
16 titles in particular as it pertains to women--women
17 of color and so forth like that, and there have been
18 decisions. But yet in those cases there has been no
19 settlement, and I would just hope that they're
20 involved that--that being involved in having a little
21 conversation around how do we address not just that
22 as the Councilman said that the sermon is important,
23 but what's more important that we move forward in a
24 positive way, and that we resolve those problems that
25 caused that to happen in the first place. That women

2 and--and people of color have the opportunity at
3 that next--as you--you can address it within your own
4 office. Obviously, you've done that as we've seen a
5 significant rise in managerial opportunities, but
6 where the city has been negligent, we have not
7 addressed that as of yet even where there has been
8 cases that have been essentially move--moved against
9 the city that they have not been remedied as of yet.
10 What role were you playing?

11 ZACHARY CARTER: That is an issue that is
12 addressed both through litigation and through
13 collective bargaining, and--and sometimes in--in com-
14 -in combination and in consultation. The--the--in
15 situations in which claims have been raised that
16 different managerial categories may have been treated
17 differently, we have to make sure, and this--and this
18 is a difficult process, but there's an apples-to-
19 apples comparison of function. And that is not
20 always easy. Sometimes reasonable people can
21 differ about whether or not a function under one
22 agency because sometimes this will--this will--
23 someone will have the same title in two different
24 agencies, and the responsibilities are somewhat
25 different because of the nature of the agency's work.

2 So those--those are--are--are matters in which we are
3 engaged, you know, along with OLR in--in their
4 ongoing discussions on--on those issues.

5 COUNCIL MEMBER MILLER: Okay, so I--I
6 don't want to belabor that, but in--in the cases
7 where I think that that has been resolved and
8 addressed, and--and I would hope that we could move
9 forward in--in those instances there. So I---I
10 appreciate your time--

11 ZACHARY CARTER: [interposing] I agree.

12 COUNCIL MEMBER MILLER: --and--and--and--
13 and your thoughtfulness that you have given to a lot
14 of the issues that were raised today--today that we
15 don't often see, the preparedness and the
16 thoughtfulness that you bring. So I appreciate that.
17 Thank you very much for--for--

18 ZACHARY CARTER: [interposing] Thank you.

19 COUNCIL MEMBER --the opportunity to
20 speak--speak with you. [bell]

21 CHAIRPERSON KALLOS: Thank you. We're
22 just going to wrap up with just a quick second round
23 of questions. We'll send along additional questions.
24 I just want to thank--on the Preliminary Mayor's
25 Management Report, we had sat down last year, and had

2 suggested that you set more targets. You've actually
3 set targets before the indicators and I appreciate
4 that, and two of your indicators have been revised
5 with targets that were more ambitious and more
6 aligned with actual performance. I wanted to touch
7 base on the child support orders. I'm a child of a
8 single mother, and so this has personal meaning since
9 I survived to this--to--to my adulthood with the
10 support of child support. Your current filing of
11 enforcement referrals with 60 days of referral is at
12 93% for the month-actual. The past three years, '13,
13 '14, '15 you've been over 94%. Will you amend your
14 target to reflect current performance, which roughly
15 10% more?

16 ZACHARY CARTER: I will say not
17 necessarily. We are proud of the--the actual
18 performance, which has exceeded our targets, but we
19 believe that the targets were realistic based on
20 fluctuations and factors that are beyond our control.
21 You know, whether or not we have the cooperation of
22 the--of the custodial parent, whether or not we can
23 locate the parent who owes child support. I mean
24 obviously we're talking about cases that involve--
25 that are by--by their very nature interstate and in--

2 in--in--in terms of their--their--their reach. So
3 believe--Hold on just a second.

4 CHAIRPERSON KALLOS: But this--this is
5 for referral. This is--this is whether or not you do
6 anything about it once it's referred to you I guess.
7 And--and along the same lines, the--the support
8 orders hover around 65% and I guess the--I think
9 you're already getting to it, but what--what stops us
10 from hitting 100% so that we know that ever single
11 child who needs support in the City of New York is
12 getting that support?

13 ZACHARY CARTER: I--I--I under--I
14 understand your point. I am--I share your view that
15 generally speaking that--that setting targets that
16 are am--ambitious is--is in most cases preferred.
17 Again, you know, based on--on the work that my staff
18 does in this area, I believe that while we have
19 exceeded our targets in the--in the past couple of
20 years that the--that there's a--that's the product
21 of--of--of--of exemplary performance. We believe,
22 though, that--that they are factors that--that could--
23 --that--that--that made the targets that we've set
24 unrealistic.

2 CHAIRPERSON KALLOS: Can you share just
3 some of the factors for--for my self and the public
4 of like why every single child that is entitled to
5 child support that isn't getting, that gets a
6 referral that your agency acts on within 60 days, why
7 that isn't getting to an order, and why that's only
8 happening in 65% of the cases? Are there things we
9 can do? Is--is there--can we provide additional
10 funding? Is it additional staff? Is it structural
11 reforms? What--what needs to happen so that every--

12 ZACHARY CARTER: [interposing] You mean
13 closing the gap between 94 and 100?

14 CHAIRPERSON KALLOS: Six--sixty-five and
15 a hundred. Or just understanding why it's hovering
16 so well.

17 ZACHARY CARTER: I may be [background
18 comments] Go ahead. You can answer the question.
19 [pause]

20 MURIEL GOOD-TRUFANT: Good afternoon.
21 There--there are a few reasons for the gap, obtaining
22 jurisdiction over response prevents all families from
23 receiving an order of support. Cases are dismissed
24 either because the sheriff or process servers are
25 unable to serve the respondents with the summons and

2 petitions to appear in court. The second category of
3 cases where there--there's--why we have a difference
4 with the 65% is that we don't always get the
5 cooperation of the custodial parent.

6 CHAIRPERSON KALLOS: Okay. So any--any
7 type of report you can share with that, and--and just
8 we can start thinking now about what we can do there
9 because you UCSA should give you standing and
10 jurisdiction, the Uniform Child Support Act, and then
11 after that the service issues. I'm assuming the City
12 pays for those service issues.

13 MURIEL GOOD-TRUFANT: Yes.

14 CHAIRPERSON KALLOS: Okay. So working
15 with process servers and just having a better
16 understanding of what we're doing, whether or not
17 we're using private investigators where necessary.
18 Because at the end of the day, if these children
19 aren't receiving support and the family is not
20 receiving support then the city is going to do
21 something, but not as much as ultimately that parent
22 might be doing. So obviously this is something of
23 personal importance to me. I know that my colleague
24 Council Member Greenfield has some questions. So

2 I'll hold on my second round of questions so he can
3 ask his first round.

4 COUNCIL MEMBER GREENFIELD: Thank you,
5 Mr. Chairman. Thank you, Council and Counselor. I
6 appreciate your being here today. Thank you for the
7 work that you do. Overall we hear good things about
8 your agency. I'd just like to share that, you know,
9 we always have complaints. So if we hear generally
10 positive things I want you to know that we do hear
11 generally positive things. So thank you--

12 ZACHARY CARTER: [interposing] Thank you.

13 COUNCIL MEMBER GREENFIELD: --for the
14 work that you folks are doing. I'm just curious
15 about one particular item that the chair touched on.
16 I want to focus on a little bit more, and that is
17 the--the Tort Division. So your Tort Division
18 effectively is the largest, perhaps the largest tort
19 law firm in the country with 500 lawyers and many
20 support staff as well. And obviously, it plays a
21 significant role in terms of the output that the City
22 is on the hook for. I think we see the projections
23 in 2017 is something in the neighborhood of three-
24 quarters of a billion dollars. Is that roughly
25 accurate?

2 ZACHARY CARTER: That's--that's the
3 projection.

4 COUNCIL MEMBER GREENFIELD: Okay, great.
5 My question I guess is when I look at a breakdown of
6 number and I'm looking at our--we have a wonderful
7 Finance Team. I want to thank them all for their
8 hard work, and they put together a great briefing for
9 us. I'm just referencing it because as an attorney
10 you should know what I'm looking at so perhaps you
11 have the same numbers. And when I look at these
12 numbers what I see is that in certain categories the
13 judgments and claim payouts have gone down or the
14 last few years. So parks is an example of that in
15 2011. Parks is a roughly \$19 million and this year
16 it's past--the most recent year, 2015, it's roughly
17 \$15 million. But there are four categories that
18 have gone up in some cases significantly. So for
19 example, the Police Department in 2011 was \$190
20 million judgments and claims payouts. The last year
21 that we have 2015 was \$275. For example, the
22 Environmental Protection was at \$12 million and then
23 the last year that we have they were at \$20 million.
24 The Fire Department was \$23 million 2011, the last
25 year that we had was \$51 million. Collections went

2 from \$16 million in 2011 to \$42 million in 2015. I
3 guess the question that I was touching on, it's sort
4 of an expansion of the chair's question a little bit
5 before it--So how does it really work internally in
6 terms of understanding why this goes up, and are the--
7 --are the agencies held accountable for these increase
8 in payouts. Right, so if this was a normal
9 corporation, which, of course, its' not to be fair,
10 right, and you had divisions, and right if I was
11 legal counsel for a corporation and one--and for of
12 my divisions were up in the payouts maybe between \$25
13 or in one case collections close to 300%, I would
14 call on the division heads, and I would say, Hey
15 guys, you know, what's going on over here. You're
16 killing our bottom line, right? You know, I'm your
17 lawyer. You really--you really can't do this any
18 more. And so is there not a level of accountability?
19 How does it work, right? What is the response from
20 your agency when you look at this and you're charged
21 with defending these folks, do you call them in? Do
22 you speak to the commissioners? Do you say, hey,
23 you're really--you're killing us over here with the--
24 these expenditures. What's the process in terms of
25 accountability? Because overall, we are seeing an

2 upward trend where in the last few years the overall
3 judgment and claims budget has--had increased not
4 insignificantly, but in certain respects, those four
5 particular agencies that I've referred to, we've seen
6 very significant increases.

7 ZACHARY CARTER: Well, first of all,
8 again these--these are--they're going to be year-to-
9 year fluctuations that you could--we could be sitting
10 here next year and you could see in those four
11 categories a dramatic decrease just because there are
12 cases in the pipeline that at various stages, and we
13 can't always predict when those particular--those
14 cases are going to be finally resolved. And so that--
15 -and so that--that there's an extent to which that
16 that's--that's not predictable. There are--there are
17 cases in which there are claims for injunctive relief
18 that request reforms of agency practices that
19 sometimes are a blessing in disguise to the extent
20 that it blings--brings to the attention of the city
21 some trend of operation that increases the city's
22 liability. And once that--once you have that matter
23 brought to your attention and we--and we are in a--in
24 a position to have that discussion with our agency
25 clients about needed operational reforms that sooner

2 or later that results obviously in--in a diminution
3 of--of claims arising out of whatever the operational
4 issues was that--that--that needs to be addressed.
5 You know, corrections is a--is a--is an example of--
6 of--of a situation in which we had longstanding
7 litigation, which has now been resolved, and which we
8 have operational reforms that are in the process of
9 being instituted that--that I think--

10 COUNCIL MEMBER GREENFIELD: [interposing]

11 Oh.

12 ZACHARY CARTER: --offer substantial
13 promise going forward about reductions in violence
14 that should result in--in reductions of claim. There
15 are similar area of--of reform with respect to police
16 practices that--that have for--for instance resulted
17 in an extraordinarily dramatic decrease in--in--in
18 street stops, which reduces the number of claims that
19 are filed in collection with--with police encounters.
20 So there--so we--we--we try as best we can to--to
21 again become a constructive feedback look for the
22 agencies we represent to the extent that we can
23 discern that there are patterns because of--of
24 repeated claims that bring to our attention what
25 might be operational problems.

2 COUNCIL MEMBER GREENFIELD: So once
3 again, it's to be clear, and I think I guess Fire
4 would be the same at \$138 million charge-off in 2014.
5 That's higher than the other years. Is that a
6 similar situation in terms the settlement, the Fire
7 Department?

8 ZACHARY CARTER: Well--well, first of
9 all, I--I would have to--to--to look at the--we would
10 be getting deeper in the weeds on those numbers to
11 determine whether or not there are handful of cases
12 that--

13 COUNCIL MEMBER GREENFIELD: [interposing]
14 Bumped it up. So, so--

15 ZACHARY CARTER: That--that--that bump it
16 up or whether or not, and this is what would concern
17 me more whether there are a larger number of--of
18 cases as opposed to just---

19 COUNCIL MEMBER GREENFIELD: [interposing]
20 Yeah.

21 ZACHARY CARTER: --a large number of
22 cases of a certain value.

23 COUNCIL MEMBER GREENFIELD: Now, counsel-
24 -counsel, just to be clear, it's not a criticism of
25 you, but it is a genuine--it's a genuine question

2 that--that concerns me. Here's my concern and I
3 guess just to narrow my focus on the question, which
4 is that it seems to me like agencies have pretty much
5 carte blanche where they can do whatever they want,
6 and they know that it's okay because core counsel is
7 going to come in on their white horse and save the
8 day. And that's my concern, right, which is that,
9 you know, in a traditional business model, the job of
10 the corporation counsel within a corporation, for
11 example, would be to actually mitigate the risk. And
12 go into these departments and sit with them, and say,
13 Hey, police NYPD, the number in 2011 was 190. The
14 number in 2015 was 275. It's a very large increase,
15 right, and perhaps even in an appropriate world we'd
16 even--we--we would even penalize an agency that--that
17 excessive lawsuits where it would come out of their
18 bottom line. As opposed to what I'm concerned is
19 happening--that's why I'm addressing it--and once
20 again it may not be within your scope. And that's
21 just something I'm just trying to raise is that we
22 see several significant agencies where the
23 expenditures on judgment and claim payouts have gone
24 up in some cases 100, in other cases 250% over the
25 last five years. And I guess the question that I'm

2 asking you is, and perhaps you don't have an answer.
3 It maybe above your pay grade for lack of a better
4 term is do you have the ability to sit down with your
5 counterparts? I guess for all effective purposes it
6 would be the commissioner of this agency even though
7 that's not your title. Do you have the ability to
8 sit down with these folks and say hey, you really got
9 to reign these in because it's costing the city
10 hundreds of millions of dollars more. Or, is that
11 not necessarily of what it is that you do, or is it
12 perhaps someone else's job, but in a traditional
13 corporate model that would be the job of corporate
14 counsel to bring in the agencies head and say hey,
15 you know, we're all supposed to an \$100 million
16 because of your department. What's going on over
17 here? You need to make the following reforms.
18 That's my question.

19 ZACHARY CARTER: Well, even--even in--
20 even in private industry, and I've--I've served on--
21 on public company boards, and--and I've been the
22 Chairman of a compliance committee of one--of one of
23 those boards. So, I--it's not exactly perfect in
24 private industry either, but--but to the extent that--
25 --that we borrow from the private industry model,

2 there's a shared responsibility. To the extent that
3 we discern trends in cases brought against our client
4 agencies, we do the best we can to inform our agency
5 clients of those trends. In addition to that, we've
6 also developed our own internal Risk Management
7 Division that collects information about these trends
8 so that we can provide that information to our client
9 agencies. And the client agencies themselves have
10 developed as the New York City Police Department has
11 developed a--a very robust risk management program
12 with--within--within the New York City Police
13 Department. It takes time before you see the results
14 of those kinds of activities because you're talking
15 about very large organizations--

16 COUNCIL MEMBER GREENFIELD: I get it.

17 ZACHARY CARTER: --and lots of
18 opportunities to interface with the public in ways
19 that give rise complaints.

20 COUNCIL MEMBER GREENFIELD: So my--my
21 final question then is to your knowledge an agency
22 that sees a significant increase in judgment and
23 claims payouts--some of these agencies are 25%, some
24 are 50%. In one case, we had 50%. Are they
25 penalized in anyway? Is there someone somewhere in

2 this city who, you know, hauls them in and says not
3 good. We're losing money. You can't do this, and
4 you need to fix your way. That's really my question,
5 and honestly that's really my concern as opposed to
6 the image I have, which is, you know, we don't have
7 to worry about this because Zachary Carter and
8 Company are going to save our skin.

9 ZACHARY CARTER: Yeah, it's--it's [pause]
10 we being, again to the attention of our agency
11 clients trends that result in liability. Do we have
12 a--a stick? Do we--do we currently have a--

13 COUNCIL MEMBER GREENFIELD: [interposing]
14 Exactly.

15 ZACHARY CARTER: --do we currently have
16 a--a--a budgetary process in which individual
17 agencies are dunned for judgments against those
18 agencies? No, we are--we do not currently have that
19 kind of operating model, and obviously that's
20 something that's been debated for decades, not just
21 in this city but--but in the cities across the
22 country. But I think that there are ways to get
23 agencies' attention because in--in--in--in a manner
24 that results in a genuine reform of practices because
25 most--I mean I don't believe I've ever encountered a

2 commissioner, a client commissioner since I've been
3 at the Law Department who when you bring an--an issue
4 like this to their attention, frankly it's even--not
5 even just about the money. It's about correcting the
6 problem. And I--and I--I believe if you bring--if
7 you bring these matters to their attention that it--
8 that frankly just for no other reason than out of a
9 sense of pride they--they--they are willing to take
10 corrective action.

11 COUNCIL MEMBER GREENFIELD: [interposing]

12 Sure and--

13 ZACHARY CARTER: It sometimes requires
14 resource--additional resources.

15 COUNCIL MEMBER GREENFIELD: And I--and I
16 believe that, and just to conclude, I'm not naming
17 names. I'm just saying realistically there are four
18 agencies that stand out where the payouts have
19 significantly increased in the last five years, and
20 to be air this is--much of this is before this
21 administration was even around. So I'm not blaming
22 this administration. It's simply a matter of
23 highlighting that perhaps there should be some
24 accountability for agencies when it comes to the
25 payouts. That's--that's my point--

2 ZACHARY CARTER: [interposing] Okay

3 COUNCIL MEMBER GREENFIELD: --and I--I
4 appreciate your candor on this subject. Thank you
5 very much.

6 CHAIRPERSON KALLOS: Thank you, Council
7 Member Greenfield for your follow-up on this. So I--
8 I think I'm not the only one just if we can get to
9 the bottom of this and just make sure we're taking a
10 proactive role. And--and even right reactive in
11 certain cases in auditing and reviewing the framework
12 of our agencies. I--it may or may not be a lot to
13 ask, but that may be something that we can do to help
14 minimize our costs. Dave and I are both lawyers.
15 I've been in-house counsel to a system of companies,
16 and been there and gotten them from millions and
17 millions in exposure to having all their cases
18 resolved, and protecting them from future causes of
19 action just by going through. And I've also got a
20 background in employment law just looking at all the
21 lawsuits waiting to happen based on their policies
22 and procedures that were out of date. So is there a
23 commitment from the Law Department to engage in that
24 conversation and work with us to make that happen?

25 ZACHARY CARTER: Sure. Certainly.

2 CHAIRPERSON KALLOS: Thank you. I just
3 want to follow up with some additional questions.
4 With regards to E-filing: there was some press
5 coverage a while ago about the fact that the Law
6 Department does E-filing: in certain instances, but
7 not in others, which was initiated by the state
8 courts. At least the opinion there where are we on
9 E-filing: . What barriers are there to E-filing: ,
10 and what cost savings can we anticipate based on
11 increases in E-filing: ?

12 ZACHARY CARTER: [interposing] All right,
13 with--with--

14 CHAIRPERSON KALLOS: --and that's just
15 with the judiciary.

16 ZACHARY CARTER: Well, I believe we are
17 currently E-filing in Brooklyn, correct? and we have
18 already started the process of E-filing in the Bronx.
19 [background comment] Soon I'm told. Sorry. I don't
20 want to--to get ahead of ourselves. We--we--we
21 anticipate that within this--this Fiscal Year, we
22 will start with E-filing in the Bronx. The--[pause]-
23 -I don't believe--I believe that there will be cost
24 savings in the long-run and E-filing if our
25 experience on the federal side is--is any guide, but

2 those savings won't be realized immediately. Because
3 of the volume of cases that we have in our State
4 Courts, it is impossible currently for us to manage
5 those cases vertically, and the E-filing system
6 generally requires that there be an attorney who is
7 assigned to the matter, and who is--and--and in the
8 system, and that does not necessarily permit that for
9 all of the transactions that happen from the
10 inception of a case until its final conclusion that
11 in terms of the communications with the--with the--
12 with the Law Department that E-filing system lends
13 itself to managing cases where they're not
14 individually assigned.

15 CHAIRPERSON KALLOS: Just in follow up so
16 I once upon a time was--was young, people. Some
17 people say I'm still young, but as a first, second
18 and third year associate there are very few cases
19 that I actually signed the complaint or other
20 documents. And, in fact, it was usually a managing
21 partner that signed everything. So I guess I'm
22 concerned because I believe you have a similar
23 structure where you have junior attorneys to provide
24 us more and more senior attorneys supervised by unit
25 heads. In that case, you could structure it in order

2 to interface with the E-filing system in a similar
3 where everything goes through the--the supervisor's
4 account--

5 ZACHARY CARTER: [interposing] Sure.

6 CHAIRPERSON KALLOS: --even if that
7 supervisor may determine that one piece of it this
8 attorney is working on it, another piece another
9 attorney is working on it. It's provided that as part
10 of their job anyway, they're supervising that work
11 product. They could just file it through that.

12 ZACHARY CARTER: Well, I'm going to defer
13 to Ms. Goode-Trufant. She's in a unique position of
14 having headed the--a special federal litigation
15 division of our office. And so she has experience
16 with a mature E-filing system, but also is
17 knowledgeable out the transition that we're going
18 through in tort to E-filing beginning in Brooklyn.

19 MURIEL GOODE-TRUFANT: We are now set up
20 to do E-Filing in Brooklyn. There was a delay. You
21 are correct, but we put mechanisms in place to do E-
22 Filing in Brooklyn. We're also doing E-Filing in New
23 York County. We're in conversation with the courts
24 in the Bronx for E-Filing of civil cases and we
25 expect that will come on line later this year.

2 CHAIRPERSON KALLOS: What are the cost
3 savings associated with E-Filing?

4 MURIEL GOODE-TRUFANT: We don't expect
5 that there necessarily will be a cost savings
6 immediately because of the mechanism needed in order
7 to do it. Over time in federal practice there has
8 become a cost savings associated with E-Filing just
9 by virtue of the fact that you're serving thing
10 electronically. You're not using mail. You're not
11 copying things. You're not using processed servers.
12 The posting of that document to the electronic server
13 counts as service, and so in that that does save
14 money. But we're not at that point yet in the E-
15 Filing system with State Court.

16 CHAIRPERSON KALLOS: I would be
17 interested in learning what that number is when we
18 get there. The question I've been asking since we
19 started is when Local Law 71 was passed, there were
20 many accusations that would result in massive
21 lawsuits. So last June you told us that there had
22 only been three cases brought under Local Law 71 of
23 2013, a chance to strengthen the City's ban on bias
24 based profiling especially stop and frisk. Have
25 there been any additional cases brought?

2 ZACHARY CARTER: I think we have a grand
3 total of one more.

4 CHAIRPERSON KALLOS: Okay. So, based on
5 the criticism of those laws you are not seeing a
6 pattern of lawsuits based on?

7 ZACHARY CARTER: Absolutely not.

8 CHAIRPERSON KALLOS: That is great news,
9 and I think my--we will send additional questions,
10 but I'd like to just wrap up on nuisance abatement.
11 Last year we provided funding for five new full-time
12 positions to the Office of Special Enforcement to
13 carry out nuisance abatement actions. While these
14 positions are supervised by the Mayor's Office of
15 Criminal Justice, MOCJ, you oversee their legal work.
16 Can you update us on their work especially in light
17 of recent criticisms stemming from a report by the
18 Daily News and Pro Publica and how nuisance abatement
19 actions have sometimes been used.

20 ZACHARY CARTER: All right, the--as a
21 result of the--the recent news reports that brought
22 in--it called into question whether or not residents
23 innocent of any criminal wrongdoing were being
24 provided sufficient due process in the course of
25 determinations as to whether or not they should be

2 summarily excluded from their residences. We have
3 reviewed with the--with the New York City Police
4 Department our practices and procedures. We believe
5 that first of all that as a matter of practice the
6 New York City Police Department was not using ex
7 parte orders to summarily exclude without hearing
8 persons from any residences other than those who were
9 actually determined to be directly involved in the
10 criminal wrongdoing that--that became the basis for
11 the--the closure of what--of a particular residence,
12 particularly an apartment. But in order to ensure
13 that that was not just an issue of the discret--sound
14 discretion, but became baked into the--the process.
15 We will be relying less on ex parte order of closure
16 and more on temporary restraining orders on notice
17 with the department, and only using ex parte orders
18 of closure in those truly urgent situations in which
19 a--a--a condition needs to be--needs to be halted.

20 CHAIRPERSON KALLOS: All right, is there
21 any opportunity for the Law Department to provide a
22 supporting role for HPD or special enforcement or
23 otherwise on dealing with some illegal hotels some of
24 the 200,000 units of affordable housing that aren't
25 being registered or any of the bigger issues where

2 they've gone on a--where they're not being really--
3 where the City is not dealing with the larger problem
4 and we're still doing a thousand here, a thousand
5 there or 10,000 or somewhat? [pause]

6 ZACHARY CARTER: Let us get back to you
7 on--on that individual--that's a--that's a broader
8 conversation. If you're talking about nuisance
9 abatement that's focused on violations of the Penal
10 Law that's what I was just now addressing, and that's
11 what generated the--the--the recent investigative
12 report in the--

13 CHAIRPERSON KALLOS: [interposing] Uh-
14 huh.

15 ZACHARY CARTER: --in the news section
16 with respect--with respect--

17 CHAIRPERSON KALLOS: [interposing] Sorry,
18 I--I was trans listening over to other pieces from
19 the Office of Special Enforcement and then just HPD.

20 ZACHARY CARTER: We will have--we--we--we
21 can follow up with you and provide further
22 information on--on cooperative efforts to--to provide
23 resources to accomplish.

24 CHAIRPERSON KALLOS: Thank you very much
25 for your great work, for your ideological alignment,

2 and for working with us to improve the PMMR, the MMR
3 and the City. We will send you additional questions,
4 and we appreciate that you always send a response,
5 and look forward to working more closely with you,
6 and I know folks are waiting on law--on line. I hope
7 we will have something soon for everyone that they
8 will enjoy, and appreciate your partnership on that.
9 Thank you very much.

10 ZACHARY CARTER: Okay, thank you.

11 CHAIRPERSON KALLOS: Now, I'd like to
12 bring up the Board of Elections. We have Executive
13 Director Mike Ryan and Deputy Executive Director Dawn
14 Sandow. The Board is responsible for conducting all
15 elections in the City of New York. Fiscal Year 2017
16 is nearly [pause] 100 and--[background noise, pause]-
17 -For this Fiscal Year we are looking at an \$88
18 million budget, which includes 480 personal services.
19 I'd like to take a moment to commend the BOE on
20 convening--converting 125 professional employees to
21 full-time employees. It's a great achievement in
22 ensuring the City's workforce has worker protections,
23 and that we are rewarding merit and testing over
24 appointments, and who people know. Because of the
25 nature of elections, Board of Election's Budget can

2 and does vary significantly from year to year based
3 on types of elections, municipal, state, federal,
4 federal post-presidential as this year is the
5 implementation of new voter laws, special elections
6 and other changes in election scheduling many of
7 which occur mid-year. Today's hearing will examine
8 the Board's budgetary needs for the upcoming Fiscal
9 Year, and discuss reforms that could improve the
10 Board's operations and potentially lead to cost
11 savings. I'd like to hear details on management of
12 your co-workers and full-time employees. The Board
13 is preparing for upcoming elections, and what is
14 going to improve election day operations. Please
15 read that to mean no lies on election day. If I
16 could ask the--those at the table to please raise
17 your hand. Do you affirm to tell the truth in your
18 testimony before this committee and to answer
19 honestly the council member questions?

20 MIKE RYAN: Yes.

21 CHAIRPERSON KALLOS: Thank you and we are
22 running late. We apologize for that. It is up to
23 your wish--whether you wish to read your testimony or
24 if you like enter it into the record and get the
25

2 questions or just read key sections of your
3 testimony?

4 MIKE RYAN: I will do a key section.

5 CHAIRPERSON KALLOS: Thank you, sir.

6 MIKE RYAN: [laughs] Yes, Chair Kallos
7 and members of the committee thank you once again for
8 giving us the opportunity to testify before the City
9 Council regarding the Board of Elections, and its
10 operations. Joining me at the table to my left is
11 Deputy Executive Director, Dawn Sandow, and to my
12 right is agency's Finance Officer Gerald Sullivan.
13 I'll get right to the moments that we think are some
14 of our key accomplishments for the--for the past
15 year. Within the last Fiscal Year, the board
16 acquired 3,000 Tablets. This is an effort to bring
17 21st Century technology into the poll sites and to
18 our election day field operations. This will enhance
19 the Board's ability to service the voter, expedite
20 both election day problem resolution and the
21 providing of election night results upon the closing
22 of the polls. In addition, the Administration has
23 been--the Mayor's Administration has been right in
24 the middle of helping us secure 6,000 square feet of
25 new space so that we can effective manage the Tow--

2 the Tablet operation that will house both tech--tech
3 employees that will out--sit there throughout the
4 year as well as the Tablets themselves, and it will
5 double as a location where we can process candidate
6 petitions during petition time. So that will reduce
7 the impact that the petition process has on the
8 overall operations of the Boards by--by confining it
9 to one particular location. We began phasing in the
10 Tablet or rollout in May of 2015. That will run
11 through the next several elections, the April primary
12 the September Primary, the April Primary, the June
13 Primary and the September Primary so that we will be
14 fully operational without question by the
15 presidential primary--by the presidential general in
16 November. In addition, we have secured space in our
17 recently relocated Queens Borough facility to serve
18 as a fully redundant disaster recovery location that
19 will service all of the Board's technology, servers,
20 all of the programs that are necessary to run the
21 day-to-day operations of the Board, and election day
22 operations as well as the electronic voting machines
23 system. All of that is tremendously important in
24 this era of tech security and we're--we're aware
25 that, you know, as a result of prior events that have

2 happened in New York City that power loss in and
3 around elections is potentially very critical. So
4 having two completely redundant disaster recovery
5 facilities on separate electrical grids is--is not
6 only good government and good planning, but
7 absolutely necessary. And in addition to that, we
8 are enhancing our disaster recovery efforts at the
9 borough's main office, at the board's main office in
10 that we are in the process of finalizing being
11 attached to our building's--

12 DAWN SANDOW: [interposing] Back-up
13 generator.

14 MIKE RYAN: --back-up generator. I'm
15 sorry. I had a little bit of a brain cramp there.
16 We have a back-up generator service at the building
17 that we will be attached to. All of this taken
18 together will help process the--not only the office--
19 the agency's responsibilities, but as well as the
20 election night results and election night retention.
21 We have done technological improvements, and
22 enhancement to the Coal Taker program that we use
23 through our vendor, and that will help us provide
24 real time information, and the dispatching of
25 election date issues to field technicians more

2 efficiently. And the prospect that we're looking to
3 address here is the quicker election day problems are
4 identified and communicated, the quicker they'll be
5 resolved and the better we'll service the voters.

6 A major issue that the Board has been
7 confronted with as well as all government is the
8 compliance with the Americans With Disabilities Act.
9 The Board takes this responsibility head on, and we
10 recognize that meaningful access to the voting
11 franchise for all voters and our brothers and sisters
12 in the accessibility community is essential.
13 Consequently, the Board has formed a partnership with
14 the Mayor's Office of Operations to ensure that all
15 of these issues for which there are significant
16 overlap between the Board of Elections and other City
17 agencies that--that bear responsibility for the
18 maintenance and operations of these locations happens
19 in accordance with all relevant federal, state and
20 local requirements both statutory and case law.
21 Clearly, this is not an issue that the Board of
22 Elections can resolve on its own or we do not keep
23 and maintain these facilities. These are facilities
24 that we use temporarily several times throughout the
25 year. So keeping those lines of communication open

2 between the Mayor's Administration as well as the
3 city agencies is--is essential. In addition, we meet
4 regularly with the disability rights advocates to
5 discuss accessibility issues, provide them with the
6 most up-to-date surveys. And our goal here is 100%
7 transparency with the accessibility community so that
8 they not only know what we're doing to--to assist in
9 the voting process, but where impediments still
10 remain so that we can work collectively to resolve
11 those impediments as well. In addition, we have
12 implemented many, if not all, of the recommendations
13 from Election Center, which was a vendor that the--
14 the city board hired to help us with the training and
15 experience. We know that poll workers although are a
16 very temporary workforce for us, are where the rubber
17 meets the road. The better the poll worker are
18 educated, the better we can service the voters, the
19 shorter the lines will be and the better that the
20 overall voting experience will be. As we had stated,
21 we had recently relocated our Queens Borough office
22 with respect to--and we had to do that because the
23 prior lease was up. In the prior lease we were
24 basically retrofitted into an old office that was
25 occupied by a--by a different governmental entity.

2 And in so doing, we were able to acquire a new space
3 that fully and in a modern way, meets the needs of
4 all of the people that need to access the Board of
5 Elections facility both the public and the workers of
6 the Board of Elections. And as stated, it will--it
7 will give us an opportunity to back up our--our
8 technology systems vis-a-vis a--a fully redundant
9 disaster recovery effort. Manhattan Office has--is
10 undergoing a renovation as a part of a lease renewal,
11 and again, we're doing that with a view towards ADA
12 accessibility, and meeting the modern standards of
13 what an office should look like including the more
14 recent office reconfiguration standards that--that
15 by--by New York City. We have upgraded all of our
16 warranties for the electronic voting systems, which
17 obviously are necessary, expensive systems without
18 warranties that fail would be problematic in terms of
19 our ability to put elections.

20 Yes, and--and the other thing that we're--
21 --we're doing, which--which sounds like a little bit
22 minor, but to us is major, is we're going to be
23 piloting the Poll Worker Check-In feature on our
24 tablets for election day. That'll--that'll serve a--
25 a major function once fully implemented, that we will

2 know real time what poll workers have reported to
3 which poll sites, and when you have a full citywide
4 election with 1,241 poll sites, not having to rely on
5 a telephone based system of various poll sites
6 calling in would be a tremendous leap forward, and
7 then on the back end, we'll be able to migrate away
8 from the paper processing of OCR payroll to a more
9 automated payroll. So all the way around that works
10 out well. In terms of our 2017 projects, we've made
11 an effort to base our projections on Fiscal Year
12 2013, the last such comparable election process, and
13 it's always a bit of an issue for us to make these
14 projections because pricing changes over the course
15 of time. In any event, we're looking for a budget in
16 the amount of \$138.5 million, which is in excess of
17 the \$88.4 million allocated in the Preliminary Budget
18 by the Mayor's Office. However, we have become
19 reliant on a very close working relationship with the
20 Office of Management and Budget, and we fully expect
21 that the funding needs will be met.

22 CHAIRPERSON KALLOS: Can--can we
23 interrupt for one moment?

24 MIKE RYAN: You can go right to
25 questions.

2 CHAIRPERSON KALLOS: Well, we--you can go
3 back. I just want to give Council Member Greenfield
4 a quick a question that he wanted to ask.

5 MIKE RYAN: Okay.

6 COUNCIL MEMBER GREENFIELD: Thank you,
7 apologies. The nature of this meeting is we have
8 multiple meetings and I have to go to leadership in
9 two minutes. I--

10 MIKE RYAN: [interposing] I appreciate
11 that.

12 COUNCIL MEMBER GREENFIELD: --I certainly
13 recognize that in the year and certainly since you
14 have come on board, we've seen some considerable
15 improvements and I'm grateful for that. I just have
16 one question I'm really just struggling to
17 understand, which is that it seems like it still
18 takes a fair amount of time get the results. Even
19 when there is most recently a special election, they
20 don't come as quickly as we would like to see them.
21 One would think with the advent of technology, that
22 you can just press a 5 and you'd get the results
23 instantly. It doesn't seem to happen that way. Can
24 you explain why it is that it still takes a little
25 bit of some time to get those results?

2 MIKE RYAN: Certainly. Well, first, I
3 think that the Board quite frankly lagged in
4 embracing the new technology over the course of time.
5 But then what happened was we utilize the Tablets to
6 upload the results from--from the poll sites. The
7 first version that we utilized was a droid based
8 Tablet. We have noticed some hiccups in our
9 transition from the Droid based Tablets to Windows
10 based tablets. For example, in November's election,
11 we had some programming issues that led to the
12 creation of zombie files, which created an artificial
13 crowding of the pathway to get the results to us.
14 That has been resolved. It's been tested and
15 retested, and that's no longer an issue. In--most
16 recently, in the last election that we had in the
17 Bronx, those issues had demonstrated themselves to be
18 resolved. Where we got stuck was a couple of poll
19 sites there was some back and forth amongst poll
20 watchers, and apparently they closed up without
21 loading the sticks, and then the sticks were
22 ultimately loaded back at the--back at the police
23 precinct. So that showed us at 70%. If that was a
24 full--a full borough election, that 70% for the
25 sticks by 9:30, 9:40 would have been up over 95%.

2 COUNCIL MEMBER GREENFIELD: So I guess he
3 question is because I'm staying and I apologize and
4 I'll be back later for some further Gov-Ops hearing
5 is that, you know, the eyes of the nation will be on
6 us in a few weeks. As we do our primaries, are you
7 confident that our percentages are going to go up,
8 and that we're going to get those results early, and
9 we're not going to be embarrassed on CNN?

10 MIKE RYAN: I am and I will be further
11 confident once we get through three primary evens
12 that we have leading up to general to continue to
13 test, the--the theories of how this information is
14 digested technology--from a technological
15 perspective. Because we have to take the raw data
16 in, and then it has to be interpreted by system so
17 that the forward facing piece of it looks nice and
18 pretty, and falls into all the different categories
19 that it needs to fall into. So we are looking at the
20 next three elections as really our proving ground,
21 and if we had this conversation on April the 20th, I
22 think that we'll be more confident and then so on
23 after June and after September.

24 COUNCIL MEMBER GREENFIELD: All right, I
25 mean the timeline worries me a little bit honestly.

2 I'd much prefer that we get things a little more
3 aggressively certainly as it comes towards April, but
4 I understand the challenges that you have. Thank
5 you.

6 MIKE RYAN: No problem and--and I just
7 would like to say for the record that this has been
8 ongoing for the past several elections cycles. So
9 it's not that we're just introducing this in April,
10 and--and hoping and crossing our fingers to be ready
11 for--for November. We have been doing this over the
12 past year, and we're learning with each--with each
13 step and I fully expect that we'll be in good shape
14 for the November. Which I think we're going to be in
15 good shape for the April Primary as well, but
16 certainly you're right, Councilman, the eyes and the
17 ears of the world will truly be upon us in November
18 and you and I share, and perhaps myself more than
19 you, don't want to be embarrassed in--in November,
20 but I think we all share that.

21 COUNCIL MEMBER GREENFIELD: Well, I think
22 they're going to be watching us perhaps even more in
23 April. So, you know, New York tends to be somewhat
24 predictable in November, and a little less
25

2 predictable in April. So I just wanted to flag that
3 as well. Thank you sir.

4 MIKE RYAN: Thank you very much.

5 CHAIRPERSON KALLOS: Did you want to
6 continue your testimony, or do you want to go to
7 questions?

8 MIKE RYAN: Well, I think, you know,
9 we've already gone into the questions. So we may as
10 well go right into the questions.

11 CHAIRPERSON KALLOS: Okay. I just want
12 to get started on the total budget. So Fiscal Year
13 2017 your proposed budget is \$88,376,000.

14 MIKE RYAN: Correct.

15 CHAIRPERSON KALLOS: This down \$140,252
16 in the adopted last year. This current--for this
17 current cycle, for Fiscal Year 6--15 it was \$106
18 million, and going back to 2014, you're at \$116
19 million, and so I'm concerned about receiving an \$88
20 million Preliminary Budget ask. So I guess the
21 question is can you conduct the remaining election
22 event that you have this year on a budget of only \$88
23 million?

24 MIKE RYAN: The short answer to that is
25 no. The longer answer is my experience has been with

2 this administration that the Preliminary Budget is a
3 place holder budget that encompasses all of the
4 agency's absolute iron clad 100% obligations
5 contractual and otherwise, and I fully expect that
6 this election cycle will move along the same lines as
7 it has been since I've been the Executive Director,
8 which--which is we put a placeholder budget in during
9 the Prelim and then we negotiate the balance of the
10 budget for publishing pre-exist--

11 CHAIRPERSON KALLOS: [interposing] A--a
12 placeholder budget is a responsible budget for the
13 full amount of what you expect. It even probably
14 would be--have more pending pull-back, but if you
15 can't operate your agency with \$88 million and we are
16 engaging in a three-year trend of low ball the number
17 so that we can't do oversight at the Preliminary
18 Budget hearing, and then come back with a whole new
19 number at Executive that frustrates the purpose
20 Preliminary Budget hearings and this isn't happening
21 with any of our other agencies. What is the actual
22 number that you need?

23 MIKE RYAN: The--the actual that we're
24 projecting is \$138 million--\$138.5 million. Do you

2 have that budget with you that you can share with
3 committee members and the public.

4 MIKE RYAN: We can get that to you in--in
5 detail, but certainly we have it in notation form,
6 and I would loathe to put that out in--in a summary.
7 At this moment, I would--it--it is very detailed, and
8 I can certainly reply back in writing to the
9 committee in short order.

10 CHAIRPERSON KALLOS: Moving forward so
11 that Preliminary Budget, which I--I have at least one
12 left--on left, if not hopefully more, that you
13 actually come with a number and work with OMB to
14 actually have a real budget instead of a placeholder
15 budget.

16 MIKE RYAN: Again, as--as the Council is
17 aware, this is a partnership endeavor, and I fully
18 expect that we will be fully funded during the, you
19 know, over the next several weeks between now and say
20 the end of April when the Executive Budget is--is
21 finished, and I might also add that we are always a
22 bit of a moving target at the Board of Elections
23 because as you--as you so aptly stated, we do
24 different things depending on the election cycle that
25 we're dealing with. So sometimes we have four

2 elections to deal with. Sometimes we have two. We
3 also have, you know, specialists thrown in here or
4 there, which seems becoming frequent--be becoming
5 more frequent. So, we're not as maybe predictable as
6 some of the other agencies, and I think that causes
7 some of this let's do absolutely what we know we need
8 to do and then take a moment over the next several
9 weeks to reassess the entirety of the budget so that
10 we're making sure that we're not overreaching just
11 for the sake of overreaching to be on the safe side,
12 but that also when we finalize the budget it makes
13 sense not only for us, but for the taxpayers as well.

14 CHAIRPERSON KALLOS: So again to be clear
15 because with the additional comments you've made,
16 it's either \$88 million is not enough for you to run
17 an election or it is the bare minimum and we should
18 just be doing that and go back to the Bloomberg era
19 of completely defunding the City Board of Elections
20 and see what happens to our election process.

21 MIKE RYAN: It is--\$88 million is south
22 of the bare minimum. What--what that encompasses--

23 CHAIRPERSON KALLOS: [interposing] And--
24 and so who set the \$88 million? Was that you or OMB?

25 MIKE RYAN: That is the OMB projection.

2 CHAIRPERSON KALLOS: If OMB ever puts
3 this low a number a gain, I want them here for this
4 hearing so that they can tell me why they think you
5 should be able to work with \$88 million, and why I
6 think it's fair for your agency to play the game of
7 cut and restore, with this administration has
8 commitment to ending the budget dance. The elections
9 and democracy are a little bit too important to be
10 playing these games with. With regard to spending,
11 Mayor de Blasio has announced in January that all
12 city workers will be paid at least \$15 per hour by
13 the end of 2018. Governor Cuomo has been pushing to
14 raise the state minimum wage to \$15 an hour, and has
15 made similar announcements. I support both of those
16 announcements. Is the DOE paying all workers \$15 per
17 hour including poll workers, and the BOE do so? And
18 if so, how much more would it cost.

19 MIKE RYAN: I will--I'll deal with the
20 poll workers first. The--the answer is the poll
21 workers get a flat payment based on stature. As of
22 right now, the poll workers get paid in excess of \$70
23 per day in excess of the statutory minimum of \$130
24 for poll workers, and for coordinators they get paid
25 \$100 more than the statutory minimum of \$200. So

2 we're paying poll workers \$200 a day, and--and
3 coordinators \$300 a day. We have proposed and
4 consistently over certainly since I've been here and
5 before that a raise to \$300 for poll workers and \$400
6 for coordinators, which assuming a \$15 work day would
7 certainly put them north of the \$15 an hour probably
8 into the \$17 an hour range, and then if they happen
9 to get done in less than 15 hours then they could--
10 Yeah, well, I'm sorry.

11 CHAIRPERSON KALLOS: How--how much do you
12 need in the Fiscal Year 2017 year budget to pay for
13 that?

14 MIKE RYAN: In this current Fiscal Year
15 it's \$6,000 correct.

16 GERALD SULLIVAN: [off mic] Just to pay
17 the them the prevailing wage.

18 MIKE RYAN: Right. The minimum would be
19 actually \$7.2 million in excess of--of what we're
20 paying--what we're paying now. So the total poll
21 worker budget would be \$27 million to pay the maximum
22 number.

23 CHAIRPERSON KALLOS: And--and along that,
24 I would love to see the number specifically for \$15
25 an hour versus \$20 or \$17.

2 MIKE RYAN: Now, that's only dealing with
3 the poll workers. With respect to our--our
4 workforce, all of our permanent workers now through a
5 combination of Commissioner authorized raises and
6 contractual raises negotiated in the Collective
7 Bargaining Agreement, all receive in excess of \$16 an
8 hour. Our temporary workers that work either
9 throughout the year or come in seasonally, are
10 slightly less than--than \$15 an hour. They're in the
11 \$14 an hour range. However, we have been working
12 closely in executive management with the
13 Commissioners to come up with a game plan to
14 transition more of our temporary workers that work
15 throughout the year to permanent status, and I
16 believe that there'll be a plan that's finalized
17 before the conclusion of this Fiscal Year.

18 CHAIRPERSON KALLOS: How many temporary
19 workers do you have that have worked than a year for
20 the Board of Elections.

21 MIKE RYAN: Approximately 170.

22 CHAIRPERSON KALLOS: Will 170 become
23 permanent employees or be on track to becoming by the
24 end of this year.

2 MIKE RYAN: That is the goal. However,
3 the Board operates as a quasi legislative entity, and
4 ultimately there will have to be a vote of six
5 commissioners that--that--that concur with that. I
6 can say that a substantial portion of that workforce
7 has already been transitioned from temporary to
8 permanent as was--as was stated, and that his is an
9 issue that the commissioners are taking very
10 seriously. And will be working on from now through
11 the remainder of this Fiscal Year, and the plan is to
12 have a plan in place whether that's all 170 or a
13 significant subset of the 170 in place before the
14 conclusion of this Fiscal Year.

15 CHAIRPERSON KALLOS: Whether we like it
16 or not, the Board of Elections is a place that people
17 pay attention to once every four years, and in
18 between with elections like my own primary or others
19 we have substantially less turnout, and then we
20 occasionally have a year where we will have record
21 turnout hopefully. Good willing we will no longer be
22 49th out of 50 in the country for turnout. What is
23 necessary to make sure that we have no lines, a
24 smooth process where everyone who shows up at a poll
25 site within 15 minutes is in, receives their ballot,

2 takes as much time outside of that 15-minute count to
3 decide who they're voting for, and then gets to cast
4 that vote within that 15 minutes?

5 MIKE RYAN: Well, clearly the training
6 that we have embarked on the, overall--the training
7 process that we've embarked with the Election Center
8 who are nationally renown election experts is a
9 significant element of that. But, I want to be
10 clear. Turnout affects wait time. That's true if
11 you're buying an iPhone and it's also true if you're--
12 -if you're voting. So there does become a practical
13 saturation point beyond which we can no longer
14 guarantee how quickly a line is going to move. So
15 between the training and the added technology that
16 we're bringing to the table vis-a-vis line walkers
17 who are using Tablets, use--utilization of the
18 Tablets at the--at the information table so that we
19 can make sure that people are identified, and get put
20 to their election district an assembly district
21 tables as quickly as possible. That's stuff that we
22 control. Another thing that we're--we're introducing
23 when we sent out our--our annual voter information
24 notices, we're going to have a tear-off card that
25 allows people--if they bring it, we can process them

2 more quickly. If they simply pay attention to the
3 information that we show them, and come to the
4 polling place with the ED AD information, right,
5 they'll know where to go because they're clearly
6 labeled. So, you know, some of this falls to voter
7 responsibility as well, but I can assure this
8 committee that we're doing everything that we can do
9 to--to make sure that it--it happens as quickly as
10 possible. I kind of take it a little bit the other
11 way. We don't want lines. Surely, we don't want to
12 unnecessarily inconvenience people, but an excited
13 electorate that is willing to utilize a half hour to
14 45 minutes of their time to help choose the leader of
15 the free world is a good thing for democracy. It's
16 a demonstration of a healthy and robust democracy,
17 and while we--we all want to have this immediate
18 gratification and--and everybody's impatient, and we
19 want to vote by app on our telephones. Unless and
20 until that happens, we still have these voting
21 centers that people are going to have to go to, and
22 hopefully happily wait online to participate in--in
23 democracy.

24 CHAIRPERSON KALLOS: So--so against that
25 happy line, so that--that--that being said, you are

2 committed to reducing lines and trying to get that
3 wait down to 15 minutes?

4 MIKE RYAN: Absolutely.

5 CHAIRPERSON KALLOS: Okay, along those--

6 MIKE RYAN: [interposing] We are taking a
7 customer service-based approach to--to the election
8 process, and we want to service our customers as well
9 as we can.

10 CHAIRPERSON KALLOS: But what time are
11 the busiest times that people can expect to wait. Is
12 it--is it morning and evening, and then from 10:00 to
13 4:00 it's kind of slow?

14 MIKE RYAN: It--it kind of depends on
15 what borough you're in. By our most recent analysis,
16 the absolute peak time is between 7:00 and 8:00 p.m.
17 in all four boroughs. In four of the boroughs with
18 the exception of Manhattan. Manhattan has a peak
19 time between 9:00 a.m. and--and--and 10:00 a.m.

20 CHAIRPERSON KALLOS: Uh-huh.

21 MIKE RYAN: But there are consistent
22 peaks throughout the day. So I guess it depends on
23 what you're talking about. Are you talking about
24 absolute peak versus rises and falls throughout the
25 day.

2 CHAIRPERSON KALLOS: [interposing] All
3 right, so I--I--

4 MIKE RYAN: The middle of the day is kind
5 of slow for us typically.

6 CHAIRPERSON KALLOS: I think that if we
7 could do split shifts, and then have people to cover
8 the morning and make sure the machines are set up,
9 then we're in good shape for the rest of the day. And
10 then if we have another group of folks that are
11 starting around 4 o'clock to work the evening shift,
12 that puts us in a good shape to have the people we
13 need at the information tables to get that line
14 shortened as quickly as possible, and get people to
15 sign in at their desks. So is there--what additional
16 funding would you need, or what resources do you need
17 so you have both the funding and the people that you
18 need to make the process move smoother?

19 MIKE RYAN: Well, I--I think the
20 resources that we would need in terms of additional
21 poll workers is really getting the information out to
22 people that want to serve as poll workers. We--we
23 budget for 36,000 poll workers because that's the
24 number that we think we need to most effectively
25 serve, you know, the voters of the City of New York.

2 We typically get south of that between four and six
3 thousand poll workers less than that even in our most
4 busy years. So we can't deploy people we don't have,
5 and our workforce is shrinking. So some of the
6 things that we've been looking at and, you know,
7 admittedly we didn't get a tremendous amount of
8 response, but we want to work more closely with the
9 Board of Education and CUNY to get younger people
10 involved, and it--the Commissioners approved this
11 year the utilization of a--students as a poll worker
12 process. But again, we don't control the pool of--
13 of people. We also have endorsed in the past and
14 continue to endorse, and we get the pros--the--the
15 prospects of some difficulty associated with that,
16 but other large municipalities are doing it.
17 Municipal poll workers--the municipal workers as poll
18 workers as poll workers where we would have a
19 reliable kind of go-to workforce that we could then
20 supplement as opposed to--as opposed to just having
21 to, you know, basically, you know, beg for poll
22 workers each election cycle.

23 CHAIRPERSON KALLOS: Does the Board of
24 Elections have an estimated number if we were ask
25 city employees or offer them the options of receiving

2 overtime if they work the evening shift from 5:00
3 p.m. to 9:00 p.m.?

4 MIKE RYAN: Budgetary number or number of
5 employees?

6 CHAIRPERSON KALLOS: Both.

7 MIKE RYAN: Well, the number employees I
8 would say at a minimum if we--if we know we're
9 getting 30,000 workers and we want 36, at a minimum
10 6,000. So we could start with 6,000 and work up from
11 there. In terms of what the cost would be, it would
12 depend on what agency or agencies were pulling from
13 and what the individual salaries are of the employees
14 that have been targeted for participation in this---

15 CHAIRPERSON KALLOS: [interposing] If the
16 Board of Elections can work with the Administration
17 before the Executive Budget to come in on what those
18 numbers would look like, and the types of incentives
19 we can offer city employees to come in as well as
20 what the costs are for CUNY or school workers. And I
21 think to the extent we may have folks from municipal
22 worker labor unions or even the press, it sounds like
23 one of the best things people can do if they want
24 elections to be better is to accept payment and be a
25 poll worker and get things running. Is that correct?

2 MIKE RYAN: Yes, and so far we have gone
3 ahead with pursuing 17-year-old poll workers, and
4 we're also attempting--and this is an opportunity to
5 get the word out--any of the retired teachers union,
6 the police officers, fire fighters, you know, some of
7 our retired municipal workforce may be looking to
8 help us along those lines as well. You know, as a
9 public service certainly it's not a get rich quick
10 scheme by any mean, but--

11 CHAIRPERSON KALLOS: [interposing] I
12 would really appreciate before the Executive Budget
13 just to have a line of--a line proposed that this is
14 our plan. This is how much it will cost in
15 advertising for the jobs. This is how much it will
16 cost in overtime for City employees. This is how
17 much it will cost in terms of additional people so
18 that we have supplemental poll workers to help during
19 rush hour so that we have that 15-minute wait when we
20 need it.

21 MIKE RYAN: Thank you. That's a--that's
22 a wonderful idea.

23 CHAIRPERSON KALLOS: Thank you, sir, and
24 it is a pleasure to work with you in partnership on
25 that. I just want to go--along the item of

2 advertising, will the Board of Elections commit to
3 advertising each and every position that you hire
4 for, including new positions?

5 MIKE RYAN: We do some, as--as this
6 committee is well aware, and each time that question
7 is asked I pose it to the Commissioners, and each
8 time I pose it to the Commissioners they make a
9 decision. I will pose it to them once again, and if
10 I receive instructions that are different from the
11 instructions I've received in the past, then we will
12 certainly go ahead and do that, and, if not, I will
13 be guided by the Commissioner's good sense.

14 CHAIRPERSON KALLOS: We started out
15 relationship with a very long list of something like
16 40 to dos from the Department of Investigations. I
17 think we are down to we can count it on one hand.
18 That was one of them. The other one is doing
19 background checks. Will the Board of Elections begin
20 background checks on employees deemed to need them by
21 the Department of Investigations?

22 MIKE RYAN: The Board, to be clear, is
23 not opposed to that. It--it simply comes down to
24 working out an--and acceptable process, and also
25 determining which employees are employees that would

2 require background checks. Now, you could argue it
3 both ways. You could argue that given the sensitive
4 information that the Board that the board has a
5 tendency to be in possession of, that all of our
6 employees could require background checks. The fact
7 of the matter is that those employees that we're
8 bringing in on a temporary basis to service a given
9 election cycle, the likelihood is those individuals
10 would not get a background check given the timing of
11 when we have to bring them on board. So, it's--
12 unless a process from the city side could be changed
13 to make that significantly expedited from the moment
14 that we identified these folks to the moment that
15 they have to come in. So, I guess you could say we
16 agree with it in principle. It's the--it's the--the
17 devil is truly in the details in how the
18 implementation would happen.

19 CHAIRPERSON KALLOS: To my understanding,
20 when you do a background check that is not on your
21 budget that actually just causes--costs the DOI
22 money, not your agency. Is that correct?

23 MIKE RYAN: And the individual, and--

24 CHAIRPERSON KALLOS: [interposing] How
25 much is it for the individual?

2 MIKE RYAN: Last if--if my memory serves
3 me correctly well the last we spoke about it, it's
4 \$125 fee to the individual. So when you're also
5 talking about people that are coming in seeking a
6 seasonal relatively--

7 CHAIRPERSON KALLOS: [interposing] So
8 for--

9 MIKE RYAN: --low paying job in the--in
10 the grand scheme of things--

11 CHAIRPERSON KALLOS: [interposing] For
12 the 170 people who are going from temporary full
13 time, to the extent those are positions with access
14 to sensitive information or--and I mean non-voter
15 registration, but more sensitive than that, or
16 positions that earn more than \$75,000, could those
17 people and any permanent employee earning more than
18 \$75,000 or any decision making or hiring capacity
19 receive background checks?

20 MIKE RYAN: Well, certainly anyone--I
21 don't see a problem with anyone making \$75,000 or
22 more. With respect to the 170 or so that may be
23 transition, some of these employees have been
24 employed by us for more than a decade. So I wouldn't
25 necessarily support a background check under those

2 circumstances that might jeopardize the employment.

3 The idea is to--to help these folks advance and

4 become, you know, more--

5 CHAIRPERSON KALLOS: [interposing]

6 Agreed--

7 MIKE RYAN: --effective members, which I-

8 -

9 CHAIRPERSON KALLOS: --but with regard to
10 the new employ--new employees, and honestly with--
11 give some of the things that the DOI Report alleged,
12 I think there--there is value to it, but I also
13 wouldn't want to disqualify anyone from going from
14 part-time to--sorry--from temporary to full-time. I
15 think those are all of my questions. We will send
16 additional questions in--in a letter. Thank you for
17 all that you do. I am hoping that our Presidential
18 Primary moves smoothly, that our June Primary moves
19 smoothly, and that you have the additional funds.
20 I'll be looking forward to getting a revised budget
21 from you, and if the Executive Budget numbers are not
22 more reflective of what you actually need, I do
23 expect OMB to be here with you to explain why they
24 believe you need less funding than you do.

25

2 MIKE RYAN: Well, and--and before we go,
3 I would be remiss if--if we didn't take a moment to
4 reflect on where we were and where we are. And I
5 think that is truly representative of the partnership
6 that has been formed with the City Council, and--and
7 with the Mayor's Administration, and--and I believe
8 that all of us collectively are dedicated to ensuring
9 that the voting process works as smoothly as possible
10 for all participants, candidates, elected officials,
11 and most importantly the public.

12 CHAIRPERSON KALLOS: Thank you very much.

13 MIKE RYAN: Thank you.

14 CHAIRPERSON KALLOS: I'd like to now
15 welcome Commissioner and Chief Judge Fidel Del Valle
16 and his staff. The Office of Administrative Trials
17 and Hearings is an independent agency that conducts
18 administrative hearings for city agencies, boards and
19 commissions. OATH oversee the operation of four
20 tribunals: The Oath Tribunal, the Environmental
21 Control Board, the Health Tribunal and very people
22 know this, but the Taxi and Limousine Tribunal.
23 These tribunals hold more than 400,000 hearings
24 annually on a diverse range of issues. An
25 interesting fact on the evolution of our city

2 government is that OATH was once a part of DCAS
3 leading one to ask what wasn't in DCAS at some point?
4 All of the people who are government nerds just
5 laughed. Everyone else is feeling sorry for us.
6 OATH's proposed budget for Fiscal Year 2017 is \$39.9
7 million. Personnel services funding comprises 76.8%
8 of its total fiscal 2017 budget, and provides 263
9 full-time positions. Through the fines and other
10 judgments rendered at various OATH tribunals, the
11 city took in \$141 million in Fiscal Year 2015, which
12 is quite a return on investment. We look forward to
13 hearing your plans to improve operations in
14 particular those ongoing restructuring, your thoughts
15 on the com--on the impact the Criminal Justice Reform
16 Act may have on OATH, updates on your PMMR metrics
17 and budget savings. I welcome you and I know that I
18 will ask certain questions that are outside the scope
19 of your role as a judiciary and finding of fact, but
20 do appreciate your impartiality. And joining us here
21 today, if you could please state your name for the
22 record.

23 JUDGE DEL VALLE: My name is Fidel Del
24 Valle. I am Commissioner and Chief Administrative

2 Law Judge of the Office of Administrative Trials and
3 Hearings in the City of New York.

4 CHAIRPERSON KALLOS: And in a bizarre
5 turn of circumstance, do you affirm to tell the truth
6 in your testimony before this committee and to answer
7 honestly to council member questions?

8 JUDGE DEL VALLE: I do.

9 CHAIRPERSON KALLOS: What's it like being
10 on the receiving end?

11 JUDGE DEL VALLE: [laughs]

12 CHAIRPERSON KALLOS: You may begin.
13 Thank you.

14 JUDGE DEL VALLE: I typically hand in my-
15 -my prepared testimony, but since technology is
16 changing the way it is, when I originally testified
17 before this Council back around 1982, people weren't
18 watching this on the Internet or on--on the City's
19 NYC station, and they don't get to see. So with your
20 permission, I'll--I'll read it into the record, if
21 you'd like.

22 CHAIRPERSON KALLOS: Sure.

23 JUDGE DEL VALLE: Okay. The Office of
24 Administrative Trials and Hearings, OATH. I really
25 like that acronym, is the city's independent

Administrative law court, whose mandate is to foster judicial professionalism, fairness, impartiality, equality and commitment to the integrity of the judicial decision making process. As the City's Administrative Law Court, OATH's function is to provide due process in cases that originate from the city's numerous enforcement agencies in a fair and impartial forum that is also convenient and accessible to the public. The past year has given rise to changes in OATH that have resulted in providing the public with more streamlined, accessible and convenient court that is easier to navigate and understand. We have restructured OATH into two divisions, the Trials Division and the Hearings Division. The Trials Division conducts adjudications within a wide variety of complex administrative matters. In Fiscal Year 2015, for example, the Trials Division resolved 2,724 cases. The OATH's Hearings Division adjudicates a wide variety of summonses. In Fiscal Year 2015, the Hearings Division held over 300,000 hearings. OATH keeps both the public and the enforcement agencies informed of its commitment to providing partial, fair and timely trials and hearings to everyone who

2 appears before our administrative law judges and
3 hearing officers. OATH regularly provides issuing
4 agencies statistics--statistical--sorry about that--
5 statistical data concerning dispositions on summonses
6 returnable to OATH's Hearing Division including
7 dismissal rights. To inform the public, OATH posts
8 quarterly reports containing this data on its
9 website. OATH also provides the City Council, the
10 Public Advocate and the enforcement agencies with the
11 Monthly Dismissal Report pursuant to Local Law No.
12 64. This monthly report provides dismissal
13 information on vehicle-for-hire hearings, health and
14 restaurant hearings, and ECB hearings. ECB has the
15 bulk of--of the hearings that we conduct. OATH--
16 OATH's Dismissal Report indicates the number of and
17 reasons for dismissals. The reasons for these
18 dismissals might include, but are not limited to
19 improper service, defective summonses and, of course,
20 dismissal on the merits. However, as the legislation
21 prescribes, OATH does not provide any analysis or
22 recommendations as to how city agencies could reduce
23 their dismissal rates. We treat enforcement agencies
24 and the city residents equally. While technically,
25 we are a creature of the executive, this is an

2 impartial, unbiased and independent administrative
3 law court where everyone who appears gets a fair
4 shot. In addition to this new report, OATH has been
5 in continual conversations with the Mayor's Office of
6 Operation in our efforts to revamp our RMMR, as we
7 testified last year before this committee. We are on
8 schedule to have a new format and new indicators that
9 better reflect the work of OATH. We look forward to
10 sharing this reporting tool with you closer to its
11 finalization and publication this coming fall. To
12 provide greater equity and fairness and equal access
13 to justice, OATH continues to work to eliminate
14 barriers to obtain convenient hearings for all New
15 Yorkers, and to put the process for small business
16 and residents first. To this end, OATH's Trials
17 Division and Hearings Division encourage greater
18 participation in the administrative justice process.
19 At the Trials Division, administrative law judges
20 preside over more complex trials concerning Article
21 78 Disciplinary Proceedings involving civil servants,
22 zoning matters, seizure cases, license revocations,
23 conflict of interest, board violations, vehicle
24 forfeiture, Loft Law and SRO cases. Also, City Human
25 Right Law violations, lobbyist registration and other

2 regulatory cases and City contract disputes. Legal
3 infraction issues presented at these trials can be
4 complex. For instance, a trial concerning a Loft
5 Board case can involve the participation of 10 to 20
6 witnesses, and voluminous documentary exhibits
7 requiring five to ten days of a judge's time to hear
8 the evidence, and afterwards analyze the law and
9 facts and proposed decision. OATH's administrative
10 law judges serve for years. That's five-year terms
11 that ensure absolute independence and impartiality in
12 the judicial decision making process since judges
13 serve one year longer than the Mayor does.

14 CHAIRPERSON KALLOS: [off mic]

15 [interposing] That's the summons here.

16 JUDGE DEL VALLE: There are currently 10
17 active administrative law judges in the City's OATH
18 Trials Division. As part of the 2,724 resolved cases
19 for Fiscal Year 2015, OATH administrative law judges
20 conducted 1,361 settlement conferences, 333 full
21 trials and 70--97% of the decisions rendered were
22 adopted by City agencies as their final
23 determinations. Through rule making, OATH formally
24 established its Hearing Division and rules and
25 procedures for three different types of hearings at

2 which all hearings and enforcement related summonses
3 are conducted. These hearings are Environmental
4 Control Board hearings, health and restaurant
5 hearings, and vehicle for-hire hearings. Enforcement
6 agencies issued summonses that are known as notices
7 of violation, and are adjudicated at the Hearings
8 Division by hearing officers that include, but are
9 not limited to alleged buildings violations,
10 sanitation violations, vehicle-for-hire violations,
11 restaurant violations, health code violations and
12 many more. As you may be aware, the tribunals that
13 conduct hearings have multiple sets of procedural
14 rulings in different adjudication locations. This
15 makes it inconvenient for residents and small
16 businesses to address multiple violations issued by
17 different city agencies. In Summons, this is
18 residents and small business owners will be required
19 to travel to various locations on different dates and
20 times to have their violations adjudicated. OATH has
21 begun a process of reorganizing various hearing
22 office locations with the borough creating one-stop
23 hearing centers. One-Stop Hearing Centers is part of
24 One Hearing, One Process, One Summons Administrative
25 Justice System Initiative. A One-Stop Hearing Center

2 will provide the public with the ability to address
3 any variety of administrative summonses, or at one
4 location at one time in accordance with one set of
5 rules and procedures. To ensure greater access,
6 fairness and simpler adjudicatory process, OATH is
7 working towards creating a uniform summons that
8 permits individuals and small businesses to deal with
9 one style summons to be issued by city enforcement
10 agencies. These summonses has a--these summonses
11 have a consistent format regardless of what agency
12 generates the summons and irrespective of what law or
13 rule is involved. OATH is also engaging in rule
14 making that will create one uniform set of procedural
15 rules for the Hearings Division as well as one set of
16 forms for use by the public. In 2015, OATH moved
17 it's Queens Health and Vehicle For-Hire forum from
18 two different locations to a new facility at Long
19 Island City. OATH will be working towards expanding
20 the space at Long Island City to include its Queens
21 ECB hearings to create a fully consolidated one-stop
22 hearing center. OATH has been cross-training its
23 hearing officers at the agency's New York City
24 Administrative Judicial Institute, which is a
25 resource center that provides training, continuing

2 education, research and support services for the
3 various administrative law judges and tribunals
4 throughout New York City and actually throughout New
5 York State. The participation in New York's--OATH's
6 New York Administrative Judicial Institute cross-
7 training, OATH hearing officers can adjudicate any
8 type of case that has--that comes up there in the
9 future. Right now, you--you had a year ago hearing
10 officers who were going to hear--hear cases from one
11 particular agency. OATH will have one-stop hearing
12 centers throughout the five boroughs. In addition,
13 OATH publicizes the fact that it will accept and will
14 have translated any document or written defenses that
15 are received in foreign languages at no cost to the
16 respondent. OATH has made the hearing process more
17 convenient by providing multiple ways to participate
18 in the hearing. OATH's remote hearing methods make
19 it possible to contest summonses without having to
20 appear in person at a scheduled hearing. These
21 alternate options include One-Click Online Hearings,
22 Hearings by Mail, Hearings by Phone. In 2015, OATH
23 significantly--significantly expanded the number of
24 and types of cases that can be contested using these
25 remote hearing methods, which permit more residents

to contest violations at their convenience. Examples show that the progress OATH has made in this area includes the follow: 643 new charges that are now eligible for hearing by phone for Calendar Year 2015. 1,343 types of violations that are issued by the Departments of Sanitation, Parks, Environmental Protection, Fire, Buildings and Transportation are now eligible for some type of remote hearings provision and CB hearing. And all types of violations issued to restaurants by the Health Department and filed at OATH for a health hearing are eligible for One-Click Online Hearings. There has been 122% increase in the number of alternative hearings conducted by OATH since Fiscal Year 2012. Additionally, OATH's Hearings Division has implemented the Virtual Hearing Program that utilizes web cam technology for health and restaurant hearings as it moves to improve access to justice to--for individuals and small business owners throughout the five boroughs. Utilizing web cam technology permits enforcement agencies to have their representatives testify from their location irrespective of the location of the hearing. This is important when considered that we will be having hearings in various

1 boroughs held on various charges all in one location.
2 This enables respondents to attend hearings at OATH
3 offices located in a borough in which they live or
4 operate their businesses reduces the time that it
5 would take to wait for an enforcement agent to attend
6 the hearing in person and reduce the adjournment,
7 which would require them to return to another--for
8 another hearing on the same matter. Web cam
9 technology has also been implemented by OATH Hearings
10 Division, vehicles for-hires hearings involving
11 summonses issued by the Port Authority police who now
12 testify while remaining on site at JFK Airport. The
13 cost savings measure no longer requires OATH to staff
14 the JFK location with hearing officers and support
15 staff to adjudicate cases and makes it convenient for
16 drivers many of whom as taxi medallion owners or
17 small business people by requiring that they only
18 appear in person at the vehicle for-hire hearings
19 location in Queens. The use of web cam technology
20 also permits enforcement agencies' representatives to
21 quit and return to the field to conduct their duties.
22 [coughs] In 2016, OATH will be working to expand we
23 cam technology to provide members of the public with
24 the opportunity to contest summonses with the use of
25

2 a desktop computer, Tablet, and mobile devices with
3 great video capabilities. OATH is committed to
4 ensure that all individuals and small business owners
5 have equal access to the Trials Division and Hearings
6 Division by accessible funded the Administrative
7 Law's website. OATH's website already provides
8 access to decision made by the Trial's Division. In
9 conjunction with New York Law School, OATH's Trials
10 Division decisions are posted to the City's
11 Administrative online library that is located on--on
12 the laws school's Center for New York City Law
13 website. OATH's Trials Division decisions are also
14 posted on the Lexis Pathway for public view. OATH's
15 Trials Division also publishes Bench Notes, a monthly
16 periodical highlighting key administrative law
17 decisions at OATH. The website was designed to
18 foster an understanding of the many options available
19 to anyone responding to a summons from the city
20 enforcement agencies. OATH's commitment to provide
21 easy-to-understand instructions is demonstrated by
22 the plain language format of the website. The
23 website also--is also available in 34 languages,
24 which I'm not going to list. OATH's Hearings
25 Division, Ticket Finder search application for ECB

2 hearings is also on the website and permits the user
3 to search for any summons, view and print copies of
4 the summons and learn the summon's current status.

5 OATH is working to expand the Ticket Finder

6 application so that individuals and small business

7 owners will have the ability to search for and find

8 tickets issued by the Department of Health and Mental

9 Hygiene. [coughs] Excuse me. OATH has also made

10 new information on materials available to the public

11 that are designed to help the public develop greater

12 understanding of the process. These informational

13 materials are available in at least six languages and

14 elaborate on subjects that range from an individual's

15 right to get hearing, how to defend cases, and how to

16 open defaults. OATH provides free professional over-

17 the-phone translation services to individuals for

18 either in-person hearings or hearings by phone. Up

19 to 250 different languages including Urdu, Bengali,

20 Creole, Farsi, Punjabi and Favala (sp?) have made

21 accessible to individuals who need translation. And

22 OATH provides free interpretation at hearings 9,332

23 times in 2015 alone. In 2015, OATH hosted and

24 participated in a number of small events across the

25 five boroughs that were aimed at health, and small

2 businesses learn about the city's Administrative Law
3 Court and how it functions. OATH also established
4 the Building of Bridges for Small Business Initiative
5 to establish--to ensure that small businesses
6 throughout the five boroughs are aware of the
7 Administrative Law Court's geographical presence and
8 adjudicatory role in each borough. Through Building
9 Bridges for Small Businesses, OATH provides
10 Educational seminars with a focus on helping small
11 businesses develop a greater understanding of the
12 administrative law adjudicatory process. In the
13 latter half of 2015, we established the center for
14 Creative Conflict Resolution. The Center's mission
15 is to assist New York City government agencies in
16 resolving conflicts that involve city agencies and
17 city employees in a non-adversarial forum. City
18 employees participating in the center's Mediation
19 Program voluntarily and collaboratively work through
20 issues that involve workplace and interagency
21 conflict in a non-adversarial setting resulting in
22 resolutions that are satisfactory and cost-effective
23 for them. The center has used 27 mediation referrals
24 and conducted a total of 18 mediations in 2015. City
25 employees interested in participating in the program

can request mediation at the center by contacting the EEO officer. In 2015, the Center established formal agreements to offer and perform work for its mediation services for the Department of Correction, Police, Fire, Environmental Protection and Human Resources. The center also conducted 15 formal conflict resolution involving ranking agency officials needing assistance with workplace conflicts. Consultations involve a series of meetings, a conflict assessment and strategic design phase and one-on-one coaching and support during the implementation of conflict intervention. Our headcount as we mentioned earlier increased by 10 from 253 employees in Fiscal Year 16 to 263 for Fiscal Year 2017. This does not include a roster of 321, which comprises per diem attorneys who function as our hearing officers at the Hearings Division. OATH adjudicates summonses alleging violations that exclusive carry civil penalties. Cases adjudicated before OATH hearing officers provide the parties with an opportunity to present factual evidence supporting the respective positions with regard to allegations made by enforcement agencies. Summonses issued by enforcement agencies can result in a monetary penalty

2 mandated by applicable laws or rules. The rules
3 governing laws of enforcement agencies that issue the
4 summonses establish the amount of these fines and the
5 penalties. OATH's role is restricted to adjudicated
6 cases and providing fair and impartial adjudication.
7 Moreover, OATH's dismissal rates after a hearing is
8 approximately 36%. OATH affords businesses and
9 residents the opportunity to fight City Hall. It
10 should be noted that approximately 23% of the total
11 number of summonses issued by the enforcement--

12 CHAIRPERSON KALLOS: [interposing] Can
13 you say again, you're--you support that the fighting
14 of City Hall?

15 JUDGE DEL VALLE: Yes.

16 CHAIRPERSON KALLOS: Right.

17 JUDGE DEL VALLE: That's what we're in
18 business for. Have gavel will travel, as it were.
19 It should be noted that approximately 23% of the
20 total number of summonses issued by enforcement
21 agencies are admitted by the responded, that is they
22 plead guilty and are paid without a hearing taking
23 places. Revenue collection in enforcement agent
24 issues--agency issues subsequently arise after a
25 decision. OATH has no role to play.

1 The expected revenue for Fiscal Year 2017
2 from payment of these fines post-adjudication and
3 pre-docket is \$89.5 million for the Hearings Division
4 and ECB hearings; \$30 million for health hearings
5 and \$7.3 million for vehicle for-hire hearings. OATH
6 hearings can be docketed to become Civil Court
7 judgments that is docketed with the Civil Court, and
8 would become a--a court judgment against the
9 individual. However, the process for collection of
10 those penalties adjudicated by--by OATH--excuse me
11 [coughs--is conducted and enforced by the Department
12 of Finance and by the Law Department. OATH's total
13 Preliminary Budget for Fiscal Year 2017 is \$39.9
14 million, which represents an increase of \$1.--
15 approximately \$1.7 million in the current Fiscal Year
16 budget, and it's primarily for collective bargaining
17 and restoration of Fiscal Year 16 budget reductions.
18 OF the \$39.9 million, \$30.6 million is for personnel
19 services that is billed, and \$9.3 million for OTPS,
20 Other Than Personnel Services. Thank you for your
21 ongoing support and continued partnership. I'll be
22 happy to answer any questions you have, and I hope I
23 wasn't too long winded.
24

2 CHAIRPERSON KALLOS: Okay, thank you. I
3 just--I join you in the sentiment that we want to do
4 everything we can encourage and support our
5 constituents in fighting City Hall. This is the
6 people's house. We work for them especially on this
7 side of the building, and apparently over in OATH.
8 So thank you. I wanted to just start off. It
9 appears from your testimony that you've engaged in
10 significant restructuring of OATH, which we fully
11 support here on the Council side. However, we're not
12 seeing that reflected in your budget. The budget is
13 not being organized. According to the new
14 restructuring can we expect the new structure of OATH
15 to be reflected in the budget so we can see where the
16 dollars and cents are being spent on which pieces of
17 the new structure?

18 JUDGE DEL VALLE: One of the wonderful
19 things that you find out about bureaucracy when you
20 start trying to look and try to zip around is that a
21 lot of it particularly in our context and it's not
22 just on--on the budget side, but also the operational
23 side and on the adjudicatory side. What I've learned
24 is that over the last 40 years there have been a long
25 series of ad hoc fixes and work-arounds to make

2 things function. And unfortunately for whatever
3 reason when they do fix or work around, they won't go
4 back and do a permanent fix on--on--on the issue.
5 I'll give you a very quick example, a very simple
6 example. A few years ago when a tribunal was moved
7 into OATH's orbit, there was a--an issue of how the
8 summonses were going to be transmitted from the
9 enforcement agency to OATH, and the computer systems
10 weren't--weren't in sync. So, they had to do it
11 right away. So they quickly came up with a work-
12 around, which as bizarre as it may seem involved
13 their computer system generating paper copies of the
14 summonses, sending it to us, which we then in--had
15 put into our computer to process. That was six years
16 ago, and you would have thought in the intervening
17 six years that somebody would say okay that was--that
18 was--I took care of the quick fix, but nobody fixed
19 it since then. Rather than have this--

20 CHAIRPERSON KALLOS: [interposing] But
21 you fixed it?

22 JUDGE DEL VALLE: We are fixing it.

23 CHAIRPERSON KALLOS: Yes.

24 JUDGE DEL VALLE: We are in the process
25 of fixing that plus a zillion other crazy arcane just

2 on the IT side. On the--on the legal side, we find
3 that, for example, in--we took--in the process of--of
4 creating a streamlined single process where the
5 procedures are the same, the timelines are the same,
6 the deadlines are the same, the forms are the same,
7 we have found a series of some arcane laws that
8 require different procedures for different agencies
9 to follow in just issuing a summons, and we are now--
10 have complied that and expect to be working with--
11 with the Council and--and--and with the help of the
12 Law Department in bringing this--the Blue (sic)
13 Goldberg thing into conformity so we can have one set
14 of hearings rules that are consistent across the
15 board no matter what kind of summons you get from the
16 City of New York. I had hoped that this was going to
17 be a simple straightforward rule making last year,
18 and we, in fact, have a model of rules set up in
19 place. We've already implemented them for the Health
20 Department, which is gung ho on this, but we have
21 some speed bumps to go through in the legislative
22 process to get the whole thing done.

23 CHAIRPERSON KALLOS: So the--correct--so
24 once that's done, you anticipate restructuring the
25 budget to reflect what will legally be allowed?

2 JUDGE DEL VALLE: The budget and the MMR
3 so you can clearly follow the process. Part--

4 CHAIRPERSON KALLOS: Great.

5 JUDGE DEL VALLE: --part--part of the MMR
6 issue was that there were things that made sense 10
7 years ago, don't make sense today and we're working
8 with the Mayor's Office of Operations to bring things
9 up to date. Very few as they want the MMR to be able
10 to rip. So what the changes that occurred this year
11 have a--the contrast--

12 CHAIRPERSON KALLOS: Okay.

13 JUDGE DEL VALLE: --with changes in prior
14 years. So, we're reconstructing some prior years to
15 be able to inject into the--into the report so
16 somebody reading it can understand where the changes
17 are coming from.

18 CHAIRPERSON KALLOS: So on the MMR, we--
19 my staff person brought you a copy of it. On the
20 PMMR there are a number of goals targets that I think
21 were left unset that I think could be set, and
22 targets that were set so far from existing
23 performance that I'm concerned about it. So I think
24 we've talked about this last year. We've had a
25 hearing wit the Mayor's Office of Operations since.

2 Are you able--do--do you feel confident that if we go
3 through the different performance targets that you
4 can change the PMMR measures to reflect actual
5 performance and set bars, set goals and targets
6 within the realm of where you're performance actually
7 is.

8 JUDGE DEL VALLE: In my [coughs]--in my
9 meetings in the last few months with Operations I'm
10 confident we will have a report that more accurately
11 reflects what we're doing. Which--

12 CHAIRPERSON KALLOS: [interposing] Yes.

13 JUDGE DEL VALLE: --I think is the object
14 of the exercise.

15 CHAIRPERSON KALLOS: Absolutely. So
16 along those lines the average time for OATH Trials
17 Division to issues decisions and records closed
18 within business days prior to your administration was
19 at 13.9 days. Since you've come to town, your fiscal
20 year actual is around 5.4, but the PMMR says your
21 goal is 25 days. So either you are doing five times
22 as much work as you're supposed to be doing in case
23 we need to slow things down, or this is a critical
24 indicator we want to move it quicker, and we should
25 set your target from 25, which is five times actual,

2 down to something more realistic to what you've been
3 at, which is ten or lower or even seven or five.
4 What do you--what are your thoughts on it? I can go
5 through all of them, but that's just the first
6 critical indicator.

7 JUDGE DEL VALLE: Well, that critical
8 indicator what is listed as a critical indicator I
9 don't happen to think is a critical indicator.

10 CHAIRPERSON KALLOS: Okay.

11 JUDGE DEL VALLE: But, a predecessor of
12 me actually did. Actually, the--the Trials Division
13 moves very efficiently, and most cases are concluded
14 fairly rapidly once it goes to trial. The time
15 period can be one day where--where a case is
16 resolved. For example, a forfeiture, a so-called
17 forfeiture case, which is really a preliminary
18 hearing to determine whether or not the Police
19 Department can hold onto a car pending they're
20 fighting a forfeiture case in the State Supreme
21 Court, and that's pursuant to a federal--federal
22 court order. I believe it's a federal or a state
23 court order.

24 CHAIRPERSON KALLOS: Uh-huh.

25

2 JUDGE DEL VALLE: I think that--that
3 takes place the same day in one--in practically one
4 shot. On the other hand, you can have a Loft Board
5 case where the trial itself can last two weeks, and
6 then submissions by the parties of documentary
7 evidence can last for a couple of months. And you
8 can wind up in that case after everything is--is
9 brought in for ALJ to evaluate, it could take as much
10 as six months before it--you have a final decision.
11 And you have everything in between whether it's a
12 disciplinary case that the trial lasts two or three
13 days, and there's a decision a month later to believe
14 it or not a dog bite case.

15 CHAIRPERSON KALLOS: So, I--I think just
16 going through the MMR, the other indicators where
17 they could reflect what your actuals is decisions
18 issued within 45 days. Percentage currently have no
19 targets, but you've never been under 90%. With
20 regards to cases adopted by agencies, you've been at
21 100% recently, and never below 98%, you're currently
22 at 96%. The average adjournment time for OATH Trials
23 Division business days has never been above 17 and
24 yet our target is 20. So all these things are
25 variations of quite a lot. With regards to cases

2 processed for ALJ, it's usually around 180. However,
3 it's not longer being measured. On the Service 2,
4 adjudicating agencies' average time from OATH ECB
5 hearing to assignment has never been above six, but
6 the target is 20. And cases decisions issued within
7 45 days of hearing has been at 99 part--99.9%
8 steadily, but no target. And then within regards to
9 your customer service, you've had 100% of the letters
10 and emails responded to see that goal of maintaining
11 that stellar performance, and then core facilities
12 ratings similarly. So, I guess would you be
13 responsive to setting targets more online with actual
14 performance?

15 JUDGE DEL VALLE: On those target test, I
16 did--I did some research on--

17 CHAIRPERSON KALLOS: [interposing] Or
18 finding better targets.

19 JUDGE DEL VALLE: I'm--I'm looking for
20 better targets, and I found out why these targets
21 exist in the first place. You know, it's in the
22 nature of sometimes when you walk into government and
23 you see a process that doesn't seem to make sense.
24 It--it had to have made sense to somebody sometime.
25 Right, the Environmental Control Board ten years go

2 you were going for a hearing--you would get a summons
3 and as for a hearing, you may not get a hearing for
4 two months. And then when you get to the hearing, as
5 I found out, you may not get a decision for a year
6 or a year and a half. So the creation of these goals
7 and standards ten years ago made a lot of sense. It
8 was very critical. Today, you go to a hearing of the
9 Environmental Control Board, and for most hearings if
10 you want to wait a while, you can get the decision
11 the same day. And most of them are--are knocked off
12 by the hearing officer within a week.

13 CHAIRPERSON KALLOS: Well, I--I--I would
14 be reticent to give up on measures that have created
15 a quality of care. I just--with regard to your
16 testimony big on transparency, OATH Trials Division
17 and other divisions have their decisions published
18 through the New York Law School as well as through
19 Lexis-Nexis, would it be possible to make sure that
20 any of your decisions from any of you four different
21 bodies are also just published through our open data.
22 We'd be happy to parlay that relationship with the
23 Department of Information and Technology so that you
24 can just--it automatically gets published to the Open
25 Data Portal.

2 JUDGE DEL VALLE: We--that sounds like a
3 great idea. Well, obviously with 300,000 hearings
4 you don't want to have a full narrative for each
5 hearing. But what we--what I would like to see
6 eventually is for example is recycling summons, a
7 basic simple recycling summons that--that homeowner
8 would get. Have that statistically laid out so that,
9 you know, you can see how many there were received
10 how they were adjudicated, and what--and what was the
11 result of those adjudications.

12 CHAIRPERSON KALLOS: So with regards to
13 whichever division--decisions you're currently
14 publishing, it would just be throwing those up on the
15 Open Data Portal. With regard to the OATH Hearings
16 Division Ticket Finder, that is great. We actually
17 just introduced legislation that's along that same
18 line of creating a--a single sign-on in centralized
19 portals. So, that all those tickets floating around
20 out there that we're trying to clean up through some
21 of the ECB reforms we're working together, people
22 would actually be able to see them because they would
23 all be aggregated in one place instead of apparently
24 what you're see, which is-- So let me just be clear.
25 You're actually having people come in to OATH for one

2 item, and then realizing that they have other items
3 they didn't even know about, and that's why this
4 Ticket Finder is helpful.

5 JUDGE DEL VALLE: That--that--that is
6 one--one reason. Another reason is people call up
7 and didn't realize or at least claimed they didn't
8 realize that any summons would issue--was issued
9 against their--their property, for example, or
10 against their premises saying that they--they never
11 go the summons, and sometimes it's a very simple
12 matter of say Sanitation. They didn't give somebody
13 who's working at a store a summons, a clerk or
14 whatever, and they don't pass it on to their--their
15 super--their boss or their supervisor, and they find
16 out about it after they get some kind of notice that
17 they're in default. Recognizing that part of what
18 we're looking forward to doing is creating a
19 mechanism whereby such defaults can be opened more
20 quickly. You can do it online. You can find out
21 what the allegations were online, and eventually
22 possibly even--even have it adjudicated online by
23 simply submitting the documents online.

24 CHAIRPERSON KALLOS: So from everything
25 you're telling me, the--that OATH is a--a better

2 place to go than the Criminal Justice System or the
3 courts for most things. As you know, the Council has
4 patches of bills aimed at making the Criminal Justice
5 System more just in the city by allowing officers to
6 issue notices of violations, which would fall under
7 OATH's purview. Where are you and OATH on this, and
8 how can the city better support this goal?

9 JUDGE DEL VALLE: [pause] I think we're--

10 CHAIRPERSON KALLOS: [interposing]

11 Actually, and--and along those lines how many people
12 who appear before OATH do it without being
13 represented by Council and would you expect that
14 trend to continue?

15 JUDGE DEL VALLE: At the Trials Division
16 most people are represented by an attorney--by an
17 attorney. At the Hearings Division cases, most people
18 are either pro se, representing themselves or they--
19 they employ an expeditor of some sort to--to dealing
20 with their cases. Part of the reason for that, that
21 is employment of somebody else, particularly in the
22 Summons Division. In the Trials Division you can
23 understand because your--your job is on the line,
24 your business is on the line. You may be put out of
25 business or something like that. At the--at the

2 Hearings Division, which is mostly summonses of one
3 kind of another, and the--the penalties are usually
4 just a fine, the process still remains unruly and
5 convoluted, and most people cannot--have the time to
6 decipher the process and--and the mechanics. Some of
7 the processes [coughs] are admittedly were made
8 unnecessarily complicated by the way the summonses
9 were issued where one agency, for example, issued all
10 their summonses returnable at 8:30 in the morning,
11 and on a single morning you have 140 summonses and
12 140 people appear on summonses for an 8:30 hearing,
13 but the agency only sends four people to prosecute
14 the summonses. And we have convinced that agency to
15 stagger the times that they make summonses returnable
16 so that somebody doesn't come in 8:30 in the morning
17 and at 2:30 on the afternoon they still haven't been
18 gotten to because there's--there's not enough people
19 to prosecute the case.

20 CHAIRPERSON KALLOS: Is there an
21 opportunity within that to allow people to have a
22 window with which to schedule so if somebody ends up
23 with a default appointment time that they're able to
24 log into your system. And if they're not able to do
25 One Click, or by phone or online and Telepresence

2 that they're able to say, you know what, I'll show up
3 on this day and I'll schedule it for this time
4 because it works. So I'll go pick up my kid, stop by
5 OATH, get this resolved. There's an open spot for
6 half an hour.

7 JUDGE DEL VALLE: That is a goal. One--
8 one goal that we--one thing we're already
9 implementing is everybody gets a one-time opportunity
10 as of right for the adjournment and [coughs]
11 hopefully we set up a time that the adjournment is
12 for--for the time that it's convening for the
13 respondent to appear. If you default, you get out
14 one time within 60 days, you're going to get a one-
15 time opportunity to automatically open the default,
16 and have a full hearing on a--on a particular date.
17 Usually a date that works for everybody, for the
18 agency and for the respondent. It's--it's a big
19 change from what existed before where some agencies
20 do--some agency rules have been grandfather in didn't
21 allow you to open up a default without making a
22 presentation of excusable neglect and--and reasonable
23 defense, and of [pause]-- It's an entirely overly
24 burdensome and convoluted process, which is why a lot

2 of people hire an expedited judge to figure these
3 thing out.

4 CHAIRPERSON KALLOS: [interposing] Oh,
5 that's good.

6 JUDGE DEL VALLE: I want to make
7 basically almost irrelevant going forward eventually.

8 CHAIRPERSON KALLOS: Once you've got your
9 vision implemented through rules changes and legal
10 changes, what do you expect the process to be like
11 if we move over some of the Criminal Justice items to
12 NOVs Could you anticipate people able to do it pro
13 se, and seeing a similar dismissal rate, and just
14 having a more substantial form of justice?

15 JUDGE DEL VALLE: I anticipate the
16 process being virtually identical. If you--if you've
17 got a--a summons for riding a bicycle on the
18 sidewalk, or you've got a summons for putting out
19 your--your garbage one day too early, the process
20 should be essentially the same.

21 CHAIRPERSON KALLOS: Okay. With regard to
22 something we've been working since I got elected with
23 is ECB fines. As of November 25, 2015, I believe
24 that had increased to 1.5 billion from 1.5 million
25 outstanding notices of violations up 91 million from

2 June of 2014. What is the number now, and what can
3 the city be doing? I know that this is outside of
4 your role as a judicial piece, but what can we doing
5 to collect on outstanding fines, and I think one
6 piece of it is just how many agencies actually amend
7 their notices of violation once they receive new
8 information?

9 JUDGE DEL VALLE: Any agency can--can
10 amend, and our prod--our new--our new procedures will
11 require they amend. They have to give notice to the
12 respondent. Some agencies don't like the idea
13 because they think it's overly burdensome. I think
14 it's just a matter of fundamentally due process if
15 you know what you're being charged with. There's a
16 lot of flexibility in the proposed rules. For
17 example, sometimes an amendment could be simply a
18 matter of a decimal point on--on a--a section of the
19 Administrative Code. And when he--when--when they
20 enforcement agent filled out the summons he left out
21 a decimal point. But the respondent knows exactly
22 what the violation is supposed to be, and the
23 enforcement agent knew exactly where he was supposed
24 to be, and he defends the--the case accordingly.
25 There's no surprises. If there is a significant

2 change, the--the summons has to be amended and/or
3 withdrawn and reissued correctly. How often does
4 that happen? I can't tell you off hand, but I can
5 certainly get that information .

6 CHAIRPERSON KALLOS: Thank you. As we
7 wrap up, your goal is to have hearing officers who
8 are cross-trained so that they can hear different
9 cases One-Stop, One-Shop, same rules, you show up,
10 and one person will handle all of it instead of
11 having to show up 10 or 15 times for 10 or 15
12 different folks. Has that cross-training started?
13 Has it resulted in savings or--and what is the
14 anticipated shavings?

15 JUDGE DEL VALLE: The cross-training has
16 essentially been completed at this time, and we are
17 going to start moving hearing officers from single
18 agency summonses to multiple agency summonses. What
19 we have found is that with particular summonses,
20 agencies want to have a representative present at the
21 adjudication. So, this where we pull in our
22 technology. Some--some agencies are more responsive
23 to this than others. The Port Authority Police is
24 the most responsive interestingly enough, but
25 essentially we intend to be able to say your--your

2 enforcement personnel can testify by web cam or by
3 phone at the same time on short notice so that the
4 respondent is able to take care of all the summonses
5 at the same time. That is a process that's being
6 worked on right now because there's a lot of
7 mechanical procedural connections on notifying
8 respondents and so forth. However, there are also a
9 lot of summonses, which agencies do not send any
10 representative to adjudicate, and those will be
11 easier to deal with in the one-stop shopping contest-
12 -context.

13 CHAIRPERSON KALLOS: I think just the
14 last question. Compared to the same period last
15 year, the total number of NOV's received by ECB
16 increased by 4,712, although the decisions rendered
17 decreased by about 1,366. Is there a backlog? What
18 types of cases are these, and what can we do as a
19 city to make sure it does not grow, and it's actually
20 eliminating?

21 JUDGE DEL VALLE: Actually, there is no
22 backlog. The differential is a factor of the number
23 of cases that after the summons is issued and filed,
24 are resolved by admission, which is that is somebody
25 who simply pleads guilty by paying the summons.

2 Stipulations, which are--we are seeing more often by
3 agencies, which is the respondent and the agency come
4 to an agreement before there's an actual hearing as
5 to what they--they want the penalty to be or the
6 resolution to be. And cures. Cures are--are cases
7 where a summons is issued by an agency, and the
8 summons is essentially a conditional summons. It's
9 conditioned on the respondent curing whatever alleged
10 violation existed within X number of days, say 15
11 days. If they cure the violation within days, get it
12 certified for--to the satisfaction of the agency, the
13 agency will not prosecute that summons, and
14 essentially, it will be dismissed. And that's--
15 that's--that's the differential. Most, as I said
16 before, most of the summonses that are issued are
17 resolved within--after a hearing within seven days.
18 For example, vehicle for-hire summons are--are
19 resolved the very same day that--that hearing is--is--
20 -is--is conducted. Similarly, most Health Department
21 summonses are resolved the same day. ECB summonses I
22 would say that the vast majority are--are resolved
23 the same day or certainly within five to seven days.

24 CHAIRPERSON KALLOS: [interposing] And
25 so.

2 JUDGE DEL VALLE: So there's no real
3 backlog.

4 CHAIRPERSON KALLOS: That's good to know.
5 So one quick off-topic question, and then I will let
6 you go, and appreciate your testimony. We're--we're
7 looking at ECB violations. We're looking deep at
8 outstanding judgments that have been defaulted upon.
9 We're also looking at liens and money owed the
10 Department of Finance. So if somebody comes into
11 OATH with an order that they have to fix their
12 backflow, or some other physical cure that they need
13 to make, they come to OATH, they pay their fine, they
14 never fix it. How do we make sure that the
15 underlying conditions that are subject to these fines
16 actually get fixed? Where does it get recorded? If
17 it isn't currently recorded in OATH decisions, can it
18 be recorded in OATH decisions that only do they have
19 to pay the fine, but they have to cure the underlying
20 condition in order for that OATH judgment to be
21 satisfied?

22 JUDGE DEL VALLE: This is in the nature
23 of the what I alluded to before. You look at a
24 process, and see how it's working and ask yourself
25 what were they thinking of when they came up with

2 this? It's actually I would say worse than I could
3 describe in this sense. We are talking about in this
4 case a DEP violation back to a preventive. This is
5 an example.

6 CHAIRPERSON KALLOS: It's an example I
7 think you taught me. I didn't know that before you
8 told me about that.

9 JUDGE DEL VALLE: You--yeah, the
10 inspector will find an alleged violation, will issue
11 summons, and the individual get the summons. He
12 would pay the summons, but not correcting the issue.
13 The inspector goes back and sees that it's not
14 corrected. A Commissioner's Order is issued, as I
15 understand it, and it's--say it's ignored again.
16 Then they go--they come back to the Environmental
17 Control Board for a full hearing by the Board to
18 request a cease and desist order from the
19 Environmental Control Board, which is then the people
20 then serve it on the respondent who takes it and says
21 thank you very much, and continues without correcting
22 the issue. Ultimately, DEP comes again, and asks for
23 a Sealing Order, which is and the---the full Board
24 votes on it, all 13 members of the Board, and they go
25 forth and they knock on the guy's door. And at that

1 point typically they fix the thing, and it's now 2 to
2 2-1/2 years later from the initial inspection before
3 they found the violation. Many of those convoluted
4 steps appear to be embedded in practices that stem
5 from items in the Advantage Care or the Charter,
6 which beg to be cleaned up. The process that should
7 be in place, in my opinion, is a process that's very
8 similar to the process for example at Taxi Tribunal
9 where an operator has some safety defect with the
10 vehicle. He's issued a summons and at the same time
11 that he's issued the summons he's given X number of
12 days to correct, say 15 days. And if it's not
13 corrected with 15 days, the decision itself executing
14 and that 15 days later his license is suspended until
15 compliance. If the Environmental Control Board were
16 to issue decisions that you are in violation of some
17 environmental thing whether it's noise, backflow
18 preventives, using illegal fuel or whatever for your
19 boiler system. You pay the fine, and within 30 days
20 it if it's not corrected, the City goes in and puts
21 them out of business. I think despite what some of
22 my colleagues might say that is, from my experience,
23 a great motivator.
24

2 CHAIRPERSON KALLOS: Okay, thank you for
3 the benefit of your experience, to your knowledge,
4 your jurisprudence. For the record, I want that or I
5 want what Commissioner Del Valle said, and I want a
6 city where the ECB Quality of Life Violations mean
7 something, and result in better conditions for our
8 city. Thank you so very much for all that you do,
9 and continue to do, and what you are doing with your
10 agency.

11 JUDGE DEL VALLE: And thank you.

12 CHAIRPERSON KALLOS: My pleasure. We'll
13 now hear from Roy Mogilanski, Acting Director of both
14 Financial Information Services Agency and the Office
15 of Payroll Administration. The Financial Information
16 Services Agency controls and coordinates data
17 processing functions and operations of the City's
18 payroll, accounting purchasing systems, manages the
19 citywide Financial Management System, PMS, generates
20 and distributes reports for accounting and budget and
21 oversight, and provides online access to budget or
22 related data for use by city managers and other--
23 others. FISA also maintains the operational
24 integrity of the Payroll Management System, PMS and
25 the Integrated Comprehensive Contracts Information

2 System, ICCIS. FISA is jointly controlled by the
3 Mayor and Controller as defined by the City Charter--
4 Charter. FISA's proposed Budget for Fiscal Year 2017
5 totals \$105 million including Personnel Services
6 funding of \$50.1 million to support 460 full-time
7 positions. The Office of Payroll Administration is
8 also responsible for the distribution of payroll's
9 accounting, payrolls, the administration of payrolls,
10 deductions, check distribution services and the
11 maintenance of integrity and accuracy of payroll
12 management system in supporting the development and
13 implementation of that system. OPA's proposed budget
14 of Fiscal Year 2017 totals \$17.5 million, including
15 personnel services funding, \$15.6 million to support
16 183 full-time positions. During today's hearing we
17 will exam various aspects of both agencies' budgets,
18 discuss the operations and upkeep of sev--several
19 citywide IT systems, including FMS, the City
20 financial management systems; City Time, the City's
21 timekeeping system; NYCAPS and the City's Human
22 Resources database and the Payroll Management System.
23 We would also like to hear about efforts to convert
24 consulting positions to in-house city positions,
25 details on the plans to co-locate FISA with OPA and

2 details on your capital projects, and spending. I'll
3 ask everyone testifying on this panel to grab a seat.
4 [background comments, pause] So we will swear you in
5 once you're all situated, and so right now we are
6 running 35 minutes behind. [pause, background
7 comments, pause] We have everybody who is planning
8 to read testimony and answer questions?

9 ROY MOGILANSKI: Yes.

10 CHAIRPERSON KALLOS: Okay, if I can
11 trouble you to raise your right hand. Do you affirm
12 to tell the truth in your testimony before this
13 committee and to answer honestly to council member
14 questions?

15 ROY MOGILANSKI: I do.

16 CHAIRPERSON KALLOS: Thank you. Please
17 begin your testimony. As noted, we are running about
18 half an hour behind. To the extent that you can
19 provide excerpts of your testimony, or speed it
20 along, our hope is after you we have the Tax
21 Commission, Department of Records, Board of Standards
22 and Appeals and Community Boards, and I also may have
23 to step out briefly to do a recess for a democratic
24 conference.

2 ROY MOGILANSKI: Good afternoon,
3 Chairperson Kallos and members of the Committee on
4 Governmental Operations. My name is Roy Mogilanski,
5 and I am Executive Director of the Financial
6 Information Services Agency and the Office of Payroll
7 Administration. I'm joined at the table today by
8 Andrea Glick, Deputy Executive Director of
9 Administration, Rose-Ellen Myers, Deputy Executive
10 Director for Citywide Systems and Neal Matthew,
11 Deputy Executive Director of Payroll Operations. The
12 Mayor's Preliminary Budget provides FISA with the
13 resources it needs to support the citywide financial,
14 payroll, human resources and time keeping
15 applications, which we develop and maintain. City
16 officials utilize these applications to carry out
17 their charter mandated activities related to
18 budgeting, financial planning, accounting,
19 procurement, payroll, pension and personnel
20 functions. FISA provides services to various
21 entities through the operation and maintenance of
22 major information systems such as the Payroll
23 Management System, PMS; the Financial Management
24 System, FMS, the Pension Payroll Management System,
25 PPMS and New York City Automated Personnel System,

2 NYCAPS and City Time. FISA provides technical
3 expertise and support primarily to the Office of
4 Management and Budget, the Office of the Controller,
5 the Office of Payroll Administration, the Mayor's
6 Office of Contract Services, the Office of Labor
7 Relations, and the Department of Citywide
8 Administrative Services. FISA ensures citywide
9 systems access and provides technical assistance to
10 all agencies processing transactions in FMS, PMS,
11 PPMS, NYCAPS and City Time. As part of the new
12 obligation for reporting, the Affordable Care Act
13 requires large employers such as the city to file an
14 annual information document with the federal
15 government and to provide a statement known as the
16 1095-C form to each employee reporting whether to the
17 city or for health insurance, and if so, what
18 insurance is offered. FISA OPA worked with the
19 Office of Labor Relations to provide these forms, and
20 report to the federal government on over 325,000
21 employees this year. In January of 2016, Mayor de
22 Blasio issued Personnel Order 2016/1, which offered
23 six weeks of paid parental leave for non-union city
24 workers. OPA and FISA work with the Department of
25 Citywide Administration--Administrative Services to

2 implement this benefit, and to make the required
3 changes to apply the new leave regulations that are
4 used to fund this benefit. In what I believe is a
5 conflict of special interest to this committee, this
6 year FISA began moving select infrastructure
7 components to the Linux based operating system,
8 enabling FISA to benefit from open source software.
9 Components of FISA's Enterprise job schedule that are
10 in City Time, are now deployed on Linux with other
11 applications soon to follow. In order to ensure that
12 these critical citywide systems are optimally
13 available, FISA still needs to purchase Magnum
14 support for the product, but the use of non-
15 proprietary operating systems provides more
16 opportunity for competition. Before providing more
17 details regarding the citywide systems for which FISA
18 and OPA has responsibility, I would like to emphasize
19 that data and physical security are critical areas to
20 focus on for any business operation today,
21 particularly one that has responsibilities related to
22 computer systems containing sensitive information.
23 FISA and OPA take this security obligation extremely
24 seriously, and are continuously vigilant in our
25 efforts to protect the city's and its employees'

2 confidential information. In a related development,
3 as I indicated I would do when we last spoke, I have
4 appointed a Director of the Internal Integrity
5 Control Unit who's responsible for identifying and
6 mitigation procedural weaknesses as FISI--FISA OPA,
7 which could result in disbursement areas related to
8 the many payments made through the citywide systems
9 we operate. This appointment has resulted in ongoing
10 procedural updates that have FISA OPA operate with
11 greater intuitive controls in place. The systems
12 that FISA supports are utilized by tens of thousand
13 of users in the performance of their duties on behalf
14 of the people of our city.

15 I'd like to present an overview of these
16 systems. The Financial Management System, FMS
17 supports the functions required of the Citywide
18 Budget and Accounting System. FMS processes data for
19 inclusion in the city's Financial Plans, Budget, the
20 Controller's Annual Statements and all required tax
21 reports. In Calendar Year 2015, FMS generated
22 approximately 708,000 disbursements valued at
23 approximately \$51 billion. FISA would like to report
24 a positive trend toward greater usage of EFT,
25 Electron Funds Transfer, by vendors and other

2 employees receiving payments from the city. In
3 Calendar Year 2010, approximately 41% of the City's
4 total disbursements were made using EFT. Today, the
5 EFT percentage has grown to approximately 69%. Its
6 greater of EFT is due to a number of complementary
7 initiatives such as City legislation by the Council,
8 which makes EFT the preferred method of payment by
9 agencies, a nominal paper check fee of \$3.50 that has
10 generated over \$1,500,000 for the City since the end
11 of Fiscal Year 2011, and working in conjunction with
12 the City's Department of Finance vigorous enrollment
13 efforts. FISA working with DCAS and MOCS continues
14 to implement procurement improvement initiatives. A
15 current effort is the rollout of online order
16 processing for selected contracts. FISA working with
17 MOCS has upgraded the Pay Information Portal, known
18 as the PIP to include a new feature that allows users
19 to self-identify their businesses as veteran owned,
20 minority owned, women owned or as a worker
21 cooperative. FISA working with MOCS is upgrading FMS
22 to increase small purchase opportunities for Minority
23 and Women-Owned Business Enterprises, MWBEs. The FMS
24 software will default to double the number of MWBE
25 vendors when a bidder's list is generated by an

2 agency. An additional feature will allow agencies to
3 automatically add the remaining MWBE vendors to the
4 bidder's list. FISA working the Office of the
5 Controller, continues to implement initiatives to
6 improve vendor interactions with the City. Projects
7 completed in the past year include the development of
8 E-Signature functionality for W-9 form submission,
9 and a set of usability improvements to the Pay
10 Information Portal. FISA also provides the New York
11 City Controller's Office with payroll, contract and
12 payment data for the Checkbook 2.0 website. We
13 continue to actively provide support as the
14 Controller designs additional functionality and new
15 components with Checkbook. The Debt Management
16 System is the official repository of data pertaining
17 to debt issued by New York City, and the Transitional
18 Finance Authority. The application is used by
19 investment banks, bond counsel and City employees.
20 The DMS application includes over 100 years of
21 historical data. FISA completed the initial
22 implementation and continues to maintain the
23 application and apply enhancements as prioritized by
24 DMS stakeholders. An enhancement is underway to--to
25 DMS to include bonds issued by the New York City

2 Municipal Water Finance Authority. The Payroll
3 Management System, PMS, is the computerized
4 application used to produce the city's payroll. PMS
5 processes over nine million payments for the city's
6 workforce annually by running over 300 pay cycles per
7 year that produce payrolls valued at approximately
8 \$32 billion. Over the past year, FISA has completed
9 several initiatives to move non-payroll functionality
10 out of the Payroll Management System as part of our
11 strategy to update the 30-year-old mainframe based
12 system on which PMS runs. For example, in the past
13 year, the calculation for the payment of uniform
14 allowance has been moved into NYCAPS. Several new
15 web-based entry and inquiry screens have also been
16 deployed enabling the shut down of a number of the
17 mainframe screens. Work--work will continue on this
18 effort in the coming year. The Pension Payroll
19 Management System, PPMS, is used for producing
20 payments to New York City retirees. For Calendar
21 Year 2015, PPMS produced over 3.8 million payments
22 for approximately 317,000 pension recipients by
23 running over 180 pay cycles valued at approximately
24 \$24 billion. FISA manages the distribution of
25 retiree checks, 1099 Forms and quarterly statements

2 to pensioners. FISA is currently working with the
3 Office of Labor Relations to move the payment of
4 Medicare Part B and OMO reimbursements into PPA mask,
5 which will allow for these payments to be made
6 through direct deposit rather than paper checks. The
7 New York City Automated Personnel System known as
8 NYCAPS is a citywide human resources and health
9 benefit system, which processes transactions for city
10 employees and pensioners. In the past year, work was
11 completed to move Department of Education into
12 NYCAPS. FISA is now working with CUNY to implement
13 the employees of the community colleges into NYCAPS.
14 The City Time system is a unified and automated time
15 keeping system, which interfaces with the City's
16 Payroll Management System and NYCAPS to support
17 accurate time and attendance records and payroll
18 calculations. City Time is currently used by other
19 164,000 employees at 89 agencies. FISA continues to
20 be on target to meet the objectives set forth in the
21 FISA Board Resolution of June 2011, which calls for
22 replacement of consultants with City staff. From
23 the time FISA assumed responsibility for the
24 implementation and maintenance of City Time, the
25 number of consultants on the project have been

2 reduced from 71 to 6, which a result in savings of
3 over \$5 million per year. Overall, FISA has
4 tremendously reduce its reliance on consultants. In
5 Fiscal Year 2011, FISA had 194 consultants, and
6 currently has less than 30 consultants in total.
7 FISA continues its efforts to reduce these numbers
8 even further. FISA's staffing for Fiscal Year 2016
9 and Fiscal Year 2017 is an authorized 458 and 460
10 employees respectively. FISA's total January Plan
11 Expense Budget allocation for Fiscal Year 2017 is
12 \$105 million. \$50 million for personnel (sic)
13 services and \$55 million for other than personnel
14 services. FISA's Capital Plan for Fiscal Year 2017,
15 as per the January 2016 Capital Commitment Plan, is
16 \$21 million, and encompasses upgrades to the Data
17 Center hardware and software and infrastructure
18 upgrades for the Financial and HR Payroll Systems.

19 As the Executive Director of both FISA
20 and OPA, I report to two Boards of Directors
21 comprised of the same Mayoral and Controller
22 appointees on each board. Since my appointment, I
23 will be moving forward on plans to better coordinated
24 the interrelated business lines and functions of FISA
25 and OPA, and have implemented what I refer to as a

2 matrix management structure. This synergistic
3 arrangement leverages the talent in both agencies
4 that create unified work teams headed by a manager
5 from either OPA or FISA, and more importantly, will
6 allow both technical and administrative teams to
7 operate most effectively and efficiently as cohesive
8 entities. Reflecting this approach I refer
9 throughout my testimony to FISA OPA as a single
10 operational unit despite their continued official
11 separate statuses. We are reviewing both agencies
12 policies and standard operating procedures
13 identifying the best in class, and implementing these
14 procedures as the standard to be followed by both
15 agencies. It is important to note that the enhanced
16 management structure is being executed after consult-
17 -consultation with the City's Office of Labor
18 Relations and meetings with our union partners. None
19 of these changes will result in any layoffs or
20 demotions. Most of our projects and day-to-day
21 operations are accomplished by the joint efforts of
22 FISA OPA staff and, therefore, our new structure is
23 designed to make our more effective. FISA and OPA
24 are committed to foster a work environment where
25 diversity is highly valued. This commitment is

2 demonstrated by executive leadership, and is
3 communicated through the organization and meetings
4 and posted materials as well as an annual commitment-
5 -annual commitment memo distributed to all staff
6 every December. As a technology organization, FISA
7 faces challenges in hiring historically
8 underrepresented groups in the technology industry.

9 CHAIRPERSON KALLOS: Sorry to interrupt
10 briefly.

11 ROY MOGILANSKI: Yes.

12 CHAIRPERSON KALLOS: First, I need to
13 correct you are not acting, you are official and
14 thank you for that. So, and at about 2:45 I'm going
15 to recess for Democratic Conference. The question is
16 whether you want to just go through this. We'll
17 recess for half an hour to 45 minutes and do
18 questions, or if you want to do questions now?

19 ROY MOGILANSKI: If--if you'd just like
20 to do questions that's fine.

21 CHAIRPERSON KALLOS: And anyone who is
22 watching online, and I actually know there are people
23 watching online, this is all--the testimony will be
24 scanned in, and available for the general public. We
25 apologize for that. I do want to thank you, and I do

2 appreciate the use of free and open source software,
3 and using the Linux Operating System. There are a
4 number of people all over the world who will be happy
5 to hear that the city is making greater efforts on
6 that. With regard to the City Time Consultants, as
7 of March, 2015, FISA had reduce the number of
8 citywide consultants from 83 to 6. How many
9 consultants are there now, and have been the cost
10 savings from consultants reductions, do these cost
11 savings take into account all PS expenditures for
12 full-time employees, e.g. pension and overtime?

13 ROY MOGILANSKI: We are still at six
14 consultants. There are some skill sets that are very
15 difficult to replace in the city, and that's how
16 we're continuing the effort. As I mentioned--

17 CHAIRPERSON KALLOS: [interposing] And
18 you were not able to just bring them in as W-2 and
19 pay them as City employees for their same skill set?

20 ROY MOGILANSKI: In the majority, if not
21 all, of the cases, they're being sponsored by the
22 consulting firm that we're hiring them through. So,
23 in--as opposed to the City sponsoring directly to get
24 their green cards. So while we are making an effort
25 to--when they become--when they can legally become

2 employees of the City, we absolutely make offers to
3 them to come on board.

4 CHAIRPERSON KALLOS: Okay, so they are--
5 they are green--they are green card holders and
6 they're--sorry, go--

7 ROY MOGILANSKI: [off mic] They're H-1B
8 Visas.

9 CHAIRPERSON KALLOS: They're on H-1B
10 Visas--

11 ROY MOGILANSKI: [interposing] Right

12 CHAIRPERSON KALLOS: --and how do we--how
13 do we convert them to city employees since they're
14 helping maintain our critical infrastructure?

15 ROSE-ELLEN MYERS: One of the other
16 things we're doing is we are trying to get rid of
17 some of the extra programs that make up City Time,
18 and just simplify the software application
19 infrastructure so that--

20 CHAIRPERSON KALLOS: Do--do we own the
21 City Time Code?

22 ROSE-ELLEN MYERS: Is there an
23 opportunity to release that under free and open
24 source software license so that the broader global

2 community can benefit from it, and help us improve
3 the code base.

4 ROY MOGILANSKI: The free entry, yes.
5 We'd--we'd have to look into the details about it,
6 and see we wouldn't--we couldn't do that.

7 CHAIRPERSON KALLOS: That would be
8 amazing to see the--the planet benefit from our
9 investment, and then incidentally other cities being
10 able to improve as part of our code base, and provide
11 it back to us. Within--with regards to cost overruns
12 in an effort track down budgets with large scale
13 capital projects, the Council passed Local Law 18 in
14 2012 requiring the City to notify when a capital
15 contract over \$10 million is modified and increases
16 in cost by 20% or more. What's your understanding of
17 the characteristics of the project that has cost
18 overruns and what does such a project look like in
19 terms of its budget?

20 ROY MOGILANSKI: Right now, we have no
21 projects that are over \$10 million. Certainly that
22 has been changed. We are certainly supportive of the
23 City's efforts over the past years to reign in IT
24 contracts. We--we follow the Directive 31 from the
25 Controller's Office in that any consultant still

2 remaining for FISA and OPA does not report to another
3 consultant. It reports to the city employee. Any
4 contracts we will do, we have them and we will do,
5 are--are no longer time and materials. They're just
6 specific scope of work for a specific dollar amount
7 to take away the incentive for vendors to drag it
8 out, and have the cost go up. So, we are in complete
9 agreement, and in cooperation with the rules set
10 forth by the Council and the Controller.

11 CHAIRPERSON KALLOS: With regard to--

12 ROY MOGILANSKI: I'd like go back there,
13 Councilman, to answer your question before about the
14 savings from City Time.

15 CHAIRPERSON KALLOS: Yes.

16 ROY MOGILANSKI: It's over \$5 million a
17 year all-in.

18 CHAIRPERSON KALLOS: Oh, great.

19 ROY MOGILANSKI: Since--since we were--we
20 were fully staffed with consultants to what we have
21 now, it's a cost reduction of over \$5 million a year.

22 CHAIRPERSON KALLOS: Thank you. With
23 regard to alternate of the data center in last year's
24 fiscal--sorry, Executive Budget, capital funding
25 totaled \$33.2 million. For your ADC scheduled for

2 Fiscal Year 2017, [background noise] but it was
3 pushed up to 2020. Tell me about the alternative
4 data center. What's it for? What will it do? Why
5 was it pushed out so far? How often does a FISA
6 capital project get pushed through Fiscal Years out?
7 And then similarly, when we're talking having a back-
8 up computer facility, when something can be built in
9 the Cloud, you end up with a situation where even
10 with the Amazon services you build the
11 infrastructure, you build the service. You create a
12 virtual server that has very minimum abilities, and
13 it's literally using one 1 CPU round every second,
14 and you're paying a penny a second and then if
15 something goes down, you can scale it up to a full
16 fledged mega server in--with the abilities of a
17 mainframe and then you pay for that time. And then,
18 when you're done with and your server comes back,
19 your--your system comes back online, you can then
20 reduce it back to a very small virtual server that's
21 just there.

22 ROY MOGILANSKI: A couple things related
23 to our Disaster Recovery and Alternate Data Center,
24 since last year, we've revised our plan. The initial
25 plan was for FISA to build basically a duplicate of

2 its current data center in Manhattan at an alternate
3 site. We reviewed that and decided it was really not
4 necessary. It was overkill. What our current plans
5 are now is we are a tenant in DOITT's Alternate Data
6 Center in New Jersey. So we've scaled back our plans
7 there considerably.

8 CHAIRPERSON KALLOS: The City of New York
9 has a data center in New Jersey?

10 ROY MOGILANSKI: It's a--an alternate
11 back-up site because it makes sense not to be on the
12 same electrical grid in the same area. There are lot
13 of good operational reason--reasons to be---

14 CHAIRPERSON KALLOS: You learn something
15 new everyday.

16 ROY MOGILANSKI: Okay. So we--we are not
17 duplicating our effort. The--the Data Center Capital
18 Push-out was actually out to Fiscal Year 2022, which
19 is five years away. In the interim, we have
20 developed recoverability at our Alternate Data Center
21 for the Internet facing applications that the City
22 runs now such as eHire, an employee self-service.
23 And we think that we are in a good situation using an
24 IBM facility for our mainframe up in Sterling Forest,
25 New York. And Councilman, I agree with what you said

2 that the Cloud is a great place to disaster recovery,
3 to do back-up. Unfortunately, we still run
4 mainframes, and mainframe is not available in the
5 Cloud, mainframe functionality. We are in the
6 process of evolving off of the mainframe, but until
7 that happens, we have to go with the traditional more
8 traditional old style kind of disaster recovery. So
9 we have that for our mainframe facility in Sterling
10 Forest.

11 CHAIRPERSON KALLOS: What--what's--what
12 operating system are your mainframes running?

13 ROY MOGILANSKI: Z--

14 ROSE-ELLEN MYERS: [off mic] ZOS.

15 ROY MOGILANSKI: ZOS.

16 CHAIRPERSON KALLOS: Okay, I'll take a
17 look at it. The great thing about virtual servers is
18 now you can--and is it risk or what kind of
19 information architecture is the processing unit
20 using?

21 ROSE-ELLEN MYERS: What?

22 ROY MOGILANSKI: Risk, NIPS? (sic)

23 ROSE-ELLEN MYERS: Yeah. [off mic]

24 [pause]

25

2 ROY MOGILANSKI: We can get back to you
3 with the service.

4 CHAIRPERSON KALLOS: Because I'll work
5 with you to see whether or not the Cloud can support,
6 because with Virtual Server technology, you can throw
7 in a layer between the intel base processor, and the
8 operating system that's operating in a virtual
9 environment, and you may be able to rotate
10 instruction sets. I think. I'm not sure. I'll
11 double check based on what's out there, and we have
12 now out-nerded anybody. [laughs] Okay, on lump sum
13 funds and electronic data processing EDP equipment
14 lump sum project line, current year budget line, and
15 outlayers operates as a holding code in FISA's
16 budget. Funding is transferred from this line as
17 needed, are identified in Fiscal 2016-2019
18 Preliminary Capital Plan commitments total \$75.5
19 million. What projects will this money fund. What
20 savings could be associated with these projects?

21 ROY MOGILANSKI: Basically, the--the
22 majority of that money is for normal upgrades and
23 hardware and software replacement cycles going
24 forward. Additionally, there--it's money for
25 application development and enhancements for our

2 existing applications, FMS, PMS, PPMS. So there's
3 no--in--in those dollar amounts there's no specific
4 new major IT initiatives. It's more of a normal
5 functioning and upgrades of our system--current
6 systems.

7 CHAIRPERSON KALLOS: If--if you can
8 provide a breakdown of which systems and just to be
9 clear, what is your timeline for evolving off of the
10 mainframe and onto more modern systems?

11 ROY MOGILANSKI: Well, for PMS we're--
12 we're--we're getting there. What we're doing is
13 we're carving off portions of the Payroll Management
14 System and putting the functionality in either the
15 NYCAP system or the City Time system, nether of which
16 runs on a mainframe. So we're hoping within the
17 next--I don't have an exact timeframe. The next
18 couple of years to be retire the PS and that system
19 off the mainframe altogether. Also the other
20 mainframe system running is--is a portion FMS. We're
21 working with the Office of Management and Budget to
22 upgrade the functionality and to evolve off that
23 system as well. Again, I don't have--

24 CHAIRPERSON KALLOS: [interposing] Off of
25 FMS or off the mainframe for FMS?

2 ROY MOGILANSKI: Off the mainframe, off
3 of the mainframe.

4 CHAIRPERSON KALLOS: So--so moving from
5 FMS2 to FMS3 hybrids. Do you just pull off FMS3 or
6 are we talking FMS4?

7 ROY MOGILANSKI: Well, FMS3. Well, FMS4
8 is not.

9 CHAIRPERSON KALLOS: Okay, so we'd be
10 moving to the full--full server. So we'd be moving
11 off the mainframe into that FM3. We'd be--we'd be
12 moving to a COTS system that CGI offers to all of
13 their vendors, or would we still be using the FMS3
14 functionalities.

15 ROY MOGILANSKI: It remains to be seen.
16 I think we're probably a--a large portion of the FMS3
17 functionality as well.

18 CHAIRPERSON KALLOS: Okay. Will--will
19 doing--I'm working on a small project on FMS, and
20 we'd like to work with you. If you can touch base
21 with my counsel Shamika and our team. We would like
22 to work with you on adding further transparency to
23 FMS.

24 ROY MOGILANSKI: Absolutely.

2 CHAIRPERSON KALLOS: Thank you very much.
3 Sorry to interrupt your testimony. Do you want to
4 finish it?

5 ROY MOGILANSKI: No, that's okay. I can
6 give you--I'll give the other half of it. (sic)

7 CHAIRPERSON KALLOS: You've got it.
8 Thank you very much. We have Democratic Conference.
9 It was scheduled as a last minute. We are going to
10 recess for half an hour to 45 minutes. Next up is
11 Tax Commission, DORIS, Board of Standards and Appeals
12 and Community Boards. We apologize for running late,
13 and we will be doing our best of keeping people in
14 touch, and we will recess. [gavel] [pause for
15 recess]

16 CHAIRPERSON KALLOS: The Tax Commission
17 is responsible for conducting hearings on appeals for
18 real property tax assessments determined and
19 released. Each with the Department of Finance, the
20 agency is responsible for reviewing applications,
21 where exemptions are sought but denied by DOF. The
22 Tax Appeals Tribunal conducts hearings to resolve
23 disputes between taxpayers and DOF regarding business
24 income, excise taxes and other with the exception of
25 the New York City Real Property Tax. The Fiscal Year

2 2017 Preliminary Budget for OATA totals \$4.8 million
3 including \$4.5 million personnel services funding to
4 support 41 full-time positions. Of that, personnel
5 services total \$2.9 million. It was allocated to the
6 Tax Commission for 28 positions and \$1.3 million is
7 allocated for the Tax Appeals Tribunal for 13
8 positions. Today, we will discussing OATA's annual
9 reporting performance as well as resources
10 considering that the office has seen more than a 20%
11 increase in applications since 2008. If you could
12 please affirm to tell the truth in your testimony
13 before this committee and to answer honestly to
14 Council Member Question.

15 ELLEN HOFFMAN: I do.

16 CHAIRPERSON KALLOS: Please begin your
17 testimony.

18 ELLEN HOFFMAN: Good afternoon, Chair
19 Kallos and member of the Committee on Government
20 Operations. Thank you for inviting me here today to
21 address you and for the opportunity to discuss the
22 Tax Commission's current operations and future plans.
23 As you stated, the Tax Commission was combined with
24 the Tax Appeals Tribunal in 2007 under the Umbrella
25 of the Office of Administrative Tax Appeals. Annual

2 property tax asses were the basis for property tax
3 levy, the city's largest source of revenue. There
4 are over one million parcels of real property in the
5 city. Each year the Department of Finance sets
6 tentative assessed values, which are reflected on the
7 Tentative Assessment Roll that's publishes in January
8 for the fiscal year beginning the following July 1st.
9 The Tax Commission is the City's independent forum
10 for administrative review of New York City real
11 property tax assessments set by the Department of
12 Finance. The Tax Commission's mission is to ensure
13 the determinations of property tax assessment
14 protests are made effectively, fairly and
15 efficiently. Under state and local law, each
16 property owner has the right to an administrative
17 review of its independent--individual property tax
18 assessment. After the Department of Finance
19 publishes the Tentative Assessment Roll, and owner or
20 other party with legal standard who believes the
21 property is incorrectly assessed may seek review by
22 the Tax Commission by filing an Application for
23 Correction. Tax Bill's Tribunal established under
24 the charter in 1989 similarly serves as an
25 independent forum for administrative of notices

2 issued by the Department of Finance relating to City
3 administered taxes other than the property tax. I
4 will reading the rest of my testimony, and go
5 straight some performance information since you have
6 the text of it in front of you. Since 2011, a fee of
7 \$175 applies to applications for properties with an
8 assessed value of \$2 million or more. That
9 equivalent that's equivalent of a market value of
10 about \$4.45 million for properties in Tax Classes 2,
11 3 and 4 or over \$33 million for properties in Tax
12 Class 1. The Tax Commission will not review an
13 application if the fee is not paid. However, the
14 fee does not apply if the applicant or representative
15 waives review of the application before it is
16 scheduled for hearing. The fee is collected as part
17 of part of the property tax billing. In 2015, the
18 filing fees bill totaled approximately \$1.75 million.
19 In addition to providing property owners an
20 independent forum for review of their property tax
21 assessments, the Tax Commission helps the city
22 maintain the integrity of the property tax assessment
23 rolls, the sound and equitable allocation of the
24 property tax burden and promotes public confidence in
25 government and the tax system. A fair and efficient

2 review process is essential to reducing costly
3 litigation assessment disputes. Appropriate action
4 by the Tax Commission resolves many claims, but might
5 be further contested through court proceedings
6 Article 7 of the Real Property Tax Law, which costs
7 additional time and resources for property owners and
8 the city. As a condition of accepting Offer of
9 Reduction from the Tax Commission, property owners
10 must agree to discontinue all pending judicial
11 proceedings for prior years. This benefits the city
12 by eliminating thousands of pending Article 7
13 proceedings. To the extent the Tax Commission
14 resolves property owner's owner prior to publication
15 of the Final Assessment Roll in May, property tax
16 bills issued in July can be based on the correct
17 assessed values. Under the City Charter, the Tax
18 Commissions consist of a present six commissioners
19 appointed by the Mayor with advice and consent of the
20 City Council to staggered six-year terms. The
21 President is the head of the agency, and serves full
22 time while the six commissioners serve part time.
23 Each member of the Tax Commission must have at least
24 three years of business experience in real estate or
25 real estate law. Additionally, the City Charter

2 requires that the Tax Commission must include at
3 least one resident of each borough. I was appointed
4 President of the Tax Commission as of August 4th,
5 2015 to complete a six-year term ending January 6,
6 2020. Currently, there are two part-time tax
7 commissioners whose terms end in January of 2018 to
8 holdover part-time commissioners whose terms ended in
9 January of 2016 and two current vacancies with
10 efforts to fill those positions are being undertaken.
11 During 2015, the Tax Commission had a staff of 28
12 full-time employees plus three part-time Tax
13 Commissioners and three additional part-time hearing
14 officers. Under the Charter, the Tax Appeals
15 Tribunal consists of three commissioners appointed by
16 the Mayor for staggered six-year terms. Tribunal
17 Commissioners must have--must have been admitted to
18 the New York Bar for a minimum of ten years, and have
19 substantial knowledge and experience in the area of
20 taxation. This is also the Administrative Law Judge
21 Division. ALJs must have been admitted in New York
22 for a minimum of five years. In 2015, the Tax
23 Appeals Tribunal had a staff of ten full-time
24 employees including three administrative Law Judges,
25 and until June of 2015, three Tribunal Commissioners.

2 There currently is one Tribunal Commissioner vacancy
3 that we expect to be filled soon. In addition to
4 their work on tribunal matters when time allows, the
5 ALJs and Tribunal Commissioners are designated by the
6 Tax Commission President to serve as hearing officers
7 for Tax Commission matters. Under the umbrella of
8 the Office of Administrative Tax Appeals, I currently
9 serve both as President of the Tax Commission and as
10 President and Commissioner of the Tax Appeals
11 Tribunal as did my predecessor.

12 The current inventory of cases at the
13 Tribunal is 92 including 86 cases pending before the
14 ALJ Division and six pending before the Tax
15 Commissioner. In 2015, the Tax Commission received
16 52,767 applications covering 196,303 separate tax
17 lots having an aggregate assessed value over \$190
18 billion. This represents, as you stated earlier,
19 more than a 20% increase in applications since 2008.
20 The hearings were started in the first week of April
21 and run into November. In 2015, the Tax Commission
22 provided substantive hearings on 27,541 applications
23 and granted over \$5 billion in assessment reductions
24 yielding an estimated \$573 million in tax relief. In
25 conjunction with its disposition of 2015

2 applications, the Tax Commission also obtained
3 discontinuances of almost 17,000 pending judicial
4 review proceedings. That's compares to 635
5 proceedings resolved in 2015 through court
6 settlements or trials illustrating that the Tax
7 Commission's administrative review has been and
8 continues to be the most effective means of resolving
9 pending judicial proceedings. In 2015, the Tax
10 Commission also received 183 applications protesting
11 the denial or reduction of non-profit exemptions.
12 These matters require additional outreach to those
13 claiming exemption, in-person hearings and extensive
14 documentation of the exempt status of the
15 organizations, and use of the premises. Many of
16 these organizations are not represented and do not
17 have professional staff. So we spend a considerable
18 amount of time explaining the requirements for
19 exemptions and how to present the facts needed to
20 prove their claim. The Tax Tribunal ALJs and
21 Commissioners generally conduct these hearings
22 because they often involve legal as well as factual
23 issues and require more extensive written
24 determinations.

2 In 2015, the Tax Commission received 743
3 applications for review of denials and revocations of
4 personal exemptions including STAR, Enhanced STAR,
5 Senior Citizen, Disabled Veteran and Clergy
6 exemptions. Beginning in 2012, the Department of
7 Finance asked the Office of Administrative Tax
8 Appeals to conduct hearings on protests of penalties
9 asserted for failure to file real property income and
10 expense statements with the Department. In 2015, the
11 Office of Administrative Tax Appeals received 75
12 protests of such penalties. An important part of the
13 Tax Commission's preparatory work in conducting--is
14 conducting public outreach session on the application
15 process. Last year, we conducted 12 joint sessions
16 with the Department of Finance including at least one
17 morning and one evening session in each borough.
18 This part February we held 13 such sessions, which
19 attracted an average of over 100 attendees at each
20 session. In addition to assist them in answering
21 questions, we conducted information sessions for
22 staff of City Council members and for the 311 call
23 center staff. The Tax Commission receives hundreds
24 of requests under the Freedom of Information Law each
25 year. Some requests related to independent

2 properties and some are--ask for large volumes of
3 data to be provided in an electronic form. We were
4 advised by the Law Department that FOIL requires us
5 to put data into a format requested if possible, even
6 if it is not maintained by the Tax Commission in that
7 format. Depending on the nature of the request,
8 either Tax Commission IT Staff must take the time to
9 compile the data request and convert it into the
10 desired format, or other staff must manually locate,
11 review and make hard copies of requested material
12 from the paper files. FOIL compliance require
13 adherence to statutory deadlines. So the necessary
14 staff must be pulled from other tasks. FOIL does not
15 permit compensation for the time of staff, for the
16 cost of data processing done by agency staff. We can
17 only charge 25 cents per page for copying. In 2015,
18 the Office of Administrative Tax Appeals received 222
19 FOIL requests, most of which were for Tax Commission
20 information. Looking forward to 2016, one
21 significant challenge that the Tax Commission faces
22 is the ongoing Finance Department project to replace
23 its mainframe property tax computer system. Because
24 all of the Tax Commission's computer systems are
25 integrated with those of Department of Finance, they

2 also will be replaced as part of this project. We
3 have been meeting regularly with Finance staff and
4 the vendor developing the new system to ensure that
5 the new system meets our needs. The challenge will
6 be testing the new system and eventually switching
7 over to it without disrupting the annual review
8 process.

9 In 2016, the Tax Commission will be
10 exploring the feasibility and efficacy of electronic
11 recordkeeping for Tax Commission records. At my
12 confirmation hearing last July when asked what plans
13 I might have for improving the Tax Commission's
14 operation, I mentioned doing something about the
15 thousands of paper files. Currently, paper Tax
16 Commission files occupy over 100 on-site filing
17 cabinets. Our document retention schedule provides
18 that the Tax Commission's files are retrained on-site
19 for six years and thereafter destroyed. Electronic
20 recordkeeping would enable quick document access by
21 the Tax Commission hearing officers; eliminate
22 misplacement of paper files; allow for simultaneous
23 use of files by multiple hearing officers; permit
24 electronic retrieval of documents for FOIL
25 compliance; enable data capture from scanned

2 documents and prevent the loss of documents due to
3 fire or other catastrophic events through use of
4 Cloud data storage. Thank you for your attention,
5 and I'm happy to answer any questions you may have at
6 this time.

7 CHAIRPERSON KALLOS: Thank you. I also
8 have electronic records in my office. We have one
9 filing cabinet with three drawers, only one of which
10 we use. Along those lines, in order to do that, we
11 actually ask people to submit things to my office
12 electronically. Are you moving towards electronic
13 submissions and applications so that you can do it
14 through eFile system?

15 ELLEN HOFFMAN: There are two obstacles
16 to that. One is that we require nortarized
17 signatures. So would have to come up with a plan to
18 substitute some sort of verifiable signature.

19 CHAIRPERSON KALLOS: [interposing] Would
20 that--

21 ELLEN HOFFMAN: The Charter requires that
22 kind of a signature. So it would require a Charter
23 amendment.

24 CHAIRPERSON KALLOS: [interposing] It's
25 the Charter, okay.

2 ELLEN HOFFMAN: The major problem would
3 be that the--right now all our computer systems are
4 being replaced by the system that finances
5 developing. So until we can know that that system is
6 up and running properly to have electronic filing
7 that would then feed that data into that system, that
8 system needs to be in place first.

9 CHAIRPERSON KALLOS: So you would support
10 a Charter amendment that eliminated the notarization
11 requirement in favor of an affirmation and a digital
12 app.

13 ELLEN HOFFMAN: So that it would at least
14 authorize us to use an electronic equivalent of a
15 notarized signature.

16 CHAIRPERSON KALLOS: Perfect. Do you
17 know what that would be in terms of like--

18 ELLEN HOFFMAN: Not exactly, no.

19 CHAIRPERSON KALLOS: A credit card--
20 credit number plus identity is--plus the name should
21 be sufficient.

22 ELLEN HOFFMAN: [interposing] But the IRS
23 has an EFile equivalent that you can use as
24 signatures. So I'm sure it's--not a major obstacles.

2 CHAIRPERSON KALLOS: So, in--in your
3 testimony and my opening we both indicated that
4 you've seen a 20% increase in applications. However,
5 you've not seen a 20% increase in your budget. How--
6 how do you intend to handle the increased
7 applications? How many of those applications are
8 people who have been denied before, and are applying
9 again? And what resources do you need in order to
10 continue to function in the way that you do?

11 ELLEN HOFFMAN: We--since the--actually,
12 shortly before 2007 when the Tribunal was converged
13 with the Tax Commission, Tax Tribunal staff had also
14 been utilized to help take care of those
15 applications. So we've had increased utilization of
16 cross-utilization of staff to hearing the cases. We
17 have implemented a program to encourage
18 representatives to pass on applications that don't
19 require merits here, and immediately be-- Filing with
20 the Tax Commission is a prerequisite to going to
21 State Court, and maintaining a State Court proceeding
22 is a prerequisite to getting a prior year's review
23 from the Tax Commission. So there are cases where
24 the representatives file with us in order to preserve
25 those year as part of future negotiating mechanism

2 with the Tax Commission. So we do get over 10,000
3 passes upfront on the applications, and an additional
4 8,000 were passed at the hearing.

5 CHAIRPERSON KALLOS: Okay, that is
6 helpful to know. The last but not least is when will
7 the 2015 Annual Report on the website?

8 ELLEN HOFFMAN: It is on the website as
9 we speak.

10 CHAIRPERSON KALLOS: Great. We will send
11 additional questions. Thank you for your time and
12 your patience. We're sorry for running late. At
13 this time we're going to recess between 15 minutes
14 and half an hour. Next up is the Department of
15 Records and Information Services. [background noise]
16 Okay.

17 ELLEN HOFFMAN: Thank you.

18 CHAIRPERSON KALLOS: Thank you. [gavel]

19 [pause for recess]

20 [sound check, pause]

21 [gavel]

22 CHAIRPERSON KALLOS: I now bring the
23 Governmental Operations Committee out of recess. The
24 Commissioner of the Department of Records and
25 Information Services serves as the Chief Archivist in

2 the Librarian and Records Office, Officer for the
3 Mayor, Borough President and City Council, DORIS is
4 composed of municipal archives, a visitor center,
5 City Hall Library and Municipal Records Management
6 Division. DORIS operates record storage facilities
7 in two locations with a combined capacity of one
8 million cubic feet, and provides records management
9 services to 50 city agencies, 10 courts and the five
10 district attorneys' office. DORIS preserved and
11 provides public access to 20--221,000 cubic feet of
12 historical valuable city records, and photographs and
13 a unique collection of more than 354,000 books,
14 official government reports, studies and other
15 publications. DORIS provides educational programming
16 and has welcomed over 7,000 people from around the
17 world in the Visitor Center since opening in May
18 2012. DORIS' proposed budget for Fiscal Year 2017
19 totals \$7.3 million including \$3.4 million in
20 personnel services funding to support 51 full-time
21 positions. Today, we'll discuss progress on DORIS'
22 Open Record Initiative, its vital contract, PMMR
23 metrics and agency records reporting to DORIS. If
24 everyone testifying on this panel will please raise
25 your right hand. Do you affirm to tell the truth in

2 your testimony before this committee, and to answer--
3 answer honestly to council member questions.

4 [off mic] Yes.

5 CHAIRPERSON KALLOS: Perfect, and please
6 turn on your microphone, and give your testimony.

7 PAULINE TOOLE: Okay, it's working. Good
8 afternoon Chairperson Kallos and members of the
9 committee who guess will watch it on TV, and the
10 staff. As you know, and Pauline Toole, the
11 Commissioner of the City Department of Records and
12 Information Services commonly known as DORIS. Today,
13 I'm joined by key staff Naomi Pacheco, who is the
14 Director of Administration; Ken Cobb, the Assistant
15 Commissioner; Terence McCormick, our Director of
16 Records Management, and Sylvia Kollar, the Munic--
17 Municipal Archivist. This is the third time I've
18 appeared before you to discuss the Preliminary Budget
19 for the agency. During the past two years, the
20 department has been developing the capacity to
21 fulfill our charter mandate to preserve and make
22 available government information both from the past
23 and the present. Each of our three divisions have
24 made great strides during the past year, and are
25 positioned for continued improvement. Our mission is

2 to foster civic life by preserving and providing
3 access to the historical and contemporary records of
4 New York City government to ensure that city records
5 are properly maintained following professional
6 archival and record management practices and to make
7 materials available to diverse communities both
8 online and in person. A proposed funding increase of
9 \$508,326 in the current fiscal year supports our
10 Archival Record Management and Technology Programs
11 and is expected to continue in the upcoming fiscal
12 year. The Preliminary Budget provides a total fiscal
13 year 2017 allotment of \$7,362,524 for operating
14 costs, which includes personnel funding of a little
15 over \$3.4 million, and OTPS funding of nearly
16 \$4,3.953 million. The full-time headcount has
17 increased by seven from 44 city funded positions to
18 51 city funded positions. The preliminary plan
19 represents an increase of \$1,174,000 for our agency
20 from the current spending plan funding. DORIS also
21 received \$492,732 in direct grants during the current
22 fiscal year. This includes \$200,000 for
23 administering the \$1 million annually in Local
24 Government Records Management Improvement Fund
25 Grants, called LGRMIF, that are allotted to city

2 agencies. There's \$11,913 for the Municipal Library
3 to preserve historical 19th Century Annual Reports to
4 the city's Almshouse and Welfare Departments.
5 \$74,961 to continue preserving historical New York
6 Police Department photographs. The agency also
7 received two federal awards, \$125,000 from the
8 National Endowment for the Humanities to digitize
9 selected historical photographs from the NYPD
10 collection. This is a funding supplement to the
11 state grant, and \$92,771 from the National Historical
12 Publications and Records Commission to preserve the
13 original admission and discharge ledger volumes for
14 the Almshouse and related institutions. And we
15 recognize that the total grant funding may seem small
16 in comparison to other agencies, but for us it is an
17 enormous amount, and the two--the grants mentioned
18 are really quite prestigious, and have drawn a lot of
19 additional attention to the agency. In the past two
20 years we more than doubled the quantity of reports
21 available to the public online via the Government
22 Publications Portal from 7,287 to 14,799 currently
23 and growing. In 2014, only 48% of agencies have ever
24 submitted electronic reports to the portal, and as
25 you may recall, that wasn't 48% consistently. It was

1 over the period of the portal's existence. That was
2 the total. Now, we have reports from every agency,
3 and the librarian developed and is constantly
4 refining a schedule showing the reports required by
5 Local Law, and the timing of such reports. She
6 shared this information with each agency, and uses it
7 to remind them to submit reports. Last year I also
8 reported we were embarking on another Information
9 Service Initiative creating an Open FOIL platform
10 that would be phased in during this current fiscal
11 year. And just last week the beta version of the
12 portal launched with eight agencies participating.
13 We plan to roll out our .1 version shortly, and will
14 continue to make improvements in subsequent point
15 releases. And contrary to some views, the FOIL
16 Portal is very popular with city agencies. The IT
17 staff met with key personnel from 41 additional
18 agencies, and have set an on-boarding process in
19 which ten agencies or so would be added every few
20 weeks with the next batch set to start on March 21st.
21 In keeping with the agency's efforts to use
22 technology in fulfilling our mandate, DORIS is
23 utilizing social media to provide access to the
24 City's records, amplify the reach of our original
25

2 public programming agenda, and the Women's
3 Activism.nyc initiative, and to foster connection
4 with communities who may not be aware that DORIS
5 holds a piece of their history. In the last three
6 months of 2015, the agency met its goals increasing
7 our following on Facebook and Twitter by 25% and
8 launched a hugely successful Instagram page at NYC
9 Archives. With regular content such as At This Day
10 in History, Tweets and Women's Trailblazer Wednesday
11 posts, the agency has carved out a niche on each of
12 our platforms, which caters to those interested in
13 the city and its history.

14 Records Management. In November 2015,
15 Mayor Bill de Blasio issued an updated mayoral
16 directive on record management. The directive set
17 goal of largely converting to electronic records
18 management in recognition of the fact that most city
19 records are now born digital. The directive required
20 every agency to identify a direct report to the
21 agency head, who would oversee the initiative. As we
22 convert to electronic record management and storage,
23 we're reducing the volume of paper records stored by
24 city agencies at an approximate annual cost of \$20
25 million. Working with DOITT in a series of meetings,

2 we gave vendors the opportunity to demonstrate their
3 technology solutions, and agencies to define the
4 features that they desired in a records management
5 system. City agencies are adopting updated records
6 retention schedules largely based on the applicable
7 schedule set by New York State. But the good key,
8 the key to good record management will be involving
9 all city employees in the system. That may seem like
10 a tall order. It really is only applying common
11 naming and sorting procedures to our electronic
12 records just as we did for generations with paper
13 records. To that end, we are developing online
14 training that all employees will need to take.

15 The Municipal Archives are home to the
16 city--city government's historical records. The
17 staff have begun to close gaps in our holdings.
18 Archivists identified 15 agencies that never had
19 transferred historical records to us, and 24 agencies
20 for which there are gaps in the historical
21 collections. Efforts are underway to close those
22 gaps, and acquire these records in either paper or
23 digital formats. While this effort is underway, the
24 archivists continue to preserve and make available
25 increasing numbers of collections online including

2 nearly one million images drawn from photos, maps and
3 architectural drawings. The most recent edition to
4 our online gallery, which is www.archives.nyc is an
5 exhibit of materials related to slavery and
6 Manumission selected from several of our collections.
7 The gallery also features some of the items currently
8 on display in the Lower Manhattan Expressway exhibit
9 as well as documents from our previous exhibits,
10 Women Make History. We have sponsored several events
11 linked to the exhibits including film screenings,
12 book talks, a preview of the new opera, a Marvelous
13 Order, based on the story of Robert Moses and Jane
14 Jacobs. In our most recent partnership 12 New
15 Yorkers are working with the Moth Community Project
16 to refine their stories of community preservation and
17 development, which will be broadcast in early April
18 from the archives. During the current fiscal year,
19 DORIS has improved operations, expanded the
20 availability of government information online, and
21 expanded access to the city government's historical
22 materials. Thank you.

23 CHAIRPERSON KALLOS: Thank you. Last
24 year's Preliminary Plan you contained baseline
25 funding--

2 PAULINE TOOLE: You can tell I came here.
3 (sic)

4 CHAIRPERSON KALLOS: Last year's
5 Preliminary Plan contained a baseline funding for two
6 open Freedom of Information Law. FOIL staff to lead
7 the planning and development of an open portal
8 platform, which you mentioned in your testimony. If
9 you can tell me about how that software is licensed,
10 how much it cost you to build, and how long it took
11 versus if you had gone with procurement, another
12 opportunity. And, I think you referenced it, but if
13 you can please share how many people are using it,
14 and how many agencies.

15 PAULINE TOOLE: In the Open FOIL Portal,
16 well the portal just launched so it's going to be
17 kind of difficult to say how many people--how many
18 members of the public are using it, right. But we
19 use an open source software that initially had been
20 developed by Code for America, and it required
21 substantial revisions to scale up for New York City.
22 We didn't have to pay for the software because it's
23 open source, and just there. Developers have, you
24 know, posted the code in GitHub. They're posting, as
25 they will continue to do. The cost of the

2 initiative, you know, it's--it's also supported by
3 DOITT and, you know, there's a cost, a server cost
4 that DOITT has. I don't know what that is, but our
5 cost was basically the time for our development staff
6 and our project manager. Those costs and we just
7 recently brought on a QA person who will continue to
8 do--will do QA throughout the next stages of
9 development. But if you--you--I can quantify the
10 staff costs, but it's Naomi.

11 CHAIRPERSON KALLOS: Is it--is it less,
12 more--more or less than it would have cost to go
13 through procurement and buy proprietary software and
14 then pay millions of dollars a year to relicense it
15 every year for software you already purchased.

16 PAULINE TOOLE: Right. I don't know
17 those costs. We didn't even explore doing--going
18 through procurement to acquire a--a platform. I
19 think DOITT had done some assessment of different
20 options, but it was clear that we wanted to pursue
21 the open source solution, and that's where our energy
22 lay, and--

23 CHAIRPERSON KALLOS: With regard to the
24 Vital Contract, the difference in OTPS expenditures
25 between Fiscal 2016 and the current budget is

2 primarily attributed to additional funding for a
3 Vital Records contract. Can you speak to that?

4 PAULINE TOOLE: We can--and I may turn it
5 over to Assistant Commissioner Cobb. We have Vital
6 Records, birth, death, and marriage records, and
7 began a process when DORIS was still a partner--was
8 still a subsidiary of DCAS to digitize those, and in
9 the prior fiscal year we completed using the DCAS
10 funding, and for this fiscal year, we received
11 funding to continue the digitization, and some
12 portion of the funding was derived from our revenue
13 that's generated by selling birth, death and marriage
14 certificates to people.

15 CHAIRPERSON KALLOS: Thank you. With
16 regard to Local Law 11 of 2003, which I think you
17 reference in your testimony, which requires the
18 agencies to send all reports done pursuant to Local
19 Law or Executive Order to DORIS, and for DORIS to put
20 such--post such reports, how many agencies send their
21 reports to DORIS, and do you have a report that you
22 can share with us so we know whether or not these
23 reports are even being filed. And I'm assuming these
24 are filed--reports that come from the Council as
25 well.

2 PAULINE TOOLE: You know, or to the
3 Mayor. It depends on how the law is written. Yes, we
4 can certainly share with you the schedule I refer to
5 in my testimony. So the--the library staff can
6 screen the code and charter to identify reports by
7 agency, and has asked the agencies to submit those
8 reports. We do have every agency with some version
9 of the reports in the portal, and continue to build
10 that, but we'll be happy to provide the list to you.

11 CHAIRPERSON KALLOS: Perfect and then
12 just in terms of on your website it would be under
13 the Municipal Library or Government Publications, or
14 where would I find those reports?

15 PAULINE TOOLE: The Reports on Government
16 Publications.

17 CHAIRPERSON KALLOS: The reports are
18 under Government Publications and so those are for
19 like the Local Law 18 Report on contract overruns, or
20 the Local Law whatever on-- And then how often does
21 that get updated? Do you get it in real time when we
22 do, when--when the City Council or the Mayor gets it
23 or do you get it at some pre-determined time
24 afterwards?

2 PAULINE TOOLE: Well, the law sets the
3 timeframe for the agencies to provide the reports to
4 the Librarian. We know before 2014 that was pretty
5 much honored in the breach, with the exception of the
6 City Record and the City Planning Department. Now,
7 due to this constant sort of remembering I have to
8 turn this in, we're getting reports more frequently.
9 We update the portal daily. So whenever we get stuff
10 in we have to check the meta data and make sure it's
11 accurate, and then it goes up.

12 CHAIRPERSON KALLOS: I'm on the
13 Government Publications Portal. I just did a search
14 for Local Law in hopes I'd pull a Local Law report,
15 and I'm getting zero results. I know we're in beta,
16 and I support beta. So if we can work together so
17 that we can--

18 PAULINE TOOLE: [interposing] Right, but
19 Local Law, everything is the Local Law if the Council
20 does it, right. So it--it probably is not the best
21 search term I would think, right?

22 CHAIRPERSON KALLOS: Theoretically it
23 would be--be comprehensive. It might get me a lot of
24 results, but hopefully it would.

2 PAULINE TOOLE: Well, I wouldn't think
3 that they would use Local Law as the Meta Data.
4 They would use the title of the report, the agency
5 that produce the report, the timeframe of the report,
6 and the--that's what would--those are the fields that
7 would be searched.

8 CHAIRPERSON KALLOS: I just did a search
9 of city records and got zero results.

10 PAULINE TOOLE: Well, that's unusual.
11 Maybe refresh.

12 CHAIRPERSON KALLOS: Hmm?

13 PAULINE TOOLE: Maybe refresh.

14 CHAIRPERSON KALLOS: Okay, well, we'll--
15 we'll deal with it later, but I think is something
16 that we're keen to work with you on. With regards to
17 the Preliminary Mayor's Management Report I try to
18 spend a little bit of time on that. The last time we
19 met you had agreed that there should be municipal
20 targets, and you said you were working with
21 Operations to make changes to the 2015 PMMR. Out of
22 the 22 indicators, 11 have no targets. As of this
23 year, out of 23 indicators, the same, 11 remain
24 without targets. Where are you with regards to the
25 targeting, and then just going through some of the

2 PMMR indicators, it looks like some places in terms
3 of records the digitation and preserved, you're ahead
4 of schedule for the four month actual by a factor
5 ten, and which means that it could theoretically be a
6 factor of 40 for the actuals. And then in other
7 places related to responding to requests, we're
8 actually a little bit far from the mark by taking
9 twice as long in certain places. So, can we set
10 goals within--set more goals and set them in--to
11 correspond to some of our actual performance
12 measures?

13 PAULINE TOOLE: [pause] We are working
14 with Operations on revamping the--the goals and
15 making the targets realistic. We can certainly
16 continue to work on that.

17 CHAIRPERSON KALLOS: Is there additional
18 budgeting that we need to provide for DORIS in order
19 to provide you with the resources you need to respond
20 to records requests within the targeted dates?

21 PAULINE TOOLE: Well, I'm going to turn
22 this over to Assistant Commissioner Cobb because he's
23 the expert on our--our MMR reporting. Let the
24 Commissioner come in.

25 ASSISTANT COMMISSIONER COBB:

2 CHAIRPERSON KALLOS:

3 ASSISTANT COMMISSIONER COBB: Okay, one
4 of the--the targets that you mentioned with digita--
5 the--the publication, the Digitization Project, the
6 number is gigantic, the number is gigantic this year
7 because we're in the middle of a special project, as
8 the Commissioner mentioned digitizing the birth,
9 death and marriage certificates. That ends at the
10 end of the fiscal year. Next year our number will go
11 back to what we call normal. So although we can--we
12 can make adjustments so it reflects reality, we have
13 to look at the long term sometimes.

14 PAULINE TOOLE: And in terms of the
15 resources, you know, we're--in the Photo Division we
16 were down--we had a dip in staff, and then we had a
17 huge increase in requests, and it's unclear whether
18 or not that is a spike, or whether that's going to be
19 this consistent number of materials requested. And
20 as we analyze that, we may need additional resources,
21 but not at this point. And in the Reference Room as
22 the digitized objects become available to people,
23 it's so much easier. We will not require as much
24 reference from staff at all.

2 CHAIRPERSON KALLOS: So you're--I think
3 your agency does great work, and so I'm trying to be
4 delicate here. So within--regards to like Vital
5 Records requests, in FY15 it was 21 days. Your FY16
6 actual is more like 8-1/2. The target is 12. That's
7 on Goal 1B on the response time for photo requests,
8 and it seems like most of these things should all be
9 available online. So the response time should
10 actually be zero because it's instantaneous. It's
11 been 17.2 and in your FY16 Four Month Actual, it's
12 21. The target is 15. So just trying to make sure
13 that as we're doing it, we either can give you the
14 resources or you've got a plan for how to get out
15 from under the delay. This is from somebody who got
16 criticized in the press because I think we were two
17 days late on responding to FOIL request that required
18 us to go through 150,000 documents.

19 PAULINE TOOLE: I am sorry about your--
20 about that situation. You know, just on the point
21 these are available online, but--but they're
22 watermarked because this is our revenue stream
23 producing high quality photos, and high quality
24 birth, death and marriage records creates a bit of a
25

2 revenue for the agency. So--and yes we will look at
3 how to bring--how to meet the targets.

4 CHAIRPERSON KALLOS: Or--or change the
5 targets, but I think--

6 PAULINE TOOLE: To make them realistic.

7 CHAIRPERSON KALLOS: Absolutely.

8 PAULINE TOOLE: Okay, so noted.

9 CHAIRPERSON KALLOS: [pause] You had
10 mentioned about engaging communities differently.
11 How--can you tell us just a little bit about any of
12 your work that you're doing. Maybe this would be
13 something you might want to add in the measure of
14 like what kind of outreach are you doing? I was
15 talking to somebody and was just I have to go to a
16 library to find a photo. I was like oh, you should
17 check out DORIS. The typical response is always
18 what's--what's DORIS, who's DORIS and it's the
19 Commissioner. It's the name of the agency.
20 [laughter] But, how--how are you engaging
21 communities differently?

22 PAULINE TOOLE: We're--we're--we're doing
23 such good work. The staff who handles this is really
24 superb, and they're doing it on top of the other work
25 that they do. So we have this really interesting

2 exhibit on the Lower Manhattan Expressway, which, of
3 course, wasn't built, and it explores is a--in a room
4 this size there's a construction of what the exhibit--
5 -what the highway would be like. So it towers over
6 you and it's bright green and it has our historical
7 tax photos, and it's brought in this whole group of
8 New Yorkers that if they went to the Municipal
9 Archives, it was 20 some years ago. If they came to
10 DORIS it was even decades earlier. So the--sort of
11 the more traditional planning groups like RPA and
12 Municipal Art Society are sort of rediscovering the
13 agency, and that's kind of neat. We have a really
14 great outreach project with a community Bedford
15 Stuyvesant where we're going to make available images
16 from that community over time at an event they have
17 in the summer to sort of bring them and engage.
18 Around the Lower Manhattan Expressway Project we had
19 lots of book readings and preview of the opera, and
20 that brought in a whole different group of people.
21 Around the Women's Suffrage Five-Year Centennial, we
22 had this big event Remix at Cooper Union with--

23 CHAIRPERSON KALLOS: I--I--I would love
24 to work with you to try do some engagement with the
25 Community with council members perhaps doing a

2 presentation to them as well as to the community
3 boards. I think one piece is if you could submit
4 your full testimony for the record even if it's what
5 you read from. We are missing one of the pages, and
6 I think my only--my final question-

7 PAULINE TOOLE: [interposing] Missing one
8 of the pages? [laughs]

9 CHAIRPERSON KALLOS: --is what is your
10 timeline for every agency being on Open FOIL?

11 PAULINE TOOLE: Well, I--I--and I was so
12 stunned by the missing page. So it was an Open FOIL
13 question?

14 CHAIRPERSON KALLOS: So, just what is the
15 timeline to get every agency onto Open Portal?

16 PAULINE TOOLE: I--the majority--if this--
17 --if things worked as scheduled, a majority of
18 agencies will be on Open FOIL by the end of April.

19 CHAIRPERSON KALLOS: Oh, wow.

20 PAULINE TOOLE: A majority. To get all
21 of them on, one of the really great things that the
22 Development Team did is they--they met with agencies
23 and been listening to their concerns and figuring out
24 where there are areas to develop that will serve the
25

2 needs of multiple agencies so that we can onboard
3 faster.

4 CHAIRPERSON KALLOS: And the three-and
5 the eight agencies are?

6 PAULINE TOOLE: The eight agencies
7 currently Office of Chief Medical Examiner, Human
8 Rights Commission, Office of the Mayor, DOITT, DORIS,
9 the Department of Education, OATH--[pause]--I don't
10 know.

11 CHAIRPERSON KALLOS: That's close enough.
12 I--I promise--

13 PAULINE TOOLE: Seven out of eight and
14 I'm going to have Emily tell us the eight one?

15 CHAIRPERSON KALLOS: And anyone from the
16 media please take a look out for my next FOIL Request
17 to the Department of Education. So I just want to
18 thank you for all of the great work, and for building
19 things in-house and quickly and using an agile
20 development method in getting a minimum viable
21 product up that you will continue to improve upon.
22 We're lucky to have you. Thank you for preserving
23 our records.

24 PAULINE TOOLE: Well, thank you very
25 much.

2 CHAIRPERSON KALLOS: Our pleasure.

3 [applause] You brought a cheering section. We--we
4 now have the Board of Standards and Appeals. For the
5 first time in a very long time, if ever, we will hear
6 from the Board of Standards and Appeals also known as
7 the BSA. I have to say that I'm very happy you're
8 here, and I thank you for participating. BSA
9 process--processes applications and conducts hearings
10 on appeals for zoning variances and lots conversions.
11 While the BSA is budgeted the DCAS, it is an
12 independent entity under OATH. It's Fiscal 2017
13 Preliminary Budget totals \$3 million, \$2.2 of--
14 million of which is personnel. Today, we will be
15 discussing the BSA's performance, any potential need
16 for resources to support its work, the role of the
17 BSA and odd technicality where BSA exists within DCAS
18 for the purposes of budgeting but within OATH as per
19 the Charter. I am hoping we have an idea of who will
20 be joining us from BSA. Perfect. And sorry for
21 running about an hour late. For what it is worth, we
22 would have pretty much every member from the Council
23 here, but for the fact that we are currently
24 negotiation the future of BSA downstairs during a

2 member's conference. If you could state your names
3 for the record.

4 RYAN SINGER: I'm Ryan Singer. I'm am
5 the Deputy Director.

6 CHAIRPERSON KALLOS: Yeah, make sure
7 your--the red light is on.

8 RYAN SINGER: There we go. I'm Ryan
9 Singer. I'm the Executive Director of the New York
10 City Board of Standards and Appeals.

11 LOREAL MONROE: And I'm Loreal Monreo.
12 I'm Assistance Counsel for the Board of Standards and
13 Appeals.

14 CHAIRPERSON KALLOS: Do you affirm to
15 tell the truth in your testimony before this
16 committee and to answer honestly to council member
17 questions?

18 RYAN SINGER: I do.

19 CHAIRPERSON KALLOS: Do you typically get
20 to swear in people before the BSA?

21 LOREAL MONROE: We do not.

22 RYAN SINGER: No.

23 CHAIRPERSON KALLOS: I would recommend
24 it. It's quite amazing.

25

2 LOREAL MONROE: I would do well I think .

3 [laughs]

4 RYAN SINGER: Okay, as--as I stated I'm
5 Ryan Singer. I'm the Executive Director of the New
6 York City Board of Standards and Appeals, which is a
7 position that is exactly as glamorous as it sounds.
8 I have been in the New York Times. They called me
9 some city bureaucrat. I want to start with a short
10 description of what the Board does. The BSA, as it
11 is know, is the Zoning Board for the City of New
12 York. It grants exceptions to the zoning rules in
13 cases where physical hardships are associated with a
14 piece of land that would prevent reasonable develop--
15 a development to occur on that property. The Board
16 consists of five mayoral appointees, a Chairperson
17 and four commissioners. These are full-time
18 commissioners. The Board must have a licensed
19 engineer, a licensed architect and an urban planner
20 on the Board. This is in the City Charter.
21 Additionally, there's usually a financial expert and
22 land use attorney on the board. No more than two of
23 the members can live in any of the one borough, any
24 one borough, and the board has been in existence for
25 100 years. It was originally chartered in 1916 along

2 with the City's first zoning resolution. In addition
3 to the Zoning Variances, which is what the Board is
4 known for, we also hear interpretive appeals,
5 administer special permits as described in the Zoning
6 Resolution, and it's empowered to waive certain
7 sections of the General City Law and Multiple
8 Dwelling Law. To give a picture of the workload at
9 the BSA, we had 398 filed applications in 2015. Of
10 those, 60 of those were--were variance cases, and
11 those can range--variance cases can range in scale
12 from a side yard waiver for a two-family home to a
13 large school with multiple waivers. One hundred and
14 three of the applications that were filed last year
15 were for General City Law waivers. Those are to
16 permit buildings in the bed of a mapped street or on
17 lots without access to a mapped street. Those tend
18 to be filed in a series. So it sounds like oh, 103
19 that's a lot, but they tend to come clumped in with
20 five to 10 of them all in a row where a single
21 developer is developing a block with similar
22 circumstances. Aside from the five board members,
23 there are 17 other people who work at the BSA. The
24 staff consists of four project managers, a CEQR
25 Officer, which is the City Environmental Quality

2 Review Process. We have three attorneys, three
3 Records Officers, a part-time Stenographer, a part-
4 time Financial Analyst, a Deputy Director, two
5 support staff and myself. We are currently working
6 to hire an additional Records Specialist and have
7 postings for three Project Managers. Our total I--I
8 believe you said. The number--number I had from DCAS
9 was \$2.6 million of Fiscal Year 2016. Our non-
10 personnel services budget goes primarily towards rent
11 at 250 Broadway, and the storage and maintenance of
12 our records, which are extensive because of 100-year
13 history. The BSA collects fees for applications
14 based on project size. It's typically based on the
15 square footage of the building that's being
16 facilitated, and our revenue for Fiscal Year 2015 was
17 \$1.6 million. That's what we brought in in fees.
18 So, I'm happy to answer any questions about my
19 testimony.

20 CHAIRPERSON KALLOS: Do you happen to
21 have a copy of your testimony for the record.

22 RYAN SINGER: I can provide it yes. Do
23 you need the--

24

25

2 CHAIRPERSON KALLOS: [interposing] We'll-
3 -we'll--our Sergeant-at-Arms will take it from you at
4 the end--

5 RYAN SINGER: [interposing] Sure.

6 CHAIRPERSON KALLOS: --of our questions.
7 What's your take on BSA being an independent agency
8 housed in OATH? Sorry, being under the Charter
9 within OATH but budgeted through DCAS where you once
10 were?

11 RYAN SINGER: This is something that has
12 been--you know, this is a structure of things for a
13 while. It's my understanding that it--it actually
14 pre-dates--I believe it goes back to the '90s is my
15 understanding, and our relationship with--with DCAS
16 was, you know, at first we--the Chair and I when we
17 came into the agency didn't understand the
18 relationship, but at subsequent meetings with DCAS
19 have actually made it clear that the work that they
20 do for us is--it's something that we'd have to hire
21 full-time staff to do at the Board. For example to
22 have a--a full-time HR professional whereas they--w
23 wouldn't be able to keep up a full-time HR
24 professional busy with the amount of hiring that we
25 do over the course of year. You know, I--I mentioned

2 that we have three project managers that we are
3 currently searching for. That's like--I mean that
4 was--that was sort of unusual in the--in the history
5 of the Board to be hiring that many people all at one
6 time.

7 CHAIRPERSON KALLOS: So you find value in
8 the services DCAS provides to you as a subsidiary?

9 RYAN SINGER: Yes, yes.

10 CHAIRPERSON KALLOS: Okay, with regard to
11 BSA Data, we just had the Department of Records
12 Information Services. We also have DOITT, and BSA
13 has a lot of data that people file with you, that is
14 subject to FOIL requests as well as on your website.
15 Would you consider digitizing your records with the
16 Department of Records and Information Services, using
17 them to store you data, and also putting information
18 up on the Open Data Portal so that people could
19 actually track BSA applications. Without actually
20 having to go through a website they could sue the
21 Open Data Portal.

22 RYAN SINGER: Concerning the Open Data
23 Portal it's interesting. We'd like to learn more.
24 We're always looking for ways to be more transparent
25 with our process. In terms of our data and having it

2 available, we--my understanding is that we used to
3 have all--all of our records with the Department of
4 Records, and in a fairly recent, and in terms of it
5 is a number of years ago, probably four or five years
6 ago, the decision was made to have all our records
7 moved to an off-site private storage. It's a company
8 called GRM that we contract with. They store it in
9 New Jersey, and this was done as part of a--a larger
10 contract with GRM, and so that's how our--our files
11 are currently stored, our hard-hard copy off-site
12 files. A long-term for us to actually digitize as
13 much of our--as many of our records as possible, it
14 would make our lives easier if we had somewhere we
15 didn't have people asking us for these things all the
16 time, and we--we get on average 72 requests for
17 records a week, which, you know, we had three people
18 doing that. So it is quite a lot of work. So we
19 would like to do that, but digitizing our century of
20 records, which is--is a big undertaking, and we're
21 not, you know, we've looked into that, but it's very
22 preliminary stages.

23 CHAIRPERSON KALLOS: It sounds like you
24 went in the other direction, but it seems like the
25 Department of Records and Information Services is

2 currently doing it to something like to three to four
3 million records. So I doubt that adding your hundred
4 years of records would have an impact when you're
5 doing multiple millions of records.

6 RYAN SINGER: I--like as I said, I'd like
7 to learn more about that. That's the first time I've
8 heard about it.

9 CHAIRPERSON KALLOS: Great. With regard
10 to the BSA, there's--going back to almost as long as
11 the MMR has existed and the BSA has existed there
12 have been recommendations to including BSA reporting
13 metrics, such as what you're talking about, the
14 number of applications, the number of variances, the
15 number of city law waivers and so on and so forth to
16 include them in the Mayor's Management Report would
17 BSA consider adding their metrics to the Mayor's
18 Management Report?

19 RYAN SINGER: We could do that. My--my--
20 my understanding is that the Mayor's Management
21 Report comes out on a fairly regular basis. It's a--

22 CHAIRPERSON KALLOS: It comes out in
23 January if we're on schedule and September if we're
24 on schedule. If it came out on time that would be
25 amazing.

2 RYAN SINGER: [laughs] I would not want
3 to add to the delay, but the--the two, you know,
4 twice year reporting is actually fairly manageable.
5 My--my concern would be if I was asked to report on
6 something like that monthly. But we could--we could
7 discuss with the folks at City Hall about adding some
8 of our metrics to that Mayor's Management Report.

9 CHAIRPERSON KALLOS: As part of MIHZQA,
10 one of the recommendations is having HPD provide
11 financial analysis. In your testimony you noted that
12 you have a part-time Financial Analyst. Going back
13 against to the seventh piece and again to the
14 Municipal Art Society Report from 2006, which has
15 incidentally had an interesting member named Vicki
16 Bean. They recommended that the BSA have additional
17 staff including Financial Analysts, CEQR folks as
18 well as attorneys, do you feel that you have the
19 adequate staffing given the complex city and needs of
20 the applications, or do you think that additional
21 funding would be helpful in terms of getting you a
22 full-time Financial Analyst?

23 RYAN SINGER: Of--of---we have--as I
24 said, we have three project managers that we are
25 currently searching--searching for, and we'd like to

2 make one of those--or to have--get someone who has
3 greater financial expertise. And, you know, I
4 actually had a--a discussion with a--a board member,
5 the board member who is the financial expert on the
6 board about what the role of this--of staff level
7 review would be. And, we are I think cautious at
8 this--at the BSA in terms of our staff level. We
9 can't really make recommendations. We--we're looking
10 more towards having the applications be technically
11 complete. And so a Financial Analyst on staff yes
12 would be helpful, someone more than--the--the part-
13 timer person we have. We think that the current, you
14 know, open slots that we have can fill that--that
15 need, and in terms of MIH and those--those requests
16 we actually don't anticipate having a lot of new
17 applications from--from the--specifically from MIH.
18 It's a very small world, but it's mapped in right
19 now. I don't anticipate that growing very quickly.
20 You know, maybe they--the--in terms of, you know,
21 it's not happening next year. I mean we--we all hope
22 that there will more mandatory inclusionary housing
23 in the city. But even then, the use of the special
24 permit that the BSA represents a--something that's
25 not working, right. So--so--they would only be

2 coming to us as a last resort. We don't anticipate a
3 lot of applications on that.

4 CHAIRPERSON KALLOS: Due to the
5 complexities of budgeting, I will point something
6 out, and ask this question and this is for--mostly
7 for the benefit of the public Your CEQR fees on
8 projects of a million square feet are \$314,225. So
9 some within a--almost a third of a million dollars,
10 and then on zoning applications, it's on excess of
11 100,000 square feet, \$11,200a, and it looks like
12 there is a modifier on that with--so how--how much of
13 that money makes its way BSA to use to pay for a CEQR
14 study and CEQR review? How much of the money from
15 the Zoning Variance of that \$11,000 goes to your
16 budget line to hire a project manager or pay somebody
17 to do the technical reviews?

18 RYAN SINGER: Our fees go into the
19 General Fund, and--and so, you know, as I stated,
20 actually we are let's just say in the--in the red I
21 guess if you would because our--our revenue last year
22 was \$1.6 million whereas our budget was--was larger
23 than that. Let's just all-inclusive \$2 million for
24 our budget overall so the---we--we're a beneficiary,
25 if you will, of the city's budgeting process.

2 CHAIRPERSON KALLOS: Would BSA benefit
3 from having the funds segregated from the General
4 Fund and having it set aside in escrow for the
5 benefit of the BSA to pay for the CEQR review or for
6 the Financial Analyst or whomever or would you--

7 RYAN SINGER: I believe if--if that were
8 our only source of funding, that would represent a
9 budget cut. So, that would--

10 CHAIRPERSON KALLOS: [interposing] It--
11 it--it would be an additional source of funding.

12 RYAN SINGER: An additional source of
13 funding. I--I mean I'm not sure if I want to able to
14 allow that. You know, let's just say that's above my
15 pay grade. [laughs]

16 CHAIRPERSON KALLOS: And with regard to
17 that in terms of if we wanted to get you into the
18 black would the zoning variances support increasing
19 the fees CEQR as well as zoning variances for large
20 scale developments? Could they do that without
21 stifling growth or are our fees as high as they could
22 be?

23 RYAN SINGER: On the--on the CEQR fees we
24 actually adopt the--the CEQR fees that City Planning
25 promulgates. We--we--we just use those and don't

2 modify them for our own purposes. And--and then our
3 fees it may--I'm trying to think. Last time they--
4 they modified them I believe it was about four or
5 five years ago, and it may be time to revisit our--
6 our fees. That's something I can discuss with the
7 chair.

8 CHAIRPERSON KALLOS: Since Fiscal Year
9 '14 your budget has one up about a million dollars.
10 Your staff has nearly doubled. Do you feel that at
11 this point, you're on top of the applications and
12 everything that you need or has a backlog developed
13 or do we--what other additional resources might we
14 need?

15 RYAN SINGER: Well, and--I would say that
16 having the--the money in the budget does not
17 automatically translates to--to staff yet. I mean,
18 we--we--we only in November really got the budget
19 models from my--my understand. And so we're still in
20 the process of hiring staff.

21 CHAIRPERSON KALLOS: And those three
22 positions are for how much each? This is a public
23 meeting. Perhaps we might get an applicant out of
24 this.

2 RYAN SINGER: There are about \$55 to \$60
3 grand a year, and so we'll say the--

4 CHAIRPERSON KALLOS: And where--and where
5 should they apply if they're interested?

6 RYAN SINGER: They can go on the jobs--
7 the City Jobs website and search for BSA or I believe
8 DCAS and planners--they'll--they'll find it.

9 CHAIRPERSON KALLOS: With regard to
10 applications does BSA have a chance to certify them
11 for completeness before they go to the community
12 board is that something that wait--held until after
13 the community board.

14 RYAN SINGER: The--the community board
15 sees as immediately as they are--as they are filed
16 and so they--the changes, the staff requests then
17 also after the fact have to be shared with the
18 community board. So the community board will often
19 times comment on applications that the--the staff has
20 not yet deemed complete?

21 CHAIRPERSON KALLOS: Would it be possible
22 to change that so that the community board clock does
23 not start until after the application has been deemed
24 complete with every piece of the application
25 certified, and--and attested to? We recently had an

2 application before Community Board 11, which is--is
3 actually before the BSA as we speak, and reviewing it
4 I noticed due to the kindness of some experts in the
5 nicest way possible fraud. And I was advised that
6 it's only fraud if somebody attested to it, and swore
7 to it. But when somebody shows me visuals that are
8 not correct, or has any piece of the application that
9 isn't sworn completely different than what sworn to?
10 That's a concern for me.

11 RYAN SINGER: I understand. The--the
12 sort of process that you're describing sort of looks
13 more like ULURP where something is certified as
14 complete, and then community board clock--clock
15 starts. I would just say that the BSA process is
16 somewhat different in that it's much more iterative,
17 and that community boards can--can weigh in at any
18 time during the--even during the BSA process itself.
19 So if there's a hearing going on, we've--we've
20 literally had a community board change their
21 recommendation during our hearing. They've come in
22 and they've said we didn't like this project. The
23 applicant changed it, and now we like this project,
24 and so we--

2 CHAIRPERSON KALLOS: I guess, my--my
3 concern--so is it possible to set a--a stronger
4 schedule and framework because amongst the community
5 board the big concern is that they lose their chance
6 to speak to an application.

7 RYAN SINGER: Uh-huh.

8 CHAIRPERSON KALLOS: And if there is a
9 way within the fact that I--I understand that you're
10 a quasi judicial body for people to know okay this
11 is--this is our window. We will definitely have it,
12 and that this application has been certified and
13 reviewed. And once BSA has said, you know what, this
14 is complete. We've corrected any underlying errors
15 that my have been on purpose or missed by mistake--

16 RYAN SINGER: [interposing] Uh-huh.

17 CHAIRPERSON KALLOS: --and then give the
18 community board then a clock to do that, and whether
19 or you can adopt rules to that extent other items.

20 RYAN SINGER: And we--we--we can look
21 into that, and my--my concern is that adding time to
22 the review process would, you know, be--be--be a
23 detriment to the development in the city.

24 CHAIRPERSON KALLOS: Okay. I just want
25 to thank the Board of Standards and Appeals for

2 coming before us. I hope you will consider coming
3 back from the Executive. I hope that this
4 conversation is fruitful and helpful. We will be
5 asking for more funding for your agency, and working
6 with you to make sure that you have the staff that
7 you need. If you send over the posting, we will
8 include it in my newsletter--

9 RYAN SINGER: [interposing] Okay, great.

10 CHAIRPERSON KALLOS: --and see if anyone
11 else--I--I know BSA hired at least one person from my
12 district. I'm hoping you can hire more folks.

13 RYAN SINGER: [laughs]

14 CHAIRPERSON KALLOS: And I just want to
15 thank you for coming before us. Our next panel will
16 be the community boards. We'll now hear from
17 representatives of various community boards who will
18 let us know if their budget needs are being met, and
19 what ideas they have to improve the way our city's
20 community boards function. We're eager to work with
21 you and look forward to your testimony. As you may
22 be aware, I'm ex officio member of community boards
23 6, 8 and 11. I take it quite seriously, and have an
24 attendance record at all three of that most--that
25 handles (sic) most of the active members. I got my

2 start on Community Board 8 when I was appointed by
3 then Borough President Scott Stringer. I believe in
4 the work that you do on a day-in and day-out basis.
5 Though the members of the Board serve in a voluntary
6 capacity, they routinely devote hours and hours of
7 work throughout the week and month. I generally tag
8 it at about 15 hours or more per month for just
9 showing up to meetings, and then once you're a
10 committee chair, double that. At least at Community
11 Board 8, I remember meetings that began at 6:00 or
12 7:00 p.m. and sometimes continued, often continued
13 until 11:00, 12:00 or 1:00 or when--or longer. You
14 are the most local form of government and a voice of
15 the public. As a council member, I appreciate the
16 strong role the community board has, and when either
17 tries to act alone, there's limitations to what we
18 can get done. But when we work together, we are able
19 to move mountains and sometimes block mountains from
20 being built in the sky. I--we have representatives.
21 So let me just pull it. We have six folks. [pause]
22 So if everyone can bring up lots of chairs, we're
23 going to try to do one quick panel together. We're
24 going to invite Latha Thompson, my District Manager
25 from community board who I have known since long

2 before she was a district manager, and she knew much
3 before I became this much older man. She's known me
4 since I was 24. I'd like to also call up. I see
5 Hatus (sic), but he has not filled out a form. Are
6 you coming up as a newly minted District Manager.

7 MALE SPEAKER: [off mic]

8 CHAIRPERSON KALLOS: No worries. We also
9 have Bob Gormley, District Manager, Community Board
10 2, Manhattan; Mark Diller, Manhattan Community Board
11 7; Noah Pfefferbilt, Community Board 1; Andrew
12 Sandler, Bronx Board 7. [background comments] If
13 you can help me with the pronunciation of your name?

14 JAQUA CURIEL: Jaqua Curiel. (sp?)

15 CHAIRPERSON KALLOS: Jaqua Curiel, Bronx
16 Community Board 5. Pull up a chair. Ladies first.
17 [background comments] And if you have prepared
18 remarks, after you make your remarks, please be sure
19 to hand them over to the sergeant-at-arms. [pause]

20 LATHA THOMPSON: You ready? Good
21 afternoon, Chairperson Kallos and council Members.
22 My name is Latha Thompson. I'm the District Manager
23 of Community Board 8 in Manhattan, and I'm here today
24 to testify on behalf of all 12 Manhattan Community
25 Boards. Permit me to begin my testimony by thanking

2 the City Council for historically acting as a
3 defender of community boards and for always
4 protecting our budgets against proposed cuts.

5 CHAIRPERSON KALLOS: You're welcome.

6 LATHA THOMPSON: It was not so long ago
7 that all 59 Community Boards throughout the five
8 boroughs had to organize to fight proposed budget
9 cuts, which would have had devastating impact on our
10 operation and on the services we provide to our
11 communities. We are grateful not to be in that
12 position this year. The city's Community Boards are
13 comprised of almost 3,000 volunteers who contribute
14 their expertise, time, dedication to their
15 communities and the city assisted by the requisite
16 support staff. For many city residents and
17 businesses, community boards are the face of New York
18 City government, and we facilitate citizen
19 participation in a more effective and meaningful way.
20 Community boards provide a forum for citizens to be
21 heard on a variety of issues affecting their
22 neighborhoods. The New York City Charter mandates
23 that community board play a significant role in
24 planning and reviewing various application--
25 applications--excuse me--make recommendations on the

2 city's budget as it affects their prospective
3 community district. Every year, community boards
4 hold thousand of public hearings and meeting to meet
5 this mandate, which allows community members to learn
6 about and comment on applications for sidewalk cafes,
7 liquor licenses, zoning and landmark changes as well
8 as a variety of her issues and proposals affecting
9 quality of life, traffic, transportation, parks, open
10 space, schools, education, and much more. The sheer
11 volume of application issues and constituent
12 complaints generate an avalanche of work that each
13 community board offers. Indeed, there are times when
14 the challenges faced by our staff to respond to all
15 of these concerns in a timely way can be
16 overwhelming. It is with regard for these challenges
17 that we would like to ask the Council to consider and
18 increase to community board budgets so we may acquire
19 the resources to meet our responsibilities more
20 effectively. Different community boards have
21 different needs, and additional funding would give us
22 more flexibility addressing them. Many boards needs
23 funds for additional staff to meet the increased
24 workload, while other boards might prefer funds for
25 more staff training and latest software and

2 technology or to create customized technology to
3 better perform our duties. For example, having a
4 database to easily catalog and retrieve resolutions
5 or a constituent management system that would allow
6 community boards to improve recordkeeping, enhance
7 communication with their constituents, and be more
8 transparent in the age of open data. The money
9 invested in a community board is miniscule portion of
10 the City Budget, and it gives tremendous bang for the
11 buck. While we appreciate that our budgets are no
12 longer under attack, we respectfully that the Council
13 consider an increase to allow us to enhance our
14 resources so we bet--so we may better--excuse me--so
15 we may be better able to perform or City Charter
16 mandated responsibilities. Thank you.

17 CHAIRPERSON KALLOS: Thank you, Latha for
18 your service. I think you failed to mention the 50
19 members who each think of themselves as the boss,
20 [laughter] and make official demands over and above
21 hundreds of thousands of constituents. Who would
22 like go next? Jaqua from Bronx. Please watch the
23 water.

24 JAQUA CURIEL: Yeah. [pause] Thank you.
25 My name is Jaqua Curiel. Our District Manager Xavier

2 Rodriguez retired after many, many years of service,
3 and I'm here to discuss our statement of community
4 and district needs. Bronx Community District 5 known
5 as the West Tremont Area is located in the Midwest
6 Bronx with a total land area of 1.4 square miles.
7 The overall population count in this district is
8 approximately 132,000 people. That's back in 2012.
9 Although there is a range in the socio-economic
10 makeup of the residents in the district, the percent
11 of households living near the poverty line, and who
12 are considered to be low-income is extremely high.
13 The proportion of residents with a household income
14 below \$20,000 increased from 35% to about 46% in the
15 year 2000 to 2012. The poverty rate also increased
16 from 41% to 42% from 2000-2012. Community Board 5
17 was ranked as one of the community districts with the
18 highest number of households with a total income
19 below the poverty level. For the year 2012, the
20 median household income was approximately \$22,000,
21 which is significantly less when compared to the
22 Bronx overall, which is approximately 33,000, and New
23 York City is approximately 52,000. Community Board 5
24 as one of the community districts with the lowest
25 median house--household income levels the percent of

2 unemployment is about 21%. The proportion of house--
3 of residents who use supplemental security income is
4 about 18%, and the proportion of residents who need
5 cash public assistance is about 12%. The proportion
6 of residents requiring food stamps and the SNAP
7 benefits is around 51%. The reason I'm here today is
8 to discuss the issue we have with the Department of
9 Homeless Services. While we consistently have opened
10 our arms to the city homeless families by accepting
11 our share, Community Board 5 continues to be
12 saturated with residential care, transitional and
13 shelters in our district. Our district holds a large
14 percentage of permanent, supportive and special needs
15 housing. There's over 30 special needs buildings and
16 there's over 25 supported housing buildings within
17 Community Board 5. You can actually go to the
18 website, supporting housing, and you'll see that our
19 district leads the Bronx, but we also lead the city.
20 We believe that our district has reached its capacity
21 and that the supportive and transitional housing
22 facilities should be more disbursed throughout the
23 city. So you could take like Staten Island, there's
24 very little supportive housing Staten Island. In
25 comparison to other community districts we have had

2 more than our fair share, and our community group--
3 community board requests zero allocation of
4 additional supportive housing and homeless shelters.

5 [coughs] Bronx Community Board 5 requests that the
6 New York State Legislature to enact a meaningful,
7 realistic amendment of the State Mental Hygiene Law
8 relative to what constitutes oversaturation of
9 community residents in a neighborhood. A noteworthy
10 suggestion in this regard would be to count on a
11 strictly per capita basis irrespective of population
12 served, the total number of special housing
13 facilities or group homes in a district when
14 determining whether or not oversaturation exists.

15 Moreover, community boards should be given an
16 enhanced authentic role in the site selection process
17 for special needs housing community residences. The
18 supportive and transitional housing facilities have
19 negatively impacted our local schools--

20 CHAIRPERSON KALLOS: I'm sorry to
21 interrupt. So the community boards actually already
22 has power over supportive housing. We actually have
23 a community board application for supportive housing
24 in Board 8. When I was up on Bing Street for
25 staffing, (sic) one of the few things community

2 boards actually have final vote is that. So I'm
3 happy to show you the section of law. If you can
4 keep the testimony with regard to budget items.

5 JAQUA CURIEL: Yes.

6 CHAIRPERSON KALLOS: In terms of
7 recommendations for community board reform and
8 charter reform, we are very open to it. I do a
9 policy night, and you're welcome, too. It also
10 encourages your community boards to pass resolutions
11 recommending charter revisions, and send them to the
12 attention of your borough president and the
13 Governmental Operations Committee Chair.

14 JAQUA CURIEL: Okay, thank you. In
15 regards--it is essential to the district's wellbeing
16 that Mayor's budget reflects funding for Community
17 Board 5 district in the following areas of priority:

18 1. The Department of Transportation. our
19 priorities include mill and resurface the Grand
20 Concourse from Cross Bronx Expressway to Fordham
21 Road.

22 2. The reconstruction of South Street
23 (sic) for Kingsland Avenue.

24 CHAIRPERSON KALLOS: Sorry to interrupt
25 one more time. District needs is something that

2 you'll want to go to the main--when does the public
3 hearing on the full budget happen for OMB? [pause]
4 Well, we will get back to you with that. So touch
5 base with James Subudhi. This is specifically with
6 your--your needs for your community board and for
7 community boards.

8 JAQUA CURIEL: Finally, community boards
9 are indeed the link to the city, and are integral to
10 ensuring the adequate and appropriate services and
11 policies are being implemented at the local level.
12 In this regard, Community Board 5 continues to
13 advocate for the increase in community boards'
14 operating budgets allowing for further strengthening
15 and improvement in the delivery of services to
16 communities at large. Equally important are the
17 obligations mandated to community boards by the New
18 York City Charter, which encourages the development
19 of a 197-A Plan for each community district.
20 Community Board 5 recognizes the significance and
21 contributions that a 197-A Community Plan for a
22 district specifically in preparation for future
23 capital and expense budget requests. Towards this
24 end, we wholeheartedly urge the present city
25 administration and the City Council to increase

2 funding for each of the 59 community boards to hire a
3 city planner to develop 197-A Plan, which is very
4 costly and time-consuming. Community District 5 in
5 echoing the sentiments of a community at large
6 understands that the budget development process has
7 never been a painless exercise. We are deeply
8 concerned, however, that the most vulnerable children
9 and senior citizens and low-income residents are
10 forced to bear a disproportionate share of the pain.
11 However, we commend the Mayor and the City Council on
12 passing a balance budget that reflects the needs of
13 our most vulnerable. Thank you.

14 CHAIRPERSON KALLOS: Thank you. I would
15 urge you and your board to support Introduction 732.
16 We've heard and it would require that we make--an
17 urban planner available to every community board, and
18 they would actually be assigned one for each one.
19 Who would like to go next. Left to right or right to
20 left? Pick one. [background comments]

21 ANDREW SANDLER: Good evening. My name
22 is Andrew Sandler. I'm District Manager of Bronx
23 Community Board 7 that encompasses the Northwest
24 Bronx of Bedford Park, Norwood, Kingsbridge Heights,
25 Fordham and University Heights. First let me preface

2 my remarks and make it clear that I am not speaking
3 on behalf of the board, but only on--as myself as
4 District Manager. I'm not in my sixth week on the
5 job. I just started so I'm new to this process, and
6 it's been a learning experience in a short period of
7 time that I've been district manager. Although I did
8 work in the City Council for six years prior to this,
9 most recently for Council Member Andrew Cohen. So
10 I've worked the Department of City Planning on zoning
11 matters, land usages, but I still find that there's
12 a lot that I don't know and I'm still learning as I
13 know. And I feel often that district managers are
14 expected to be land use attorneys or zoning experts
15 when we're not, and I think most district managers
16 are not land use or zoning experts and we should be
17 expected be. That's why we have experts in the field
18 at the Department of City Planning and at various
19 city agencies who deal with these matters on a day-
20 to-day basis. However, at the same time due to
21 budgetary constraints, I feel it's unfair to place an
22 unfair burden on the Department of City Planning
23 given the fact that they are under-resourced and
24 short staffed. And they often have one staffer go to
25 several community boards sometimes over a period of

2 the same week and the same day, and that's not fair
3 to them. It's not fair to the community boards, and
4 we deserve our fair share of City Planning experts
5 who can go to each community board and give us their
6 informed opinions and, you know, consult with us on
7 ULURP and city charter mandated roles and
8 responsibilities. So, as of right now in light of
9 this reality, I would ask that the City Council
10 consider funding appropriations whether through the
11 borough president's office, through the Department of
12 City Planning or directly to the community boards to
13 hire these urban planning professionals and experts
14 so that we can make informed decisions and consult
15 with them on a day-to-day basis. Right now, you
16 know, one of our primary functions on the board is to
17 deal with zoning and land use matters like whether
18 they be ULURP or BSA zoning, you know, variances and
19 such things like that, and also 197-A plans as the,
20 you know, previous speaker mentioned. So I take my
21 City Charter duties and responsibilities very
22 seriously. I think we all do, but we need the tools
23 to be able to implement that and, you know, for
24 instance in the City Charter it talks about preparing
25 comprehensive and special permit purposed plans for

2 the growth, improvement and development of the
3 community district. It talks about preparing and
4 submitting to the Mayor an annual statement of
5 community district needs including a brief
6 description of the district, the board's assessment
7 of its current and probable future needs. In order
8 to do that, we need city planners and urban planning
9 experts. Also, as it pertains to environment impact
10 statements, and things of that nature. Also when
11 we're exercising our initial review of applications
12 and proposals of public agencies and private entities
13 for the use, development or improvement of land
14 located in the community district including the
15 conduct of a public hearing, and the preparation and
16 submission to the City Planning Commission of any
17 breaking recommendation. So I am aware that Council
18 Member Kallos, you have this bill. I am not taking a
19 position in it for or against. I have not spoken to
20 my board about this. That's why I'm speaking only
21 for myself, but I think it should give a serious look
22 and serious discussion. I think it deserves that so
23 that we can get the tools and the expertise we need
24 to fulfill our City Chartered mandate. So thank you
25 for your time.

2 CHAIRPERSON KALLOS: Thank you and as--
3 before you keep going to--for Latha. Sorry to put
4 you on the spot. Do you have this basic number that
5 you're asking for in terms of an increase--increase?

6 LATHA THOMPSON: At that time we are--we
7 are not. We had a late start with preparing for
8 this hearing today, and I don't think any of the
9 board right now have a consensus of what the number
10 should be.

11 CHAIRPERSON KALLOS: Thank you. If your
12 board does have a consensus where--I'm interested to
13 hear what the number is.

14 MARK DILLER: Good afternoon. My name is
15 Mark Diller and I am one of those member of the
16 community boards who thinks that I get to rule the
17 roost and make unreasonable demands on the District
18 Managers. In fact, I'm here today in part with
19 greetings from Penny Ryan, the District Manager of
20 Community Board 7, Manhattan, where the only thing I
21 would add to the duties, that Latha already laid out
22 and--and eloquently so, is construction management.
23 Which depending on the Board and the demands of the--
24 of the environment can be a full-time job in and of
25 itself, and our board is great as are many others

2 greatly--greatly advantaged by having district
3 managers who have good relationships with developers
4 and their construction teams to make sure that we
5 avoid as many problems as we can, and then to solve
6 the ones that come along. I won' repeat what has
7 already been said better than I could have about the
8 demands on our office, our district managers and--and
9 their staff, and instead focus on those things that
10 we can't now do or have to do in a beg, borrow and
11 steal manner in order to meet the demands of the
12 board. The--the crush of applications leaves very
13 little time for forward thinking planning, and that
14 affects us in a couple of ways. There are--one
15 recent example is that there is a horrific corridor
16 that connects a transit road from Central Park to the
17 West Side Highway, which is the scene of as many
18 street safety issues as one could imagine. We wanted
19 to examine and study that, but funding to get an
20 expert to help us with that was thankfully provided
21 by generous council members, but is not in our budget
22 and never would be. Another aspect just to give some
23 idea about what we are lacking, and what--what--where
24 the next round of need is comes, and I believe there
25 was some reference made to environmental impact

2 statements. It has been our observation that city
3 agencies who are tasked with responding to particular
4 areas within their expertise often sign off on
5 environmental impact statements either sight unseen
6 or with very little cursory review and certainly no
7 follow up with the board or its staff. That puts us
8 in a disadvantage unless we can retain experts who
9 can inform and advise us and those who were involved
10 in the process as to the correct path forward.

11 Another has to do with the correct way to deal with
12 the vestiges of off-site affordable housing. We're
13 hoping that--that a better program is imminent, but
14 there are still lingering issues with that, and where
15 it should go and how it should be funded, and
16 whether--and hopefully, well distributed through our
17 community and not just in certain pockets. These are
18 all things from--for which expertise advice would
19 buttress the positions and arguments and they also
20 inform the positions and arguments made by community
21 boards. And this is what we're here to do. We're
22 here to be the backups for our community to make sure
23 that the progress--the progressive ideas that we hold
24 dear are actually carried out in--in--in effect. So,
25 with the idea of a better bang for the buck, I will

2 start the bidding at 15% that the increase in the
3 city in the--in the community board budgets of that
4 number would provide enough flexibility to allow for
5 the--meeting the needs we already have to address,
6 and provide the flexibility that would be necessary
7 for experts to inform both the board and the
8 discussion that we have to take. Thanks very much.

9 CHAIRPERSON KALLOS: Thank you. Who
10 would like to go next.

11 NOAH PFEFFERBILT: Okay, I--I can go
12 next. Just I'm going to be very brief. I'm Noah
13 Pfefferbilt. I'm the District Manager for Community
14 Board 1, and we cover this area her in Lower
15 Manhattan, and I just want to say that I support the
16 statement that Latha made speaking on behalf of all
17 of the Manhattan community boards, and I would just
18 and Mar and everyone we're very supportive of--of
19 those statements, and just want to express my
20 gratitude to you and to the City Council for the work
21 you've always been terrific in helping us in years
22 when we've been threatened with a--a reduction in our
23 budget. And so, this year we don't have a proposed
24 reduction, but we would greatly appreciate it if you
25 would consider supporting our effort to get an

2 increase in our budget. And I would just note that
3 our community board, Community Board 1 in our annual
4 budget priorities for this year and for all of the
5 recent past years has had as our number one expense
6 budget item a request for an increase in funding for
7 our community boards, and we do have a specific
8 number, which we propose and it is \$250,000. I'm not
9 sure exactly where that falls in terms of percent,
10 and I think that's a little bit above our '15 most
11 likely, although not too far. So we thank you for
12 taking time to--to work with us today, and we hope
13 you will consider that. Thank you.

14 CHAIRPERSON KALLOS: Saving the best for
15 last. Stacey, if you want to testify, you need to
16 fill out a card.

17 BOB GORMLEY: I wasn't planning on
18 testifying. I was here just to support Latha. She's
19 pretty much said it all, but at the risk of being
20 redundant I'll just add very quickly--

21 CHAIRPERSON KALLOS: Your name for the
22 record?

23 BOB GORMLEY: I'm sorry. Bob Gormley,
24 Community Board 2 District Manager.

2 CHAIRPERSON KALLOS: And--and you're--
3 your second--you're second to last because your
4 colleague will fill out a form.

5 BOB GORMLEY: Sir?

6 CHAIRPERSON KALLOS: Please continue.
7 Sorry.

8 BOB GORMLEY: Just two things. One,
9 again to express our gratitude that the Council has
10 always supported that and--and prevented our budgets
11 from being cut, and a low--and just to kind of add on
12 to what Latha said. We couldn't officially give a
13 dollar amount or a percentage because we didn't--we
14 didn't give ourselves enough time to kind of go
15 through a--a formal process to come to a consensus.
16 However, informally I will say that I do like the 15%
17 mark that--the 15% amount that--that Mark mentioned.
18 That's it. Thank you.

19 CHAIRPERSON KALLOS: [off mic] [pause]
20 I should know better. I will just comment on the 15%
21 that's being made. The average budget is \$234,000.
22 That only gives you an additional amount of \$35,000,
23 and what may end up happening is you can't--having
24 just recently tried to hire people who do the kinds
25 of things that you do, it is very hard to hire at

2 that rate when many of you probably are on boards
3 that have people making less than that rate. So I
4 imagine the rate you're actually looking for is 18%,
5 which gets you \$42,000, which means you have enough
6 to hire somebody else, plus a nice COLA for the
7 people who are already working on the staff, and gets
8 you to a budget of around \$276,000. And then once
9 you thrown on a regular baseline ask of 2% COLAs for
10 the staff and for budget growth, that might be more
11 appropriate.

12 BOB GORMLEY: And it is--

13 CHAIRPERSON KALLOS: [interposing] And
14 lot--let the record note that there a lot of nodding
15 heads. [laughter]

16 STACEY: Thank you, Council Member Kallos
17 and I also would like to echo the--the statement of
18 my colleague Latha Thompson who delivered a statement
19 on behalf of all Manhattan's community boards. Yes
20 there--there isn't a consensus yet of--among the
21 community boards of what figure to go with. CB6 for
22 its part has requested a certainly in the Statement o
23 District Needs, \$300,000. \$300,000 it anticipated
24 one of our biggest needs is staff to--do do not just
25 urban planning work but constituent service work.

2 And if we intend to pay them decently, 15% would be a
3 bit low, but in--in the past CB6 has asked for
4 \$300,000.

5 CHAIRPERSON KALLOS: That would be 28%?

6 STACEY: Yes.

7 CHAIRPERSON KALLOS: Thank you all for
8 joining us. So to be clear, let me just pull the
9 right version of Intro No. 732. Under the New York
10 City Charter, the Planning Officer is already
11 supposed to provide technical assistance to the
12 community boards. Forgive me for asking tough
13 questions. Has anyone---has any of--any member of
14 the community board or Board District Manager in
15 their profession life or capacity ever received
16 technical assistance from the City Planning
17 Commission on any of the applications before your
18 bodies? If you want to take the mic and pass it
19 around to give the--the row of nos or yeses?

20 NOAH PFEFFERBILT: They have--they've
21 been helpful to us.

22 CHAIRPERSON KALLOS: So Board 1 has.

23 MARK DILLER: Our community based center
24 certainly on an application-by-application basis. I
25 believe what you're referring to and what the Intro

2 would help us with is not just meeting the demands of
3 a particular application but the forward thinking and
4 planning that ought to go on prior to the invasive
5 species that applications can be.

6 CHAIRPERSON KALLOS: Has any board
7 actually not response from the City Planning
8 Commission on the individual applications with
9 request for support?

10 ANDREW SANDLER: The answer to that is--
11 is no but that's only because as I stated earlier,
12 this is my sixth week on the job. So I have not had
13 the opportunity to work closely with City Planning,
14 but I have worked with them in the past, and the City
15 Council and they've been very helpful offering
16 technical assistance.

17 CHAIRPERSON KALLOS: Has Board 2 received
18 support?

19 BOB GORMLEY: I'm going to pass on that
20 Council Member because--because I mean we have
21 ongoing dialogues with--with City Planning when we
22 have an application before them, but generally it's
23 with the Chair and Vice Chair of the Land Use
24 Committee that has those conversations. So whether
25 it falls under the nature of technical support, I'm

2 not quite sure, but I'm--I'm going to look into that.
3 Thank you.

4 CHAIRPERSON KALLOS: Board 8.

5 LATHA THOMPSON: We have a good working
6 relationship with City Planning. As for technical
7 support, if my memory serves me correct, I think we
8 have had some. I wouldn't put my whole bet on it,
9 but as Mark indicated on an application-by-
10 application basis, it depends on how big the
11 application is and how contentious it can be from--at
12 the time the application is filed.

13 CHAIRPERSON KALLOS: Okay. I'd like
14 invite George from Community Board 12 of the Bronx to
15 join the panel if you are here to testify about
16 additional funding for the community boards.

17 GEORGE TORRES: Sure. Where shall I sit?

18 CHAIRPERSON KALLOS: Just find a spot.

19 [background comments, pause]

20 GEORGE TORRES: Hello, good evening. My
21 name is George Torres. I'm from Community Board 12
22 in the Bronx--excuse me [coughs]--the Bronx. We
23 represent Woodlawn, Wakefield, Endenwald, the
24 Northeast Section of the Borough of the Bronx. Do I
25 test--this is the first time I've testified actually.

2 So do I just state what I'm here for or-- I won't
3 jump into where--I'm sure everybody here has made
4 very good arguments as to why our budget should be
5 increased. I think it's just common sense, but I
6 mention it because I had meeting. I apologize for my
7 tardiness. I had a meeting which Andrew was--was a
8 part of by conference call regarding our technology.
9 I used to work in the Buildings Department, and prior
10 to that, I worked in the Mayor's Office Community
11 Affairs Unit, and it's sort of reverse. Coming from
12 the City agency I had certain expectations that when
13 I got to the board six months ago--I just started at
14 Community Board 12--we didn't have those same
15 technologies that are afforded to all the city
16 agencies. And that's what I'd like to see basically.
17 That's what I'm here to advocate for is, of course,
18 we would like to see the monies put into our budget,
19 but if there is a way that you could have DOITT
20 increase their budget so that they could afford all
21 59 community boards throughout the city the same
22 technology that other city agencies are afforded,
23 that would be of great assistance. So, for example,
24 I'm advocating for city net connectivity. Right now
25 our technology is provided by whatever local cable

2 service provider is in that district. So in the
3 Bronx it's Optimum. Our--our phones are provided by
4 Verizon or again whatever local provider is there.
5 And I'm thinking that we should have City Net. (sic)
6 I think that we should our web, our email is web
7 based, which is frustrating. So, for example, if
8 you're on City Share and you want to--I--I see your
9 name as a Councilman and I say oh let me send
10 Councilman Kallos an email. If I click on it, I have
11 to go through a whole registration process for
12 Microsoft Outlook because again, it's not linked to
13 my computer. Our web based email is not the same as
14 the hard drive, and that's what City Net would
15 provide us. It would also give an opportunity to
16 link up with VOIP or Voiceover IP Phones, which would
17 be of greater efficiency for me, the District
18 Manager, because even on the weekends I'm getting
19 phone calls from constituents about whatever issue
20 comes up. And they don't have my cell phone so I
21 have to wait until Monday to get that. But if we had
22 VOIP, you know, you would get an email message. I
23 know that when I was working for CAU in the Mayor's
24 Office and when I was working the Buildings
25 Department we had that. I'm not sure if the Council

2 has it, and I know that individually we can pay for
3 it if we go to Verizon and ask for those services.

4 But again that's at an added cost to the community

5 board, and again I'm--I'm not asking you to increase

6 our budget. I mean I would love to see our--our

7 budgets increased. I think that's a greater argument

8 but I would very much like to see technology provided

9 for us. Our websites are wholly inconsistent across

10 the board. DOITT provides support. There's one

11 gentleman that provides DOITT support or tech support

12 for all 59 boards. He does a lovely job. Everybody

13 loves him. I love him. I just met him six months

14 ago, but again I think that that's wholly inadequate

15 for all 59 boards. I'd like to see that sort of

16 support streamlined and centralized, and that's

17 basically it. I mean, this--we just started having

18 this conversation with DOITT about it. We were told

19 by their network connectivity folks just an--a rough

20 estimate would be an additional \$7,000 a year just

21 for the expense side. Now that \$7,000 may not see

22 like a lot of money, but a lot of our budgets are

23 already stretched thin, and \$7,000 for some boards

24 might mean, you know, whether they have to let go

25 somebody or not go with something. So again, I think

2 like our budgets or with our phones because it's my
3 understanding and I can't speak for all of them. I
4 can only speak for my VOIP. The fee that I pay every
5 month. I pay about \$3,300 a year for--it's coded. I
6 think it's like 402-B or something like that. That
7 pays our phone bill. Again, that's something that if
8 DOITT took over it that they could do it themselves,
9 and--and, you know, it wouldn't necessarily be seen
10 as coming out of our budget even though it would be
11 an increase in our budget. It's not something that
12 we effectively say, oh, this is what our budget--
13 it's the same thing with our cell phone bills. I
14 don't necessarily pay that out of my--I mean it comes
15 out of my budget, but it's not a fixed fee. I mean I
16 used to be in the City Council a million years ago
17 for Council Member Jose Serrano when we were here,
18 and I'm asking almost for a very similar situation to
19 what you guys had or what we had back then, which was
20 a little more centralization of our budgets on how we
21 do and pay for certain things. That way, it frees up
22 money for us to--to more on the PS side instead of
23 OTPS, and that's pretty much it.

24 CHAIRPERSON KALLOS: Okay. One thing I
25 would caution is just be careful what you wish for.

2 [laughter] In my office we are completely off the
3 City Council system, which means as I testify for
4 this that you don't necessarily need professional
5 when you've got a tech support person who works for
6 you. In--in my case I'm the tech support. So when
7 the internet doesn't work for all 50 of my
8 colleagues, I've got Internet. When the phones
9 aren't working for all 50 of my colleagues I've got
10 phones. When email goes down for the City of New
11 York, I've still got email, and when things break in
12 the office, we've got to fix it ourselves. We don't
13 have to wait in line behind a bunch of other people.
14 So that being said, there is a tradeoff. So I agree
15 with you that we should try to figure out how we can
16 get folks on, and then we should discuss and work
17 together with the Mayor. If we can try to convene
18 between the borough presidents, if we could talk to
19 Ruben Diaz, Jr., I am sure that he would be--that--
20 that Gale Brewer who is already working on some of
21 the technology projects and problems would be open to
22 doing a--a--an inter--inter-borough president
23 technology initiative, and I know that the Bronx
24 Borough President actually has a whole report on
25 this. And so what you're talking about in terms of

2 being able to email people is called and LDAP
3 service.

4 GEORGE TORRES: Okay.

5 CHAIRPERSON KALLOS: An LDAP server. So
6 you would want to open up the city's LDAP server so
7 that you could do it, but for what it's worth within
8 the Council, we only have access to other council
9 members. So it wouldn't make it any easier for other
10 agencies. One piece I will mention is the technology
11 that is being used by the federal government is
12 called Drupal and they also include, which is a
13 content management system, which also includes CRM.
14 By the way, Latha, you are due for an upgrade. I'm
15 sorry--I--I--

16 LATHA THOMPSON: We got a call for an
17 estimate two weeks ago. It's between \$5 and \$8,000.

18 CHAIRPERSON KALLOS: Wow, is your--is her
19 mic on? Is your--?

20 LATHA THOMPSON: Yeah, we sent in for an
21 estimate, and it's between \$5 and \$8,000 for the
22 upgrade.

23 CHAIRPERSON KALLOS: Great and that's--
24 you should stay with Drupal and CRM, but move to the
25 newest version.

2 LATHA THOMPSON: Yeah, the--because the--
3 yeah, to bring us up to speed. Yes.

4 CHAIRPERSON KALLOS: The new version of
5 CRM has case management systems in it. So, there's--
6 one thing that I'm working with Borough President
7 Gale Brewer on, which is if you take a look at the
8 New York State Senate website, replace the 63
9 senators with the 59 community boards, and it would
10 be really quite simple. You replace the senate
11 district with a community district. You replace the
12 face with a city logo, and they have some--and they
13 have a Client Relationship Management Tool called
14 CIVI(sic) which is also used by the Public Advocate.
15 So the Senate to actually put their self there--it's
16 free and open source license. So it's all available.
17 So you wouldn't actually be paying for the software.
18 You'd be paying for--just paying somebody that can
19 configure it, and they could configure it for all the
20 boards. And boards could either use it or not as we
21 currently end up with DOITT where people either use
22 the DOITT system or not. We're stuck on DOITT at the
23 City Council, and all of us have our own websites. I
24 think one thing that wasn't given testimony to, and
25 I'll just go around the horn, how many constituent

2 service calls do you get in a--in a week or a month
3 would you say? Latha, I know you've got a lot.

4 LATHA THOMPSON: [laughs] If I would
5 have to estimate I'll say I get closer to between 200
6 and 300.

7 CHAIRPERSON KALLOS: In--in how long, a
8 month or a week or---?

9 LATHA THOMPSON: I would say about a
10 week.

11 CHAIRPERSON KALLOS: Wow.

12 LATHA THOMPSON: I--I guess in about a
13 week.

14 CHAIRPERSON KALLOS: You can send some of
15 those over to me. We handle that.

16 LATHA THOMPSON: Thank you. I appreciate
17 it.

18 CHAIRPERSON KALLOS: Board 1.

19 NOAH PFEFFERBILT: We--I mean it's hard
20 to say because we get the--all levels of them from,
21 you know, very simple referrals to very complicated
22 constituent issues that can go on for a long time,
23 but definitely I'd say a few dozen in the average
24 week.

25 CHAIRPERSON KALLOS: Board 7.

2 ANDREW SANDLER I've got Board 7.

3 CHAIRPERSON KALLOS: The Bronx Board 7.

4 ANDREW SANDLER: Bronx Board 7.

5 CHAIRPERSON KALLOS: And Manhattan Board
6 7.

7 ANDREW SANDLER: Thank you. You know, I
8 would agree when you speak here about a dozen,
9 although I've only been here about a month. So
10 that's the framework I have, but, you know, I think
11 it's quite true of most boards that you have the
12 regulars, the constituents who consistently come to
13 your board over and over again. So repeaters. So I
14 would say a few dozen each week.

15 MARK DILLER: So for Manhattan Board 7,
16 I'm one of the volunteers so I'm not in the office as
17 often as often as others are, and it is episodic, but
18 it can reach levels of 50 or more a week. Sometimes
19 even more than that when there something hot brewing
20 in the neighborhood.

21 CHAIRPERSON KALLOS: Does anyone else
22 want to share their numbers?

23 GEORGE TORRES: Yeah, the only thing I'll
24 add is I'm in Community Board 12. I'm actually in
25 the DCAS building. We're in the old 47th Precinct

2 House in the Bronx, which is the northeast section of
3 the borough, and our former chair basically expanded.
4 So I'm doing--I have HRA there any number of days. So
5 every Tuesday and Wednesday, I'm running SNAP
6 benefits and I'm getting upwards of on Tuesdays and
7 Wednesdays I--it's just ridiculous. I'm probably
8 getting like 100 phone calls a day just for those
9 applications. So I was--I was trying to take those
10 out, and if I took out HRAs because we also do child
11 enforcement with Eric Polino, and then we also do--
12 we're trying to start--we just started Adult
13 Protective Services coming out and doing services
14 over there as well. In addition of that because
15 we're in a government building we have elected
16 officials that do satellites out of our office. So,
17 you know, we're very active in the community, and
18 then we're--our--part of our office also we have a
19 carriage house, which we use for--as a community--I
20 don't want to say center, but it's a, you know, it's
21 a resource for the community. It says it right on
22 DCAS' website. So I would say at the end of the day,
23 if--if--if I did--if I took all those out, we were
24 probably getting 90 phone calls a week regarding
25 constituent services. Which again, which we're--

2 we're trying to streamline and it led us--and I don't
3 mean to belabor this, but that led us to a
4 conversation today with DOITT about getting the city
5 or from DOITT all of the 311 complaints that we
6 receive. Because previously before 311 was in place
7 I understand that we used to get lists of all the
8 complaints that were generated. Agencies would
9 provide it to us. DEP would and so on and so forth.
10 I understand that that information now is on some
11 sort of website, but that website is not necessarily
12 comprehensive or inclusive enough for us to get that
13 information. So, you know, we're--that was a question
14 that we had again today with DOITT and--and trying to
15 figure those things out to make us better because
16 our--my district service had the meeting. I have 50
17 people. I have my agencies. I have my local not-
18 for-profits there, and we went through all of the
19 complaints that are gen--that we generate. So, you
20 know, I--it could--we could be doing even more work
21 towards that end especially if we could link up with
22 what all the 311 complaints were so that we could
23 follow up individually with those constituents.

24 CHAIRPERSON KALLOS: Okay. I want to
25 just add one thing. I think--which one of you

2 mentioned member item funding that you receive from
3 your council members.

4 MARK DILLER: That would be me.

5 CHAIRPERSON KALLOS: So you were getting
6 member item funding from Council Brewer, which then
7 rolled over to Rosenthal or it started with
8 Rosenthal.

9 MARK DILLER: If I'm understanding you,
10 this was--it had to do with the--the traffic study
11 for the corridor that was the--

12 CHAIRPERSON KALLOS: Yes.

13 MARK DILLER: So actually that was at
14 that time it was Council Members Brewer, Dickens and
15 Mark-Viverito because that was before redistricting.

16 CHAIRPERSON KALLOS: So one--one of the
17 things I want to just share with all of you, Inez
18 Dickens is amazing council member. She's grown to be
19 one of my friends, and she's great. So something I
20 didn't know about until recently is she gets
21 Community Board 11, Manhattan funding for a planner
22 about \$5,000. So I know that starting now I will be
23 giving money to CB11, CB6, and CB8 for planners.
24 Right now I think I'm contemplating trying to do a
25 little less in 6 and 11 and much more in CB8.

2 LATHA THOMPSON: [off mic] Thank you.

3 CHAIRPERSON KALLOS: But the good news is
4 CB8 has two council members. So both of us are going
5 to have to do more. CB6 has three council members,
6 and CB11 also has--has four council members. So if
7 each council member did \$5,000 then that is enough to
8 do what you will with it. I'll be earmarking my
9 money towards hiring a--a planner to consult of BSA
10 and ULURP pieces because you've got that coming in
11 CB6 because I just filed a zoning application with
12 the borough president, and Board 8 will be getting
13 one soon. So we look forward to working with you
14 with your borough presidents. Please keep this going.
15 Advocacy requires continually doing so. Ultimately,
16 it's important that your council members understand
17 that you're looking for the increase. It's also
18 important that the Mayor hear from you.
19 Interestingly enough, each of you comes from a
20 different part of the city, and you have access to
21 papers because that's where reporters generally end
22 up starting. And so in addition you may also want to
23 increase some of your advocacy in local papers like
24 the Our Towns and the Town and Village and so on and
25 so forth, the different newspapers and Riverdale

2 Press. So please make sure that you're working with
3 your members to get the word out because it will
4 bubble up from the local press into the TV, and from
5 the TV to the newspapers, and I'm sorry the larger
6 newspapers. From the larger newspapers folks will
7 feel the pressure, but I think this is right time,
8 and I look forward to working with you. Thank you
9 very much for coming. I'm so sorry we were running
10 late.

11 LATHA THOMPSON: [off mic] Okay.

12 CHAIRPERSON KALLOS: We have one person
13 who signed up for public session. We're going to
14 recess briefly just so I can talk to the person
15 because what they hope to testify about is not
16 actually germane to this hearing. However, we'll
17 recess just for about three minutes.

18 [gavel]

19 [background comments, pause]

20 CHAIRPERSON KALLOS: Our last panelist
21 will be a member of the public, Mr. Gerald Arletti.
22 He was directed to come here by the Office of Council
23 member David Greenfield. We've had a moment to just
24 speak briefly about the fact that this isn't exactly
25 germane to the budget hearing, but I did agree to

2 give him two minutes to testify and speak. He spent
3 I think most of today waiting for his chance to
4 speak. For the record anyone watching generally when
5 there is a hearing, the hearing is about the topics
6 that are being noticed, which can be frustrating
7 because you're waiting the thing you might want to
8 touch base to. But I think that being said, I think
9 this has started to be a committee where people come
10 whenever they have any problems because word has
11 gotten out that we are here to help. So you've got
12 two minutes, sir.

13 GERALD ARLETTI: Thank you so very much.
14 I really appreciate it, and it shows you that we the
15 citizens, the residents we get the run-around and
16 you're everything about transparency. I can't get
17 anything in writing, but just two things. Number
18 one, I really respect, as everybody, Professor Muzio,
19 and I'm asking--I was on YouTube with Precinct 66,
20 and every time I speak in Community Board 12, the
21 minutes are wrong. But Professor Muzio wants a
22 Resident Study Survey Evaluation Satisfactory Rating,
23 and I'll--and let me add--why not? That's why I'm
24 here. I'm asking please can you put it into your
25 pilot study Community Board 12, Brooklyn, Resident

2 Study Survey Evaluation Rating. That's number one.
3 Number two, the runaround with that also. Every time
4 we go to a precinct meeting, Brooklyn Precinct 66, I
5 ask for minutes because I come from--I'm a--I'm a
6 teacher. I come--everything is written down,
7 everything, but when you go to--to the precinct
8 meetings nothing is written down, and you don't have.
9 You don't know what's going on in your own community,
10 and it's so important to have that. So two things,
11 please have us, Community Board 12, Brooklyn in the
12 Residential Pilot Study, and have minutes and that's
13 it, and please-- You understand that transparency in
14 Community Board 12 is not working, and the run around
15 will never stop me.

16 CHAIRPERSON KALLOS: Thank you for your
17 time, and with regard to minutes at meetings, it may
18 be worth just touching base that--that should be
19 something that happens at all levels of government,
20 and I'm not exactly sure who the right agency might
21 be. It might be the Department of Investigations.
22 It might also be the CCRB or--I'm not sure. It's a
23 tough question, and---

24 GERALD ARLETTI: Council Member, politics
25 starts at the local level. I believe everything

2 should go through my Council representative, which is
3 Council Member Greenfield. It's not working, and
4 what you get is the runaround--

5 CHAIRPERSON KALLOS: Uh-huh.

6 GERALD ARLETTI: --and I'm tired, and I
7 can't even get Access-A-Ride, but it's that it is,
8 and I don't mind. I'm here because on the way I met
9 Daniel Dromm. As teachers we don't only teach
10 subject matter. We teach good citizenship, and what
11 we do is promote student empowerment. With
12 empowerment you get responsibility, accountability
13 and responsibility, and that's what builds self-
14 esteem.

15 CHAIRPERSON KALLOS: You--you got it and
16 you're speaking my language. So, I--I'm sorry about
17 your difficulties with Council Member Greenfield's
18 Office. We'll touch base with him.

19 GERALD ARLETTI: Thank you.

20 CHAIRPERSON KALLOS: I actually--

21 GERALD ARLETTI: [interposing] Thank
22 you.

23 CHAIRPERSON KALLOS: --generally think he
24 does a good job. The other group you may want to
25 touch base with is your borough president, Eric

2 Adams. In addition, you're also represented by our
3 Public Advocate Tish James. So any time--

4 GERALD ARLETTI: [interposing] She
5 doesn't write back.

6 CHAIRPERSON KALLOS: But--but just in
7 terms of the--the other folks that you have access
8 to. So thank you. I'm sorry that--

9 GERALD ARLETTI: [interposing] Not a
10 problem.

11 CHAIRPERSON KALLOS: --this is working--

12 GERALD ARLETTI: [interposing] Did you
13 meet with Professor Muzio today. (sic)

14 CHAIRPERSON KALLOS: We have met. We
15 have a bill introduced that would require the
16 addition of--what do you call it? Customer service
17 ratings. It's been introduced by Council Member
18 Core--Corey Johnson. We've heard the legislation,
19 and it is worth touching base with him to express
20 your support, and request that it also apply to
21 community boards. You can't just make it apply to
22 one community board. It would apply to all the
23 community boards.

24 GERALD ARLETTI: Thank you.

25 CHAIRPERSON KALLOS: Thank for coming.

2 GERALD ARLETTI: At the December 14th,
3 you asked the Professor to read you ran your
4 committee. Did he give you a reading yet?

5 CHAIRPERSON KALLOS: He--he has not. I
6 was actually just going to check on our website. As
7 part of my mid-term report, we asked the community to
8 give me a rating and response on how we were doing,
9 and I was actually going to just look and see how we
10 were doing

11 GERALD ARLETT: [interposing] [laughs]

12 CHAIRPERSON KALLOS: --and if anyone
13 actually responded to our survey to see how we were
14 doing. So, thank you very much.

15 GERALD ARLETTI: Thank you so much. God
16 bless.

17 CHAIRPERSON KALLOS: We have one last
18 person, but we're--we--we already--

19 MALE SPEAKER: [off mic] This woman is
20 not in here. (sic)

21 CHAIRPERSON KALLOS: So I just want to
22 apologize. Actually, fine. So we'll reopen the
23 community board panel. If William Rivera, if you
24 want to come I'll give you three minutes, but we had
25 huge panel of your fellow district managers. It's

2 good to have you out, and you cannot read your
3 testimony for two minutes, we had an extensive
4 conversation, and thank you for coming, and I imagine
5 it was probably a long trip. So thank you and--

6 WILLIAM RIVERA: Thank you, Council
7 Member. Yeah, they on hammering I mean longer and
8 longer and I had long day. I'll be very brief. I'm
9 sure it was a good discussion.

10 CHAIRPERSON KALLOS: I'm almost certain
11 you have community meetings tonight.

12 WILLIAM RIVERA: Pardon me.

13 CHAIRPERSON KALLOS: Most of us usually
14 do.

15 WILLIAM RIVERA: Yeah, okay. I just
16 wanted to talk about disparities between community
17 boards and their population in a geographical area.
18 I've been a district manager. Before I was a
19 coordinator before and now--I mean, sorry, I was the
20 chairperson. I was a board member before that and
21 now I'm the district manager of community board 9 in
22 the Bronx. We're the largest community board in the
23 Bronx of at 20,000 people, a geographic area of
24 almost five square miles. Theoretically we need two
25 district managers. The smallest community board in

2 my district is 52,000 people in 1.6 squares. It's a
3 huge disparity. I hope in the future the City
4 Council could look at funding community boards
5 especially for outreach based on the population and
6 the geographical area. It's not fair for the
7 district managers that big boys like us, especially
8 Board 12 has 5.5 square miles in the Bronx. We get
9 200 and thank the City Council now we got \$233,911.
10 Every single board gets the same amount. It is
11 tremendously not fair that I get the same amount of a
12 board that has 52,000 depending especially on the
13 outreach and the services that we want in the city
14 are stuck between half in the office and half outside
15 in the field when really we need to district
16 managers, and that's pretty much what I wanted to
17 drive home. I think in the future you really have to
18 look at the populations, and the density of the
19 boards, and I'm not even getting into all factors or
20 requirement, the low-income housing and NYCHA
21 residents. We have a huge NYCHA population in our
22 district, and generally the people of low income and
23 poor communities that have more services. So they
24 need more services so they have an abundance of
25 constituent services in our community board. So,

2 yes, all boards need funding throughout all 59
3 districts. I think we've been cut in the past, but
4 this is something I really looked at when there's a
5 shelter coming in our district, and a lot of
6 residents were complaining about the outreach: How
7 do you let the community know. So we get all this
8 abundance of information, and we're the ambassadors
9 of the district. We're supposed to disburse this,
10 but I can't do it properly with this budget, and
11 especially with a huge district. I'm talking about
12 the mailing and et cetera. So that's what I really
13 wanted to drive home was my district is almost
14 200,000 people, but yet there's boards for 50,000
15 people getting the same amount of money, which is
16 extremely not fair.

17 CHAIRPERSON KALLOS: If a lot it is
18 community board size, it would be very welcome, and
19 in reference to if somebody me asked about our
20 satisfaction survey, we asked 15,000 to rate our
21 satisfaction and we got two responses.

22 WILLIAM RIVERA: [laughs]

23 CHAIRPERSON KALLOS: One person who we
24 did constituent service for was incredibly happy and
25 gave us 5s across the board, and one person who

2 doesn't live in my district and was on our website
3 and liked the website was upset that we didn't have
4 information about the MTA half access fare for
5 seniors and, therefore, was unsatisfied with our
6 performance. So that being said, just want to thank
7 everyone for coming out. Thank you for--my staff for
8 a hearing that started at 10:00. So this is our
9 eight-hour hearing. This is, yeah. Thank you all,
10 and hopefully everyone can get lunch. Thank you to
11 members of the public watching online or later on
12 television. Thank you to the community boards and
13 everybody else. Please if you have ideas or comments
14 on the Preliminary Mary's Man--Mayor's Management
15 Report, you can read it at nyc.gov/mmr, and please
16 feel free to email me with any ideas you might have
17 at bkallos@benkallos.com, K-a-l-l-o-s, and hopefully,
18 we'll use your questions during the Executive Budget
19 coming up in May. Until then, stay tuned, and have a
20 great day.

21 [gavel]

22 CHAIRPERSON KALLOS: I hereby reopen the
23 Committee on Governmental Operations hearing.

24 [gavel] I'd like to acknowledge that we've been
25 joined by Council Member Ritchie Torres.

2 COUNCIL MEMBER TORRES: [off mic] It's
3 after hearing.

4 CHAIRPERSON KALLOS: And we hereby re-
5 adjourn the Committee on Governmental Operations.

6 [gavel]

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

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 March 20, 2016