

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON FINANCE JOINTLY WITH COMMITTEE ON
SANITATION AND SOLID WASTE MANAGEMENT AND THE
COMMITTEE ON GOVERNMENTAL OPERATIONS

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May 12, 2017
Start: 10:08 a.m.
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HELD AT: Council Chambers - City Hall

B E F O R E: JULISSA FERRERAS-COPELAND
Chairperson

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Chairperson

BEN KALLOS
Chairperson

COUNCIL MEMBERS: Ydanis A. Rodriguez
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Carlos Menchaca
Ritchie J. Torres
Joseph C. Borelli

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

Kathryn Garcia, Commissioner
New York City Department of Sanitation, DSNY

Dennis Diggins, First Deputy Commissioner
New York City Department of Sanitation, DSNY

Larry Cipollina, Deputy Commissioner
Finance and Administration
New York City Department of Sanitation, DSNY

Lisette Camilo, Commissioner
Department of Citywide Administrative Services, DCAS

Anthony Fiore, Deputy Commissioner
Energy Management
Department of Citywide Administrative Services, DCAS

Dawn Pinnock, Chief Human Capital Officer
Department of Citywide Administrative Services, DCAS

Keith Kerman
Deputy Commissioner & Chief Fleet Officer
Department of Citywide Administrative Service, DCAS

Michael Ryan, Executive Director
NYC Board of Elections, BOE

Gerald Sullivan, Finance Director
NYC Board of Elections, BOE

Amy Loprest, Executive Director
NYC Campaign Finance Board, CFB

Kitty Chan, Chief of Staff
NYC Campaign Finance Board, CFB

Eric Friedman, Assistant Director
Public Affairs
NYC Campaign Finance Board, CFB

Zachary Carter, Corporation Counsel
NYC Law Department

Georgia Pestana, First Assistant Corporation Counsel
NYC Law Department

Muriel Goode-Trufant, Managing Attorney
NYC Law Department

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[sound check, pause] [gavel]

CHAIRPERSON FERRERAS-COPELAND: Good

morning and welcome to today's Finance Committee

hearing. My name is Julissa Ferreras-Copeland, and I

chair the Committee. I want to begin by thanking my

co-chair Council Member Antonio Reynoso, and the

members of the Sanitation and Solid Waste Management

Committee who will be joining us shortly. I want to

acknowledge that-- Well, I guess we just

acknowledged. This morning, the committee continues

its look at the Mayor's Fiscal 2018 Executive Budget

with the Department of Sanitation. We will hear from

Sanitation Commissioner Kathryn Garcia. DSNY's

Fiscal 2018 Executive Budget totals approximately

\$1.7 billion, a slight decrease from the department's

Fiscal 2017's Adopted Budget. This budget includes

\$25.5 million in new needs for Fiscal 2018 and \$71.1

million in new needs in the out years. The Fiscal

2018's Executive Capital Commitment Plan includes

\$22—I'm sorry--\$2.2—it's giving you extra money

there—billion in Fiscal 2018's through 21 for DSNY.

Supporting such infrastructure as garages and

facilities equipment and information technology.

Before we begin, I want to highlight a few matters

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that I hope to explore further at today's hearing.

Both the Mayor and the Council have made the goal of
achieving Zero Waste in New York City by 2030, a key
priority. Yet, we are concerned that the

administration is not doing enough to establish

benchmarks and increase public awareness around their
shared objective. This is reflected in the fact that

the curbside container-container-containerized

diversion rates have remained around 16 go 17% for

the past few years. To address this, the Council's

budget response called upon the Administration to

include \$100,000 in the Department of Sanitation's

Budget to bolster transparency and outreach.

Unfortunately, this budget does not heed our call,

but we will continue to pursue the Administration to

improve in these areas. Additionally, I want to

discuss transparency when it comes to providing

information regarding new programs. In the detailed

Initiative Report published by OMB, the Fiscal 28-for

Fiscal 2018 a number of new programs including Smart

System and facility repairs, the LODI Building System

or LODI Building System and street cleaning support

staff were rolled into one listed \$3.3 million item

titled Maintenance Service Levels. I would urge that

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in the future your agency works with OMB to break out
these titles more specifically to ensure that both
Council staff and the public have the opportunity to
more efficient—efficiently analyze the department's
expenses. Finally, as the Mayor pushes forward with
an ambitious goal to increase citywide MWBE
procurement, I want to receive and update from
department's MWBE outreach efforts including the
contract awards that have resulted from these
efforts, and how your agency plan to increase
procurement with MWBE going forward. I look forward
to hearing from these and many more issues today.
Before turning it over to our Co-Chair, I want to
thank Finance staff who helped prepared for this
hearing, Regina Poreda Ryan, Nathan Toth, Crilhien
Francisco, Jonathan Seltzer and Eric Bernstein. I
will not turn it over to Council Member Reynoso, my
co-chair for his opening remarks. Chair.

CHAIRPERSON REYNOSO: Thank you, Chair
[coughs] I have no opening statement. We want to get
the ball rolling here.

CHAIRPERSON FERRERAS-COPELAND: Well,
thank you for that. [laughter] Before we begin, I'd
like to remind my—Well, there's nobody here to

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remind, and we will—Commissioner after you're in by
our counsel, we can begin your—with your opening
statement.

COMMISSIONER GARCIA: Thank you.

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

COMMISSIONER GARCIA: I do. Good
morning, Chair Reynoso, Chair Ferreras-Copeland and
members of the City Council Committees on Sanitation
and Solid Waste Management and Finance. I am Kathryn
Garcia, Commissioner of the New York City Department
of Sanitation. I am joined by Dennis Diggins, First
Deputy Commissioner and Larry Cipollina, Deputy
Commissioner for Finance and Administration. Thank
you for this opportunity to testify on the
department's expense and capital portions of the
Mayor's Fiscal Year 2018 Executive Budget. The
Fiscal 2018 Executive Budget allocates \$1.67 billion
in expense funds to the department. Of this, \$976.4
million is for personnel services and \$697.7 million
is for other than personnel services. Since I last
testified before you in March on the Fiscal 18

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Preliminary Budget, new funding in the department's
portion of the Fiscal 18 Executive Budget includes
\$10.6 million to continue expanding residential
organics collection and an additional \$.8 million for
fall leaf collection in districts where curbside
organics collection is not yet fully implemented;
\$1.1 million to expand the curbside e-Waste
Collection Program; \$15.5 million in city funds for
the lot cleaning program that was previously funded
using Federal Community Development Block Grant
funding; \$3.3 million to maintain service levels for
the Sanitation Management Analysis Reporting and
Tracking system; Line of Duty Billing system and JTP
support staff as well as separate facility repairs,
and \$11.7 million for the final adjustment to our
2015-17 winter snow season expenses. The
department's cost savings in the Fiscal 18 Executive
Budget also include \$5 million in personnel services
surplus; \$.8 million and clerical and administrative
headcount eliminated through efficiencies; \$6 million
in additional revenue from the sale of landfill gas
and associated environmental attributes; and \$9
million in savings from exporting waste. The
department's capital portion of the Fiscal 18

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Executive Budget is \$345.8 million. The Capital
Budget includes \$168 million for collection trucks
and other essential equipment; \$162.7 million for
facility related improvements, and \$15.1 million for
technology projects. The department continues to
build on its major capital program to construct new
garages at new and existing sites over the next ten
years. These new garages will replace undersized or
structurally deficient garage facilities currently in
use many of which have exceeded their intended useful
life. In some cases, these new garages will be
constructed on the site of an existing sanitation
garage, and in other cases the department has sought
or will seek an appropriate new site within or near
the service area. When planning and siting any
potential Sanitation district garages, the department
must consider important factors that include size,
zoning, convenient access to truck routes, and
reasonable proximity to the district to be serviced.
Recently the Mayor announced an allocation of \$142.6
million for the department to replace an aging and
undersized Sanitation garage in Queens District 1
where we have operated since the 1930s. I think it
might have originally been for horses. The

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department is presently investigating potential
replacement sites within Community District 1. Once
a site is chosen, we will begin the ULURP process.
The department is currently in the design phase of
new garage for Brooklyn District 3. Construction is
scheduled to begin in 2019. In addition, the Design
and Construction is currently in the design
procurement phase for the new garage for Staten
Island Districts 1 and 3 located at the former Fresh
Kills Landfill. Construction is projected to begin
in the summer of 2020 with completion expected in
2024. The department is also currently procuring the
designer for the Bronx Districts 9, 10 and 11 garage
replacement project. Once we select a consultant
team and register the related design contract, design
efforts will begin for this multi-district garage
with construction projected to start in 2020. The
department is also working with the New York City
Economic Development Corporation to complete the
draft Environmental Impact Statement and file the
ULURP application for the proposed Manhattan 6-688
garage and the Brooklyn (sic) development parcels on
East 25th Street in Manhattan. Certification of the
application is expected this fall. Also, following a

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thorough evaluation of potential sites for the
proposed relocation of the Manhattan District 11
Garage to the potential site is undergoing the ULURP
process, and we anticipate the City Planning
Commission will hold a public hearing this June.

Turning now to our commitment to promote
sustainability and achieve Zero Waste, the department
will expand the New York City Residential Organics
Program to 17 more community boards throughout this
year, and will continue expanding the program to meet
our goal of serving all New Yorkers with curbside
collection or convenient neighborhood drop-off
locations by the end of 2018. The Fiscal 18 Executive
Budget also allocates funding for the department to
provide leaf collection services for all-in over 20
districts where residential organic collection will
not have been fully implemented. We expect that as
we continue to expand organic collection citywide in
2018, collection of leaves will be done by organics
trucks. I am also pleased to announce starting this
fall the department will expand its pilot Curbside
Electronic Waste Collection program to the Brooklyn
North Zone. The pilot program, which began on Staten
Island fall will allow residents in buildings with

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fewer than ten dwelling units to call 311 or go
online to request department curbside pickup for
unwanted computers, televisions and other electronics
banned from disposal. The pickups generally take
place Monday through Friday except city holidays and
may be scheduled up to two weeks in advance.

Buildings with ten or more units anywhere in the city
may continue to sign up for free collection with e-
cycle NYC. The department also continues to hold 10
safe disposal events each year, two in each borough
to provide residents with a one-stop drop-off to
safely dispose of potentially harmful household
products. Since early April, we have held three
spring safe events in Brooklyn, Manhattan and on
Staten Island, and tomorrow we will hold our Bronx
Safe event in Orchard Beach unless the winds or rains
get—we have a contingency plan, but we hope that it's
not that bad. The next Safe event after that will be
in Queens on June 10th in the City Field parking lot,
very close to your house. I am also pleased to
announce our first pop-up walk-in Safe event on
Saturday, June 11th hosted together with Assembly
Member Michael DenDekker at the Jackson Heights
Shopping Center. These small scale events will be

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more local and convenient for residents to walk in
and properly dispose of electronics, household
hazardous waste and other products. Going forward,
we hope to continue working with other elected
officials and community groups to expand the number
of pop-up events across the city to accommodate
residents who do not have access to cars, and
encourage them to drop off their potentially harmful
household products. To conclude, I would like to
thank you for the opportunity to testify this morning
on the funding of the department's programs and
operations, and our proposed initiatives to advance
the department's Zero Waste goals, and for your
continued leadership in helping us to improve solid
waste management in our city. I am not happy to
answer your questions.

CHAIRPERSON FERRERAS-COPELAND: Good
morning again, and thank you for your opening
testimony. I just have to say how incredibly pleased
I am with how [coughing] responsive your agency is.
So, you know, everything isn't perfect all the time,
but when we have identified an issue, you respond
where you can, and even where you aren't able to
necessarily do what we think should be the right

1 thing, you help kind of guide us to when that can
2 happen. So, I want to talk about the Zero Waste and
3 New York City's plan, as I mentioned in my opening
4 testimony or my opening statement. First, can you
5 comment on why the \$100,000 we called for was not
6 included in the Executive Plan? Do you understand
7 kind of where that was born out of from the Council
8 because we just feel like it's an--it's an important
9 plan? It's a plan that we all hope to get to, but it
10 doesn't seem be getting to the everyday New Yorker.
11 It's, you know, very much still in I think amongst
12 the policy people, and there may b--even be thinking--
13 there may be things that you're doing to get there,
14 but people don't know that you're doing it with that
15 goal. So, you know, we were hoping that this is an
16 opportunity to engage community so that New Yorkers
17 understand that they're a part of a bigger plan. And
18 in terms of establishing benchmarks around
19 surrounding Zero Waste, the Council would like to
20 better understand the benchmarks so that when we are
21 meeting with you we can say hey, you've accomplished
22 this. We're getting closer. It's a long plan
23 between now and 2030. So establishing those
24 benchmarks are important for us as oversight agents,

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right, to be able to follow or-or help, you know, if
there's something that needs to be mitigated or that
your agency needs more support, that we can call for
that.

COMMISSIONER GARCIA: Uh-huh.

CHAIRPERSON FERRERAS-COPELAND: I mean,
I-I think that in terms of getting the message on
Zero Waste, we have a very large outreach budget far
greater than \$100,000. We don't tend to use a lot of
paid media, and have been doing radio spots, and we
tend to be very hyper local because we've found that
that has been effective as we're rolling out new
programs to really target the bloggers, the local
papers as we move forward but, you know, if there are
specific things that you think that we should be
doing on an advertising front, I do think we're
properly funded that we could articulate-we could
move money around to achieve \$100,000 if there's
something specific that we should be doing that you
think we're not doing to get the message out.
Because we do a lot of sort of the bus shelter where
we can across the city as well as using our own
vehicles to promote the message of Zero Waste, and

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then, of course, we have a pretty significant media
presence, and as we think--

CHAIRPERSON FERRERAS-COPELAND:

[interposing] I think especially you're expressing
that you have more than enough money, right, and--and--
or not more than enough, but you have enough.

COMMISSIONER GARCIA: [interposing] I

could always use more--

CHAIRPERSON FERRERAS-COPELAND:

[interposing] Right.

COMMISSIONER GARCIA: --from the people

at OMB who are possibly sitting in the room, but I do
feel like we are pretty well funded--

CHAIRPERSON FERRERAS-COPELAND: Right.

COMMISSIONER GARCIA: --for our--

CHAIRPERSON FERRERAS-COPELAND: Well, I

guess what we're saying is that the campaign for some
of our neighborhoods isn't necessarily working or
it's not connecting. You know, I have yet to have
one constituent say hey, how is that Zero Waste
campaign. You know, I know that by 2030 we're
supposed to be a Zero Waste, but they'll about
recycling, they'll talk about the, you know, the--the
waste program. I know that you sent the mailer or

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card out to people in my district or the agency did
about City Field.

COMMISSIONER GARCIA: Uh-huh.

CHAIRPERSON FERRERAS-COPELAND: So I hear
talk about that, and that could be a goal, right,
that's within the campaign?

COMMISSIONER GARCIA: It's an initiative
within--

CHAIRPERSON FERRERAS-COPELAND: Exactly.

COMMISSIONER GARCIA: --within the
broader Zero Waste goal.

CHAIRPERSON FERRERAS-COPELAND: Right so
people can understand that these initiatives are
getting us there.

COMMISSIONER GARCIA: Okay.

CHAIRPERSON FERRERAS-COPELAND: It just
seems like how can we get for people to understand
for our constituents to understand that they're a
part of that solution 2030.

COMMISSIONER GARCIA: Alright, no, I-I
take that as a-as a-as an appropriate criticism in
terms of because I view it as being very obvious, but
I also live it--

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CHAIRPERSON FERRERAS-COPELAND:

[interposing] Right.

COMMISSIONER GARCIA: --everyday.

CHAIRPERSON FERRERAS-COPELAND: Right.

COMMISSIONER GARCIA: And so, let's sit
down and figure out what you think would make--would
help get the message to your constituents about how
these things all fit together.

CHAIRPERSON FERRERAS-COPELAND: Right.

COMMISSIONER GARCIA: Because I do think
that it's very important to have them be on board.
Their decisions matter.

CHAIRPERSON FERRERAS-COPELAND:

[interposing] Right, and I--and I--

COMMISSIONER GARCIA: You what they
choose to buy and others.

CHAIRPERSON FERRERAS-COPELAND: --and I
also think it would help facilitate especially in
corridors that are more trans--you know, that--that we
have a lot of activity in so that people aren't
throwing garbage in. So, you know, everything
connects. So at least they can take ownership of
being able to get our city clean. Where, and--and it
came up in a town hall meeting that I had in the

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district where people—that's the one thing they
talked about. They wanted a campaign to clean up the
city, and then this is kind of part of it.

COMMISSIONER GARCIA: Right, no, we
actually just kicked off last weekend. Was it last
weekend—a new anti-litter campaign called Trash Talk
New York and, you know, we will be promoting that
over the next year. We have a public service
announcement.

CHAIRPERSON FERRERAS-COPELAND:
[interposing] How to translate Trash Talk New York?

COMMISSIONER GARCIA: How do you
translate it?

CHAIRPERSON FERRERAS-COPELAND: Yeah,
because in Spanish in sounds like let's talk about
garbage, right? That's sort of talk?

DEPUTY COMMISSIONER FIORE: [off mic]
Spanish talk, yes.

CHAIRPERSON FERRERAS-COPELAND: Right?

DEPUTY COMMISSIONER FIORE: [coughs]
Hablar de basura.

CHAIRPERSON FERRERAS-COPELAND: Hablar de
basura. Let's talk about garbage. Okay, we got to—
because that's what I automatically think about is my

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constituents right, how-how does that-what does mean
to them. So I hear the campaign.

COMMISSIONER GARCIA: It's-it's a
basketball. It's actually supposed to be a play on
basketball.

CHAIRPERSON FERRERAS-COPELAND: Okay.

COMMISSIONER GARCIA: Uh-huh.

CHAIRPERSON FERRERAS-COPELAND: Okay,
well that one is floating my head. [laughter]
Alright, well, I would love for you to-both chairs we
would love to sit with you--

COMMISSIONER GARCIA: [interposing]
Absolutely. No, I mean I think that we're always
trying to figure out how to make it so that we are
leveraging any resources we have about being creative
with making connections to all of New York City's
residents.

CHAIRPERSON FERRERAS-COPELAND: Great.
Budgetary transparency, which I also mentioned and
the review of the public document published by the
Office of-by OMB, the detailed initiative run-the
Department of Sanitation listed a single new need:
Maintaining service levels at \$3.3 million. When, in
fact, this new need has multiple programs rolled into

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it, including SMART system repair, amongst other
street cleaning support staff and job training
program. For transparency purposes and to allow the
Council to be more effective in analyzing the budget,
can you—can we get a commitment from you that you
would speak with OMB to break out these titles moving
forward for a better—more analysis?

COMMISSIONER GARCIA: I'm certainly happy
to talk to them. I can give you what that break is
today.

CHAIRPERSON FERRERAS-COPELAND: That
would be great.

COMMISSIONER GARCIA: So for the SMART
system it's \$2 million. For facility repairs it's a
million dollars. For the LODI Billing system it's
\$120,000 and for the support staff to run the job
training program it's \$200,000.

CHAIRPERSON FERRERAS-COPELAND: \$200,000.
Okay, great. Thank you. I want to talk about Clean
NYC program, which is currently under EDC I believe.

COMMISSIONER GARCIA: No, they only—they
have a part of it. I have—they have just the
graffiti piece.

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CHAIRPERSON FERRERAS-COPELAND: Okay,
well, that's what we want to better understand. They
Mayor recently announced the \$1.8 million for the
purchase of 14 new sidewalk cleaning trucks as part
of the Executive Budget. The trucks the Economic
Development Corporation spray down dirty walkways
along major corridors. Do you know whether these
sidewalk cleaning trucks are allowed to use chemicals
to scrub down the sidewalk, and also do you know
where this equipment will be stored? Is it kind of--

COMMISSIONER GARCIA: [interposing] Yeah,
so all of that equipment is EDC.

CHAIRPERSON FERRERAS-COPELAND: Okay.

COMMISSIONER GARCIA: So I really don't
know what their process is, and I think if they ended
up with that role, since they use power washers now
for graffiti removal, and so the pieces of the
CleanNYC program that I am responsible for is using
mechanical brooms on highway ramps--

CHAIRPERSON FERRERAS-COPELAND: Okay.

COMMISSIONER GARCIA: --as well as the
fact that we were funded for additional collection on
Sundays and holidays with baskets.

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CHAIRPERSON FERRERAS-COPELAND: Okay, in
these--in these corridors?

COMMISSIONER GARCIA: I don't know if
they match up. We were actually--we--for many of the
people, some in the outer borough who did not have
Sunday or Holiday basket service, that is where we
added the service.

CHAIRPERSON FERRERAS-COPELAND:
[interposing] Okay, so it's--

COMMISSIONER GARCIA: So it's primarily
outside of Manhattan.

CHAIRPERSON FERRERAS-COPELAND: Are you
coordinating in any way with EDC and what they're
doing or are these just two independent?

COMMISSIONER GARCIA: They really are
independent. We looked at where we were missing
service for baskets, and that is where we put it. So
we pick up about a little bit more than 19,000
baskets on a Sunday.

CHAIRPERSON FERRERAS-COPELAND: So does
any--is there any power washing or on this type of
cleanup that's done within your department at all?

COMMISSIONER GARCIA: We clean the
baskets with power washers when they--like once a year

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in the spring and then usually again if we need to in
the fall. We will go out usually on the overnight
because they get sort of grungy particularly the
high-end ones--

CHAIRPERSON FERRERAS-COPELAND: Uh-huh.

COMMISSIONER GARCIA: --and we do power
wash those.

CHAIRPERSON FERRERAS-COPELAND: But you
don't do anything--you don't do actually what is being
called on to do by EDC?

COMMISSIONER GARCIA: Yeah, we don't do
that work.

CHAIRPERSON FERRERAS-COPELAND: Okay,
because that's what we were trying to differentiate
because you hear cleaning up New York City, well, why
isn't the Sanitation Department doing this as opposed
to having EDC do it?

COMMISSIONER GARCIA: I think it was
really mainly because they had been doing the
graffiti removal and, therefore, had already had
experience with those particular vehicles or had the
vehicles to do it, and then I guess this is to
replace some of those vehicles to do the sidewalk
piece.

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CHAIRPERSON FERRERAS-COPELAND: Okay, the
Mayor in his Executive rollout, he mentioned the
hiring freeze and, you know, what potentially could
mean to your agency. Have you gone through this
exercise to see if you'll have to—if there'll be
positions that you will not able to fill, a
management position or administrative positions
because of the hiring freeze?

COMMISSIONER GARCIA: So at this point
we're still waiting for guidance from OMB on exactly
what it will for the hiring freeze. I mean
fortunately for us it does not impact the uniform
side.

CHAIRPERSON FERRERAS-COPELAND: Right.

COMMISSIONER GARCIA: So we do intend to
do our regular hiring classes beginning in July.

CHAIRPERSON FERRERAS-COPELAND: Okay, and
I just have a question for you that I ask every
commissioner, and this is in reference to Summer
Youth Employment. It is a program run by DYCD where
young people from 14 to 21 or in some cases 24 I
think, are employed by the city--

COMMISSIONER GARCIA: Uh-huh.

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CHAIRPERSON FERRERAS-COPELAND: --

essentially to do work. One of the things that we
have found is we—we held a task force and quality
jobs is what young people want the most, right? And
the city is one of those places where young people
can be placed to look at other opportunities, career
pipelines. Do you currently have any Summer Youth
Employment placed--?

COMMISSIONER GARCIA: [interposing] We
have about 20--

CHAIRPERSON FERRERAS-COPELAND: Twenty?

COMMISSIONER GARCIA: --or we will have
yeah, 20 for the summer.

CHAIRPERSON FERRERAS-COPELAND: This
summer. How much—did you have any last summer?

COMMISSIONER GARCIA: Yeah, we probably
had around the same amount give or take.

CHAIRPERSON FERRERAS-COPELAND: Okay.

COMMISSIONER GARCIA: I don't think
that's changed over the years.

CHAIRPERSON FERRERAS-COPELAND: Do you
think you would have capacity let's say if we were
able to give you five more?

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COMMISSIONER GARCIA: Yes, we would have
the capacity to take five more.

CHAIRPERSON FERRERAS-COPELAND: Okay.
Very good. Thank you and--and I've got to say you're
the agency that's done the best. Usually people are,
you know, agencies are saying one or two. So, you
are really--you've really stepped up to the plate for
our young people.

COMMISSIONER GARCIA: We can manage to
make it so that we can create a good summer
experience.

CHAIRPERSON FERRERAS-COPELAND:
Excellent. Wonderful. So thank you very much and
now we'll hear from Chair Reynoso.

CHAIRPERSON REYNOSO: Thank you. Thank
you, Chair Ferreras. I want to talk about the
Organics Program. I see in the--in this year's budget
we reinstated the leaf collection work. I think last
year we talked about doing away with it because
eventually the Organics Program would be expanded to
be able to take that on. Just want to talk about the
need to reinstate it again, and then after that, how
long it's going to take to get organics I guess
citywide or--or for the most part to handle these leaf

collection districts. In your testimony you said
2018. It sounds ambitious. Just want to make sure
that it's something that you—you believe we can
achieve.

COMMISSIONER GARCIA: I don't it—I mean
it is ambitious. Well, everything we're doing on
organics in the city of New York is extraordinarily
ambitious. We are bigger than any other program in
the nation, but we look at this every year to make
sure that where we think we're going to get to by the
fall is where we've gotten to. So that we're still
also getting all of those leaves that we've
historically gotten, and we do think by the end of
Calendar Year 2018 that we will have curbside or
convenient drop-off locations across the city. And
we are encouraging high-rises to apply and join the
program. I was actually at Stuy Town Cooper Village
sometime this week and, you know, they are really
embracing that portion of the program, and we've
figured out a lot of the kinks. So, they actually
have the cleanest garbage and recycling in their
basement that I've ever seen.

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CHAIRPERSON REYNOSO: Don't tell that to
Dan Garodnick. He'll be—he'll be touting the great
work that is—he's from—he's from that area.

COMMISSIONER GARCIA: [interposing] No,
and I think he was there.

CHAIRPERSON REYNOSO: So—so I--

COMMISSIONER GARCIA: [interposing] No,
and—and he was there.

CHAIRPERSON REYNOSO: So, I—I---

COMMISSIONER GARCIA: [interposing] It's
very pleasant. It is very pleasant--

CHAIRPERSON REYNOSO: It is.

COMMISSIONER GARCIA: Even in the
compactor room.

CHAIRPERSON REYNOSO: It's an amazing
place. It really is. So, when it comes to the
organics, and I think it speaks to the—the marketing
I guess or—or like brining your attention to exactly
what we're supposed to be doing. Unfortunately, or
fortunately in Community Board 1, we are starting to
see the orange bins throughout the district.

COMMISSIONER GARCIA: They're brown.

CHAIRPERSON REYNOSO: Yes.

COMMISSIONER GARCIA: Brown bins.

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CHAIRPERSON REYNOSO: Brown-brown bins.

I apologize. [laughter] Brown bins, yes, they are brown, they are brown, but they're not being—I don't—I see them outside a couple of them, and they're—they're becoming a nuisance instead of being used appropriately. I just want to know what process from beginning to end the Department of Sanitation goes through when they introduce a building or a house to the program, and how they educate folks, and then how—how ultimately we expect to get to Zero Waste by 2030 with the education that expect folks to have on these bins.

COMMISSIONER GARCIA: Certainly, so we send out mailers before we ever show up to all of the people we anticipate starting in the program. We do a lot of research. I have to say that Community Board 1 even though we had pulled data from City Planning and everything, we'd show up and think there was going to be a single-family home, and there was a 10-story apartment building.

CHAIRPERSON REYNOSO: Yeah, right.

COMMISSIONER GARCIA: So then we'd bring out, we have a vendor, and we have staff that goes with the vendor as we go house to house and deliver

the brown bins to each residence, and then we follow that up with if we can individual conversations with those. We do an event in that district usually some time around when we're going to be kicking off the beginning of collection. Then they get another mailer that tells them that it's time to start putting out their brown bin, and when they should put out their brown bin. And then we will do some back casting. So we do lots of tabling events and attend, you know, every Community Board, every civic organization that we can locate, but we've also been trying to work with local-well, in your district very cool people to try and get them to talk about it.

CHAIRPERSON REYNOSO: So my-my goal with the marketing the \$100,000 is a part of like Vision Zero for example.

COMMISSIONER GARCIA: I think they have way more than \$100,000 for that.

CHAIRPERSON REYNOSO: I know, and I guess it was a-it was a place or it was about-it was a conversation started for us more than it was anything else. I just-you know, we see the commercials on TV about Vision Zero about the right-of-way law, and so forth, and it's a-it's-it's great

messaging with--with the stories getting across the
general public. We're getting tougher on drivers
that are not doing the right thing, and I just feel
like Zero Waste is--is going to be more difficult than
getting to Vision Zero to--to me--

COMMISSIONER GARCIA: Uh-huh.

CHAIRPERSON REYNOSO: --in my eyes. So
why would we not have a comparable marketing strategy
to get this information out to the public as to how
they should be behaving when it comes to recycling
and--and organics in their--in their homes? So even if
you have a robust system and you're doing that work,
I just don't feel that--it's not resonating or--

COMMISSIONER GARCIA: [interposing]
Right, we don't--we don't do--we don't do billboards.
We haven't done TV commercials, and we haven't been
funded to do those sorts of bigger advertising
campaigns. You know, we feel like we've seen
incrementally better and better participation and
improvement, but we are happy to work with you on how
we might recast that in some way that you think would
be more helpful and more effective.

CHAIRPERSON REYNOSO: Absolutely and for
us it's--it's stats, right? It's numbers, right?

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COMMISSIONER GARCIA: Uh-huh.

CHAIRPERSON REYNOSO: We have to get to
zero. We've got to move the diversion rates up, and
we don't see that. So we are concerned. So and I
know that there's--

COMMISSIONER GARCIA: [interposing] The
diversion rates are moving up.

CHAIRPERSON REYNOSO: They are?

COMMISSIONER GARCIA: They are moving up,
and they have consistently been moving up since we
got those--

CHAIRPERSON REYNOSO: [interposing] That
feels great. So do you feel confident that we can
get to Zero Waste by 2030?

COMMISSIONER GARCIA: Well, there are
some other pieces of Zero Waste that was part of the
plan. One is the Organics Program, but there's also
the issue of there were some products that we thought
should not still be in the waste stream that are
still in the waste stream.

CHAIRPERSON REYNOSO: Like plastic bags?

COMMISSIONER GARCIA: Perhaps like
plastic bags.

CHAIRPERSON REYNOSO: Okay, okay.

COMMISSIONER GARCIA: And so, you know,
that will make it more difficult, and we also have
some infrastructure challenges in terms of moving the
single stream, which we think will really boost
diversion rates. We are progressing as effectively
in that are, but it does require some capital
investment.

CHAIRPERSON REYNOSO: Right. So I want to
continue to have this conversation. I think we're
going to actually have a hearing in the beginning of
September or October regarding Zero Waste and—and I
think folks are looking forward to having like a
detailed plan with benchmarks the way that the
Finance Chair talked about. So we could all be on
the same team in trying to help achieve those goals,
but right now I think we're all scattered and
everyone is doing their own thing, and it's
disorganizes. I'm—I'm talking about the advocacy
side, and from the—the folks on—on my side. We want
to be a part of the same team to get us to Zero
Waste, and we really—I don't feel that there's a
comprehensive move to make that happen.

COMMISSIONER GARCIA: Okay.

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CHAIRPERSON REYNOSO: I feel disconnected somewhat. So I would love to see if we can make that happen.

COMMISSIONER GARCIA: Okay.

CHAIRPERSON REYNOSO: So in Fiscal Year 2018, there's going to be a Mobile Litter Patrol program on Staten Island. I want to leave this to Matteo more so than anything else, but I'm a little concerned. My only concern I have is what measure was used in evaluating that this is a need for Staten Island more so than any other location, one, and if-- was that the auto system or was it another system that was used. Was it political or was it something that you guys used that--that measured how dirty a street is and whether or not it is possible.

COMMISSIONER GARCIA: So I mean there-- there's one, I--I want to just sort of clarify for everyone they are not the only people who have Mobile Litter Patrol. There is actually quite a bit of Mobile Litter Patrol regularly budgeted in North Brooklyn, as well as we put additional resources in North Brooklyn to deal with some of the challenges in terms of the score card ratings there. And that we did long ago based on what your score card was. One

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of the particular challenges on Staten Island--and
close your ears the rest of the boroughs--they don't
have alternate side of the street parking. So we
can't use a mechanical broom in a lot of those areas.
Alternate side of the street parking I'm just going
to pitch it to Staten Island is--

CHAIRPERSON REYNOSO: [interposing] Is a
great idea.

COMMISSIONER GARCIA: --is a--is a--is a--
it's an extremely effective cleaning method.
[laughs] So there--there are Mobile Litter Patrol
resources across the city both budgeted and then when
we feel the need, we use people on overtime to make
sure we're keeping areas clean.

CHAIRPERSON REYNOSO: [coughs] If you do
alternate side of the street cleaning, I image it
would be like two days. It wouldn't be the four days
that we're used to everywhere else, right? It would
be something that's very light I imagine.

COMMISSIONER GARCIA: Then I'll never be
allowed back on the island. [laughs]

CHAIRPERSON REYNOSO: Well, it would be
so clean that you'll be fine. I give it like five
years. It takes time, and don't forget that Matteo

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fought against it, and I'm really loved, but I also
decided that street parking works. The commercial
waste consultant study can we just talk about what
just letting people know that it's actually been
contracted out, and do you have a timeline for that,
and what it's--what it looks like?

COMMISSIONER GARCIA: So, my anticipation
is that it will be the Comptroller before the end of
the month, and should register before June 30th, and
we will be on track as we said in our planning to get
them to kick off July 1.

CHAIRPERSON REYNOSO: Okay. So what's
the--the timeline of how long you would--?

COMMISSIONER GARCIA: They have a year to
do the implementation plan.

CHAIRPERSON REYNOSO: One year, okay and
then--

COMMISSIONER GARCIA: [interposing] I
mean and then that will then kick off other things
then we will have to do depending on what they come
up with. I assume legislation, and then I would also
assume that we'll need a very large environmental
impact statement. I mean there are a lot of pieces.

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CHAIRPERSON REYNOSO: You know, so I'm—
I'm excited to see that study because I want to make
sure that all the decisions we make as a city we do
regarding facts and data.

COMMISSIONER GARCIA: Absolutely.

CHAIRPERSON REYNOSO: It seems to be
missing sometimes in these types of conversations.
So I'm excited for that to happen. So there's a—a
reduction in the number of—of vacant lots citywide.
Give me a second. Let me get this straight first
before I say it on the record. [coughing] [pause] So,
we're—we're moving some money around. It looks like
we're not using CDBG money, but instead we'll be
using tax levy dollars to handle vacant lots now.

COMMISSIONER GARCIA: Uh-huh.

CHAIRPERSON REYNOSO: The department has
actually said that there are less vacant lots. So
they might need—they would need less money to handle
them, but we actually have information from the
Mayor's Management Report that speaks to an increase
year in—for example, in Fiscal Year 2016 you had
2,779. In—in the first four months of Fiscal Year
2017, we already have 1,440 requests. So we're
concerned about the decrease in funding or maybe if—

with decrease in funding in—in these vacant lots,
four vacant lot cleanup. When we see them increasing
every single year or the request for cleanup
increasing every year even though we have less of
them.

COMMISSIONER GARCIA: So—so one of the
things that I—I just want to start with is that we
actually have the same amount of money. We were—it
was a one-to-one change so really a technical change
by OMB to make it so that's no longer federal and can
now be—is now city money. It actually gives us a lot
of flexibility because technically we are not
supposed to be cleaning MOTs that are not in low-
income communities. We have to meet certain federal
guidelines to use that CGB—CDBG money, which in some
of the neighborhoods is getting harder and harder to
do. And so this is actually something we had started
to OMB about quite awhile ago. And it also gives us
a little more flexibility if, you know, there is
vacant land next to the Long Island Railroad tracks
that technically this—these folks couldn't clean
that, and now we could use them to do that, and some
of the way that they clean greener areas or dirtier
is they have sort of specialized equipment to do

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that. So we think it will be—it will give us more
flexibility. It will allow us to be more responsive,
but our intention is not to clean any fewer lots at
all.

CHAIRPERSON REYNOSO: And these are not
private lots, right?

COMMISSIONER GARCIA: They can be private
lots if the Health Department orders us to clean it
due to a public health emergency usually related to
rats.

CHAIRPERSON REYNOSO: Okay.

COMMISSIONER GARCIA: Though people
complain about their neighbors' back yards and side
yards all the time.

CHAIRPERSON REYNOSO: [pause] In the
previous testimony we had to or the previous answers
to questions from the Finance Chair we talked about
Clean Up—Clean Up NYC.

COMMISSIONER GARCIA: Uh-huh.

CHAIRPERSON REYNOSO: How—how is that
program doing? What are the ramps looking like and do
you feel satisfied with the work that's being done?

COMMISSIONER GARCIA: I—I have to say
that I actually think that the Ramp Program, which we

had never done before has gone extremely well. We've actually added additional highway ramps because we didn't need to be going back as often. When the pictures were coming back, the before and after you couldn't tell. So we started using them on more highways. So the original highways were the FDR, Harlem River, Major Deegan, Cross Bronx, the Hutch, the BQE, the Belt, the Long Island Expressway, the Cross Island at Staten Island, and we've added the Henry Hudson, the Sheridan and the Bruckner, the Bronx River, the Gowanus, the Prospect and the Clearview. I think it makes a difference on the shoulders but, you know, I do always enjoy getting feedback if you're seeing that it's—that it's helping.

CHAIRPERSON REYNOSO: And—and are there any highways or—or ramps that you're missing—missing to that list?

COMMISSIONER GARCIA: I'm sure that I've missed a highway. I don't think I'm doing the Inner Borough or the Jackie Robinson, and I mean there are a few others. I'm not doing the Belt.

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CHAIRPERSON REYNOSO: Have you made an
assessment on whether or not you'll be able to take
them all on eventually?

COMMISSIONER GARCIA: We're-we're adding
to make sure that we stay ahead and within our
funding envelope, but that we're still-the ones that
we started with we don't let fall back. So we
continuously reassess that.

CHAIRPERSON REYNOSO: Okay. [pause] Yes,
so [coughs] \$895 million to replace vehicles and
major equipment. That's a large order. That's a lot
of-a lot of money for equipment. Do you-do you
believe you'll be able to get all the equipment on-in
a timely fashion? I know we've moved the half life I
guess or the life span of a vehicle from seven to
eight years now--

COMMISSIONER GARCIA: Uh-huh.

CHAIRPERSON REYNOSO: --which I think is
smart. Hopefully it works, but do you feel confident
especially with the large vehicles, the-the dual bin
and the-the-the non-traditional trucks I guess I want
to call them. Is it-can we meet those orders in-
within the fiscal year?

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COMMISSIONER GARCIA: Well, it's not 801
fiscal year.

CHAIRPERSON REYNOSO: Okay.

COMMISSIONER GARCIA: So, it's--

CHAIRPERSON REYNOSO: That's the capital
commitment time yes, right.

COMMISSIONER GARCIA: Yeah, so it's--it's--
it's 168 for next year, and--and we feel confident
that we can bring in those vehicles. We actually
worked very hard with DCAS and OMB to get us on a
regular replacement cycle so that we're not getting
700 vehicles one year and then none the next year,
and being very bumpy. And so, our intention is to
get 250 regular rear-loaders next year, 79 dual bins,
mechanical Brooks, open dump trucks, heavy duty
wreckers, tractor-trailer beds. So, we-we feel like
particularly for our frontline fleet that we are in
good shape to bring those on under--and be able to
commit that money next year. [pause]

CHAIRPERSON REYNOSO: The last question
was going to be about garages, but you kind of
answered those during your--your testimony. I guess I
would just like to end by saying the Zero by 30 is
extremely important and it's something we again we

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all want to be a part of. I really want to see an
increase, a significant increase in the budget that
speaks to an aggressive and bold like attempt at
achieving this. I mean at this moment I see the-the
light increases and-and just not feeling comfortable
that it's being taken seriously by the
Administration. So I want to have a conversation
about how we're truly going to get there. Maybe
working backwards from 2030 as to how we-we-we
believe we can achieve that, but thank you for your
testimony as usual, and I want to pen it up to I
guess the-the Chair handles moving it on from council
member to council member. So 2018 alternative street
parking in Staten Island, Council Member Matteo do
you have some questions?

COMMISSIONER GARCIA: [interposing]

You're not going to be allowed to go there.

COUNCIL MEMBER MATTEO: [off mic] That's
fine.

CHAIRPERSON REYNOSO So we just made a
commitment to alternative side of the street parking
in Staten Island. So we'll see how you handle that
little problem that you have, but I'm-but I'm done
with all my questions, Finance Chair.

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CHAIRPERSON FERRERAS-COPELAND: [off mic]

We'll go with Council Member Matteo, and we'll hear
Matteo.

COUNCIL MEMBER MATTEO: Thank you, Madam
Chair. I don't have much because we're doing so well
in Staten Island with Sanitation. So much that Chair
Reynoso is getting very antsy over there. [laughter]
Very, very antsy. We—we did expand e-waste so you
should be happy.

COMMISSIONER GARCIA: It's coming--

COUNCIL MEMBER MATTEO: [interposing] Did
you ever see--

COMMISSIONER GARCIA: --it's coming to
your neighborhood.

COUNCIL MEMBER MATTEO: That's right and
we're going to start with that chainless plug, and
we're going to say how great e-waste has been on
Staten Island. Thank you, Commissioner. Thank you
for your partnership, and can you just—just touch
base on—on, you know, how we're doing and the
expansion and—the—the total cost. Is that for the
expansion or is that for Staten Island? Can you just
break that down for me?

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COMMISSIONER GARCIA: So--so the first--the
money that we have for next year is for Staten Island
and for North Brooklyn.

COUNCIL MEMBER MATTEO: And for North
Brooklyn.

COMMISSIONER GARCIA: And for North
Brooklyn, and so then we will go probably to Brooklyn
South and then we will move to Queens and to the
Bronx. It really has been dependent on--you were in
some ways lucky that we have a place to palletize the
electronics.

COUNCIL MEMBER MATTEO: Yes.

COMMISSIONER GARCIA: I don't have that
in all the other boroughs yet, and so we're looking
for locations where we can palletize the electronics
in order for them to be shipped to ERI.

COUNCIL MEMBER MATTEO: Okay, and are you
still going to use the same process of the website
and the--

COMMISSIONER GARCIA: [interposing] Yes.

COUNCIL MEMBER MATTEO: --311.

COMMISSIONER GARCIA: Yes, so people will
either call 311 or they will go online to 311 and

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they would fill out the form and then we schedule
their appointment just like we do on Staten Island.

COUNCIL MEMBER MATTEO: Great and is
there any issues that have arisen on Staten Island
recently, any problems that you've foreseen with the
expansion or do feel like it's good?

COMMISSIONER GARCIA: [interposing] No, I
mean I feel like it's gone extremely well on Staten
Island. I mean to be quite honest, the Sanitation
workers are happy, the people are happy, and I'm
getting--

COUNCIL MEMBER MATTEO: Yep.

COMMISSIONER GARCIA: --plastic material
out of the waste stream so--

COUNCIL MEMBER MATTEO: Absolutely so
we're going to win.

COMMISSIONER GARCIA: I have no
complaints.

COUNCIL MEMBER MATTEO: Antonio, I hope
you were paying attention.

COMMISSIONER GARCIA: Yeah, we've
collected over 10,000 pieces of electronics on Staten
Island since October.

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COUNCIL MEMBER MATTEO: Right.

Excellent, so just moving onto a few other things.

You know how much I love the Organics collection.

COMMISSIONER GARCIA: He is in the
Organics Collection Program, and occasionally, I do
get pictures of his bin primarily with yard waste in
it.

COUNCIL MEMBER MATTEO: There's waste.
There was a banana peel in there the other day.

COMMISSIONER GARCIA: Yes, I—he sent me
one lonely banana peel.

COUNCIL MEMBER MATTEO: Right, it's a
process.

CHAIRPERSON REYNOSO So—so the rumors
aren't true, you're a—

COUNCIL MEMBER MATTEO: [interposing] No,
there was a banana peel and I sent it.

COMMISSIONER GARCIA: You're an active of
Organics--

COUNCIL MEMBER MATTEO: I'm an active
member.

CHAIRPERSON REYNOSO Okay, I like to know
that.

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COUNCIL MEMBER MATTEO: So is this going
to give me a-a time frame of expansion on the island?

COMMISSIONER GARCIA: So on the island it
will not be until next year because we are primarily
intending to use dual-bin trucks, and at this point
in time I don't have any more.

COUNCIL MEMBER MATTEO: Okay, so, and I
know that for the leaf collection you're looking to
expand where there's--there's not organics, right?

COMMISSIONER GARCIA: Right. So you will
have your regular leaf collection in the fall.

COUNCIL MEMBER MATTEO: Will there be
more because we did request another added leaf
collection times because we--we had a lot of
complaints last year. So I was wondering besides
the--the like I could use the organics.

COMMISSIONER GARCIA: Right, you will.
You're in the Organics program. So you will--

COUNCIL MEMBER MATTEO: [interposing] So--
so parts of Staten Island that don't have that, could
we look to see if we can do a few more pickups?

COMMISSIONER GARCIA: Well, we are just
funded for the ones that we normally do, but we will
look to see if whether or not we can figure out a way

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to make it so that it's clear about when we're coming
to collect it.

COUNCIL MEMBER MATTEO: Okay, okay. So,
Antonio already mentioned the Litter Patrol program.
I don't have to make him feel any worse. So I just
want to thank you for that. Looking forward to it.
Any new snow equipment coming or do we feel like
we're--

COMMISSIONER GARCIA: [interposing] No, I
feel like we're in good shape. I mean there will be
some replacement pieces that will come in, but we are
not planning to expand the snow fleet at this time.

COUNCIL MEMBER MATTEO:

COUNCIL MEMBER MATTEO: Okay, and the
Adopt-A-Basket program is that working? Can you do
more?

COMMISSIONER GARCIA: [interposing] It's--
it's been--we--we need to push again on that because we
had some people who decided to drop out. We were
over like 3,200 and then we've lost about 200 in the
last month.

COUNCIL MEMBER MATTEO: Where?

COMMISSIONER GARCIA: I don't know where
they were. They were city--that's citywide, and it's

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just people get tired of doing it, and so you have to
go and do more outreach again, and so we're pushing
again to get folks to participate. I do think that
it makes a big difference.

COUNCIL MEMBER MATTEO: I know you
mentioned before and I—I didn't quite hear everything
about the basket—the basket pickup, the collection.

COMMISSIONER GARCIA: On Mondays. (sic)

COUNCIL MEMBER MATTEO: Yes.

COMMISSIONER GARCIA: Yes.

COUNCIL MEMBER MATTEO: Yeah, so-so
that's on the island, too, or--

COMMISSIONER GARCIA: [interposing] No.

COUNCIL MEMBER MATTEO: --you just doing
that--

COMMISSIONER GARCIA: No, you just get
it--well, your baskets don't actually tend to fill up
that much.

COUNCIL MEMBER MATTEO: So you're just
doing them on the regular collection?

COMMISSIONER GARCIA: Yeah, just on the
regular collection.

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COUNCIL MEMBER MATTEO: And you just—have
you—I mean I think so far it's working. Have you
seen any issues that we need to expand that?

COMMISSIONER GARCIA: I—I have not seen
that we have overflowing basket complaints on the
island. I mean partly it's just there are fewer
areas that are focused on—that have pedestrians.

COUNCIL MEMBER MATTEO: Okay, alright.
I—I don't—that's all I have for you today. We've
done great work, and I appreciate it, Commissioner,
and I thank you and your team. Back to you, Madam
Chair.

CHAIRPERSON FERRERAS-COPELAND: Thank
you, Minority Leader. [pause] Commissioner, I think
this is our shortest Finance hearing [laughter] and
not because it wasn't informative but, you know,
because we—we really very much do enjoy working with
you and your team and the amazing municipal workers
that are part of our—our, you know, recruitment
workforce for cleanups. So thank you very much for
all that you do, and we will continue to push, and
ask for more transparency. We—you owe us a unit of
appropriation that I'm hoping we can get delivered on
and we will continue to follow up with OMB.

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COMMISSIONER GARCIA: Okay.

CHAIRPERSON FERRERAS-COPELAND: Thank you
very much.

COMMISSIONER GARCIA: Thank you.

CHAIRPERSON FERRERAS-COPELAND: We will
take a small break before we continue with Government
Ops. [pause] We will now continue the sixth day of
the budget hearings with testimony from Commissioner
Lisette Camilo of the Department of Citywide
Administrative Services. The Finance Committee is
joined this morning by my co-chair Ben Kallos, and
the members of the Governmental Operations Committee.
I want to acknowledge the members of the committee.
We have Laurie Cumbo with us, Council Member Cumbo,
and other members will be joining us throughout the
hearing. In the interest of time, I will forego an
opening statement and turn it over to Co-Chair—to my
Co-Chair to deliver his opening remarks. I will now
turn it over to Chair Kallos, who then will—will
swear you in, Commissioner. Right after, our counsel
will swear you in, and then you may begin.

CHAIRPERSON KALLOS: Good afternoon.

Welcome to this hearing of the Committee on
Governmental Operations for the Fiscal Year 2018

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Executive Budget held jointly with the Committee on
Finance. I'd like to thank our co-chair, Julissa
Ferrerias-Copeland of the Finance Committee for her
leadership and day six. I am Ben Kallos. I'm Chair
of the committee on Governmental Operations. As
always, you can Tweet me at Ben Kallos and Cargione
(sp?) watching who cares about the city is spending
\$84.9 billion. So Tweet me with questions for
agencies, and I'll do my best to ask them. During
today's Fiscal Year 2018 Executive Budget proceeding,
we'll be hearing from the Law Department, the Board
of Elections, the Campaign Finance Board and the
Department of Citywide Administrative Services, DCAS.
These agencies manage a variety of essential
administrative services such as defending the city
from lawsuits, administering our civil service exams,
managing city vehicle fleet and buildings, running
our elections and managing our city's Campaign
Finance system. As always, Governmental Operations
is focused on ensuring that the city is running as
effectively and cost-efficiently as possible while
still providing our citizens with the highest quality
services. With this goal in mind, we will be
discussing such issues as the reduction of the city's

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legal bills, the optimal use of city's properties and
ensuring that voters have access to poll site-poll
worker language interpreters and accessibility around
said voting sites. I'd like to thank Zach who is our
[coughs] Zach Harris who is our new committee Finance
Analyst as well Brad Reed our Committee Counsel and
John Russell our unit head. Also, we will
acknowledge Council Members as they join us from the
committee, and I would like to remind the members
that since we have a lot of questions, we're asking
for first round Q&A limited to five minutes and three
minutes in the second round for any subsequent round
if we have after that. I'll ask that we swear our
witness in if we have-

CHAIRPERSON FERRERAS-COPELAND: [off mic]

We have our Committee Counsel.

CHAIRPERSON KALLOS: Great.

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

LISETTE CAMILO: I do.

PANEL MEMBER: I do.

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LISETTE CAMILO: Good afternoon Chair
Ferrerias-Copeland, Chair Kallos and Committee
members. I am Lisette Camilo, Commissioner of the
Department of Citywide Administrative Services, and
I'm joined by members of my executive team to discuss
the planned expenditures and revenues for FY18 as
well as highlights of the DCAS Capital Plan. The
Mayor's FY18 Executive Budget supports our agency's
goal of being an accessible, accountable support
agency delivering essential services and expertise
for city agencies, city employees and the public.
Each day we provide resources that enable our clients
to further the Administration's vision for a more
sustainable, resilient and equitable city. This
Budget builds on our agency's accomplishments over
the last year and will support our major priorities
this year including more efficient administration of
civil service tests; the deployment of a space
management initiative; increased MWBE utilization and
further reduction of greenhouse gas emissions in
city-owned buildings. This budget also enables DCAS
to continue the acceleration of the city's Clean
Tweet Initiative and funds important Safety Fleet
Initiatives as part of Vision Zero. I'd like to take

this opportunity to provide updates for some of the
projects highlighted in my Preliminary FY18 Budget
testimony as well as talk about some of our new
initiatives.

DCAS continues to work on compliance with
the New York State Civil Service Law to reduce
provisional employees. Key to these effort is the
administration of Civil Service examinations in a
more efficient manner. To that end, we developed a
new type of Civil Service exam called the Qualified
Incumbent Examination, which is given to provisional
staff who have served at least two years in one of
193 titles specified in the New York State
Legislation that granted the city a two-year
extension for provisional reductions. DCAS began
administering QIEs in late January 2017, and
anticipates administering 67 QIEs by the end of FY17
with 115 QIEs slated for FY18. In addition to the
QIEs, DCAS is projecting to administer conventional
Civil Service examinations for another 75 titles in
FY18 to ensure that we are providing city agencies
with pools of qualified candidates to fill critical
city positions. DCAS continues lead the way in
providing training on diversity and inclusion in

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equal employment opportunity rights to city
employees.

For FY17 to date, we have provided
classroom and computer based training to over 16,000
employees and we're on track to meet our FY17
training goal of approximately 20,000 employees. In
the remaining months of this fiscal year, we are
focused on deploying online transgender inclusion
training. For FY18, DCAS plans to train an
additional 20,000 employees. DCAS continues to work
on maximizing MWBE vendor participation by conducting
outreach and ensuring that MWBEs are included as a
normal part of the agency's purchasing culture. In
fact, this fiscal year we have hosted more than 15
events and we plan to continue this work in the
upcoming year. These events are important way to
communicate with businesses and are part of the
reason why DCAS continues to see growth in the number
of contracts we are awarding to MWBE firms. In this
fiscal year, we have awarded approximately \$20
million in contracts to MWBE firms and are on pace to
receive the dollars we awarded in FY16.

DCAS is working to make the largest
municipal fleet the safest and most sustainable.

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Our fleet team is leading the implementation of the NYC Clean Fleet Initiative to add 2,000 electric vehicles to the city's fleet by 2025, and to reduce transportation greenhouse gas emissions by 50%. We are happy to report that we are ahead of schedule, and we will reach 1,000—over 1,000 on-road electric vehicles by the end of the summer. We expect to reach at least 1250 EVs by the end of Fiscal Year 18.

DCAS is working with the First Deputy Mayor and the OMB Director to implement a new citywide office space management initiative. The goal is to maximize the use of all city-owned and private leased space currently occupied by city agencies. Any new request for additional space will be evaluated to determine if there are opportunities to maximize that agency's existing space or utilize the city's own portfolio before entering into any new leases. The maximization of the use of space is also expected to reduce the citywide cost for leasing space by \$3 million, which is incorporated into DCAS' FY18 budget along with an additional citywide reduction of \$10 million in FY19.

DCAS is ramping up the rate of installation of clean energy technologies within the city. DCAS estimates that it will initiate 17 megawatts of solar power, clean distributed generation projects this calendar year, which is almost double what we have installed to date. DCAS is also piloting energy storage technologies that are both standalone, and coupled with clean distributed generation. DCAS expects to have the first two energy storage demonstration projects completed this calendar year. These pilot programs will increase the efficiency of distributed generation, reduce peak demands and corollary energy costs and enhance emergency power provisions.

DCAS' Expense Budget reflects funding of \$1.2 billion and a budgeted headcount of 2,419 in Fiscal 18. The majority of DCAS' planned FY18 expenditures, \$714 million is allocated for the citywide heat, light and power expense. The FY18 Energy budget is a collaborative effort between DCAS and OMB in forecasting agency energy usage as well as commodity rates in the upcoming fiscal year. DCAS continues to work closely with agencies citywide to enhance the energy performance of their facilities

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through a range of programs, which includes
retrofitting equipment and improving operations and
maintenance.

In the FY18 Executive Budget, DCAS
received expense funding to enhance our services
through joint efforts—efforts with other city
agencies, including but not limited to public safety,
office space efficiencies, improvement in the
citywide procurement processes, and the
administration of the non-non-public school security
program. Some highlights include Office Space
Management Initiative. DCAS received funding for 21
positions and \$2.9 million to more closely and
effectively manage space utilization by agencies.
DCAS received seven engineering and architectural
positions and \$800,000 to perform the work to
relocated the Brooklyn Housing Court from privately
leased space at 141 Livingston Street to a city-owned
building at 210 Jaralemon Street. DCAS in
coordination with the Mayor's Office of Contracts and
FISA is working on the Citywide Procurement Innovate—
Innovation Initiative. One of the keys to this
initiative is the creation of new technology to
simplify and add transparency to citywide

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procurement. The implementation of Passport will
allow us to decommission several DCAS and citywide
procurement systems such as the Crypts Mainframe that
is used to create citywide contracts and VENDEX.
DCAS IT received three positions and \$400,000 for
staff to work on the development of the new system,
Passport, which will be used to manage the annual \$15
billion citywide procurement process. DCAS received
a total of \$19.8 million in FY18 as required by Local
Law 2 to be used to reimburse security expenses
incurred by participating non-public schools. Now,
as requested by OMB, we have identified savings in
the areas that will not adversely affect the agency's
ability to provide critical services to both the
public and our client city agencies. Some of these
include NYSERDA incentive payments. In FY18, DCAS
expects to receive an additional \$400,000 in
incentive payments from the New York State Energy
Research Development Authority, associated with the
installation of soto-Solar photovoltaic power
projects at 24 schools, which were completed in FY16.
The elimination of vacant positions. DCAS will
eliminate ten vacant positions in FY18, which will
result in \$700,000 in savings. The agency will

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implement this reduction in areas that will create
the least adverse impact agency operations, and Civil
Service exams revenue. DCAS is projecting to earn an
additional \$1.5 million in Civil Service exams in
FY18 as a result of an increased number—in the
increased number of exams associated with the
provisional reduction program.

Revenues: The FY18 total DCAS revenue
budget is \$65.8 million primarily due to commercial
rents of city-owned property projected at \$43.1
million, the sale of surplus vehicles and other city-
owned equipment totaling \$8.9 million, and
anticipated revenue of approximately \$5.3 million in
filing fees for Civil Service examinations. As you
are aware, the Executive Budget reflects an updated
10-year capital plan of \$4.8 billion for Fiscal Years
18 through 27 to maintain and enhance DCAS facilities
and build out leased office spaces. More
specifically, the Executive Capital Budget for 18 is
\$880 million, and will allow us to complete some of
the following initiatives. Within DCAS managed
facilities DCAS Capital Construction Program for
city-owned office space and court buildings total
\$428 million including \$83 million allocated for

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electrical upgrades at Queens Criminal Court, 210
Joralemon Street in the Brooklyn Appellate Court.
DCAS received \$9.3 million in funding to replace the
existing the property management database with a new
integrated space management system to better track
and manage our space portfolio. The Capital Plan for
FY18 totals \$315 million, including \$27.4 million for
the solar power addition, lighting fixtures and
energy efficiency retrofit at DOE schools. So thank
you for the opportunity to discuss DCAS' planned
expenditures and revenues for FY18 as well as our
Capital Plan. I look forward to a continued working
relationship with the Council over the next year, and
I welcome any questions at this time.

CHAIRPERSON FERRERAS-COPELAND: Thank you
very much, Commissioner. The Executive Plan adds 21
new positions or new staff at annual cost of \$2.2
million to manage the Citywide Space Management
Program, which is expected to save the city tens of
millions of dollars. How are we saving money through
the Citywide Space Management Program, and are we
going to re-evaluate our leases as an example, and if
you can just clearly state for the record what's the
process for the savings.

1
2 LISETTE CAMILO: Sure. Every new request
3 for additional space is being reviewed. First it
4 went to the direction of the First Deputy Mayor and
5 the Budget and the Budget Director. What we're
6 trying to do is really reassess agencies' current
7 usage of their space to maximize that space in order
8 to address any need rather than going out and finding
9 additional leased space in order to reduce our
10 dependency on privately leased space. So we--the goal
11 is to avoid entering into leases wherever possible,
12 and accommodating new needs with city-owned property
13 or current leased space that can be reconfigured to
14 address their need and--and not have to go out and get
15 a new lease.

16 CHAIRPERSON FERRERAS-COPELAND: But in
17 some cases that the only option that you have--

18 LISETTE CAMILO: [interposing] Sure.

19 CHAIRPERSON FERRERAS-COPELAND: --and
20 some spaces are either in conditions that it's not
21 even worth repairing or, you know, retrofitting.
22 Can--can you walk us through the possibility because,
23 you know, we also understand that there are going to
24 be facilities that you're going to have to leave that
25 may be city-owned. What is your relationship let's

say with the School Construction Authority, right?

That's one of the biggest challenges that we have is

actually finding space. So if we have a facility

that you're moving out of, is there communication

between other agencies or in this case the School

Construction Authority because both the Chair and I

are constantly trying to find space, and this might

not be something that's even public information

because it's still kind of on your desk, but you're

looking for space, and this might not be something

that's even public information because it's still

kind of on your desk that you're looking for space

for—for someone who need a city-owned space. So what

is that like? And also I guess I wanted to more

clearly understand why 21 staff members. Why not 15

or why not 30? Why this number? What will they be

doing to exactly deliver on this \$2.1 million—this

\$2.2 million cost to potentially give these millions

of savings?

LISETTE CAMILO: But you—you hit a number
of—of issues.

CHAIRPERSON FERRERAS-COPELAND: Right.

LISETTE CAMILO: So, the team itself we

needed the resources to literally go out and evaluate

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current utilization of space to determine whether or
not we can reconfigure existing space to address any
potential additional needs, to reconfigure it to
include more--more work stations rather than exiting
one space, and--and leasing out another space. So,
the--the number of activities that we will be engaging
we are currently not resourced to do. We don't have
the staff to go out there, and--and--and document and
track current space utilization across the city
agencies. With regard to other agencies, and what
their footprint is on their leased space, DSA is a
little bit different. They have--they're an authority
that--whose mission is to--to build schools. We are
really talking about office space. So we're, you
know, we--we'll certainly reach out to see if there is
any possibility for collaboration and accommodation
of office space. But currently the--the--the approach
would be to do--have a much more comprehensive program
of keeping track of all of the current used city
space, leased out space, and--and see how they are
currently being utilized in order to--to make better
informed decisions on--on how to accommodate new
requests.

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CHAIRPERSON FERRERAS-COPELAND: So these
21 positions are—what is—what is the expertise that
you need sort of to do this job that you're asking
them to do?

LISETTE CAMILO: So we have a number of
architects that we're bringing on to help with
assessments, client space managers to be able to—to
have a holistic view of the—of the request and—and
get a better understanding of not only the current
need, but also the entire footprint of an agency
because some agencies have locations all across the
city, and they might need accommodations in—for one
unit. But I think having someone with a
comprehensive understanding of the program and the
entire—the entire agency's footprint, office
footprint it would be helpful to have dedicated
resources to do that. We do have—you have to replace
our—our very old IT systems in order to support much
more upgraded and modern systems. So we—we need a—a
director for—for that. We have real property
managers and architects. We have an Auto CAD
technician, an electrical and mechanical engineer
because we're going to need people to out there and
evaluate the structures and the—and—and the mechanics

of-of the spaces in order to recommend changes. So,
it is a-a program developed soup to nuts from
evaluating to reconfiguring, to looking at the space
physically keeping track of it and making
recommendations across the city footprint.

CHAIRPERSON FERRERAS-COPELAND: So how
will you measure its success, right because right now
it's hundreds of millions or tens of millions-tens of
millions of dollars. So, how are you measuring the
success? Because it seems like it's not going to be
like they go out the-for the next 60 days, evaluate
everything and they're going to present you a report,
or is that something that they are going to do?

LISETTE CAMILO: So, right now when the
First Deputy Mayor and the Budget Director issued a
memorandum for all agency heads regarding this
initiative, there were-DCAS had a number of requests
for new leased space. So, had we not had that
direction by the First Deputy Mayor and the Budget
Director, the standard procedure was we would go out,
and we would look for new space, and we would
negotiate a lease and then they would-then they would
move in. Right now we are re-evaluating all of those
requests to determine whether or not they can-we can

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provide—we can address their need with city-owned
space or we can alleviate or address their needs by
having them stay there or expand in other offices,
and if we can't accommodate their need. Remember
there were--some programs were added and so headcount
has--has increased in--in pockets of agencies. So if
we determine that we can't accommodate, then we will
proceed with a lease, but always with the--with the
goal in mind minimize the leased out footprint. So,
there have been a number of requests, for example,
for--from agencies that have different offices all
over the city. Our request is consolidate, to break
leases so that they can all fit into one contiguous
building with different floors and would it be ideal?
Sure. Is it necessary? Probably not. So let's
really take a much closer look at what those requests
are, and the consolidation example if it's not
supported by operational need, you do the math.
Breaking leases and entering into much larger leases
to accommodate that desire is far more expensive than
just looking for the--a smaller subset of new space to
address the growth, but maintaining your other
offices all across the city or however you may deem
it. So, you know, and--and that--that's a very clear

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example of where we would find a lot of savings
because the initial request consolidate has a much
bigger price tag than looking for a much smaller
space to address a smaller very well articulated and
documented need. And so that's how we would approach
the-the focus.

CHAIRPERSON FERRERAS-COPELAND: Okay. So
this is kind of--this is definitely a more permanent
unit--

LISETTE CAMILO: [interposing] Yes.

CHAIRPERSON FERRERAS-COPELAND: --than
we're going to see not kind of--

LISETTE CAMILO: No.

CHAIRPERSON FERRERAS-COPELAND: This is
the challenge that you have, resolve it and that's
it. This is going to be the new way DCAS does
business?

LISETTE CAMILO: Absolutely.
Unfortunately, there's been a move away from looking
at our own assets, our city-owned assets, and fixing
those to accommodate greater headcount or more work
stations or et cetera to maximize the city wide
footprint. I think in the past that the-the thought
was let's just go out to the private market and see

what we can do. So part of the exercise is actually doing walk-throughs of our city--our--the DCAS managed space for offices and--and looking at where we can find some--some spaces that have been perhaps historically underutilized that we can do renovations and investing in our buildings, and actually the--in--in this budget there have been capital funds allotted to the upgrades of a couple of floors within city-owned buildings with--with that eye to upgrade some spaces, to prepare them for either, you know, increased usage for particular agencies or even using them as swing space in order to, you know, move one agency out of their space while we fix that and then have them move over, but always with the eye to minimizing or reducing our reliance on the private market.

CHAIRPERSON FERRERAS-COPELAND: Okay.

The Executive Plan funding for citywide heat, light, and power is reduced by \$20.2 million in the current fiscal year bringing down the total projected utilities cost of \$686.5 million for Fiscal 2017. However, the plan adds \$7.1 million to Fiscal 2018 for utilities expenses bringing its total to \$713.9 million. Can you give us a general sense of how much

of those reductions in 2017 results from energy efficiency efforts, and how much is it a result of just lower energy costs, and which agencies have recognized the largest savings, and also what caused the increase in heat, light and power funding for 2018? Because if we're going to go by 2017's numbers you'd think why aren't we finding the same savings for FY18?

LISETTE CAMILO: So, I'm going to kick it off, but I'm going to turn it over to the Deputy Commissioner for Energy Management Anthony Fiore. The—the budget for FY17 has been reconciled to more closely reflect the actual usage of city agencies. So we had a mild winter and milder summer. So that reflects decreased usage in energy, and correct me if I'm wrong, but if I say anything please correct me. So when we reconcile the actual usage, we see that that trend has been going down, and so we adjusted the budget accordingly, and this is by the way an exercise that we do in conjunction with OMB as I stated in my—in my testimony. When we project out for the upcoming Fiscal Year in Fiscal Year 18, we have to make some assumptions. The first assumption is that we're not going to have as cool a summers as

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a mild a winter in FY18. So we have to bake into
that projection the five-year average going back of-
of intensity of the weather because the hotter it is,
the more usage you'll have et cetera. And in
addition, last year the state announced increasing
the rates for their emission credits to subsidize
Upstate—in their facility so we have to bake that
into the plan as well. Our rates going to go up.
I'm—I'm going to turn it over to Anthony to see if I
missed anything.

DEPUTY COMMISSIONER FIORE: Do I need to
be sworn in?

CHAIRPERSON FERRERAS-COPELAND: No, we
believe you.

DEPUTY COMMISSIONER FIORE: Okay.

CHAIRPERSON FERRERAS-COPELAND: It's that
Commissioner we have an issue with. [laughter]

DEPUTY COMMISSIONER FIORE: Thank you.
So Commissioner Camilo reported that accurately.
Fifty-three percent of the increase that you see for
Fiscal Year 18 is rate related, and the majority of
that is related to the Zero Emission credits. Forty-
one percent is related to weather and then there's a
6% growth factor.

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CHAIRPERSON FERRERAS-COPELAND: So if we
were to have a mild winter and another mild summer,
this could be an expected savings that we should be
able to see in the next—in the next Executive Budget
hearing.

DEPUTY COMMISSIONER FIORE: That's—that's
correct, as we go through the year, the—periodically
that light and power budget gets adjusted to reflect
actual and end-of-year forecasted usage.

CHAIRPERSON FERRERAS-COPELAND: Okay. So
I guess I want to talk more on the capital sense. If
we are going in the direction being more efficient,
why are we not seeing those savings? Because, you
know, it's not like the equipment—you didn't say that
we're saying because, you know, we're being more
efficient with our power. It really was the state
action and the weather. So we—it's seems like we're
investing a lot and we're going to continue to invest
in making our agencies more efficient. So why is that
not reflecting so much so in the budget?

LISSETTE CAMILO: And I'll pick it up
again. There—we do see savings.

CHAIRPERSON FERRERAS-COPELAND: Okay.

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LISSETTE CAMILO: It-it-but given some of
the other piece-moving pieces that the city does not
control, that-that's why you-you see some of the-the
shifting in the budget.

CHAIRPERSON FERRERAS-COPELAND: So
essentially had we not planned for these efficiencies
we would be paying even more?

DEPUTY COMMISSIONER FIORE: That's
correct. So, the FY18 Budget is about 3.4% lower
than the five-year average. So you're actually
seeing a-a decrease there, and that's despite about a
25% growth if measured by the citywide total budget.
So even despite that growth we're seeing a below-a
below than an average heat, light and power budget.
Also, between 2008 and 2016, 46--there's been a \$46
million net increase in electricity costs. Although
the commodity component of electricity has dropped,
the delivery component has increased, and that's
resulted in a \$46 million net increase in costs over
that time period. At the same time, the portion of
you bill that relates to the commodity has dropped
from 70% to less than half, and the portion that's
represented by delivery has increased from a third to
over a half. So, that's a big change in-in not only

the rates, but then how the rates are proportioned
on-on your bill. Also, I think, you know, that-
that's talking about the dollars, and if we look at
actual consumption as the commissioner mentioned we
do see a change. So baked into the FY18 heat, light
and power budget is a \$5 million reduction due to
energy efficiency projects that we were forecasting.
So-so both on the-on the dollar side and on the
consumption side we see decreases. We see about a
6.2% decrease of demand-bill demand as well. So,
there-there are a number of examples that actually
illustrate reductions.

CHAIRPERSON FERRERAS-COPELAND: So in the
Greenhouse Gas Reduction Plan where are we with that?
Where-you know.

LISETTE CAMILO: [off mic] Do you want to
take it?

DEPUTY COMMISSIONER FIORE: So, this
municipal government has reduced its emissions by 17%
since we've been on tracking in Fiscal Year '06. So
we're about half way to our interim goal of 35 by 25,
35% reduction by Year 2025 with the ultimate goal of
an 80% reduction by-by 2050. The 35% by '25 goal is
buildings specific, and that 17% reduction is-is

building specific. The 80 x 50 is all sector
reduction including solid waste transportation and so
forth.

CHAIRPERSON FERRERAS-COPELAND: So are
there any challenges that you saw going through this
process, you know?

DEPUTY COMMISSIONER FIORE: [laughs]
Yes, there's--there's lots of challenges. You know,
as--as one might expect, the--the reductions that we've
seen in emissions so far have largely been the result
of fuel changing for electric production. So there's
a move from coal as a source of energy to produce
electricity to natural gas, and the carbon intensity
difference between the two is great, and that's--and
that's resulted in the majority of those greenhouse
gas--greenhouse gas reductions thus far, and you
won't see that repeated, right.

CHAIRPERSON FERRERAS-COPELAND: Right.

DEPUTY COMMISSIONER FIORE: So--so now on--
on the central generation side, we need to move from
natural gas to renewable energy and, you know, with
the--with the prices of natural gas today that makes
that challenging going--going forward. Also, on--on
the project side, you know, we've hit the low hanging

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fruit to begin with, right, and so as we make these
investments and we—we measure the performance of our
investments, that's going to get more and more
difficult as—as we go forward to get at deeper
retrofit. So moving from replacing, you know,
incandescent lights with LED lights, low hanging
fruit, good for you know, dollar per ton avoided
metric, but then as you move into building envelopes
that gets very expensive.

CHAIRPERSON FERRERAS-COPELAND: Right.

[pause] And we've been joined by Council Member
Rosenthal, Majority Leader Van Bramer, Council
Member/Majority Leader Van Bramer and Council Member
Cumbo.

CHAIRPERSON KALLOS: Thank you Co-Chair
Ferrerias-Copeland. So thank you for appearing before
us. The familiar reprise, and-and our chorus is deed
restrictions. So what is the status of deed
modification requests since the Preliminary Budget?
Have any been added, any removed or any progressed?

LISETTE CAMILO: So we have not received
any additional inquiries regarding specific projects
or specific requests. Two of the—of the projects or
the requests have gotten to the point where

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applicants have submitted all of the information
required to kick off formally the--the requirements of
the--of local law--

CHAIRPERSON KALLOS: [interposing] And--
and--

LISETTE CAMILO: --of local that was
passed, Local Law 176. So, two projects have
advanced to formal review.

CHAIRPERSON KALLOS: What are the two
projects?

LISETTE CAMILO: One is at Rutland Avenue
for the Safe Gospel Assembly Baptist Church, and
another one is in Bedford Avenue in Brooklyn by
someone named Alfred Owoyewole.

CHAIRPERSON KALLOS: [off mic] Do you
mind--[on mic] Do you mind reiterating and/or spelling
out the--the name?

LISETTE CAMILO: Not at all. Alfred
Owoyewole, O-W-O-Y-E-W-O-L-E.

CHAIRPERSON KALLOS: And what are the
restrictions that are being lifted?

LISETTE CAMILO: So for the church, their
current restriction is limited to, or the property is
limited to the community facility uses. So they

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operate a church, which is consistent with the-the
modification. They request-the deed restriction.
They requested a modification to allow affordable
housing. So that is what they have planned.

CHAIRPERSON KALLOS: Okay, so they want
to do community facility and affordable housing. So-
-

LISETTE CAMILO: [interposing] Right.

CHAIRPERSON KALLOS: --and for that
affordable housing, would there be further
restrictions on the definition of affordability?

LISETTE CAMILO: At this point we are
undertaking the due diligence review. We haven't
gotten to that part yet, and, you know, we're sure
when we-when we consult and work with our partners at
HPD we will, you know, get to the bottom of that.

CHAIRPERSON KALLOS: And which Council
Member's district is that in?

LISETTE CAMILO: [pause] Oh, Council
Member Mealy.

CHAIRPERSON KALLOS: Okay, I'd like to
acknowledge that we've been joined by Council Member
Corney ,and the property at Rutland Avenue?

LISETTE CAMILO: Council Member Cumbo.

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CHAIRPERSON KALLOS: Okay, and what deed
restrictions are being lifted at Rutland Avenue?

LISETTE CAMILO: That one was an
accessory use only restriction. So it was an
accessory use only.

CHAIRPERSON KALLOS: And—and so, they're
trying to lift that restriction?

LISETTE CAMILO: Completely, right.

CHAIRPERSON KALLOS: And so what is the
primary use for the adjoining lot?

LISETTE CAMILO: I'm not sure about the
adjoining lot. I don't have that information in
front of me.

CHAIRPERSON KALLOS: Is there somebody
amongst the large number of folks from DCAS who are
sitting here who is responsible for deed restrictions
who can answer that question?

LISETTE CAMILO: No. We can get back to
you on the details.

CHAIRPERSON KALLOS: Okay, to the extent
feasible when you appear with 20 or so folks that you
can make sure to bring that deed restriction. Who is
responsible for deed restrictions currently at DCAS?

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LISETTE CAMILO: The Acting Deputy
Commissioner for Real Estate Services, Laura
Ringelheim.

CHAIRPERSON KALLOS: Okay.

LISETTE CAMILO: It falls within that.

CHAIRPERSON KALLOS: Great, and I guess
does the fact that it's starting the process mean
that DCAS approves this or at what point does the
city whether or not it's a—a good project to even
move forward with?

LISETTE CAMILO: So under the
requirements of the new local law, we're at the point
where notice was given to the Community Board, the
Council Member and the affected Borough President,
and we then proceed to the due diligence review
gathering all of the information, public hearing,
public notice. We present everything to the end, and
ultimately DCAS, if you remember, does not make the
final determination, but it gets presented to a
committee of—of senior officials within the city, and
they ultimately make the determination.

CHAIRPERSON KALLOS: Okay, and do you
have a copy of the list that you can share with us?

LISETTE CAMILO: No, not with me.

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CHAIRPERSON KALLOS: Okay, so it's this-
but it's nothing.

LISETTE CAMILO: It's the same. It was
in the other listing--

CHAIRPERSON KALLOS: [interposing] Okay.

LISETTE CAMILO: --that we provided last
time.

CHAIRPERSON KALLOS: And so I know I have
colleagues who can ask follow-up questions on that.
So, we've--so at the Preliminary Budget hearing on
March 13th, I know you have not publicly posted the
position for Deputy Commissioner for Asset
Management, and you stated, "Those should be up--those
went up last week. We can share those postings with
you." To date, I haven't received the public
posting. This morning I decided I might like to be a
Deputy Commissioner for Asset Management and went to
search for the job, but still couldn't find it two
months later. Has the position of Deputy
Commissioner for Asset Management been filled?

LISETTE CAMILO: We had--we had posted the
Deputy Commissioner position. They were posted for
30 days. I believe the reason why you didn't find it
today or yesterday was because the--those postings had

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expire-expired. We had received a number of
applications. We are starting the interview process.

CHAIRPERSON KALLOS: How many
applications, and what were the dates that it was
posted from-for?

LISETTE CAMILO: I-I don't have that in
front of me, but they expired-so one expired at the-I
think mid-April. I think both of them expired in
mid-April. We can send you the-the posting.

CHAIRPERSON KALLOS: Okay and so how many
people applied?

LISETTE CAMILO: Certainly over a
hundred.

CHAIRPERSON KALLOS: And how many
internal and how many external candidates applied?

LISETTE CAMILO: We only had a handful of
internal candidates. The vast majority were
external.

CHAIRPERSON KALLOS: And who is currently
doing the job of Deputy Commissioner for Asset
Management?

LISETTE CAMILO: So we have two interim
deputy commissioners one for Facilities Management,
Jerry Torres who is sitting here, internal, and the

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internal-interim Deputy Commissioner for Real Estate
Services, Laura Ringelheim.

CHAIRPERSON KALLOS: Okay, and so you
know the ten positions as part of the Citywide
Savings Program, DCAS is eliminating for a savings of
\$680,000. So, this is not one of the positions—one
of the ten positions?

LISETTE CAMILO: No.

CHAIRPERSON KALLOS: Would—would you care
to provide us with the list of the ten positions that
are being eliminated?

LISETTE CAMILO: We have still not
determined which ones. It's a target and we're
working through the specifics.

CHAIRPERSON KALLOS: So, you're hiring 21
folks, but you're getting rid of ten folks, which—
which comes out to—to a net of 11, and then there's a
whole bunch of other positions, but so we've—we've
made it from Preliminary to Executive, you still—we—
you don't know the ten positions you're looking at
or--?

LISETTE CAMILO: We're evaluating the
operations and in order to determine which positions
we will eliminate, we have to see what functions are

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going to be consolidated and done by certain
individuals. So the--it's the vacancies, old
vacancies that haven't been filled year that we are
looking at eliminating, but in terms of how we
organize it--how we reorganize the teams we need some
time to determine what--what will pose less of an
impact in the operations. So we're--

CHAIRPERSON KALLOS: [interposing] Is
this--?

LISETTE CAMILO: --we're in the process
of getting that together.

CHAIRPERSON KALLOS: So when will we
know--when will we know which ten positions are being
eliminated? Is it a July 1st deadline or is it--
[background comments]

LISETTE CAMILO: July 1st.

CHAIRPERSON KALLOS: Okay and just as a
follow-up. So in terms of any liabilities that are
emanating from this has DCAS or the Law Department
received a notice of claim or other communication
indicating a pending claim, lawsuit or investigation
relating to the termination of Ricardo Morales?
Basically, are we getting sued or investigated for
firing him?

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LISETTE CAMILO: Not to my knowledge.

CHAIRPERSON KALLOS: Okay, that's my
first round, and I'd like to ask if anyone has--

CHAIRPERSON FERRERAS-COPELAND: We will
hear from Council--[background comments/pause] No,
they don't have anything.

CHAIRPERSON KALLOS: Okay, I will
continue onto my second round of questions. So just
following up on the Finance Chair's questions on
space. Give me one moment to get to that right page.
In the budget, you indicate that you're going to save
\$3 million a year from space management, but you're
going to actually end up starting to save \$10 million
annually from enhanced space management. Tell me
what the difference is with the enhanced?

LISETTE CAMILO: By then we will
hopefully have a team ready to really do like I
mentioned before in-depth analysis of our current
footprint both in the city-owned space and in the
leased space. So that we can address some of these
requests by our--our current footprint rather than
going out and--and leasing new space.

CHAIRPERSON KALLOS: That was good.
Okay, and along the same lines. So, it sounds like

1 you're building a whole new database to deal with the
2 different space requirements, which means you're
3 going to be going building by building, you're going
4 to be putting together CAD drawings, you're going to
5 have engineers, you're going to be evaluating, you're
6 going to be seeing how big offices are, and then
7 you're going to be taking that information and using
8 it to see what can be merged and what spaces can be
9 released and the cost per square foot of every single
10 thing, and that sounds like a tremendously valuable
11 tool. In building this will you make sure and--and as
12 take affirmative steps, will you make sure to share
13 that information transparently with the City Council,
14 these two committees as well as the general public so
15 we can see the return on investments or investing \$2
16 million and we can actually track and see a
17 transparent way that we--we gave up the lease for this
18 space at this location, and that's how we saved X
19 number of dollars.

21 LISETTE CAMILO: We can certainly
22 discuss, you know, what information you'd like to
23 see. You know, as we have--we've--we've not yet built
24 the system, but we--we will happily, you know, work
25

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together on the information that you would like to
see in—in terms of this project.

CHAIRPERSON KALLOS: And—and to follow up
again on my Co-Chair's question so the New York Post
on April 11th wrote an article, *City Hall*
Mysteriously Halts Lease Deals for Government
Agencies. So was there, in fact, a hold on leases,
and is that hold still in effect?

LISETTE CAMILO: There was never a hold.
The memo that the First Deputy Mayor and the Budget
Director issued to all agency heads regarding space
was—was informing them that DCAS would be doing a
review of all of the pending new lease requests—
requests. So, that takes some time. So we—we're in
reviewing—we're reviewing all of those requests, but
there was no moratorium, there was no pause or hold.
We were just going back to the well, and making sure
that all of the—the requests for new space were, in
fact, necessary or if we could accommodate the into
city-owned buildings--

CHAIRPERSON KALLOS: [interposing] So--

LISETTE CAMILO: --that would be the
better alternative.

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CHAIRPERSON KALLOS: --have the leases
been signed for the HRA location at 109 East 16th
Street, DOI at 180 Lane-Maiden Lane and NYPD, HRA and
DSNY at 375 Pearl Street?

LISETTE CAMILO: I don't-I can't speak to
the latter. The one that I do know that has been
signed was the HRA lease at East 16th Street.

CHAIRPERSON KALLOS: And-and so for the
other two they're in progress, they're on hold,
they're still in review?

LISETTE CAMILO: Which ones the--?

CHAIRPERSON KALLOS: For DOI at 180
Maiden Lane.

LISETTE CAMILO: We're still in review
again under the-with the-within the framework of is
there a better way? And it-and it-it looks-it's
looking like we're-we're having a very productive
discussions. WE have not signed a lease at 180
Maiden Lane. For-for that one we are still currently
working out the-that review.

CHAIRPERSON KALLOS: Seems like that
probably should have been the first lease to get
signed given that DOI is an independent body that has
been giving DCAS a lot of trouble. So I guess if you

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make sure that there is-- Is-is there a timeline on
the review process?

LISETTE CAMILO: No.

CHAIRPERSON KALLOS: So, I guess the New
York Post is say this is a hold. [background
comments] Yeah, if-if the-the New York Post is
suggesting that this is a hold, that the review
process can be indefinite, what's the difference
between a review and a hold, and how-what will you
agree to limit your review period?

LISETTE CAMILO: We-I think the goals of
the exercise, which, by the way are for every agency
that's submitted a new lease request, and we're
treating every agency's request the same. Some
requests are-are smaller than others especially given
the amount of square footage that are being
requested, and the more-the bigger the ask, the
longer the review. The-the most important goal here
is to, you know, make sure that any agreements that
the city enters into for leased space matches the
actual need. You know, this is not certainly
anything that we want to take an indefinite time
through. We-we have clients. We want to make sure
that they get the space that they-that they request.

CHAIRPERSON KALLOS: So-so will it be
done by the next fiscal year? Will it be done by
July 1st 2017?

LISETTE CAMILO: The review?

CHAIRPERSON KALLOS: Yeah.

LISETTE CAMILO: I-I certainly hope so.
Yes.

CHAIRPERSON KALLOS: And then, the New
York Post cited a "whopping price" of \$700 and-sorry-
sorry, \$76 and \$83 per square foot for this century
old building in the Village while last month Real
Deal found Midtown Class A market price of \$75.78 per
square foot. Why was the city paying so far above
market rate, and how the city ends up-what did you
end up paying per square foot on that HRA site?

LISETTE CAMILO: I don't have that number
but I will-what I will say is that the-that article
did not report complete information. The-it's a
very-it gets a little-you know, I don't want to get
too inside baseball here, but there are a lot of
factors relating to this deal, which we can---which
we would be happy to walk you through, but that
particular article focused on dollar per square foot
based on one type of method to measure space versus

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another one that both are industry recognized. So
they were—they were not comparing apples to apples in
that scenario. Like I mentioned, we'd be happy to
walk you through that.

CHAIRPERSON KALLOS: Are there any
additional properties in review beyond the ones
listed in New York Post article?

LISETTE CAMILO: Absolute—property
meaning all the requests?

CHAIRPERSON KALLOS: [interposing] Are
there similar leases leased from you?

LISETTE CAMILO: All—every new request
for additional space is being reviewed.

CHAIRPERSON KALLOS: Will you provide us
with that list?

LISETTE CAMILO: Sure.

CHAIRPERSON KALLOS: Great. I'd like to
ask Council Member Helen Rosenthal followed by
Council Member Cornegy, and we've been joined by
Council Member Joe Borelli.

COUNCIL MEMBER ROSENTHAL: Thank you so
much, Chair. Good to see you, Commissioner.

LISETTE CAMILO: Good to see you.

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COUNCIL MEMBER ROSENTHAL: A couple of
quick contract questions. Actually, first about
prevailing wage. There's an increase in the budget
this year for prevailing wages. Do you know what
that references?

LISETTE CAMILO: So my understanding is
that when the Comptroller's Office changes the
schedule and increases the--the prevail wage schedule
we would have to do the same for--for our--our workers
or our contractors.

COUNCIL MEMBER ROSENTHAL: So, what are
the contracts where we pay prevailing wage? Do you--
can you drill down a little bit more on those
details?

LISETTE CAMILO: So I know--

COUNCIL MEMBER ROSENTHAL: --are these--
yes. [background comments]

LISETTE CAMILO: So we have a number of
services contracts. Fire safety is one of them. I
know security guards--security guards as well. Those
are all--I think it's the 230 Schedule, all of which
require the payment of prevailing wage.

COUNCIL MEMBER ROSENTHAL: Okay.
Actually, if you could send over a little more--a few

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more details on that, I'd appreciate it. The
different types of contracts is what I'm interested
in where you, you know, give the prevailing wage
increases. That would be helpful, and then for the
maintaining the court buildings is that something
that you contract out for as well, the cleaning
service?

LISETTE CAMILO: No. those are full DCAS
employees.

COUNCIL MEMBER ROSENTHAL: Okay, and
what's the total cost for maintaining the courts?

LISETTE CAMILO: We have that.
[background comment] \$45 million.

COUNCIL MEMBER ROSENTHAL: \$45 million,
and what portion of that gets reimbursed from the
state? [background comments]

LISETTE CAMILO: \$100—for cleaners 100%.

COUNCIL MEMBER ROSENTHAL: For—okay, so
it's \$45 million total, and are they all cleaners so
100% of that \$45 million you get reimbursed from the
State?

DEPUTY COMMISSIONER FIORE: It's a—Hi.
There's a break down. It depends on the category
expense. So yes, as the Commissioner said, we get

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reimbursed 100% of all the cleaners allocated to
court space. We also get 100% reimbursement on
cleaning supplies for the court facilities. There is
a 25% reimbursement for all HVAC and trades titles.
WE also do the reimbursement on behalf of the--the
DSNY for trash--trash collections.

COUNCIL MEMBER ROSENTHAL: What
percentage on DSNY?

DEPUTY COMMISSIONER FIORE: The--the trash
collections.

COUNCIL MEMBER ROSENTHAL: [interposing]
100% of 25?

DEPUTY COMMISSIONER FIORE: A 100%, a
100%, and we also get reimbursement for--for capital
expenditures, 27% on the interest only, and this just
not particular to the city of New York. This is a
statewide formula. So all municipalities throughout
the state have the same reimbursement.

COUNCIL MEMBER ROSENTHAL: Ah--

DEPUTY COMMISSIONER FIORE: Yes.

COUNCIL MEMBER ROSENTHAL: So, we're not
the only ones who--

DEPUTY COMMISSIONER FIORE: [interposing]
No absolutely not. It's governed by--

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COUNCIL MEMBER ROSENTHAL: --have to pay
for a portion?

DEPUTY COMMISSIONER FIORE: Correct. No.

COUNCIL MEMBER ROSENTHAL: And given that
the city--

DEPUTY COMMISSIONER FIORE: Oh, and just
so--excuse me, and the public courts we get reimbursed
100% of all costs at Appellate Courts.

COUNCIL MEMBER ROSENTHAL: Okay, what's
our shortfall in reimbursement of the total \$45
million? What is it that the State doesn't cover
that--that the city funds--city funds are used?

DEPUTY COMMISSIONER FIORE: We'll have to
get back to you on that exact number. Yeah.

COUNCIL MEMBER ROSENTHAL: \$2 million.

LISETTE CAMILO: We should get back to
you with the exact number--

DEPUTY COMMISSIONER FIORE: Yeah, we
should get back to you.

LISETTE CAMILO: --we don't want to
guess.

DEPUTY COMMISSIONER FIORE: Yes, uh-huh.

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COUNCIL MEMBER ROSENTHAL: Do we have any
control over the courts given that we put some city
funds into it?

LISETTE CAMILO: What do you mean when
you say control?

COUNCIL MEMBER ROSENTHAL: I don't know.
Information that we get. I wonder why there's a
carve-out for HVAC.

LISETTE CAMILO: I believe that those-
that framework is statewide.

DEPUTY COMMISSIONER FIORE: Right.

LISETTE CAMILO: Right.

COUNCIL MEMBER ROSENTHAL: But I'm just
wondering why you inherited it.

DEPUTY COMMISSIONER FIORE: We inherited
it and we-we're responsible through the court-no,
through the law to provide facilities for court usage
throughout the five boroughs. It's a mandate that-

COUNCIL MEMBER ROSENTHAL: [interposing]
Are they.

LISETTE CAMILO: --we have no choice.

COUNCIL MEMBER ROSENTHAL: Are they
prompt payers?

DEPUTY COMMISSIONER FIORE: Absolutely.

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COUNCIL MEMBER ROSENTHAL: So within the
same year you're showing the expense and the revenue?

DEPUTY COMMISSIONER FIORE: Correct. I
mean it's--it's dependent on us to submit the claim.

COUNCIL MEMBER ROSENTHAL: Yeah.

DEPUTY COMMISSIONER FIORE: But we do it
on a quarter basis, but once the--the claim is
submitted obviously they have their due diligence on
the review of the claim, but soon thereafter the
reimbursement occurs.

COUNCIL MEMBER ROSENTHAL: So are you up
to date? Do you invoice, do you have a--[bell]--is it
scheduled to invoice every quarter?

DEPUTY COMMISSIONER FIORE: Every--every
quarter correct. It--it depends on what is going on
within the office in terms of availability. We could
back to you as to what was the last claim that was
submitted --

COUNCIL MEMBER ROSENTHAL: Yeah.

DEPUTY COMMISSIONER FIORE: --to the
courts and, you know, yes, we could do that.

COUNCIL MEMBER ROSENTHAL: Yeah, I'd be
interested in knowing the timing.

DEPUTY COMMISSIONER FIORE: Uh-huh.

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CHAIRPERSON KALLOS: Council Member
Corney.

COUNCIL MEMBER ROSENTHAL: \$46 million is
a lot. Thank you very much.

COUNCIL MEMBER CORNEGY: Thank you, Chair
Kallos. Good afternoon, Commissioner. So I chair
the Committee on Small Business and I'm—I'm a little
concerned. I am inundated with small businesses who
are registering complaints about escalating rents and
leases, fees in the city of New York, and I
understand that part of DCAS' portfolio contains
commercial spaces available. Is there any reason
that we couldn't look at the renewal of those leases
at under market rates as we are the city and—and
we're finding mom and pops being forced out at a
regular basis because of free market rents,
commercial free market rents.

LISETTE CAMILO: Sure that is something
that we started to look at more closely. A lot of
our leases for retail space are long-term leases that
we've inherited many years ago, but yes that's
something that we are are—we—we're starting to take a
look at.

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COUNCIL MEMBER CORNEGY: So I would
really be grateful if my office could be in--be in on
that because we're--we're really trying to make sure
that we keep the fabric of the city of New York what
it's been, which has been, you know, based on the--the
culture of mom and pop businesses operating in every
single borough, in every single community and they're
finding it incredibly difficult to do that, and as a
city, you know, I'd like to we could be creative
especially in properties that we have purview over.
So I'd really like to work with you--

LISETTE CAMILO: Sure.

COUNCIL MEMBER CORNEGY: --on looking a--a
formula that works.

LISETTE CAMILO: Absolutely. For--for--we
do actually, you know, have leases with smaller
businesses and--and we do have good relationships with
them, and--and the, and we consider their--their size
when we set the rates.

COUNCIL MEMBER CORNEGY: Right, so, but
are--you know, for the--for the bulk of your lease
agreements, they're still at market rate, correct?

LISETTE CAMILO: Depending on when they
were set.

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COUNCIL MEMBER CORNEGY: Okay. So if we
could—if we could just--

LISETTE CAMILO: [interposing] We can.

COUNCIL MEMBER CORNEGY: --follow up--

LISETTE CAMILO: [interposing] Absolutely

COUNCIL MEMBER CORNEGY: --I'd greatly
appreciate it.

LISETTE CAMILO: Sure.

COUNCIL MEMBER CORNEGY: Thank you.

CHAIRPERSON KALLOS: And just to follow
up on our Small Business Chair's request, in other
cities other states, other countries I've been to,
they've had start-up competitions for folks who
wanted to go from being street vendors to having a—a
small brick and mortar or from the—the home kitchen
and bike (sic) sale type situation in terms-- As you
know, I've done tech entrepreneur stuff, but when it
comes to the challenges of the brick and mortar small
business, having the type of space where people can
engage in short-term businesses where they have a
six-month, one year, two year lease to get their feet
on the ground, raise capital, raise money without
having to lose everything if they don't actually
succeed, but having that pre-built space is

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1 incredibly-- Is that something you'd be interested
2 in?

3
4 LISETTE CAMILO: I'd love to explore what
5 that looks like, and--and see if it would fit into our
6 portfolio.

7 CHAIRPERSON KALLOS: Okay. So we go into
8 what I had planned for round two. I'd like invite my
9 favorite Deputy Commissioner Dawn Pinnock, and our--
10 my--the Chair for Civil Service and Labor Daneek
11 Miller could not be here, but this is something that
12 he and I have been focused on since our election in
13 2014--since our election and since becoming in 2014
14 we've held two hearings on this, and according to the
15 Provisional Reduction Plan released in October 2014,
16 we had 22,939 provisional employees. The goal in
17 that plan was to reduce that number by 8,666 by the
18 end of 2016, and as a science fiction author Douglas
19 Adams once said, I love the sound--the whooshing sound
20 deadlines make as they fly by. And so, despite
21 earlier progress, this didn't happen and as your
22 Quarterly Report of March 31, 2017 indicates we are
23 now at 23,066 provisionals, which is 127 more than
24 when you started, which means the problem has
25 actually worse. So I guess one just big value

question is does this administration prefer civil servants and the commensurate rights with coming—that come with being a civil servant and the exam where people have to know specific information to get them the job, which comes with long-term planning future needs, or is there a preference for provisionals that are at will that do not need to have the same skills or knowledge as their peers that can be hired based on short-term planning and short-term needs.

LISETTE CAMILO: So, the—I would—I would reframe that—that up—how—how you set it up. So, the—a couple of things. When we first started with the provisional plan, we were at 22—the—the factor that you—that you raised, 22,000 or so. Not anticipated in that plan were the fact that there were going to be hires in the titles for which we were not equipped or resourced to provide exams for. So you know, I think that there's always—this issue is a little complicated to—to talk through because there are so many moving pieces. So I think this administration has shown actually a lot of commitment to the Civil Service system. In fact, we were funded to enhance—given more resources to increase the number of civil service exams in order to create lists to be able to

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appoint permanent appointments to—to some of the
titles. So, we—this—this administration very much is
committed to helping us drive down those numbers. In
addition to the—the hiring and the titles that were
not anticipated before that government is wrong,
right. We've been hiring more and again when we set
up the target in the initial plan, that was not
factored in because if you actually look at all of
the provisionals, and we call that how—where we
address provisionals, where issued lists, and—and—and
permanent appointments were made, we actually
addressed over 10,000 provisional employees during
the course of the plan. Unfortunately, hiring
increased in titles that DCAS did not have the
resources to administer exams for. What I'm happy to
announce is that as of April 30th, the number of
provisionals has decreased to 22,666, and if you look
at the end of November of 2016 where unfortunately
there was an—an increase of—and we were at 23,894.
So, in a few months you are seeing a downward trend
in this. We anticipate that going forward with the
continued administration of the qualified incumbent
exams and all of the other conventional exams that
we're going to administer both in this—the rest of

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1 this fiscal year and the upcoming fiscal year we
2 expect to see those numbers go down. We're investing
3 just a note and I think I talked about this issues in
4 the previous--my--in the preliminary testimony. We
5 also were funded to upgrade our IT systems in order
6 to make civil service much more user-friendly to New
7 Yorkers in order to not only develop and administer
8 exams more quickly for--for us, but to improve the
9 customer service experience for New York City
10 residents to take and--and avail themselves of city
11 employment opportunities. So all of that put
12 together, and I'll turn to Dawn to--to have her fill
13 in anything that I missed, demonstrates a significant
14 commitment by this administration to--to help us
15 administer the City Civil Service system. Dawn, did
16 I miss anything?

18 DAWN PINNOCK: No, you didn't miss
19 anything. Good afternoon. The only thing that I
20 would add--

21 CHAIRPERSON KALLOS: [interposing] Dawn,
22 we're just going to swear you in.

23 LEGAL COUNSEL: Do you affirm to tell the
24 truth, the whole truth, and nothing but the truth in
25

your testimony before the committee today, and to
respond honestly to Council Member questions?

DAWN PINNOCK: Yes, I do. I do. The
only thing that I would add is just a clarification.
I know—when you asked about this administration's
commitment and you mentioned that someone who obtains
permanent status the fact that through an examination
we can clarify that they are clear—that they are
qualified to perform that work. We actually conduct
the same review for anyone who serves provisionally.
There is a process by which we review the
qualifications ensuring that people are in the
appropriate titles and that they have education and
experience. So, whether they're provisional or
actually take an exam, their qualifications are
added.

CHAIRPERSON KALLOS: So the provisionals
take an exam?

DAWN PINNOCK: Well, provisionals serving
in a competitive exam either they're slated to take
an exam when it's on our schedule or I mean they're
just pretty much waiting to take an examination. Our
provisionals serve in competitive titles. So I was
just giving you—

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CHAIRPERSON KALLOS: I-I-I value that
you're-you're doing preliminary vetting, but-and-and
not to upset every single person in grade school and
high school and college because none of us ever
wanted to take exams, but-but it turns out that
unless we have a better way of doing things, exams
test knowledge. That's why we have them. So I-I
just respectfully disagree and feel that the Civil
Service exam at least allows us to-through that exam
test the knowledge and ensures it. And I believe it
is perhaps better because I think all of us have at
some point either interviewed or-or been interviewed
where folks may sometimes exaggerate some of their
skills or experiences, and so-

DAWN PINNOCK: [interposing] I agree. I
just wanted to point out that clarification to ensure
that you knew that qualifications were, in fact,
vetted.

CHAIRPERSON KALLOS: And-and so that-that
being said so a lot of time has passed since October
2014, and according to your report that I looked at
before the Preliminary Budget, 13,278 of the
provisionals aren't ones that you inherited from a
previous administration. Those are folks you brought

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1 in, and that's more than in 2014 we didn't—we weren't
2 able to predict that's—that's ongoing. So is there a
3 commitment from this administration to cease hiring
4 provisionals, and now that you've been in this—you've
5 been here for more than year, Dawn has been doing
6 this for a while that you can accurately predict
7 needs, and you can plan for the future and start
8 issuing the Civil Service exams, and start
9 provisionals and build out a strong, healthy Civil
10 Service.
11

12 LISETTE CAMILO: So, we're, in fact,
13 doing just that. We are building and improving on
14 systems that have long been not improved, and—and—and
15 led to—has led to a very long lead time and cycle
16 time in administering and developing exams and lists,
17 which cause the need to hire provisionals. So I just
18 want to take one second. If we—if we determine that
19 we will no longer hire provisionals, and DCAS has not
20 been able to administer a test for a particular
21 title, the net result is that agencies won't be able
22 to hire people to do the things that serve New
23 Yorkers. So, I think what we're—what we're striving
24 to balance is the operational needs of agencies to
25 fulfill their mission while—this is what I've been

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1 talking about—developing a much more robust civil
2 service IT platform in order to administer an
3 increased number of exams. What we don't want is to
4 have such a rigid approach to Civil Service
5 Management that will prevent agencies from brining on
6 people in order to, for example, roll out UPK, right.
7 So we have to balance those needs at the same time.
8 Essentially building the plane while flying it. And—
9 and that's where you see some of the increased in—
10 increased hires they're in titles—they're in titles
11 for which DCAS has not been able to administer an
12 exam, and create a list for agencies to hire off of.
13 The answer can't be that the agencies should be
14 prevented from hiring.

15
16 CHAIRPERSON KALLOS: So, building an
17 plane while flying—flying is a—is a very bad idea.
18 There is a reason why we don't do that. It's why we
19 don't drive vehicles across a bridge while we're
20 building it. It's why we have to have tuned (sic)
21 bridges and we have other tools. So, just for those
22 watching because we're—we're into the weeds here,
23 with the Civil Service Exam it's not like we have a
24 job opening and then we administer it. We administer

25

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a Civil Service Exam and then people wait years for
openings. Is that correct?

LISETTE CAMILO: For certain titles
depending on the--on the need for the agencies to
hire, and the amount of people that sign up for and
take the exam, and how many people appear on a list.
It may take more than one year, two years to get
through the entire list to fill those vacancies.

CHAIRPERSON KALLOS: So, there's the--so
you as DCAS can start administering exams for places
that you can predict, and where you can predict the
need, and it so happens as I say, we can start going
from planning a year ahead of time to--sorry, planning
for tomorrow to planning a year ahead of time, and if
we do that, we can actually do the exams, ask people
to sign up and have a list waiting for those new
hiring needs.

LISETTE CAMILO: And that's what we're
doing now. We have 800--

CHAIRPERSON KALLOS: [interposing] So
what's your--

LISETTE CAMILO: --competitive titles
that we would in--in the best case scenario where we
were fully funded in order to do just that, we would

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have to essentially administer 800 tests a year. We
are not—we have not been able to do that type of
volume. With every year--

CHAIRPERSON KALLOS: [interposing] How
much money do you need to do that?

LISETTE CAMILO: We—I don't have that
calculation. With every year that we have started I
guess since 2014, we have added and we've increased
the number of exams we've given per every fiscal
year, and in the last fiscal year, correct me if I'm
wrong, Dawn, it was the highest number of exams that
DCAS had ever administered I believe.

CHAIRPERSON KALLOS: So, I—I guess
you've done some great work in terms of computer
testing and automatic testing. Much like in the
private sector, you don't have to wait to sit for
the—the GEMED or the GRE. You just show up at a
testing center and take it when you feel like it and
that's become more and more the standard similarly in
construction. You just go take your OSHA. So can—
can I get a commitment that you're not hiring another
13,000 people or—or provisionals or that you—what's
your goal and—and how much money do you need so you
can do things the right way as—as both of us agree.

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So that you have the 800 exams ready, that you have
the list ready, and that we don't have to go through
the provisional route.

LISETTE CAMILO: What I can commit is
what we've been doing. We will deliver an automated
IT system that will help us administer more exams in
a quicker fashion to be able to turn our Civil
Service lists as much—as quickly as possible to
provide those—that pool of candidates to agencies. I
can't quantify how many—how many titles that we—we're
going to have to deliver that. We don't have a
system yet. We're currently building that out.

CHAIRPERSON KALLOS: We—we—as—as—as an
oversight body it's hard to do oversight, and hold
anyone accountable if they're not setting concrete
goals. More is great but your agency has failed that
mark. Your—your agency is in worse shape now than
when it started. So, we—in—it would be helpful to
have, and I think we will demand, and you will get a
letter from us demanding so from myself and the
Finance Committee specific metrics for how many of
the exams are currently—can be automated and
computerized. How many can you get computerized and
automated, and what remains and then specific

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understanding of why. Is that information you're
comfortable sharing?

LISETTE CAMILO: What we can do is we can
share with you our FY17 and 18 exam schedule that
will lay out what we're doing. What I would like to
say is I would like to disagree with your
characterization that we're failing. As I mentioned,
our provisional numbers are going down especially
since the new plan has come into play. So we've been
working on multiple paths to make sure that we're--
that we're getting some success. It's hard. We want
to make sure that we're balancing agency needs to
hire and fulfill their mission while making sure that
we're optimizing all of the resources that we have in
order to administer as many exams as possible, and
we're work in progress. We-we will admit that, but
we're working hard.

CHAIRPERSON KALLOS: You-your progress is
a drop of 300 provisionals over three years and at
that rate, it-it would take something like 220 years
to reduce the provisionals. So, and

LISETTE CAMILO: [interposing] According
to my numbers--

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CHAIRPERSON KALLOS: --and this
administration will not last long so--

LISETTE CAMILO: According to my numbers,
we've dropped more than 1,000 in four months and
that's progress.

CHAIRPERSON KALLOS: So-so-so in 2014 we
had--do you agree that we had 22,939 provisionals?

LISETTE CAMILO: I don't have that number
in front of me. I'm-I'm sure we did.

CHAIRPERSON KALLOS: Dawn.

DAWN PINNOCK: Yes.

CHAIRPERSON KALLOS: Okay, so I-I get that
you're--you--you've been able to use the exams to try
to convert people from provisionals into civil
servants, but at the same time if you're doing such
rampant hiring, and bringing on 13,000 people, no
matter how good the work you're doing, is on the back
end of converting folks, it's not helping it, and the
other piece is just--it--it--the provisional intake is
different than the civil service intake, and it--it's--
I feel like it's--it's not quite fair to those who are
taking the Civil Service Exams to have to compete for
fewer seats because provisionals got in and were able

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to take the Qualified Incumbent Exam without having
to compete.

LISETTE CAMILO: So just to clarify, no
provisionals can just come in and take a Qualified
Incumbent Exam, but it would have to be serving in
that title for two years, and that—that—that
concession and that law that was passed was supported
by all of our partners in labor because they
recognize that if someone has been hired to do the
job and has been doing it successfully for a long
time, that they—they—they have proven with their
ability to do the job that they can do the job.

DAWN PINNOCK: And if I can just
underscore the comments regarding our failure. I
think it really depends on what lens you view failure
because in 2014, it was a very different time. The
level of investment in automation that was something
that did not exist for us. The investment in
additional staff, that did not exist for us, and so
provisional reduction is extremely important. We
understand what our obligations are, but there are
other aspects of Civil Service for the city of New
York that needed to be addressed, and we're currently
doing that. Over the next two fiscal years, we will

be administering exams for 333 titles. That is
unprecedented for DCAS, and that will afford us the
opportunity to provide permanent status for those
folks who have been waiting. The implementation of
the Qualified Incumbent Exam that allows us to
address 4,000 to 5,000—to provide status to 4 to
5,000 individuals who have been waiting, but we have
not had the capacity. So I think to compare 2014 to
where we are now, I think that not unpeeling the
onion a little bit, does us a disservice. So I just
wanted to clarify some of those points.

CHAIRPERSON KALLOS: Look forward to
working with you. I'm going to move onto your
Capital Budget. I'd like to—this is something I was
talking with Council Member Treyger about. He's
chair of the Resiliency Committee. So a project that
I jointly by the Federal Department of Housing and
Urban Development and the city, \$252 million from the
city, \$260 million in funding from—in federal
funding, and so there's \$512 million capital line in
DCAS, and it's designed to integrate flood protection
to the neighborhood, and to keep people protected and
this runs from Montgomery Street all the way up to
East 26th Street, and so, the construction was

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originally slated to begin next month. So the-the
first thing I have to ask just because of the world
we now live in, and so, and-and so I guess,
Commissioner, in-in spite of current federal policy,
do you believe in climate change and coastal flooding
associated with it is real?

LISETTE CAMILO: I-I believe in climate-
climate change--

CHAIRPERSON KALLOS: Got it.

LISETTE CAMILO: --is-is real.

CHAIRPERSON KALLOS: Got it. Okay, the-
the President of the United States agrees-disagrees
with you, but I-I do agree with you. So, in terms of
this program so the money was originally supposed to
go on-sorry, the project was actually supposed to
start in June. It now looks like funding has been
sent out to 2019 and 2020 and that's not even when
the work will begin. That's just when the funding
has now been allocated to. Is there a risk given the
HUD cuts to this \$260 million, and is-what is the
risk of having another super storm between now and
then?

LISETTE CAMILO: So with that particular
project that's actually not a DCAS managed project.

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It appears in our budget, but it's not one that we
own. I believe you have additional information.

DEPUTY COMMISSIONER FIORE: Yeah, that
project is managed by the Office of Resiliency and
Recovery, but they—they have told me that the project
is on schedule to begin construction in early 2019,
and to complete construction I believe in 2024. What
the chances are of another Super Storm Sandy between
now and then is not known.

CHAIRPERSON KALLOS: As a Commissioner,
do you feel that—so I—I—it's—the issue is just that
it's in your Capital Budget, and if it's in your
Capital Budget my belief is you should managing it or
you should be working with the Office of Management
and Budget to move it to the appropriate agency, but
do—do you feel that waiting until 2025 for a project
that was supposed to start now is feasible given what
we're seeing in—in Florida and all over the country
in terms of flooding, and do we have this—this almost
tens years to—to wait?

DEPUTY COMMISSIONER FIORE: The project
originally shows as DCAS managed, but when the
project is assigned eventually either to DBC or any
other entity who's going to oversee the construction,

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the managing agency and the budget is changed from
DCAS to that entity, but if it's an issue of funding,
it shows up as DCAS and managing agency in—in its
beginning origins, but again there's other items in
our Capital Budget including Council adoption add-ons
that are pointing to DCAS' budget that don't manage.
It's a placeholder, and it shows up in the 856
Capital Budget.

LISETTE CAMILO: And that's typically for
offices or agencies that don't themselves have a
capital budget to—to—to put it in.

CHAIRPERSON KALLOS: Do you think it's a
good practice to put money that's supposed to be
managed by a different agency in another agency as a
placeholder?

LISETTE CAMILO: I—I can't comment on
that. It's not our practice.

CHAIRPERSON KALLOS: Do—do you feel that
as a Commissioner if there's money with—that's being—
with—with the DCAS name on it that you have a duty to
make sure that that project moves forward properly
even if it means leaning on another agency or working
with the First Deputy Mayor to say hey, this project
appears to have gotten stalled almost ten years?

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LISETTE CAMILO: We—we are in
communication with OMB. We know what those projects
are and how they are identified. This is not the
only example. I think you mentioned Counsel—

DEPUTY COMMISSIONER FIORE: That's what
it's about there.

LISETTE CAMILO: Right, so there are
other examples of—that happening and it's, you
know, we—we—we speak with OMB. We're clear about who
owns what, and we're comfortable with that.

CHAIRPERSON KALLOS: Do you agree we
should get this done sooner than 2025?

LISETTE CAMILO: I—I have no insight into
the particulars. I—I mean I can't comment either.

DEPUTY COMMISSIONER FIORE: I—I would
like to just add that [coughs] this project is not
the only safeguard from the type of damage that
occurred during Super Storm Sandy. There—there—there
have been other measures that have been put in place.
Con Ed has spent over a billion dollars in hardening—
hardening their infrastructure. So there—there are
other measures that have been taken already to help
mitigate any future storm event—damages from storm
events.

CHAIRPERSON KALLOS: Can we save this
\$500 million and put somewhere else because if
there's other measures?

DEPUTY COMMISSIONER FIORE: No, I—I think
you want multiple layers of defense in order to
mitigate to the most practical extent possible damage
from—from future storms related to climate change.

CHAIRPERSON KALLOS: So, will you go back
to—to OMB and—and the First Deputy Mayor and—and just
say this is money that's in our budget and we want
this spent as soon as possible because we are
concerned about climate change and coastal flooding
and 2025 is too long to wait.

DEPUTY COMMISSIONER FIORE: I have
confidence in—in the team that is running this
project. I know the complexities of constructing
the—the project. One example is that there are high
tension transmission lines underground where this
project needs to be built. That takes time to build
around and integrate into. You can't simply shut
those off without taking down power to millions of
people. S o, it's a very complex project. As I said,
there are other measures that have been put in place
in the interim, and—and I believe that with the

complexity of the project it is moving on a
reasonable schedule.

CHAIRPERSON KALLOS: Please—please just
take it back to them because I—I—I know that if I
don't do this advocacy and even one person gets hurt
or has property damage because we didn't get this
done starting in June, and I didn't fight as hard as
I could, I would not be able to sleep tonight. So,
another item that we noticed in your budget is the
city has been putting temporary lighting at New York
City Housing Authority, NYCHA, and so there's \$4
million that's in the Executive Budget for temporary
lighting towers, and do you—I'm curious whether or
not it's working, and if it is working why we're
renting them versus just buying them and attaching
them permanently to protect our residents in public
housing.

LISETTE CAMILO: We're—we're still in
discussions to get a better idea of what the—what the
actual next steps are. So at this point we're—we're
still in preliminary discussions of what that looks
like with NYCHA.

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CHAIRPERSON KALLOS: Do you know what
we're getting for this \$4 million and--and how much
we're paying for--

LISETTE CAMILO: No, not yet. We don't
know the details.

CHAIRPERSON KALLOS: Okay, how soon can
you get u s answers on the temporary lighting towers?

DEPUTY COMMISSIONER FIORE: It's up to--
it's--it's driven NYCHA. NYCHA it was through the
conjunction of the Mayor's of Criminal Justice. They
are determining where the light towers are going, how
many they want to purchase, et cetera. The money was
put into our budget by OMB as a mechanism to purchase
or to rent the--the light towers because we do have
the contracts, the citywide contracts. So in order
for NYCHA to be able to tap into those contracts, the
money was placed into our budget on their behalf, but
the are the ones who are driving the scope, and the--
the number towers they want to purchase, et cetera.
We are waiting from them instructions as to what type
of procurements that want to do going forward.

CHAIRPERSON KALLOS: Does--so DCAS
provides a lot of technical support to agencies like
Board of Standards and Appeals and agencies with whom

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you're dealing with leases, and whatnot, and you're
hoping to generate substantial cost savings. Is that
correct?

DEPUTY COMMISSIONER FIORE: Uh-huh, yes.

CHAIRPERSON KALLOS: It's again very
similar to what we just talked about in terms of
resiliency. Is there a role for DCAS and a strong
DCAS commissioner who has--has worked in the Mayor's
Office of Contract Services and has a broader
understanding to move from a more ministerial role of
somebody will put the money in the budget--

DEPUTY COMMISSIONER FIORE: [interposing]

No.

CHAIRPERSON KALLOS: --or somebody else
will take it out to saying hey why are we---as-as
long as this money is moving from our budget, we have
jurisdiction. If we have jurisdiction, we have to be
responsible and make sure that the city is saving
every single dollar.

DEPUTY COMMISSIONER FIORE: Absolutely
and we've availed ourselves and I know that there's
been preliminary discussions both with NYCHA, with
the Office of Citywide Procurement and with the
Citywide Fleet operations. So they have had

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discussions with us as to the type of equipment
that's out there, et cetera, what may be most
beneficial in terms of efficiency and in terms of,
you know, gas emissions, et cetera. So, they have
had those discussions and we're awaiting for them to
come back to us so we're not paid like an outside
rogue. They have engaged us.

CHAIRPERSON KALLOS: Okay, thank you and
when the other agencies are asking why you're all of
a sudden a little bit out of your lane, you can let
them know it's because I don't want to deal with a
rough budget hearing. I'd like to ask a couple of
questions about fleet.

LISETTE CAMILO: Sure.

CHAIRPERSON KALLOS: [pause] So, we have
a-a fleet of several thousand vehicles in the city.
When we're done with those vehicles, we sell them.
What is the average and what is maximum age of
vehicles in the city fleet?

The average age of the vehicles we sell--
and by the way Keith Kerman the Chief Fleet Officer
for the City.

CHAIRPERSON KALLOS: Hold on. Let's
administer the oath please.

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

KEITH KERMAN: Yes.

CHAIRPERSON KALLOS: So I just want to start with the big picture of all the vehicles and their average age and their maximum age. What's the oldest vehicle we have in our fleet?

KEITH KERMAN: Well, we have I-I believe 1953, but that is a parade car that is used for special and ceremonial events, but it's still an active vehicle in the city fleet. The average age is about seven years, but keep in mind that, you know, across the whole fleet, but we have an incredibly diverse fleet. There are 160 types of vehicles who we're operating. You have a much more aggressive replacement plan for patrol cars for the Police Department, and you don't need as aggressive a replacement plan we were talking about like a-a van that might be used for trades work and it's really like a mobile office, but may only go 10 miles a day. So-so it's a very diverse fleet. It's-it's really sometimes 160 separate businesses that you're running

on behalf of the city, but the average age is about
seven years.

CHAIRPERSON KALLOS: And—and what is the
average time between purchase and retirement of a
city vehicle, about seven years?

KEITH KERMAN: Yes.

CHAIRPERSON KALLOS: Okay, and what's the
minimum time before you would consider retiring a
vehicle and selling it?

KEITH KERMAN: Alright. So the core
standard for the majority of non-policing vehicles is
nine years, 80,000 miles for sedans and SUVs, ten
years, 80,000 for pickups and vans, and that's a huge
percentage of our fleet. It's three to five years for
police cars. So in—but—but going to when we actually
auctioned because we looked into this because we—we
knew you were—you were interested in it. Upon
average excluding police cars, which are a kind of a
little bit of a different thing, we auctioned at 13
years. So in truth, we're actually getting more
years on average than the core standard. But a
little less on miles. So it's actually on average
76,000 miles in 13 years. So, the miles tend to be a
little less than that 80,000 standard on average, but

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the year is more. So, if a vehicle hasn't gone that
full 80,000, and we can still get a few years of
life, that's what we're doing.

CHAIRPERSON KALLOS: And--and so what are
you using to determine what needs to be retired. Is
it is emissions, is it mileage, is it age,
breakdowns, maintenance costs?

KEITH KERMAN: So, you know, the--in--in
the Fleet Manual we actually outline all of the
specific requirements and then how it works is
agencies propose salvage lists. There's a very
specific form No. 414 Form that agencies use. We
then review those with--with each agency. You know,
the basic indicators are always age and miles or age
and engine wear because some equipment you're really
not looking at odometers, you're looking engine
hours. But then you have to go case by case, and
look at a vehicle. So if a vehicle is in a major
collision, you may auction that and sell it years
early. If a vehicle is a very high profile highly
important vehicle so say ambulances, right. We've
been working to get to five to six years of
replacement on ambulances, and we are very focused on
investing there. Rack trucks, dump trucks, other

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types of equipment, you know, if we bring those over
to try out for 15 years, we'll do just fine. So it's
case-by-case. We sign off on every auction and every
specific vehicle. We start with miles and age, but
then you do get into mechanical wear. You get into--
you can get into emissions issues, and we list these
out with the agencies, and--and there's case-by-case.
You know, you don't want to make a--you know, cars
can--

CHAIRPERSON KALLOS: [interposing] is the
manual public or can we have a copy to share with the
public?

KEITH KERMAN: Sure, the Fleet Manual is--
is posted online at the DCAS website.

CHAIRPERSON KALLOS: Great. I will go
read it, and sadly, you all that's true. [laughs]
And so, I sadly watch Adams Ruins Everything where he
ruins different things in my life. It's a You Tube
channel. Are there any situations where because we
need to meet certain goals for electric vehicles, we
are replacing a vehicle that uses a fossil fuel with
an electric vehicle before it's natural replacement
cycle.

KEITH KERMAN: So, in the Electric Vehicle Program that we have been implementing, and where we have—we are really making progress. We did not want to do—we did discuss the question of whether to do escalated replacement, and we are not doing escalated replacement. What we are doing, though, which kind of achieves a little bit of that, is some right sizing. So wherever we can find SUVs it might be older where we can replace the sedans, we're doing that, and sometimes we're escalating the replacement because we have an older SUV maybe not as old as the sedan, but we're replacing those, and other kinds of downsizing. We're not doing escalated replacement, but, you know, the city, you know we are very focused on what are the older vehicles—the older vehicles out there. We've very close to getting rid of every purse gas sedan and SUV in the city. You know, I—I don't have the exact number, but we're that—we're down to the hundreds of non-alternative fuel vehicles that we are operating outside the Police Department where there are different issues. So we—we are pushing hard and ahead of schedule to—to replace out, but we're not taking a three-year-old Hybrid Prius

and saying well, let's just get rid of it so we can
get a plug-in car.

CHAIRPERSON KALLOS: Aaron is my
nightmare so I guess along those lines and just in
order to do our due diligence, would DCAS consider
providing a voluntary public list to the Council and
perhaps even on the Open Data Set with your vehicles'
make, model, purchase date, purchase price, and then
retirement date, retirement price?

KEITH KERMAN: Yeah, we could look at
that, and certainly the auction list, the list of
vehicles that we are putting for auction because, of
course, those go to public sale, are posted every
week online on the DCAS website. But if you are
looking at some kind of like broader historical
record of vehicles from—from birth to salvage, you
know, we can look at what—what that might look like.

CHAIRPERSON KALLOS: And so along those
lines, where—where can I—where can I buy a—a retired
city vehicles that's 13 years old with 70 something
thousand miles.

KEITH KERMAN: Well, you can't because
city employees are barred from procuring city

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auctioned vehicles by longstanding DCAS and court
rule.

CHAIRPERSON KALLOS: Can my wife?

KEITH KERMAN: You can--take your chances.

CHAIRPERSON KALLOS: [laughs]

KEITH KERMAN: So, I-I-I-I won't do any
favours for you there.

CHAIRPERSON KALLOS: My-my constituents
can, though?

KEITH KERMAN: Your constituents it's
fine--

CHAIRPERSON KALLOS: [interposing] Who
are not city employees?

KEITH KERMAN: --if they do not work for
the City New York, yeah, it's fine. So you go--so
went--we used to occupy six acres, DCAS did at the
Brooklyn Navy Yard, and about five or six years ago
working with the Brooklyn Navy Yard Development
Corporation because they are a lot more exciting ways
to use six acres of prime real estate than used car
salvage. We went to online auction with
PropertyRoom.com. So if you go to PropertyRoom.com,
you can put--and you are not a city employee and you
will have to check a box that says you are not a city

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employee before-- It's free for everyone from the
general public. You do not have to pay a fee. You
have to a credit card like anything else, but and
then you can procure and they're--and they're public
auctions as we are required to do. So it's--it's
fairly easy to access. DCAS also publishes the list
each week online of what will be auctioned.

CHAIRPERSON KALLOS: In the city record?

KEITH KERMAN: Yes. The auction is
included in the city record. I--I do know--

CHAIRPERSON KALLOS: But not the items?

KEITH KERMAN: You know, I would have to
check. I know we worked a notification piece. I--
that was a while ago. I have to check it out.

CHAIRPERSON KALLOS: Let's just make sure
that it's in an open dataset. So along the same
lines thank you for providing the list and the
breakdown of where the electric vehicles are in the
various agencies. If you could give us a little bit
more explanation because what we found was there are
off-road solar vehicles. So I wanted to know what it
was and where I can buy one.

KEITH KERMAN: Okay, so we--so the city
fleet has two sets of plug-in equipment pieces when

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you're talking about the fleet and online(sic). So
there's on-road equipment, and on-road vehicles.
That's basically the Prius, Prime, the Chevy Volt,
the Chevy Volt, the Ford Fusion Energy. Those are,
you know, electric cars. We also have some electric
vans and things like that. The city actually also
operates I want to say it's about 600 solar or
electric off-road pieces. So what are examples? GEM
electric carts. If you go to the Parks Department
there are 200 electric carts. Those are bubble
little cars, you should see them everywhere if you
hang out in parks. Those are all electric carts
meant for safe operation within parks. Those are
generally not licensed, generally not used on the
road. Fork—we use electric forklifts wherever we can
to get away from propane forklifts. Those solar
light board that DOT puts all over the place to
notify for traffic movements, we have begun to invest
in solar light towers and we are, by the way, talking
to NYCHA, and that's one of the things we're talking
to NYCHA about is whether we could implement whatever
that technology they want as a solar or solar hybrid.
So electric forklifts, GEM Electric Carts, light
boards, solar light towers and a lot of other off-

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road equipment. You know, the city fleet, and we say
the city fleet is excellent, you know, 30,000
vehicles, 5,000 of those are really off-road
equipment pieces for chippers to forklifts to
trailers. They're not cars.

CHAIRPERSON KALLOS: So I'm—I'm not
actually a car person, but I'm glad to have learned a
lot about this, and hope for anyone who's watching at
line—online or at home on TV and I imagine there will
be a lot of folks visiting PropertyRoom.com, and
hopefully it will earn us some money. We're going to
follow up with questions. Thank you--

KEITH KERMAN: Sure.

CHAIRPERSON KALLOS: --and looking
forward to continuing our work together on
provisionals, on fleet so very many different things
because your agency is just so large, and every day
you learn new things like your involvement in
resiliency. So, thank you. We're going to take a
brief recess until 1:45 at which point we'll hear
from Board of Election. [pause/recess] I just want
to note that-- [pause] I just want to note we've been
joined by Council Member Carlos Menchaca, and again
we will recess until 1:45 before we go onto the Board

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of Elections. [pause/recess] [background comments]

We have now returned from our brief recess, and with
that I'd like to welcome Executive Director Mike Ryan
of the Board of Elections, and the board is
responsible for conducting all elections in the city
of New York. The 2018 Executive Budget provides an
additional funding for \$42.5 million for the 2017
election cycle, which includes mayoral election and
many City Council races including mine. Its Fiscal
Year 2018 budget is \$141 million including \$71.1
million in personnel services to support 505 budgeted
positions and over 30,000 poll workers. The Board's
overall budget of \$141 million is much higher than
the Boards' actual average spending of \$110 million a
year from 2011 to 2016. For the past several years,
BOE has had a surplus at the end of the year. Given
the large number of city elections taking place in
the fall, we have much to discuss. We'll examine the
Board's budgetary needs for the upcoming Fiscal Year
including funds to raise poll workers' salaries, but
would also like to discuss the Board's progress in
completing some of the reforms by the Mayor to
improve election day performance and how the Board is
preparing for the upcoming municipal elections. I'd

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like to now have our Committee Counsel administer the
oath.

MICHAEL RYAN: Yes. Good afternoon.

Hold on—hold on a second

LEGAL COUNSEL: Hold on—hold on second.

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

MICHAEL RYAN: Yes, I do. Good
afternoon. My name is Michael Ryan. I'm the
Executive Director of the Board of Elections. Seated
to my right is Gerald Sullivan, our Finance Director.
Chair Kallos and the members of the New York City
Council, thank you for the opportunity to testify
here today with respect to the Board's budget for
Fiscal Year 2017-18. I would like to affirm—reaffirm
the Board's commitment to meeting its Constitutional
and statutory mandates as well as the needs of the
voters of the city of New York. I would also like to
reaffirm the Board's thanks to the Mayor's
Administration and the City Council for the fiscal
partnership that has been forged over the last
several years. The Board truly believes that this is

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an example of the manner in which government is
intended to work and should be a source of pride for
all involved. During Fiscal Year 2017, the Board
continued its enhancement to the Election Night
Returns Project that started in-in earnest in 2016
with respect to the acquisition of 3,000 Tablets.
The Board acquired in the past year and additional
1,100 Tablets. This allows the Board to more
effectively service their voters on election day, and
expedite election day problem resolutions as well as
the posting of the unofficial results upon the close
of polls. To further enhance this process in
cooperation with the Office of Management and Budget
and DCAS, the Board acquired an additional 6,000
square feet of space at the General Office to serve
the critical functions dedicated-to provide a
dedicated technology center for the storing and the
programming and processing of the Tablet data. The
election night results are transmitted to rapidly
provide election night results to the public. In
addition, the Board utilizes the Tablets to check-in
poll workers at the beginning of the work day on
election day, and to provide the Bard with real time
information with respect to poll worker attendance as

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well as dispatching more efficiently from the standby pool. The use of the Tablets has remarkably increased the speed at which the public has access to election results. The Tablets are also used to enhance election day community between the poll site monitors, technicians and the Board offices, thus permitting expedited dispatch of supplies and personnel to poll sites as necessary as well as resolving problems. On election night the poll site coordinators use the Tablets to transmit the election night results from all open poll sites, the unofficial results are transmitted on portable memory devices utilizing the Board's Secure File Transfer Protocol to the service at the general office. The Election night Reporting Manager the ERM serves at the general servers at the general office process the unofficial results from the SFTP services, and that occurs on a rolling five-minute refresh throughout the night. This is the same process that we've been using going back several years. The history of this commenced in 2012 when approximately 75% of the portable memory devices were read into the system by 12:20 a.m. Push forward to 2014, 75% were read into the system by 11:00 p.m., an improvement and a

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harbinger of where we were going, and a positive one
at that. In 2016, in the Presidential Election that
saw over \$2.5 million voters cast their ballots at a
poll site throughout the city of New York, we were at
80% by 10:00 p.m. and 92% by 11:00 p.m. and to put
that in further perspective, there was a recent
special election in the State of Georgia in one
congressional district, and they were at 54% by 11:40
p.m. in one congressional district. We did a
citywide and had results to the public by the time
the 11 o'clock news came on the Presidential
Election. The Board is also proud of the efforts
that we are making with respect to Minority Women
Owned Business Enterprises, MWBEs. To date, this
year the Board has spent of its discretionary funds
keeping in mind that much of our contracting process
is done through—directly through DCAS and we do a lot
of spending off of the requirements contracts. We
have some where have dedicated RFPs. We spent
\$804,000 to date so far with MWBE enterprises. This
represents a 48% increase since—since 2016, and also
is an 8% of the overall discretionary spending, and
we're looking to do more in the future. What has
gotten a lot of attention in and around the elections

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over the last 8 to 10 months is Cyber Security. The
Board through tremendous cooperation with the
Department of Information, Telecommunications and
Technology we utilized the services privately that we
contracted Grizzly Steppe and then FireEye Mandiant
to do an overall cyber security fortification leading
up to the election. We know that we have to do more.
We are in the process of doing a full evaluation of
what our cyber security needs will be. We anticipate
those will be new needs moving forward and we will be
working very closely with the Mayor's Administration
to further evaluate those needs, and as those plans
are finalized. I am certain that we will work hand-
in-glove with the Administration to make sure that
the elections are conducted in a safe and secure
manner. I'd also like to extend the thanks to the
City Council and the Mayor for providing the
necessary to the Board to meet its constitutional and
statutory mandates. This responsible funding
partnership has allowed the Board to conduct the
business of election administration, manage its
finances and engage in more effective short and long-
term budget planning, and I think if we go back a few
years, and we look at where we were, and where we

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are, I think the City Council and the administration
are working very effectively with the Board to make
sure the voters are properly taken care of. As in
the past, the Board continues to look forward to
working with the City Council, and the Board to
provide the voters the opportunity to freely and
independently exercise the voting franchise. As
stated, the funding proposed for Fiscal Year 2018 is
\$141 million, 7.— \$71.1 million is allocated for PS
and \$69.9 is allocated for OTPS. The Board
acknowledges that its fiscal needs for the next three
election events are fully met, and we will have a-an
election event in June that we expect to be able to
meet our requirements within the budget that's been
allocated. However, if that's not the case, we'll
address that in the January plan. The Board also
recognizes the possibility of a runoff in October.
With respect to the runoff, we are hopeful that the
State Legislature will provide an extra week from,
you know, from September the 26th until October the
3rd. If—if that extra week is provided, we're
anticipating a savings in that election of
approximately \$1.5--\$1.4 to \$1.5 million. The
complicating factor there is several. One is there

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are some religious holidays on September the 20th and
21st and 21st and 22nd that would require additional
reimbursement to the Department of Education to keep
the schools open in order to allow for the delivery
of equipment as well as increased overtime trucking
costs to meet the two-week deadline. The third
complicating factor that we have there is the U.N.
General Assembly is meeting from the 12th of
September to the 25th, which would impact and
potentially impede our ability to get all of that
work done in a two-week span. We expect that we'll
get the third week. If we don't get the third week,
we'll still do our job, and we'll get it done, but
the third week would certainly provide some breathing
room and some fiscal relief. That concludes the--the
highlights of the last year and the challenges moving
forward. The board as always remains sensitive to
the fiscal challenges faced by the City, and is
mindful of its obligations to serve the voters of the
city of New York. The Board reaffirms its commitment
to this council that any allocated resources would be
widely--wisely utilized and the public trust will
continue to be our guidepost. As always, I am

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available and my staff is available for any questions
that the--the Council may have for us.

CHAIRPERSON KALLOS: Thank you. I'd like
to ask--I--I have a practice for colleagues who may
have a time contingency to allow them to ask
questions before me. So, I'd like to turn it over to
Council Member Menchaca.

COUNCIL MEMBER MENCHACA: Thank you,
Chair, and thank you for your testimony. So much of
the focus I think is--is in expansion of our
opportunity to vote, and one of the things that the
Council is really focused on with the leadership of
the Chair and other Council Members is language
access, and so if you could tell us a little bit
about what and how you're seeing this particular
budget focus on--in regard to language access, and
then I'll have some specific questions after that.
Thank you.

MICHAEL RYAN: Well, the--the board
operates under a language assistance program that--and
we just recently extended that agreement to continue
to do that. Presently based on the population
density requirements, we provide language assistance
in Spanish, Chinese, Korean and Bengali. Bengali was

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the language that was chosen by the federal
government for the Asian Indian language, and-and-go
ahead.

COUNCIL MEMBER MENCHACA: Well, can I
pause you right there.

MICHAEL RYAN: Sure.

COUNCIL MEMBER MENCHACA: My follow-up
question is really trying to understand how my made
that decision on what communities and I understand
they're based out of population, and so what we're
trying to do is really have a broader access to more
languages, and so can you talk a little bit about
that, and also just the costs--the costs associated
with that?

MICHAEL RYAN: Well, the costs quite
frankly are baked in the cake. So, to separate them
out would be a little bit difficult, but I--for
example, I could get back to--to the Council in short
order with the PS costs associated with the full-time
translators that we have on staff and then ultimately
the costs associated with the translating--the
translators that serve at the poll sites on election
day. That's--those are relatively easy numbers that
we could parse out. The overall costs starts to get

really stuck in overlapping functions that—that we
do, but we don't make the assessment as to whom rich
communities get the language assistance. It's based
on a strict population density numeric—it's 10,000
voters that, right--well.

COUNCIL MEMBER MENCHACA: And how is that
determined as well?

MICHAEL RYAN: It's—it's determined by
the Director of the Census under Section 203 of the
Voter Right Acts, and so we follow that formula, and
based on that formula those are the languages that
we—that we service, and if other languages reach
that—threshold then we will also service those
languages as well, but right now we have the five
including English that I—that I previously mentioned,
and—and what we do is anything voting related gets
translated. So for example we send out a voter
information notice to 4.5 million voters throughout
the city of New York every August between August 1st
and August 5th as required by state law. That voter
information notice is translated into the covered
languages in the areas where the languages are
required. So, the same way that you're—we make a
determination what languages have to be on the

ballot, that's this--the--the voter information notice
mirrors that. As well, our website for those
languages in addition to some of other information
that's also provided in Russian on the website, is
tailored to those languages, and we have full-time,
too, full-time translators on staff that can service
Korean, Chinese, Spanish and Bengali, people that--
that--that call up and--and ask for information as well
as doing the in-house translations. [background
comments]

COUNCIL MEMBER MENCHACA: And so, I--I--I
think what's--what's important here is--is I understand
that there's--there's law that we're trying to follow.
The city of New York is also trying to explore how it
can push beyond the law and I think what's important,
and there's other legislation that I can point to
that's really trying to understand how to expand the
opportunities for people that the immigrant community
is incredibly dynamic, and moves quickly, and so
census isn't always the best way, and I think--I think
there's a larger point to be made, and so what we're
trying to do is figure out how we at a yearly basis
anticipate the needs of a community for--for the--the--
the--the multiple voting opportunities that people

1 have. More and more people are becoming citizens.
2 We're putting a lot of money to get people—
3 citizenship out there. CUNY citizenship now is—now
4 is turning 20, and so I guess my main point is there
5 might be a different—with—with such immigrant based
6 [bell] communities here that are moving,
7 gentrification is pushing people in and out of
8 communities and out—out into elected—new electoral
9 precincts. Having—having a—a kind of more dynamic
10 response opportunity for you all and the funding to
11 make that happen is where we're trying to get to, and
12 it doesn't sound like you're prepared for—for that
13 one, and two, or even kind of measuring that—that
14 kind of dynamic nature of immigrant populations and
15 they move—and how they move through the city.

17 MICHAEL RYAN: The—the formula is—is
18 reapplied each year. However, in a city as diverse
19 and as complex as the city of New York, it is quite
20 the challenge. The—the other thing that needs to be
21 pointed out is that the funding mechanisms always in
22 government dropped back to mandates, and so there is
23 a— It is difficult for large governments to be limber
24 in the moment to address a particular issue as it's
25 arising, and so very often when you're dealing with

any kind of funding you dealing it—dealing with it in
a retroactive look-back based on recent experience.
And so I fully appreciate the—the sentiments that are
being expressed here before. They have been
expressed in the past. Based on our funding scheme,
we are in the position of dealing with the languages
that we are mandated to deal with, and here's the
issue that needs to be kept in mind. If the Board
were to voluntarily address another language that
provides the opportunity for other communities to
come forward and ask for those—that—those services to
be provided as well, and also opens up the
opportunity for lawsuits to then mandate. So, we're
not resistant to serving all of the voters of the
city of New York, but we also have to be mindful that
our budget has a limit and that moving to other areas
beyond the scope of what our requirements are could
put us in a difficult position maintaining our
budget.

COUNCIL MEMBER MENCHACA: So, I know I'm
out of time. My final point is I think that it's—
it's—it's troubling that in—in—in a conversation like
this, budget gaps are defined are the kind of limit
to our ability, and so we are in charge of the

1 budget. We can expand the budget, and the mandate
2 really is that everybody who wants to vote in the
3 city of New York should, if they're citizens and
4 eligible and registered and nothing else, and if
5 language is the only thing that—that prevents someone
6 from—from voting, we have a responsibility to remove
7 that gap. And, you all play a big role in
8 understanding what that gap is, and so even just in
9 the understanding we're not even there yet, we could
10 a play role in actually filling that gap and making
11 that possible.
12

13 MICHAEL RYAN: Right. The—the one thing
14 that I—that I will say is I think that we all can do
15 collectively a better job at no cost to helping the
16 voters by being better at the educational piece to
17 let them know that voters can bring with them, they
18 have the right to bring with them somebody of their
19 own choosing that can offer assistance. And so,
20 that's another way for when there is a gap for the
21 local communities to get together and help the people
22 that live in their communities that need that
23 assistance, and perhaps that word out there as well
24 that you can bring somebody with you that can assist
25 you in your tongue or your language that you're more

comfortable communicating in. That is in the law.

It's something that can happen, and it can happen
right now and it can happen at no cost to the
government, and hopefully at great benefit to the-to
the voters as well.

COUNCIL MEMBER MENCHACA: And again, the-
the response here is that kind of organizing and
capacity takes a lot of nurturing and organizing and
capacity at an organizational level that will require
funding. These-these are not easy-these are not easy
things just to kind of materialize. There's a lot of
education and awareness, and so that's an important
part of the conversation that you need to be in the
room helping devise. Own as well. There's
accountability that board passed that-that through
mandate understand and-and take on. So this is-this
is a-this is a collective, and this is a government-
this is a government operation, and even if we bring
auxiliary resources I think we often fail especially
with immigrant community that someone else will take
care of it. Someone else will take care of it, and-
and I think that's-we've got to move away from that
and say there's accountability. We're going to take
accountability, we're going to understand it, we're

going to do the data, the crunches, understand where
that need is as dynamic as it is and help. And so,
I'd like to see that more here especially as we're
building this budget, and it would have been great
for a request. May this is--this is a request for next
year that we come back, and say we've been working on
this for a year, this concept of auxiliary support,
we're--we're a buddy system. We--we have an idea. We
have the information. We're going to come to the
table in a proactive way, and not just say like so
many other things especially in the immigrant
community, let them take care of it. It's their
right, without funding that right and every right
needs resources and nurturing and support and
accountability. So thank you.

MICHAEL RYAN: Thank you.

CHAIRPERSON KALLOS: Thank you to our
Immigration Chair Carlos Menchaca. So I just want to
start off so you received approximately \$42 million
in the Executive Budget that comes from the Mayor.
So last year on April 25th the Mayor offered you \$20
million to complete several reforms. So just
checking to see how many of those reforms happened in
exchange for this \$42 million. So I understand that

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you did engage in outside consultants for outside
consultants for operational review in Fiscal Year 16
and that was about \$1.5 million that was budgeted.
How much was actually spent, and how much have you
spent moving forward or have you completed the work
with the consultant?

MICHAEL RYAN: The work with the
consultant has not been completed. It is an ongoing
process. We have hit milestones. I think the one
thing that is most visible is the--the poll worker
training module that we put in place and the--

CHAIRPERSON KALLOS: We'll--we'll get to
that, but how much--so how much are you spending on
the external consultant?

MICHAEL RYAN: I believe it's in the 30
plus thousand dollars per month range, right? It's
about \$32,000. It's about \$32,000 a month so it's--
it's not a fixed expenditure. It's as they meet
milestones, they submit invoices and we pay out on
the invoices.

CHAIRPERSON KALLOS: So it's reduced from
\$1.5 million to about \$360,000 give or take?

MICHAEL RYAN: It was reworked so that's
now spread out over two fiscal years. So I believe

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it's two fiscal years. So it's not quite comparing
apples to apples but Election Center is still with
us. We believe that they're--they're doing a very
good job I performing an important function.

CHAIRPERSON KALLOS: If-if you could
share the cost for election center and breakdown on
your budget, and so I--to my knowledge you have not
convened a blue ribbon panel?

MICHAEL RYAN: That is correct.

CHAIRPERSON KALLOS: And the Comptroller
audit is ongoing or completed?

MICHAEL RYAN: No, it's ongoing.

CHAIRPERSON KALLOS: Okay, and we'll
address poll workers in a moment and then resend
everyone their voter registration information \$4.5
million.

MICHAEL RYAN: That has not been done.
My understanding is that the City Council is working
on a plan to--an alternative plan to that, and that
there is going to be a reworking of 848 to--to
accommodate that outside the Board.

CHAIRPERSON KALLOS: Independent
certification of voter registration information for a
quarter million dollars?

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MICHAEL RYAN: We can go down the list,
but--

CHAIRPERSON KALLOS: I know.

MICHAEL RYAN: --it's going to be the
same answer every time.

CHAIRPERSON KALLOS: Okay, so I'll-I'll
just--

MICHAEL RYAN: Likely, but if you want to
go ahead that's fine.

CHAIRPERSON KALLOS: So-so that was in,
okay. So records management, records officer,
logistics team, third-party review of integrate--
integrity at poll.

MICHAEL RYAN: Okay, record management.
We-we have a records officer that we hired that was
authorized by the Commissioners. I've testified in
the past on that with respect to the disposal of the
old voter registration cards commonly known as the
buff cards, and this particular employee works very
closely with our borough offices to make sure that
Board of Elections is not the government equivalent
of an episode of the shell hoarders, and that we get
rid of things that we don't need so that we can

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provide the good space to the people that work for us
as opposed to having messy--

CHAIRPERSON KALLOS: [interposing] Sure.

MICHAEL RYAN: --unorganized offices. So
we have a record.

CHAIRPERSON KALLOS: [interposing] Was
that--was that--did that person already--did that
position already exist before the Mayor's
recommendation or following the recommendation?

MICHAEL RYAN: The person who was doing
the job of--of that, we created a specific position
fairly recently. It's a records management officer
and we have an individual rights--

CHAIRPERSON KALLOS: [interposing] You
promoted the person who was already doing that job
into that position. How much was the pay increase or
what do they paid now?

MICHAEL RYAN: Well, we promoted an
individuals in--into a job that we didn't call records
management officer. We've--we've changed the title
recently, and there was--I believe there was a modest
increase in pay of maybe \$5 or \$6,000, but I don't
think it was all that much, but we can get you the
specific information on that.

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CHAIRPERSON KALLOS: Okay, are they
making over or under \$120--\$120,000?

MICHAEL RYAN: Well under \$120,000.

CHAIRPERSON KALLOS: Okay, so--so the
Mayor got a bargain on that on. The logistics team
for \$465,000?

MICHAEL RYAN: [pause] Elements of that
are folded into the work that we're doing with
Election Center--

CHAIRPERSON KALLOS: Okay.

MICHAEL RYAN: --which is to help us
engage in more long-term planning with respect to
improving the process, the poll worker training, the
best practices at the poll sites, and the poll site
setup and--and such.

CHAIRPERSON KALLOS: Third-party review
of integrity of poll worker training and testing?

MICHAEL RYAN: No, I have no action.

CHAIRPERSON KALLOS: Okay, Absentee
Ballot Tracker.

MICHAEL RYAN: The Absentee Ballot
Tracker--

CHAIRPERSON KALLOS: [interposing]
Actually, we'll--we'll get into that in--

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MICHAEL RYAN: [interposing] You want—you
want to hold off on that. Okay?

CHAIRPERSON KALLOS: We'll hold off on
that. Yeah, so we're going to hold off on that. So
it sounds like some of the things that the mayor
offered money for the Board of Elections has moved
forward for us. So the Mayor didn't get everything
he wanted to \$20 million, but it looks like he may
have gotten some of it.

MICHAEL RYAN: And the other thing that—
that is coming is the Voter Information Portal. One
of--

CHAIRPERSON KALLOS: [interposing] Don't
get into that.

MICHAEL RYAN: Okay, I'm sorry.

CHAIRPERSON KALLOS: You know I'm going
to get to that [laughter] because I wrote the law.

MICHAEL RYAN: I—I—I don't want to—I
don't want bury the leaf.(sic)

CHAIRPERSON KALLOS: Okay. Sure. So in
the preliminary hearing so—so in 2007 I noticed that
there was about a million people purged from the
State Board of Elections Voter File, and I built
VoterSearch.org and it was about 100 lines of code.

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I offered it to the State BOE and said hey do you
want this for free? They said no they spent about
\$100,000 plus on building it themselves and then it
didn't work. So then I explained what was wrong with
their system, and they adopted the same framework
that I had already built for free and given to them
for free, and paid a vendor God knows how long. Fast
forward ten years later we passed the Voter
Information Portal, and that's [laughter] Local Law
65 of 2016 to do today. As a government what I did
with 100 lines of code in eight hours back in 2007
to—to respond to the first purge of voters. Since
then, you may have heard about another purge of
voters, and despite what many may think, given the
fact that it happened in '07 and that it happened
again in this election it might be related to
actually trying to clean up the books before hand so
that folks can get through as folks tend to move
around in the preceding four years between
presidential elections. With that being said, where
are we on implementing the Voter Information Portal
with absentee ballot tracking, and email and text
notifications?

MICHAEL RYAN: Okay, so those are
separate categories. The Voter Information Portal is
developed. What has slowed the implementation of it
somewhat is the cyber security issues that came up in
this last election. We're going to be migrating the
Voter Information Portal to a Cloud based environment
as well as our website will be a Cloud based
environment. Our website is developed and ready to
go. All of the tech experts in advance of the
November general election told us not to roll out the
new website because the Cloud technology would not
have been sufficiently tested prior to rollout, and
what the big concern there was--was not so much that
our system would be hacked or that--and certainly not
the--the voter results. What they were worried about
was primarily at least in the city of New York was
mischief maker taking our website, cloning it and
pushing out information that was false. So, PS-123
is on fire. Don't go vote. That--that was an extreme
example, but that's the kind of stuff that we were
talking about, and in advance of the general
election, we did a 4-1/2 hour tabletop exercise with
all levels of city government, state government and
federal government to talk about what we would do,

what would our coordinated response be in the event
that one of these circumstances happened as well as a
dedicated denial of service attack on the publishing
of the—of the results at the end of the night. So,
all of that stuff, that good advancement, the website
and the—and the Information Portal are standing at
the ready. We're going through testing and we expect
that the website will go out first. Hopefully, you
know, within the next couple of months and then once
the website is up and running since—even though
they're independent, since the portal will be
accessed as a link through the website that the—the
portal will follow behind that. With respect to the
text messaging and the—and the emailing, while I will
reiterate on these Local Law issues that we've
discussed that while we're not conceding the City
Council's authority to mandate the—the Board of
Elections to do such things, we have discussed that
with the—with the Commissioners and there's a real
concern. Presently, the Election Law allows us to
shield from view several pieces of information: The
last 4 digits of your Social Security Number, your
non-driver or driver ID number, and in the modern era
of elections, your fax number. We are not permitted

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to shield from view any other information that a
voter provides, and there is a real concern that if
we cannot shield the email and the cell phone from
public view that we would be creating a 4.5 million
voter database that is ripe for identify theft. We
have proposed to the State Legislature that they
allow us to shield those two items from-from public
consumption, and if those two items were shielded
from public consumption, we would reiterate or renew,
I should say, our conversation with the Commissioners
to see if there would be consensus. But several
commissioners expressed deep concern about a one-stop
shopping data mine location for identity thieves
based on those two pieces of information being side-
by-side on the voter form. Others may have
differences of opinion on that. I can simply state
that that was the major concern.

CHAIRPERSON KALLOS: Emails and mobile
numbers are still currently in the voter file. Not
yours, but that the Democratic, the Republic Party
they have very well matched the voter registration
work-record with the email address and the phone
number, and it is not-I-I challenge those-I challenge
those concerns and we look forward to having

extensive conversations about the distinguishing
between voter information and--and freedom of
information law type access versus personally
identifiable information provided for the sole
purposes of communication. I know that if you reach
out to my office for assistance and constituent
service, that information and your identity is
protected because of the fact that it is exempt as
constituent service.

MICHAEL RYAN: Right, and--and I would
also like to point out on the voter registration form
as it presently exists, which is established by law
by the New York State Board of Elections, is those
two pieces of data are optional, and any time
something is optional on a form, often people skip
it. So we don't have a robust collection of that
data, and even moving to an online--a more, you know,
electronic assist on the--on the voter registration
form, we can't red asterisk that--that information and
prevent the voters from moving forward with the rest
of the form if they don't fill that out. So, if--if
those changes aren't made, the ability to get that
information will be reduced in any event.

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CHAIRPERSON KALLOS: We—we—we have
achieved the weeds, but [laughter] but what I would
say is people who fill out voter registration form
should still be able to not provide an email address
or mobile number on that form. However, they should
be able to provide to the Board of Elections outside
of the voter registration context the email or mobile
for the purpose of receiving text or email
notification for the Voter Information Portal site
just as you would on Delta—not Delta but any airline
that you're buying tickets from or—or a third party
provider that you're buying through and I did not
mean to mention Delta. I just had the most awful
fight with them the other day. [laughter] So, with
regards to your funding as I mentioned in the opening
statement, you've gotten \$32.--\$42.5 million in this
Executive Budget from the Mayor. It looks like he
may have gotten some of what he wanted, but not
necessarily everything he wanted for \$20 million and
in this case you've gotten twice as much without
actually doing all of it, and so additionally you're
now looking for a budget of \$141 million. You've
never had that much money. Going back to 2014, which
was a similar election cycle with far more people

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running and--and a much higher likelihood of a runoff,
you had a budget of \$116 million. In 2015, you had
\$106 million. In 2016, you had \$116 million, and in
terms of 2017, we know that you had a--a higher
budget, but you've--you've never actually spend your
full budget. So what is your 2017 actual predicted?
[background comments, pause] Our Finance Analyst has
shared that your--your spending has been \$132 million
as of--[background comments]

MICHAEL RYAN: Yes.

CHAIRPERSON KALLOS: That's your budget,
but we're just curious about what your spending is.
If--if you can share that with us. [background
comments]

MICHAEL RYAN: Oh, for this year? Sure.
We have--have an Adopted Budget of \$123,746,310, and
we've spent year-to-date as--as close as we can be
year-to-date [background comments] \$101,040,861 with
obligations to--to the end of the year of
\$113,896,128.

CHAIRPERSON KALLOS: So, I--I am--I--I
remain impressed by your ability to keep costs down,
and for avoiding the propensity in government for
waste and to spend as much as you've been allocated,

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but again, you're underspending by \$20 million, which
is great, but in terms of--for budgeting purposes it's
great to come in under budget, but--

MICHAEL RYAN: [interposing] Right.

CHAIRPERSON KALLOS: --can we reduce from
this \$141 million?

MICHAEL RYAN: Well, if-if you-I got you.
With--there are variances from election to election,
but we have to budget, we must budget for a full
complement of poll workers to make sure that to make
sure that we can service the--all of the election
districts throughout the city. The problem is we
have a no-show rate. So to the--it's not the same
thing. We show them as employees. They get buried
into our PS Budget. Because of the IRS regulation,
we're not allowed to treat them any differently than
any other employee. We have to give them--we can't
give them a 1099 and treat them as a consultant as
had been in the past. We have to treat them as
employees. They've got to fill out a W-4 and they
get a W-2 and they taxes withheld. So to the extent
that we have a no-show rate amongst the poll workers
that's going to show as an underspending on the PS
side of the budget, and if we have budgeted for

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36,000 poll workers and 5,000 don't show up, it-it-
it's taking-it's making it look like we're not
spending to the max, but we don't have control over
them the way an agency has control over an employee.

CHAIRPERSON KALLOS: So, you are-on
occasion you have said that you are the-the New York
State Board of Elections operating in the city, and
to that extent you may have more power over your
budget than many of the other agencies. To that
extent, would it be possible to break things out?
Because we're looking at the \$42.5 in new needs, and
you've got \$12.8 million for new poll workers, but
then you have another \$19.2 in personnel services and
another \$10.5. So we hear you on the poll workers,
but then you've still got another \$29.7 million that
we're trying to account for, and would love to see
broken out.

MICHAEL RYAN: Yeah, we-we can-we can
break that out for you offline. Absolutely.

CHAIRPERSON KALLOS: Do-do you have any
of them off the top of your head?

MICHAEL RYAN: What I can say to you off
the top of my head, which would be simply repeating
what I-what I've already told you.

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CHAIRPERSON KALLOS: Okay.

MICHAEL RYAN: The drop-off when--when
we're quote/unquote returning money typically comes
from the excess budget with respect to poll workers
and there may be some other dollars buried in there
as well, but that's the lion's share of it, and I
would like to point out that, and again we've had
this conversation, we don't want to be punished for
being fiscally responsive--responsible, and in the--in
the--now this is I think the fourth budget that I'm
testifying at since I've been Executive Director, and
we've met our peg every year, and we're going to meet
it again this year. So, it--it is a bit of a double-
edged sword when we're having these conversations to
say well, you've done well managing your budget.
Therefore, you should get less money. That is a
disincentive to budget--to budget managers to--to--

CHAIRPERSON KALLOS: [interposing] And--
and--

MICHAEL RYAN: --keeping costs down.

CHAIRPERSON KALLOS: And--and I applaud
you for resisting that and being fiscally responsible
in that way. So along with the--so along the poll
workers' salaries. So for the \$12.8 million that

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we've increased how much are the individual poll
workers going to be paid per hour? Does it come out
to \$15 an hour or more?

MICHAEL RYAN: No, it is \$200 a day for
the regular poll worker and \$300 a day for the post-
the poll coordinators.

CHAIRPERSON KALLOS: Okay, and that is an
increase from?

MICHAEL RYAN: Nothing. It's an increase
since 2000. [background comments] 2001. It has not
been raised since then.

CHAIRPERSON KALLOS: Okay, so what--?

MICHAEL RYAN: [interposing] However,
right--

CHAIRPERSON KALLOS: [interposing] The
\$12.8 is for more poll workers? Because you came in
the Preliminary Budget, you said we need to pay these
people more. It was one of the recommendations of
the Mayor. He offered you--

MICHAEL RYAN: [interposing] Right.

CHAIRPERSON KALLOS: --money. We saw
more money. So this \$12.8 isn't to pay them more?

MICHAEL RYAN: We're--we're going to have
four events this year. Four if you count the entire

1 Fiscal Year if there is run-off. So if there's no
2 run-off--this is why we're very comfortable where
3 we're at right now. If we have a run-off, it's a
4 full citywide election, that will be three elections
5 from Sep--you know, September, hopefully October and
6 November. If we don't have a run-off, without
7 question we can absorb the--the June Primary next year
8 before this Fiscal Year ends. In which case, if we
9 don't have a run-off, we'll know we didn't have a
10 run-off by the time the November plan rolls around
11 and by the time the January plan rolls around so we
12 can make the necessary adjustments, and we've never
13 asked to keep money that we know we're not going to
14 spend.
15

16 CHAIRPERSON KALLOS: So, let's--let's just
17 flip it around. So the money is already in hand. I
18 will bet you a beer that we can not have a--a run-off,
19 but it's unlikely to happen and--and I say that
20 colloquially. I'm joking. [laughter] I'm not
21 engaging example here.

22 MICHAEL RYAN: So we expected to hear
23 that, but if it doesn't violate ethics I'll take the
24 bet.
25

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CHAIRPERSON KALLOS: Yes. [laughter]

Yes, as long as that is under \$50, but--so the Mayor has recommended \$2.3 million for a \$50 increase per day. So poll workers would go from \$200 to \$250. Others would go from \$300 to \$350. Can--can--is there money available from the Mayor. Can--can we accept that part of his challenge grant, as it were, or can we reallocated out of that \$12.8 million to cover that salary increase, and what number would it take us to in order to get people to \$15 an hour because the Mayor made a promise that we were going do this.

MICHAEL RYAN: Right.

CHAIRPERSON KALLOS: We're--we're actually hitting that as a minimum wage, and I'm not even sure if the--if there's somehow a--a state law carve-out that you don't need to pay people minimum wage for election day working.

MICHAEL RYAN: Actually, the--the state law mandate is lower. For poll workers it's \$130 a day and for poll coordinators it's \$200 a day. So the City of New York is already paying its poll workers higher than the state mandate. That having been said, if there was going to be some understanding that poll workers would get more money,

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wee couldn't pay them that absent state legislative
action of Mayor's executive order. So this is not a
circumstance where we can go into our budget and say
hey we have some extra money. Let's pay the poll
workers more money per day. If we can—we do
sometimes from time to time adjust the bonus for
attending multiple elections, but the—the straight up
pay we don't have the flexibility or the authority
to—to act outside of either executive order or
statute.

CHAIRPERSON KALLOS: Would you bring it
to the commissioners that you would like to increase
pay per day by—you'd like to accept the Mayor's
challenge grant, and you'd like to accept \$2.3
million addition to your budget, and that you would—
you will have gotten preliminary authorization
pending and executive order and a—a resolution to
from the commissioners calling on the Mayor for an
executive order, and let's get the poll workers paid
more so we can get people who are able to run
elections.

MICHAEL RYAN: The Board has made it part
of its legislative package with the State Legislature
asking the State Legislature to increase the poll

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worker pay from \$200 to \$300 and from \$300 to \$400.

So, I—I believe that there is already a tacit
agreement that the poll workers need to be—be paid
more. I'm not certain that \$50 goes—goes far enough,
but certainly anything that can be done to improve
the plight of the poll workers would be a—would be a
good thing, and it would help us if not with
recruitment, it would certainly I think help us with
retention without any question.

CHAIRPERSON KALLOS: And I just want to
say that if things are better labels in the budget
for both me and just members of the public who are
looking at the budget instead of it saying poll
worker salaries increase of \$12.8, you could actually
just say poll worker salaries for runoff election
\$12.8.

MICHAEL RYAN: Right.

CHAIRPERSON KALLOS: Then that makes this
whole thing a lot easier as we go through a list of
numbers and try to figure out what they do. So,
today for those of you who are watching TV online
late at night it's actually May 12, 2017, and if you
happen to be reading—listening to the radio, one of
my favorite stations WNYC. You may have heard a

great piece by a SUNY Albany Alum, Bridgette Bergen,
and that piece is entitled *Your Vote Didn't Count and
the Board Didn't Tell You in Time to do Anything
About It*. And so you quoted on this point-piece as
well as one of my colleague who was here earlier
around some of the situations that people
encountered. I-I will be honest. I should have
called Bridgette earlier because I actually got one
of the cards saying that a vote had been counted
because my wife went to vote. Her name wasn't in the
book. She voted by affidavit, and I got it like a
month ago, and I looked at it and I said this is
weird, but I should have engaged it. But sadly
people like Mrs. Wolf in Brooklyn, Lauren Wolf just
got it, and it's too late for her to do anything. If
I recall looking at the document we received, her
vote was counted. I don't know if the document
actually says this is how you challenge and get your
vote counted. I also-I believe Lauren Wolf. I-I
disagree with you. I believe. I've-I've seen it
happen. I've watched it happen, and I've tried to
intervene where people get bounced from poll site to
poll site, and because their name isn't in the book.
So, what can we do to make sure that every single

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1 vote is counted, that it's counted within a timeline
2 that can help and--and matter especially since I--I
3 imagine given what you're talking about with the
4 great work you've done of getting people their vote
5 tally by--before midnight. In some cases, it looks
6 like the presidential election is still unsettled
7 perhaps. We know who won, but obviously people--some
8 of the votes still aren't in yet. So I guess the
9 first question is are we--is the Board of Elections
10 done sending out notices from the presidential
11 election last year, and if not, how many are left?

13 MICHAEL RYAN: The answer is there is a--
14 it's a quasi manual quasi automated process. The
15 reason that you might not get a notice just yet is if
16 we didn't have you in the system, and we send you a
17 missing information notice, and you take months to
18 get it back to us, we can't you a notice until you're
19 in the system. So for those new voters that were
20 attempting to vote on election day that weren't in
21 the system that were nowhere in the Board's system,
22 we're not sending you a notice until we have complete
23 information and we can't. Sticking with Ms. Wolf for
24 a second, Ms. Wolf moved four times between 2000 and
25 2016. Despite the fact that she moved four times and

never informed the Board of Elections that she moved four times, the NCOA process, the National Change of Address process actually worked, and Ms. Wolf got her notice of where she was supposed to go vote to her current address. I find it a little bit circumspect if not suspicious that the other five voters on that page voted. They're all signed in, and Ms. Wolf isn't, and when you consider the lines that were there on election day. I also find it a little bit suspicious that she waited on a line at one poll site for as long as she would have to wait, then went back to the other site, then went back and forth. I don't want to argue those merits, but what I will say is that this particular piece of journalism simplistically analyzed a complex process. Now, if you want to—if you want to leave the analysis to where it—it should land, which is that the 20 days to challenge your vote may not be sufficient. Well then that's a place, you know, where maybe we could have some talking points. But when you talk about we had almost 170,000 affidavits that had to be done manually and reviewed, that process is not getting completed in 20 days. That having been said, it is an open process. We had a form on our website where

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you could say that you wanted to get a copy of your
affidavit ballot. You could have gone to your local
Board of Elections while the affidavits were being
counted, and ask to see your affidavit, and try to
find out whether or not it was going to be valid or
invalid. The fact that there is this burden shift to
any Board of Elections whether it be in the city of
New York or the other 57 counties of New York State
that we have to take all of the responsibility and
the voters don't have to take any of the
responsibility, which seems to be the argument that's
being made here. It's quite simply not fair to any
government agency let alone the Board of Elections.
We tracked this woman. We kept up with her. We sent
out the information that we needed to send out. We
processed almost 170,000 affidavits. Many of those
became new voters because they filled out the
paperwork properly, but you're not talking about
trying to decipher handwriting. People in a rush
very often they fill out the affidavits while in line
because they don't want to lose their place. They
don't go over to a privacy group. They're illegible.
We had over 2,000 people in the Borough of Manhattan
alone that tried to vote in Manhattan when they were,

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in fact, registered in other—in other boroughs. So,
there—there is a lot to this process, and I simply
don't accept the premise that it's all on the Board
of Elections to—to notify people post-election as if
that is—is something that we're not complying with
the law. It's a presidential election. It's a high
volume election. We don't even certify the election
until—we didn't do it this year until December the
6th. We're certainly not sending out notices until
the—the election is certified so do the math.
November 8th to December the 6th is already over 20
days.

CHAIRPERSON KALLOS: Is the Board of
Elections complete in sending out notifications? At
what point will you be complete?

MICHAEL RYAN: We are as complete as we
can be if in the event that we sent out a missing
information notice to a voter who was not previously
in our system, and that missing information notice
has not been returned.

CHAIRPERSON KALLOS: So—so in this case,
Ms. Wolf was not a—did not have a missing—missing
information situation?

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1
2 MICHAEL RYAN: No. She was registered
3 voter.

4 CHAIRPERSON KALLOS: But she just got—but
5 she just got the notice recently? So—so I'm—I just
6 want to be clear. So, anyone other than the missing
7 information voters has gotten their notice?

8 MICHAEL RYAN: Well, some we have no
9 addresses on. So, you know, it is a very complex
10 process. There—there are numerous categories of
11 reasons why folks would not have gotten a notice. I
12 can't speak to you as to a specific date when Ms.
13 Wolf got her notice. What I can tell you
14 definitively for the purposes of this conversation
15 that it was beyond the 20 days require—allowed for
16 challenge, and that seems to be what the issue is
17 here, and if that's the issue, that's a fine and fair
18 conversation to have. So—but that is a matter of
19 state legislative action, not Board action.

20 CHAIRPERSON KALLOS: So—so we're hear at
21 a budget hearing. How much? What would it take?
22 What is the technology. There's—there's countless
23 other jurisdictions that face similarly difficult
24 timelines. How do we get to a place where in a city
25 where we had problem—where we—where we—we have had

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routine problems with purges and affidavits that
where some of them may have been valid and the courts
have even said that some of the purges were invalid,
where--where this is going to be an ongoing problem
where we actually give people enough time. So what--
what--how much money do you need, and what kind of
systems exist that we can set up so that we don't
keep running into this problem over and over again.

MICHAEL RYAN: First.

CHAIRPERSON KALLOS: Yeah.

MICHAEL RYAN: No amount of money is going
to suspect the time space continuum. That is
something we all must live with. That is a--a--a law
of nature.

CHAIRPERSON KALLOS: I--I would argue--

MICHAEL RYAN: [interposing] So--

CHAIRPERSON KALLOS: --we can use a lot
of the same technology that the Postal Service uses
for reading addresses on envelopes. They--they don't
actually read the handwritten envelopes.

MICHAEL RYAN: [interposing] It's---it's--
that almost has--

CHAIRPERSON KALLOS: It has full
character recognition. We--we can--we can do a lot of

it automated and then for the percentage that need to
be manual, we can. So, what-what's--

MICHAEL RYAN: [interposing] The
technology that you're-you're talking about has very
little application to this process. This is an
entirely manual process, number one. Number two,
we're not sending out any notifications to voters
about whether their vote is valid or invalid until
after the election is certified. We typically
certified elections, we try to except presidentials
are too cumbersome. WE try to do it the Friday-the-
the Tuesday before Thanksgiving so that we can give
our staff that's been going great guns for months the
opportunity to spend a little time with their family,
and give them that Friday off. If we do it the
Tuesday before election day, before Thanksgiving
you're already pushing up against the 20-day deadline
and maybe you'll be over it. So, it's the 20 days
for the court challenge that is the issue, not the
technology, not the processing. And again, that
having been said, this is an open process, and people
are free a week after the election to come to the
Board of Elections and challenge their affidavit if
they think it's an issue. There are different forms

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of notice. There is the notice by mail, but there is
also the notice that allows you to come to a place
that's an open process in person. We also give
copies of affidavits in specific—you know, if
campaigns or political parties want to challenge in
specific districts, they get copies of those things.
They can review them as can the individual voter.
There is—there is something in this society that I
think is somewhat missing and that is personal
responsibility, and it doesn't full--fall to the
government to--to fix that.

CHAIRPERSON KALLOS: With regards to the
situation in question, we—in New York City I do not
need—no voter needs to actually update their address.
As long as they're moving within New York City, they
can show up anywhere on the day of the election under
the state law and vote in affidavit and have their
vote counted. I agree with you. I have legislation
I put forward for voter registrations with leases
that would help with the problem, and I believe that
our voter in question, Lauren Wolf, is just like most
of New York City where we can't afford to live here.
I can barely afford to live in my district, and I'm
getting priced out, and you get priced out and you

1 move. You get priced out, you move again. You get
2 priced out, you move again, and that is pretty normal
3 sadly for this city because of the affordable housing
4 crisis that we've got. And so, it seems like where
5 the additional point of failure is was that we have
6 another rule, which is wrong pew, right church, as
7 they say, which is if the person had voted in the
8 wrong election district it still would have been
9 counted. It seems like where there was a point
10 failure is generally we spend an inordinate amount of
11 time trying to get them to the right poll site, and
12 then we get them to vote in that one place, and I'm
13 not sure what the legality here is. I know you can
14 vote by absentee and then show up the day of and your
15 absentee gets discarded. Is there an opportunity
16 for-if somebody is not sure and getting bounced from
17 place to place that we can say, you know, what if the
18 person comes back more than once, so you what, cast
19 two affidavits one in each poll site, and that way
20 we'll deal with it back at home base and try to
21 change that as a training rule so that this incident
22 doesn't happen.

23
24 MICHAEL RYAN: If-if that were to happen,
25 if somebody voted with two affidavits--

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CHAIRPERSON KALLOS: Yeah.

MICHAEL RYAN: --the affidavit in the
correct poll site would count if they were in the
correct poll site, and this is strange (sic)
situation.

CHAIRPERSON KALLOS: [interposing] So can
we--so assuming that that's not a violation of
somebody trying to quote/unquote "vote--vote twice" and
I--I know. I--I can sense people out there saying uh-
oh, Democrats are telling people to vote twice, but
given that they're not trying to commit fraud,
they're just trying to vote in the right place and
there might be a--a--an issue in that you're not going
to count both. So can we change the training to just
say if the person shows up in the wrong place, say,
listen, this is where we think you should vote, but
if they don't then just-- If somebody is getting
bounced around between poll sites, we should just
ensure poll sites let them vote.

MICHAEL RYAN: The--the--the best thing
that we do is we try and we've used the technology to
assist us. Everyone of our addresses that's in the
system, and this also is--presents an issue when we're
trying to verify these things. It's Geocoded, and we

use the--the--the City's Geocoding system to do that.

We want to direct the people to the right poll site.

In this particular situation, Ms. Wolf, got a notice
in the mail directing her to the proper poll site.

How she ended up in the wrong poll site, I don't

know, but to the extent that she was in the wrong

site, the poll workers did exactly what they should

do and sent her back. Now, if things had properly,

regardless of who's fault it was, she would have

voted at the right poll site. So, we also instructed

our poll workers to not cause a scene at the poll

site. If somebody is insisting that they want an

affidavit ballot, they take the affidavit ballot. If

they are not voting at the proper poll site, and

they're insisting that they are at the proper poll

site, they do that at their own peril, and with the

potential that the ballot won't count.

CHAIRPERSON KALLOS: I'm--I'm just asking

that if there's a confusion between poll sites that

the training be changed to instruct the person to

vote in both, and so I just want to acknowledge we've

been joined by Council Member Ritchie Torres. And I

wanted to just touch on--I want to touch on the voter--

the--the--the purges, and--and so we've now gone through

the election. There has been court orders. How many people will be--will there be anyone who was purged who hasn't had a chance to re-register before the 2017 City Primaries in general. Is that all accounted for? Are there--is there a new purge coming? What's changed so that people who are concerned, may have been rattled in the process who--who may say I don't want to try again, and I'm saying no please try it again? What's changed so that people aren't purged or if they've been purged that they've had every opportunity to register?

MICHAEL RYAN: Okay. So, the manual process that was engaged in that led to the--the public attention to this issue has been disabled. So, that piece can't happen again. However, we do regular and routine list maintenance pursuant to State Election Law and Guidelines by the State Board of Elections involving moves, duplicate entries, deaths, and felons. We get those lists from the State Board of Elections and we work those lists, and if there's a match, you're a move within New York City, you get a transfer notice. If you're a move outside of New York City and there's a--and there's a match, you get a cancellation notice. We also work

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off of the National Change of Address as well as
return mail, and if a piece of mail comes back, or we
get notified from the Post Office that you're gone,
we will send you a confirmation notice, which simply
would make you an actor, but if you showed up at the
poll site, you would then vote by affidavit. So our
current process is in line with the NVRA and with the
State Law, and the process that led to this flagging
of voters en masse in Brooklyn has been disabled
since it was discovered, all 117,656 individuals that
were adversely affected in Brooklyn in April of 2016
were restored to the active voter rolls before the
June Primary in 2016. So all of that work has been
corrected. We are also working and we can't speak
with the specifics with respect to litigation but we
are working closely with the Department of Justice
and the Attorney General Office to put a process in
place that has proper oversight not only from within
but externally as well to-to satisfy all of the
overseers and make sure that every element of the
NVRA, and the New York State Election Law is-is-is
attended to with great detail.

CHAIRPERSON KALLOS: Has the New York
City Board of Elections had any interaction with the

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federal government whether it is the White House and
President Trump or anyone at his direction with
regards to investigating and/or tracking down the
millions of illegal immigrants to who voted according
to the president and I'm using his specific
vocabulary for how to describe immigrants.

MICHAEL RYAN: No, official communication
other than the news reports that there was apparently
an executive order that was signed that's going to
involve some type of investigation into this matter,
and I'm sure if that does commence, we'll be called
upon to provide information.

CHAIRPERSON KALLOS: And--and you'll just
let us know if you actually hear anything about his--
his quote/unquote "investigation"?

MICHAEL RYAN: Certainly.

CHAIRPERSON KALLOS: And--and--and have--
having and just to be clear, no one is illegal by
virtue of their--their immigration status, documented
or undocumented. But along those lines, as Executive
Director of the New York City Board of Elections do--
do you concur with the--with President Trump or do you
believe that no such thing has happened? Have you--

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have you had any reports of complaints other than
from President Trump?

MICHAEL RYAN: Yes.

CHAIRPERSON KALLOS: Has there been any
merit to them?

MICHAEL RYAN: Perhaps.

CHAIRPERSON KALLOS: If you could please
share.

MICHAEL RYAN: There is—I'm—I'm not—I
will not at presently share specifics of the matter.
That's under investigation, but there is an instance
of-of an issue in a particular county with respect
to-to-to a voter who made a 400 application. So,
what-what I-what I can say is that prior to nice
voter in 2007, these things weren't tracked. So, the
tracking of them are only fairly recent. So to the
extent that somebody is on the voter rolls for quite
some time. I don't know necessarily that you could
prove the point one way or the other based on the
data analysis without interview-interviewing thousand
and thousands of people.

CHAIRPERSON KALLOS: Okay, and so what
you're saying is there's one case--

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MICHAEL RYAN: [interposing] That—that
I'm aware of.

CHAIRPERSON KALLOS: --and it's currently
being investigated.

MICHAEL RYAN: Correct.

CHAIRPERSON KALLOS: So that is not of
several million, not several thousand, not several
hundred, just one case.

MICHAEL RYAN: [interposing] No, I—I—I
think my testimony speaks for itself. You know, as a
ministerial agency, it—it is improper for us to
engage in political and public debate over—over
issues on one side of the aisle or the other.

CHAIRPERSON KALLOS: It's—it's a
government question, and--

MICHAEL RYAN: [interposing] No, it is
and I gave a—and I gave a government answer. You—you
asked me if I'm aware of a case and the answer is
yes. The--

CHAIRPERSON KALLOS: [interposing] So
it's one case, it's not millions.

MICHAEL RYAN: One case is one case,
correct?

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CHAIRPERSON KALLOS: Great. With regards
to the Americans with Disabilities Act what is--so the
Board of Elections currently spends [pause] you spend
a certain--there we go. \$5.891 million on ramp parts
and installations to make among them schools, which
should already be accessible--accessible on election
day, and then you take those temporary ramps out.

MICHAEL RYAN: Correct.

CHAIRPERSON KALLOS: So, I guess how much
to just leave them in, and just buy it outright as a
capital expenditure? How--how--where are we in terms
of just getting--

MICHAEL RYAN: [interposing] Right.

CHAIRPERSON KALLOS: --the Board of--the
Department of Education to just make these repairs
themselves and how much would we end to be saving--how
much would we save in your budget by making this--
these schools accessible?

MICHAEL RYAN: Well, you--you would save
immediately the--the \$5.9 million, but keep in mind
we're not renting these ramps. They're purchased.
So, it's--the ramp process is not eligible for capital
funding as we understand it number one. The
construction costs those questions are more properly

directed to the School Construction Authority, and
the--and the--and the Department of Education as to
what their costs would be. It cost about a million
dollars per election event for the installation, and
we're not finished with our--we're not finished with
the surveys yet.

CHAIRPERSON KALLOS: So this is new
information. I thought they were rented for one day,
put in for that.

MICHAEL RYAN: No.

CHAIRPERSON KALLOS: You--you have a
warehouse with these temporary ramps sitting there?

MICHAEL RYAN: We have a combination of
things. There are basically three categories of
ramps. One is the on-site installs where these are
simple ramps that the Department of Education
custodial staff installs for us. Then we have some
ramps at our warehouse facilities that our staff
installs. Again, a little bit more than the simple
ramps that are at the DOE facilities, but more complex
than those, and then we have vendors that we pay to
store the ramps at their facilities and deliver them
to the various sites, assemble them and then
disassemble them post-election.

CHAIRPERSON KALLOS: I'm sorry it took me
this many years to ask these questions. So, can we
just install them now, and let DOE maintain them
there until they can put in more permanent fixtures?

MICHAEL RYAN: That suggestion has been
made. My understanding is that it was being
evaluated by the Department of Education and I don't
know if they've come to a final conclusion on that.
I can tell you that the ramps that we use now are—are
they better quality than the ramps that might have
been used several years ago, but they—I don't know if
they qualify for something that's—that would be
outside, you know, 365 days a year. I'm not an
expert in that area. That would be something that
others would have to—to weigh in. They are very good
quality for our purposes.

CHAIRPERSON KALLOS: Would you be willing
to connect us with the—the ones that are maintained
by your vendor and for the ones that you own? Would
you be willing to connect us with the vendor from
whom you purchased it, and work with us to ask them
whether or not it is 365 type ramp or if it is a—a
single use daily ramp--

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MICHAEL RYAN [interposing] We could
certainly ask that question and provide the-the
information to the-to the Council as well, but keep
in mind I also depends-this ends up being a school-
by-school, facility-by-facility analysis. Some of
the areas for example that we have to place the
temporary ramp in pass the gate line--

CHAIRPERSON KALLOS: Uh-huh.

MICHAEL RYAN: --and come onto the
sidewalk.

CHAIRPERSON KALLOS: Would you be willing
to share the school-by-school reports with the City
Council and perhaps even the general public and
advocates Centers for the Independence-Centers for
the Independence of the Disabled of New York?

MICHAEL RYAN: Certainly. They-they are
essentially public records. I don't think there's
anything that would be secret about them, but I-I
will tell you that pursuant to the Federal Court
Order in terms of the disability rights community,
all of those reports are shared and reviewed not only
in-house by our-we have two ADA coordinators in-
house, but they're also shared and reviewed by the
Disability Rights advocates, which is the attorneys

for among others, you know, America-United Spinal
and-and other plaintiffs. So, a good chunk of these
reports I would think it's at least three-quarters of
the poll sites if not more as we're sitting here
talking have already been shared with the
representatives from the disability community. And
we work with them to come up with solutions and-and
I-I will say, you know, to their credit they're
mindful of the fact that wholesale moving of poll
sites is not a good thing either, and they're working
to be good partners with everyone so that the needs
of the disability community as well as the other
voters in-in the particular area are all served as
well we can. The other thing I would like to say
while we're on the topic. Yesterday, I spent a good
chunk of the day repeating my first name and title
over and over again because we are in the process of
making our first foray into the online training
module, and what we decided to do was start with the
Americans with Disabilities Act training, and I did
all of the intros and closes for those training
modules that would be finished in-in the near future,
and available for resource on website in advance of
training schedule this coming July.

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CHAIRPERSON KALLOS: [pause] Sounds
good. [laughter] I—I have my-my-my-my-we're going
to send additional questions, but I have my-my final
questions, because, you know, I was going to ask it
and you know what it is.

MICHAEL RYAN: No. [laughter] The jobs
have not been posted yet. We posted the technical
jobs and—and they are subject of a—our weekly report
to the Commissioners and those jobs get posted. With
respect to the posting, the broad posting of jobs
that is a Commissioner level decision and they have
not decided to do that as of this date.

CHAIRPERSON KALLOS: Let the record
reflect that I was going to ask that question, and
[laughter] it fits you perfectly. (sic) I will
continue to say that I have asked that question at
every single hearing. I—I still reiterate that I
would like the commissioners to come to answer that
question before the Council. I want to thank you
for---Oh, the other question was just if I live in a
building with 500 units or 200 units and it's a big
lobby, can I get a poll site in my building, and who
do I talk to make that happen?

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MICHAEL RYAN: First you can--first and
foremost, you can communicate directly--

CHAIRPERSON KALLOS: [interposing] Not--
not me, members of the public--

MICHAEL RYAN: Right.,

CHAIRPERSON KALLOS: --random members of
the public who are like there is a long line on
election day, and I'd rather have a poll site in my
lobby at my church, synagogue, mosque, not--non--
affiliated religious community center, non-profit,
soup kitchen you name it, privately owned--

MICHAEL RYAN: [interposing] Right.

CHAIRPERSON KALLOS: --public space.

MICHAEL RYAN: Yep. I am mindful of the
fact that citizens of this city pay my salary. So
that communication can be sent directly to the
Executive Office. We'll get in touch with the folks
that are in those facilities provided that they are
externally accessible pursuant to the Americans with
Disabilities Act. We're certainly happy to evaluate
all locations throughout the city. We can never have
enough designated poll sites coming up to election
day. Whether we used them or not, you know, it
depends on the election event, but we always like to

1 have a good stable of-of-of poll sites available to
2 us. And, the other thing is quite frankly, and I try
3 to make this point all the time. Whether you're an
4 elected official or community activist or just a
5 concerned citizen, we need other people to be the
6 eyes and ears of the Board of Election, and if we
7 made a determination that a particular site seems to
8 be a good site, but there's a better site around the
9 corner that-that we didn't-we weren't aware of, we're
10 happy to evaluate that and-and move the poll site to
11 some place that's going to be more convenient for the
12 voters. We're not, you know, so-so rigid that we
13 want to prevent that type of-of access. So anybody
14 that's got suggestions, we're-we're open to it.

16 CHAIRPERSON KALLOS: So, thank you. We
17 look forward to continuing our work together, and
18 just along those lines so the reason we're talking
19 about the poll sites is during the 2016 election,
20 some of the poll sites there was a line just because
21 they hit capacity of the number of people there, and
22 so if we split up the poll sites, there would
23 actually be fewer people waiting in each line. So,
24 the best thing anyone who's watching can do to have a
25 shorter line in the next presidential election is

make sure that there are fewer election districts
crammed into each poll site in their vicinity so--

MICHAEL RYAN: That--that's--that's one--
that's one way to handle it. There are other things
that we can certainly talk about potential
improvements. If you want to have conversations with
your colleagues in State Legislature, we could have
those conversations as well.

CHAIRPERSON KALLOS: It's we've--we've
done--we've gotten rid of outside income here in this
City Council. Couldn't do that in Albany. We got
rid of lulus here in the City Council. Can't do that
in Albany, and I got it done here, and there's no way
I want to go up there and try to make that happen.
[laughter] So just--

MICHAEL RYAN: Just to say yes.

CHAIRPERSON KALLOS: Thank you. We're
going to take a recess for about three minutes until
3:15--

MICHAEL RYAN: Thank you.

CHAIRPERSON KALLOS: --and we'll start
with Campaign Finance Board. [background
comments/pause/recess] We are back from recess, and
I'd like to now welcome Amy Loprest, Executive

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Director of the Campaign Finance Board. The Campaign Finance Board is an independent agency with the duty of ensuring that city elections are as fair and transparent as possible to increase voter turnout and empower more candidates to run for office by encouraging campaigns funded by small contributions. Our city's Campaign Finance system is a model for the rest of the country to emulate and we are committed to keeping it that way moving forward the Board's Fiscal 2018 Expense Budget totals \$56.7 million including \$10.6 million for personnel services funding to support 91 full-time positions. At this hearing we'll be-- [pause/rustling papers] Give us one moment to find the right page. Discussing the greatest share of the Board's budget \$40.2 million to fund the city's Campaign Matching funds program, a program that bolsters the impact of small campaign donations by matching them with public funding at a rate of six-to-one. If the Committee Counsel could please swear in our Campaign Finance Board.

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

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AMY LOPREST: I do. Good afternoon Chair
Kallos. I'm Amy Loprest the Executive Director of
the New York City Campaign Finance Board. With me
today are Kitty Chan, our Chief of Staff and Eric
Friedman the Assistant Director for Public Affairs.
As you know, we are well into preparations for the
municipal election this year. As of today with this
May 15th disclosure deadline coming next week, nearly
200 candidates have registered with the CFB for the
2017 election. The Board's Fiscal Year 2018 Budget
is for-is \$56.7 million, which reflects the
additional costs of administering the program in an
election year. Pursuant to the New York City Charter
Section 1052(c), the Board submitted its Proposed
Budget to the Mayor on March 10, 2017 and it was
included in the Executive Budget. The largest
portion of our Fiscal Year 2018 Budget request is \$29
million for protected public matching funds payments
to candidates during the 2017 Primary and General
Election. This modest investment in the political
process makes it possible for candidates to finance
their campaigns with supports from the friends and
neighbors instead of relying on large contributions
from wealthy donors with special interests. Matching

funds provide an important safeguard against corruption and help ensure that a more diverse range of voices is represented in City government. To appreciate the impact of New York City's Matching Funds system, look at the small handful of competitive Congressional races unfolding around the country, which predictably end up as proxy battles between deep pocketed interest groups looking to influence the national debate. By matching the contributions with city residents, the program helps ensure that the interests of everyday New Yorkers come first. Our request of \$29 million for the 2017 election is an estimate based on data from previous election cycles. The estimate counts accounts for differences between the expected number of payments in open seat elections, and the expected number of payments in races with an incumbent running for the election. For purposes of comparison, we included \$51 million in our Fiscal Year 2014 request for the 2013 elections, and paid out approximately \$38 million to candidates in those elections. Competitive citywide elections, which may include potential run-off elections, are the largest factor in increasing the total public matching funds

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payments. In 2013, with no incumbents running for re-election to citywide office, nine candidates received payments of more than \$1 million each. Our request for 2017 is significantly lower because there are fewer open seats. As such, we expect fewer payments to candidates. This year each of the three citywide elected officials is running for re-election. There are also fewer open City Council seats in 2017, with only seven incumbent term limited out of office compared to four years ago when there were 20. Our request for \$29 million is a conservative estimate that will secure a sufficient funds for payments to candidates. As in previous years, any funds remaining after the elections will be returned to the city's general fund. The Board's budget request include \$11 million to produce, print, mail and promote the city's official non-partisan Voter Guide, which is the centerpiece of our efforts to engage and inform voters about the citywide elections. As mandated by the City Charter, the Guide is delivered to every household with a registered voter in the five boroughs. It has produced in languages covered by the Voting Rights Act in English and Spanish Citywide, and in Chinese,

Korean, and Bengali in certain parts of the city. Of the \$11 million allocated to the guide, the largest portion will go towards printing and postage costs, which are \$4--\$4.75 million and \$2.3 million respectively. For this year we have undertaken a significant redesign of the print guide, which will help voters more easily find and understand the information they need to make informed choices at the polls. Pursuant to Local Law 170 of 2016, we are creating a system to give city voters the opportunity to go green and opt into electronic notifications about the online Voter Guide instead of receiving the printed guide in the mail. I want to thank Chair Kallos for his leadership on this bill, which was recommendation of the Board following the 2013 elections. In the coming months we will be working with an outside vendor to create a system that will allow us to maintain the opt-out list. Included in the cost is funding for potential postcard mailing to preview the guide and advertise the opportunity to go green. The Voter Guide allocation also includes \$1.4 million for advertising the Guide and the transit system in print and on social media in order to connect voters with this important resource. The

increase in the agency's personnel services costs reflects increased staffing needs for the election year and beyond. As we prepare for the Municipal Elections, the CFB is working to implement new mandates included in the legislation enacted in December 2016. On May 25th, the Board will hold a hearing for public comment on proposed rules for implementing those new laws some of which will also require significant administrative effort. Local Law 167, which eliminates the public matching funds for contributions bundled by people doing business with the city requires new processes for reviewing matching claims submitted by campaigns. Those processes are being finalized. Local Law 168, which changes the payment calendar to allow for a payment determination as early as June did not take effect until after this election. Because it requires changes to a complex process, work on implementation will begin this summer. Again, both of these laws—new laws come from recommendations made in our Board's report on the 2013 elections, and I want to recognize the leadership and advocacy of Chair Kallos and the council on behalf of these proposals, which will strengthen our protections against pay-to-play

in campaigns, and to improve the way our system works for candidates. Local Law 182 of 2016 requires our disclosure software for campaigns, C-Smart to be fully compatible with State DOE disclosure system. We are working to resolve the final minor—remaining minor incompatibility, and that work will be completed by mid-July. I would also like to note that we recently completed a comprehensive overhaul of our C-Smart software. It has an improved user interface, a simpler streamlined navigation and upgraded technology infrastructure, but it significantly improved the system's performance. We are continuing to add functionality to C-Smart. In addition to the updates mentioned above, we will be looking during the coming fiscal year to extend the capability to upload campaign documentation via C-Smart. Our online contribution processing platform for candidates, NYC Votes Contribute has been a huge success. To date, 169 candidates have chosen to use the platform, and they have collected nearly 16,000 contributions totaling almost \$2.4 million. The platform provides candidates with a powerful fundraising tool for no cost, connects directly to C-Smart for easy disclosure and provides documentation

for candidates that help ensure their contributions are valid for matching funds. We have been creating new functionality for the site throughout the year, and as we get closer to the election we will be focused on delivering new resources for voters. Looking ahead, we are starting an overhaul of the database that informs all of our work, the Campaign Finance Information System or, CFIS. We use CFIS to manage all of the data that flows into the CFB. Our staff uses the database to manage campaigns' basic information, perform many of our internal compliance reviews, calculate candidates' payment amounts, and track documents and much, much, much more. This is a multi-year project that has the potential to create significant efficiencies across all of our various functions. I'd also like to provide and update on the progress of our audits from the 2013 elections. To date, we are in compliance with the deadline for the Act, and we have completed 214 audits for the 2013 elections. Penalty determinations were made for another candidate at yesterday's board meeting. That leaves 20 candidates whose audits have not yet come before the board. Of those, seven are expected to be discussed at the June board meeting. Four more have

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received their notices of alleged violations, and we
are awaiting the response. Seven have chosen to
contest their alleged violations before an
administrative law judge at the Office of
Administrative Trials and Hearings. Another two have
had their deadlines suspended. As we approach the
2017 elections, we are conducting a thorough review of
our post-election audit procedures. While
maintaining or vigorous--vigorous oversight of the
public's investment in the political process, our aim
is to improve efficiency by focusing more of our
resources and attention on more serious con-
compliance issues and providing campaigns with more
practical feedback even earlier in the election
cycle. Thank you for the opportunity to testify
today, and I'm pleased to answer your questions.

CHAIRPERSON KALLOS: [pause] Thank you
for your testimony, and thank you for providing a
further breakdown. The breakdown you've provided in
the appendix in your testimony breaks out the Voter
Guide and the Campaign Finance Fund so that it would
regularly appear in the budget as \$40.2 million but
it breaks it out so that you have 10--\$29.1 and
\$11.1. Was this how it was submitted to OMB?

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AMY LOPREST: Yes.

CHAIRPERSON KALLOS: Okay. If you can ensure that the document that OMB creates from what you submit to them reflects [laughter] what was submitted, that would be great.

AMY LOPREST: I actually did not read it until I read the Committee Report, did not realize that they hadn't lumped those two sums together, because when we--when we submit the budget, we give them the two different units of--you know, units of appropriation, and a separate one for the Campaign Finance Fund. So I was not aware until today that they hadn't lump them together.

CHAIRPERSON KALLOS: If the Voter Guide can remain broken out--

AMY LOPREST: [interposing] Yes.

CHAIRPERSON KALLOS: --and--and so for those watching at home on TV or online. So agencies will submit their budget and the Office of Management and Budget creates a very long budget. I actually was able to work with Chair Ferreras-Copeland and the Speaker to get it online. There's now an online budget. You can visit it at NYC.gov and read through the kinds of documents we do, but when things aren't

put there properly, we don't actually know how much things were. So there was a long line of questioning about why we're planning to spend more money this year than in the previous election cycle along those lines. But that being said, so we've gone from \$38.3 in a competitive election year with several open seats to \$29.1. So the \$9 million change is related specifically to the mayoral race or mayoral Comptroller, public advocate and borough president races?

AMY LOPREST: You know, we use a formula to calculate based on the anticipated competitiveness of the elections based from the number of open seats. Of course, citywide offices who are eligible to receive a significantly larger public funds payments, drive the overall costs. So, with no open seats in those citywide offices, the anticipated amount of public funds to be distributed is significantly less.

CHAIRPERSON KALLOS: [pause] It-it-having gone through a lot of these numbers it seems like the numbers should actually be lower than \$29, perhaps even around \$20 million. Is there a reason the-I think we only have five or maybe less than 10 competitive-open City Council seats. So given the

fact that there will be so few competitive elections
this year, do you think it could be reduced further,
or is \$29.1 what you're sticking with?

AMY LOPREST: There are seven open City
Council seats, and one of the reasons we do this—we
budget this way is to ensure that we are never left
short at the moment that we need to provide public
funds. I mean while the City Charter does allow for
emergency appropriations in that case we want to
never have to tell someone oh, you're going to have
to wait even a day for the public funds that have
been authorized by the Board. What we have done
always in the past is returned any excess money
immediately after the election. So for example after
the 2013 elections the budget had been—that we have
asked for was directed to \$1 million. We paid about
\$38 million. Immediately after the election on
November 7th, of 2013, so I'm talking immediately
after the election, we returned \$12 million to the
public—to the general fund, and that we always—we've
done that every year after every municipal election
because again we want to make sure that there is
always sufficient funds and we never have to invoke
that emergency funding clause.

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4 CHAIRPERSON KALLOS: With regards to the
5 214 candidates from 2013 I appreciate the breakdown
6 and so there's 20 outstanding from the 213 from 2013.

7 AMY LOPREST: Yes.

8 CHAIRPERSON KALLOS: Okay. Let's just--
9 how many are outstanding from 2009?

10 AMY LOPREST: There's only--I'm sorry. I
11 think there are--I'm trying to remember if it's one or
12 two. Both of them because of--one of them was because
13 of a longstanding legal proceeding in Staten Island,
14 and the other because of other investigations.

15 CHAIRPERSON KALLOS: Okay, and then
16 anything from 2005?

17 AMY LOPREST: No.

18 CHAIRPERSON KALLOS: Okay, so of the 20
19 that remain, why--so it looks like seven are on track
20 for June, and so why have four only received their
21 notice of alleged violation, and how long have we
22 been waiting for a response at the maximum in those
23 cases?

24 AMY LOPREST: I--I may not have exact
25 numbers, but I can give you--some of those people
received their notices late because of late responses
or not--no responses to the original Draft Audit

Report, and some of those candidates have--when they did submit their second--you know, their response to the penalty notice so often because they had not responded to the Draft Audit, required a second notice because their response brought out more significant issues that--because they had not responded previously we didn't know about.

CHAIRPERSON KALLOS: We've been joined by Council Member David Greenfield, and we wish him a Shabbat Shalom as it Friday, and so along the same lines, seven have chosen to go to the Office of Administrative Trials and Hearings. How--what is the timeline for those to be settled through OATH?

AMY LOPREST: I mean again OATH sets their own hearings. I mean they will, you know, some of them have been scheduled for trials, some of them had trials, some of them are having motions being briefed. So, having no, you know, direct control over the OATH proceedings, it's hard to say exactly how long that would take. I mean I would hope that they would be done sooner rather than later, but again it's, you know, it's impossible to know.

CHAIRPERSON KALLOS: Are those seven people who are going through OATH can--elected

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officials or are they candidates who did not win the
elections?

AMY LOPREST: It's a mix.

CHAIRPERSON KALLOS: Of those who did--
are--are currently elected officials and seeking re-
election? Will they be able to participate in the
Campaign Finance system with their audit outstanding
and receive payment?

AMY LOPREST: Yes. I mean the law
requires that if you have--if you owe money to the
Campaign Finance Board from past violations or, you
know, past assessed penalties or public funds
repayments, you are not entitled to get additional
funds but--

CHAIRPERSON KALLOS: [interposing] Even
though we're innocent until proven guilty and these
haven't been adjudicated in Trial Court?

AMY LOPREST: [interposing] No, no I'm
saying--I'm--I'm not to meaning to say that. [laughs]
So--so, but since this hasn't--they--the Board has not
assessed any penalties yet, they would not be.

CHAIRPERSON KALLOS: Okay and then what
does two have had their deadlines suspended mean?

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AMY LOPREST: Those are people, you know,
the law allows the Board to suspend the audit
deadlines that are provided in the law for campaigns
that have significant investigations that are
necessary for serious compliance issues.

CHAIRPERSON KALLOS: Which campaigns are
these?

AMY LOPREST: I would prefer not to name
them since they have significant and they are--they're
aware we're working with them, but I mean to say in
public, they're--I--I on purpose did not include their
names--

CHAIRPERSON KALLOS: [interposing] Okay.

AMY LOPREST: --in the testimony.

CHAIRPERSON KALLOS: It's--it's--if--if
those from the Forth Estate of members of the public
are just curious can they look it up? Is this public
information or not?

AMY LOPREST: I mean it's not usually. I
mean we have--we--we publish all the audits that are
completed on website so you can look at all the ones
that are completed on website.

CHAIRPERSON KALLOS: And then--and then
try to guess. So, we may follow up specifically to

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have a better understanding. So, along with that,
one of the things that folks may not know is
sometimes people actually repay all of the public
funds they receive. Are there any candidates for any
office even perhaps the Mayor that paid back every
single public funds dollar they received?

AMY LOPREST: For 2013 yes, that's
definitely the case.

CHAIRPERSON KALLOS: How many candidates—
how much money have we received out of the outlay?
So, we've laid out \$38.3 million in the Fiscal Year
2014 for the 2013 elections. How much was—has—was
already repaid before—before all the all the audits
and whatnot?

AMY LOPREST: Before. I mean that's like
it's the person and I don't know the exact number. I
mean I have to calculate that number. I mean I know
that one candidate returned their money almost
immediately after the election, and that was about \$3
million one mayoral candidate.

CHAIRPERSON KALLOS: Which mayoral
candidate, and it was just a full public funds
payment?

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AMY LOPREST: Yes. They refunded their
entire public funds payment, which is about \$3
million. So I mean I'd have to--to parse those
numbers and I have to get--

CHAIRPERSON KALLOS: [interposing] So,
so I--I guess when folks are wondering about how much
this costs so how much have we--how much have we
gotten back in public funds repayments so far and how
much are--is outstanding in public funds repayments?

AMY LOPREST: The outstanding amount I
mean because we're not finished with the audits it's
hard to judge. I can--I mean what we can do is and
then I think that just a few minutes looking up right
now. On our website we--we have all the net amounts.
So we could tell you the exact net amount of public
funds and we would get our \$38 million and we could
say what the net amount is right now. I--to give this
more details I'd have to do some analysis and give
you the numbers, and I'm happy to do that, but I--off
the top of my head I'm not going to be able to
provide that.

CHAIRPERSON KALLOS: And--and I guess I
was also curious about the breakdown between how much

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we've already gotten and how much is outstanding. It
looks we have one answer coming.

AMY LOPREST: Okay. So right now, the-
the net is \$32.9 and the amount for the payout was
\$38.1, which is about \$5 million different. So we-
we've-it'-it's \$5 million about has been repaid.

CHAIRPERSON KALLOS: Five. So we've
gotten \$5 million back?

AMY LOPREST: Yes.

CHAIRPERSON KALLOS: Wow, so that-and-and
how much is still outstanding to be repaid?

AMY LOPREST: That I-that I have to go
and look because this is just we-we show the net.

CHAIRPERSON KALLOS: Okay.

AMY LOPREST: I don't-I don't-we don't
show the amounts that people owe in a total on our
website.

CHAIRPERSON KALLOS: So that's about 15%
of what we pay out comes back.

AMY LOPREST: Yes, and then again a lot
of that \$5 million is one person. [coughs] [laughs]
It's \$3 million for one person so, which is, you
know, not typical that a male candidate would get,
you know, \$3 million and-and return all of it.

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4 CHAIRPERSON KALLOS: And just out of the
5 214 candidates from 2015, how many had to repay some
6 funds to the CFB for public funds repayments and it
7 is a common practice?

8 AMY LOPREST: Well, let me just say this
9 is the reason we pay out public funds is so that
10 candidates have it then available to run their
11 campaign. So it is no problem that candidates spend
12 all the money that is paid to them. So, you know,
13 we--that's the anticipated--we anticipated that, and
14 so, but for--

15 CHAIRPERSON KALLOS: [interposing] Let me
16 just clarify. So under our system a person raises
17 money--they--for every \$175 they get the city matches
18 it six to one so that \$175 becomes \$1,225 after a
19 payment of--

20 AMY LOPREST: \$1,050.

21 CHAIRPERSON KALLOS: \$1,050?

22 AMY LOPREST: Yes.

23 CHAIRPERSON KALLOS: And so that stops

24 AMY LOPREST: Yes.

25 CHAIRPERSON KALLOS: --at 55% and then
you have to raise the rest of the money on your own,
and that can come in big checks, but those checks

1 don't always round out, and so folks tend to raise a
2 little bit more than they might need maybe to cover
3 post-audit legal expenses and things like that, and
4 then there's often sometimes a lot and as much as \$3
5 million, sometimes a little less left over and it
6 seems that a lot of folks are making a public funds
7 repayment of some sort because people end up raising
8 more than they need to.
9

10 AMY LOPREST: I mean now sometimes—I mean
11 I'd have to—I don't have all of those numbers. I
12 mean I'd have to get those numbers. Some candidates
13 have very, very small amounts to repay because the
14 law does say that any money left in your bank account
15 is first the public's money. Other reasons people—a
16 candidate might need to repay money is if they are—
17 have not adequately documented that they spent the
18 money on allowable purposes. So those are two
19 different. So not all the money that's returned is
20 because there was excess money, and now to just to
21 point out the candidate who returned all that money,
22 I mean it was a very unusual circumstance because it
23 was when term limits were extended and the Board made
24 some provisions to allow people to be able to
25 participate. So that kind of had a longer, a much

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longer term than normal to raise the money that--that
they had each re-used in their campaign in 2013.

CHAIRPERSON KALLOS: Do-do you believe
that if we went from a 55% to matching every small
dollar that that might lead to greater public funds
repayments for anyone who actually took more than
\$175?

AMY LOPREST: I mean yes probably. I
mean if people took--yes, because that's part of the
math. (sic)

CHAIRPERSON KALLOS: [interposing] So--so
that might actually further reduce the--the cost of
the program, and so how much has it cost--has much has
the Campaign Finance Board spent? How--how much--so if
you can break out your budget for us. So you have
personnel services of \$9.4 million. It's scaling up
by a million to \$10.5 million. How much of that is
for Candidate Services, and how of it is for your
Audit Division?

AMY LOPREST: [background comments] So
our Candidate Services Unit has a full-time headcount
of seven in the plan for the Fiscal 2018 Budget--

CHAIRPERSON KALLOS: [interposing] 70?

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AMY LOPREST: Seven people—seven people,
but which is a total of \$400—about \$415,000, and the
Audit Unit is 26 people and it's about \$1.8 million.

CHAIRPERSON KALLOS: So it's—so you're
Audit Unit is almost four times larger than your
Candidate Services Unit.

AMY LOPREST: Yes.

CHAIRPERSON KALLOS: And was—what was the
size the size of the Candidate Services Unit in 2013?

AMY LOPREST: It's the same size.

CHAIRPERSON KALLOS: Seven?

AMY LOPREST: Yes.

CHAIRPERSON KALLOS: So, you have--

AMY LOPREST: [interposing] I mean they—
I—I have to—the balance because there was, you know,
there's the—the-between full-time and seasonal we've—
there's been a shift. So now there was prior—in
prior budgets the Candidate Service Unit had some
seasonal employees, and one of the things that we're
doing in this budget is to make all of the Candidate
Services employees be full-time permanent positions.

CHAIRPERSON KALLOS: So, I—my—my
Candidate Service liaison was Chris Dracatacus (sp?).
Not only did he help me on my campaign in terms of

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giving us great advice, he also fixed my bike once.

[laughter] No joke but that--that is--do you--do you
think that--

COUNCIL MEMBER GREENFIELD: [interposing]
Did you compensate him for that service?

CHAIRPERSON KALLOS: I feel free to reach
out to Chris COIB. I am fully comfortable with
having a Candidate Service liaison assist with fixing
a bike.

COUNCIL MEMBER GREENFIELD: Okay, I'm
just curious.

CHAIRPERSON KALLOS: No worries. For--

COUNCIL MEMBER GREENFIELD: [interposing]
Would that be an in-kind contribution [laughter] as
far as the CFB is concerned for the chair of the
committee?

CHAIRPERSON KALLOS: [interposing] So--so
the story is that some of the folks that who work in
city government volunteer and he volunteers with
organization that actually repairs bikes, and I do
the New York City Center of Transportations
Alternative, and therein I--I stopped by with my bike
to have the air pumped up, and what do you know, my
Candidate Services Liaison was there.

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COUNCIL MEMBER GREENFIELD: Sounds about
right.

CHAIRPERSON KALLOS: Yes, but that being
said, we should fully vet and make sure that there
was no impropriety there.

COUNCIL MEMBER GREENFIELD: Mr. Chairman,
I'm sure if you were involved there was no
impropriety. I'm just curious. That's the mechanics
of it. That's all.

CHAIRPERSON KALLOS: No worries, but do
you feel--so I think Chris did a great job. I did not
realize he was balancing 30 people, 30 different
candidates perhaps at all different levels. What is
the current staff-to-candidate ratio?

AMY LOPREST: There are about 199
candidates who are registered, and we have, you know,
six liaisons. So, then, of course, you have to
understand that the candidates' campaigns hire all
different amounts of assistance and have all
different volume of transactions but, you know, if
your implication is that we hire more people, I'm
sure that our Candidate Services staff would be happy
with that. If you want to add more people to us, I
think that would fine.

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CHAIRPERSON KALLOS: Well, so I-I--

AMY LOPREST: [interposing] Currently,
we're trying to, you know, balance the needs of, you
know, the--of the work and the--and the, you know,
being fiscally responsible so--

CHAIRPERSON KALLOS: So I guess I have a--
an overarching concern here just that you're spending
four times more on auditing and penalizing candidates
than you are on supporting them, and your candidate
to liaison ratio far exceeds what would happen in a
public--would be allowed in a public school at this
point, and this far--a very complex material. So, in
addition it also seems like you're spending more on
auditing than you may actually be getting back as a
result of the audits, and--and so I'm in favor of
making sure people comply, but it seems--

AMY LOPREST: [interposing] Well--

CHAIRPERSON KALLOS: --like a lot in that
there should at the very least have a Services Unit
that can match the Audit Unit if not exceed it
because we can actually stop people from making
mistakes if they have more attention, and people can
be proactive than just penalizing them for having
made mistakes.

AMY LOPREST: I mean our goal is to ensure that all the candidates have the resources they need to understand and comply with the law. It's always our goal to make sure that the candidates are in compliance. It's my greatest overarching goal is to have, you know, all of the audits have no fines, have no one have to repay any money because that is—that would mean total success. The audit staff work in performing statement reviews and pre-election work and processing and calculating the payments is part of our process of helping candidates fix problems because the audit staff in their statement reviews are looking at the candidates' disclosure, making—sending statement reviews to candidates, telling the issues that they need to fix not only claims that are invalid but also, you know, larger compliances issues, you know, that you've accepted a corporate contribution or that—that kind of thing. We've also instituted now that candidates are required to send their disclosure, their bank statements with their disclosure statements, which provides an opportunity for audit staff to notice and inform candidates of disclosure discrepancies earlier in the process. So all of that requires, you know, a

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specialized auditing staff to be able to do that
work, and tell candidates. So it's not that this
group of people is looking for violations, and this
group of people is helping the candidates. It's all
part of the process to help inform candidates of
areas where they need additional compliance.

CHAIRPERSON KALLOS: I—I feel a bill
coming on in terms of saying that ratio of auditors
to candidates can't exceed the number of service—
Candidate Service Unit liaisons to candidates. I
can't imagine trying to work with 30 people and
manage 30 different campaigns. I don't even know
any—I don't know consultants in the city who can
manage that many campaigns at the same time. So
that—that's—that is a serious concern. I think that
the Candidate Services Unit needs to be much larger
especially going into this election. I also think
they need to be on a contract because I think I'm now
up to my fourth, possibly fifth Candidate Services
person, and—

COUNCIL MEMBER GREENFIELD: [interposing]
But that's just you, Mr. Chair. Usually they hang
out with a candidate.

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CHAIRPERSON KALLOS: Thank--thank you,
Council Member, but I--I think you do have turnover in
your--do you have turnover in your Candidate Services
Unit?

AMY LOPREST: I mean there's turnover in
the --I mean, we--I mean our--the staff turns over. I
mean people leave and--

COUNCIL MEMBER GREENFIELD: [interposing]
My--my colleague has made me concerned. Am I the only
one who may have had more than one candidate services
liaison in the right? There's 30 other people who
have probably been through the same thing as me, but--
-

AMY LOPREST: I mean after the election,
I mean it's fairly normal. I mean a lot of these
people this is their first or second position after
graduating college, and people move on. So, it's
certainly after, you know, we see more turnover in
Candidate Services in the out--early out years of an
election cycle than--

CHAIRPERSON KALLOS: [interposing] I--I
guess, well--

AMY LOPREST: --than the election year,
but again people--

CHAIRPERSON KALLOS: [interposing] Would
you consider having a-a-an employment contract for
folks who come in in an election year that they have
to work through the end of the year and audit?

AMY LOPREST: You know, we give people
that understanding that that is what we expect.

CHAIRPERSON KALLOS: But if you hire them
is at-will that's at-will. If you give somebody a
contract, it works both ways, and yes, you-you can't
force them, but a contract is generally a contract
and it's better than at-will, and so along those same
lines there were numerous occasions and again I think
Chris was great, and-and the person I had before
Chris was alright, too, but I kept getting into
situations where my liaison would say one thing, and
then the audit team would say another, and I was on
my own with those auditors, and I think that's a huge
cause of pain and conflict. Can we set things up so
that the Candidate Services Unit has fewer candidates
that they have to work with, and is actually in the
position where when they've made a mistake or had a
different interpretation than the auditors that
they're actually representing the candidates before
the auditors instead of putting candidates or the

1 type of candidates you want to have run people who
2 are from the community whose brother or sister is
3 their treasure and their--their uncle is their
4 campaign manger or their cousins or what you or--or
5 their friends from the neighborhood, and--and they may
6 not be as sophisticated as folks who--who have been
7 part of the system. So, can we provide that
8 additional support to folks?
9

10 AMY LOPREST: I'm not exactly sure
11 exactly what you mean, but I mean certainly, we do,
12 you know, have candidate liaisons who help the
13 candidates, give them the answers, all the answers of
14 the questions that they need.

15 CHAIRPERSON KALLOS: When I've had to go
16 through audits, my Candidate Services liaison isn't
17 in the room with me to say yes that happened, no that
18 didn't. Yes, I sent that email. No, that didn't,
19 and in--in that case there--there is no whoops and--and
20 even in that healthcare industry you now see patient
21 advocates emerging in--in the healthcare field and
22 who's--who's advocating for the candidates of
23 themselves. The Candidate Services Unit needs to be
24 doing that.
25

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AMY LOPREST: Well, I mean it's something
we can look into. I mean certainly we always work to
make sure that all the guidance that all-our staff
gives is consistent. The law does provide some
protections for this. I mean you can--any advice
that's given in writing you can absolutely rely on.
I mean, but we--

CHAIRPERSON KALLOS: [interposing] I've--
I've tried that, but the Audit Department has told me
not to. I'm going to tag in my--my team mate here,
Council Member Greenfield.

COUNCIL MEMBER GREENFIELD: Thank you
very much. I don't know what our WWE name is as your
tag team partner, but we should come up with
something nifty. Thank you all of the CFB. We
appreciate the work, and we know that it's important
work that you do, which equalizes the playing field
for folks who want to participate in the Democratic
process in New York. I'm curious about something, a
line of questioning that the Chair was asking. I
think you said that all but 20 of the audits have
been completed from 2013.

AMY LOPREST: Yes.

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2 COUNCIL MEMBER GREENFIELD: Okay. So how
3 many audits was that in total?

4 AMY LOPREST: 214. There's 249.

5 COUNCIL MEMBER GREENFIELD: 249 were
6 complete?

7 AMY LOPREST: 249 to be done. Wait. I
8 think that's right. I'm sorry. I might have the
9 wrong number, but I think 214 are—are complete.

10 COUNCIL MEMBER GREENFIELD: 214 are
11 complete?

12 AMY LOPREST: Yes.

13 COUNCIL MEMBER GREENFIELD: And how many
14 are--

15 AMY LOPREST: [interposing] 215 because
16 was—the Board acted on it. (sic)

17 COUNCIL MEMBER GREENFIELD: [interposing]
18 Okay, and how many are not complete?

19 AMY LOPREST: Twenty.

20 COUNCIL MEMBER GREENFIELD: 214
21 candidates. Of those, all but 420 were completed
22 audits from 2013.

23 AMY LOPREST: Yes, yes.

24 COUNCIL MEMBER GREENFIELD: Okay, so
25 that—is that—so that's 214 minus 20. So that's 196?

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AMY LOPREST: 214 plus 20.

COUNCIL MEMBER GREENFIELD: 214 plus 20.

AMY LOPREST: Yes.

COUNCIL MEMBER GREENFIELD: So there's 20
more so there's 234 altogether.

AMY LOPREST: Yes.

COUNCIL MEMBER GREENFIELD: Okay, of
those 214, of those 200 and--of those 214 that were
completed, how many of those folks ended up with some
sort of violation, any sort of violation, either, you
know, a note or a fine or some sort of--whatever you
would consider to be a violation of any sort.
Either, you know, shame on you for doing this, or we
actually fined you for this? What would you say of
those 214 how many actually received some sort of
violation or penalty or reprimand shall we say?

AMY LOPREST: I--I would have to get you
the precise numbers, but there is more than half had
some kind of penalty or repayment obligation. Now,
again, you know, the payment can just be a matter of
having money left over. So it's not necessarily a
violation or anything pejorative with that. It's
just having the--

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COUNCIL MEMBER GREENFIELD: [interposing]
Right, can you give me a guesstimate. I don't want
to—I don't want to stick you to the exact number, but
that seems like a higher number, over half. So how
many do you think actually had some sort of penalty
or some sort of reprimand or violated the rules in
some sort of way that you found throughout the course
of your audit?

AMY LOPREST: I mean I think that—that
more than half. I mean it's hard to know—I don't
have a—a precise number. I think that, you know,
we'll just say that more than half but, of course,
some of those reprimands are relatively minor
penalties and some are more stringent.

COUNCIL MEMBER GREENFIELD: No, no, I—I
understand that, but I'm—I'm and there's a point that
I'm obviously getting at over here. Do you have a
guesstimate, 5%? I mean half of the lot. So you
think half of the half had some sort of reprimand? I
mean what are you—what are thinking? No idea.

AMY LOPREST: I mean I—I'd have to—you
know, I—I really don't like to guess on numbers
because there—the actual the point of numbers I don't

COUNCIL MEMBER GREENFIELD: [interposing]

Wait, I think the point—the pint that I’m making and the point that I’m tagging on the Chair’s point is that if you think about it, right, I mean, if there’s a system where 50% or more or it’s something close to that number, participants are in some of violation of the program, it would seem that one or two things is either happening. Either there’s a program that is designed for people to fail, right? That’s one possibility, which I’m not willing to believe that you or your staff is designing a program that you want people to fail I, or alternatively to the Chair’s point, you’re not spending enough time and resources helping people through the program because they’re coming at the end of the program. You know, we’re involved right now in an effort, for example to close Rikers. You might be familiar with this effort, and part of what we’re trying to do is we’re trying to prevent people from actually getting arrested in the first place and getting sent to prison in the first place, and it just seems a little bizarre that we have a system where people who are running for office you end up with 50% of those people and up with some sort of violation or

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repayment. I mean to me that's a very serious concern
about how the system works, right. If we have system
that most people who are part of the system end up
failing the system, then the--the reflection is not on
the people, but rather it's a reflection on the
system. Is that--is fair?

AMY LOPREST: [interposing] And I don't
want to blame people, but I want to say this that,
you know, there's a huge range of what violations
are.

COUNCIL MEMBER GREENFIELD: [interposing]
It doesn't--but it doesn't matter to me.

AMY LOPREST: [interposing] There wasn't
a single--

COUNCIL MEMBER GREENFIELD: --if it's a
dollar or if it's thousand dollars or five thousand
dollars, if you are part of-- Here's my point, if--if
you're in a classroom--I'll put this in lay people's
terms so people who are watching on TV who are not
experts in the Campaign Finance Board system like you
and I and certainly the chair is among the biggest
experts in the city, right. If you have a classroom
and--and of students and it--and at the end of the
school year half of those students were disciplined

1 in some way, shape or form. It may be more of a
2 reflection on the teacher than it is on the students
3 unless, you know, there is a classroom of misfits,
4 right? So, if you're telling me that everybody
5 running for public office in New York City is a
6 flawed candidate, well, that's a curious thing? I'd
7 be curious to understand why that would happen, but
8 it certainly sounds like you have a system in place
9 that whatever reason you are dinging people, whether
10 it be from a citation to a fine to a note, which I
11 know you do for some candidates as well. You put
12 them in your reports, and to me I'm just a little bit
13 perplexed by this because like I said, either we have
14 a system that's designed for people to fail, in which
15 case that's not really fair, and if that is the case
16 should change that, or alternatively you folks are
17 not doing a very good job explaining to people how
18 the system should run so they shouldn't get in
19 trouble. I mean can you imagine if half of every
20 single—if half of New Yorkers were arrested in the
21 course of one year there would massive outcry. Thee
22 only reason there is not massive outcry is because
23 only 234 people, it just happens to be that these 234
24 people are running for public office. I can't
25

1 believe that they're all so terrible that every
2 single one of them or at least half of them have
3 warranted some sort of fine, fee, repayment, and to
4 be fair, every time one of these things happens, our
5 very capable reporters who are sitting there they
6 blow it up, oh, my God look who got a \$6 fine. Oh,
7 my God, look who got a \$50 fine. Oh, my God look who
8 got \$1,000 fine, and if the case, which it seems like
9 you're testifying is that this is happening on a
10 consistent basis for the majority of candidates.
11 Well, it seems like the system is set up so that
12 candidates will fail, and that is a serious concern
13 and that leads to the Chair's point which is you're
14 spending a lot more money trying to catch people
15 breaking the rules than you are trying to help people
16 prevent them from accidentally breaking the rules. I
17 think that's a legitimate concern that we have, and
18 so just listening to the chairs back and forth,
19 honestly I'm little bit surprised by these numbers
20 that you are so heavily invested catching people as
21 opposed to preventative measures to either make the
22 system easier or explain to candidates how they will
23 not end up with a fine or a fee or-or a violation.
24 You know, I don't think we should award you because
25

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of the fact that so many people in the city are
getting fined. It means the system doesn't work.

AMY LOPREST: Okay, can I speak?

COUNCIL MEMBER GREENFIELD: Yes,
absolutely. Thank you.

AMY LOPREST: So I think that there's a,
you know, false analogy with a criminal contract. I
think it's more--it's many of these things are more
akin to parking violations. Everyone knows, you
know, you park, you look at the fine, you
misinterpret it, you get a--you get a ticket. I mean
that happens. We spend a lot of effort training the
candidates--

COUNCIL MEMBER GREENFIELD: [interposing]
Can I ask a question? When was the last time you saw
a New Yorker end up in the New York Post or the Daily
News or the New Times because they got a parking
ticket? I'm being very serious about this. Have you
ever heard of a scenario like this? I don't think
it's fair. Your very high stakes. You're talking
about people who are running for public office.
You're talking about people who are running for
public office. You're talking about people who are
either will be or trying to be the Mayor's,

Comptroller's, Public Advocate and Council Members

slapping fines on them. It's not fair to compare

them to parking tickets because a parking ticket is

relatively benign and nine times out of ten it is the

fault of the person who to your point they didn't put

money the meter. But if I got to the meter and I try

to put money in, and the meter is not working and now

I've got a parking ticket, well, that's not fair.

And, in fact, that's actually why I changed the law

so that you wouldn't get that ticket, and now you

can't get that ticket any more. Yes, a shameless

plug for my legislation. But the point that I'm

making is you're much higher stakes because when you

as a government agency are saying that you

participated in the Campaign Finance Board system,

and you failed in the system, automatically the good

folks here in the news media, they're going to make a

big deal about this and say, wow, shame on X and Y

and Z. The part of the story that they're not

reporting is that apparently the majority of people

who are participating in the system end up failing

and that's just unacceptable, and to compare it to

parking tickets, I don't think that's really fair

because you're a government agency and the

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implication is that these people are engaged in some
sort of wrongdoing and it gets blown out of
proportion. I assure you when a local New Yorker
gets a parking ticket it doesn't end up in the New
York Post.

AMY LOPREST: So, I—I want to make two
points. One, the rules are there in part to protect
the citizens' investment in the election process, but
let me give some time to explain the amount of
assistance that we've give candidates.

COUNCIL MEMBER GREENFIELD: [interposing]
With—with respect by your own admission, there's very
few instances of fraud. So—so I—I just—I just want
to point that out. I don't think it's fair to keep
going out and say we've got to protect the funds
because the reality is to your point there's very few
people who are trying to steal the money from the
government, and those rare occasions the people are
find and catch them and prosecute them, but if
everyone is getting some sort of fine and violation,
that means that we're really hitting people up
unnecessarily.

AMY LOPREST: Well, I--

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COUNCIL MEMBER GREENFIELD: [interposing]
I'll let you finish your point.

AMY LOPREST: But let me explain my
point. Let me explain the process to the people who
are unfamiliar with the process. We have Candidate
Services Liaisons. They provide training to
candidates. We have several different kinds of
trainings. The first training we have is for people
who—it's a new training that we instituted. It's
call new to the CFB for people who have never run for
office before to get them to understand what kinds of
information they're going to need, how they're going
to need to set up their campaign. It's been wildly
popular in this election cycle people attending that
training. Then we have an extensive compliance
training that is candidates or their treasure or some
with significant managerial authority in the campaign
is required to attend. That compliance training
covers all the rules of the program, all the
requirements that they're going to need to follow.
Coupled with that required training is the required
training in our Candidate software, C-Smart. The C-
Smart software system not only is the system by which
people disclose, but it is—has a number of warnings

and compliance alerts for candidates to give them information as they're entering their data to alert them to potential problems. Our Candidate Services Office Unit also offers for candidates compliance training, individual kind of pre-audits, if you might say to look at their documents, look how the people are disclosing—using the disclosure software and work with them. We have a candidate handbook, which is available to all the candidates that explains in plain language all the rules and requirements of the program. We also have guidance documents available on our website that explain a variety of compliance issues that we have seen over the number of years. We're always adding to those, and based on new items that come up at every election cycle there are new issues that arise. We also when candidates file their disclosure statements, the audit staff reviews those disclosure statements as are required by the law, send a—what as we call a state review to every candidate who's filed the statement. In that state review it includes information about potential violations, and alerting you to if you have items that are off limit, items that are prohibitive—contributions that are prohibited. Also, it gives

you a comprehensive review of the items that you've
claimed for matching funds and candidates are given a
day to respond to that. If they respond to that, the
audit staff also reviews that and sends back
additional information. That happens after every
single disclosure statement. So that happens before
the election. We are at Disclosure Statement 8, and--
--so that everyone who's filed those disclosure
statements we've--they have gotten one of those state
reviews and the opportunity to respond to them. Not
everyone does--takes the opportunity to respond, but
they have the opportunity to respond to them. It's
not required that they respond. After the election--so
and the Candidate Services Liaisons are available to
answer any questions, and to answer hundreds of
questions from candidates everyday. They're
available to help them file their disclosure
statements. As a matter of fact, this weekend our
Candidates Services staff will be there for people
who want to come on the weekend to file their
disclosure statement, which is due on--on May 15th,
and then through the audit process, we have--once the
draft audits are out, we have training on how to
respond to the Draft Audit. We are working on a

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training to how to respond to the State reviews. We
have been—are adding to our arsenal of video training
so that candidates can, you know if they're filing
their disclosure statement in the middle of the
night, and they have a question, you know, our staff
is not available, that they can look at those videos
and get answers to their questions. So we do provide
a significant amount of service to candidates to help
them, and I am—again, I—I--

COUNCIL MEMBER GREENFIELD: [interposing]

You know--

AMY LOPREST: --truly want this program
to be clearer. I want people to--

COUNCIL MEMBER GREENFIELD: [interposing]

Respectfully

AMY LOPREST: --not have violations.
I'm, you know, if the Council would like us to add
more Candidate Services on, that's fine. I just—I
think we do provide a fair amount of guidance to
candidates, and—but we're always happy to give more—
it's not our goal--

COUNCIL MEMBER GREENFIELD: [interposing]

Director.

AMY LOPREST: --that people to have--

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COUNCIL MEMBER GREENFIELD: [interposing]
Director.

AMY LOPREST: --to have violations.

COUNCIL MEMBER GREENFIELD: Director,
respectfully you just once again--let me go back to
my--my late comparison, okay. I have a classroom of
students. Half of the students are failing the
class. You're the teacher, and you explain to me
everything that you did this semester to make sure
that the kids didn't fail, but they still failed,
right. So it doesn't matter to me. I'm being very
blunt with you. It doesn't matter to me what steps
you took if the bottom line result is that half of
these people are still getting fined and dinged and
violations, and you're still comparing them to
parking tickets.

AMY LOPREST: [interposing] I-I--

COUNCIL MEMBER GREENFIELD: [interposing]
I respect--Director, let me just finish. I heard you
out. Let me finish my point Director Loprest. I
expect or I respect what you're saying. The reality,
however is that despite all of this, most people are
end up with a fine and a violation, which means the
system is failing them. So the system isn't working

and to be fair, most candidates are hiring experts.

Your system has made it so difficult. What you're
describing anybody watching at home would sit there

and be like what does that even mean, and most

candidates except, of course, for the Chair, who is a
guru, most of us have hired experts, lawyers and
consultants out of the campaign funds process, right.

So that's money that's not getting spent on the

actual campaign. So you're raising money to hire

lawyers and consultants to get you through the

system, and we're still getting dinged, which means

that you've made a system that is impossible for

average people to go through without failing. I

respectfully would suggest that you relook at the

system, and figure out a way so that less people are

failing your class because if the majority who are

going through your system are ending up with a fine

or a violation, it means you have created a system

that is impossible for regular people even people who

have hired lawyers and experts to go through it

without accidentally tripping over it. It would be

the equivalent of if in New York City we decided from

tomorrow morning that every single person who

jaywalks is going to get thrown in jail, or even a

1 ticket by your understanding. I promise you people
2 will be very mad because there's a lot of jaywalking
3 going on in this city, and you need to decide as a
4 CFB certain things are very serious. Let's focus on
5 that, and let's go after those bad actors, and for
6 everyone else, let's stop giving out parking tickets.
7 It's not fair and to my final point, you make people
8 seem like they are bad people when these are good
9 people who are trying to run for office, and I can
10 tell that I've heard from people time and time again
11 who have told me I will never run for office again in
12 New York City because such a poor experience that I
13 had with the CFB how they came after me again and
14 again and again with rules that were impossible to
15 follow. These are not people like me who went to law
16 school. In my case, I teach in law school and I
17 still have a Campaign Finance lawyer, and I still
18 have to go through the entire system, and we still
19 have challenges like everybody else. These are
20 regular folks. It's not fair. Respectfully, you
21 need to redesign your system.

22
23 AMY LOPREST: [interposing] Well--

24 COUNCIL MEMBER GREENFIELD: If you have a
25 system where most of the people are failing, you have

to recognize the failure is not on the customers.

The failure is on the agency. I want to separate this from everything you do. You do good work. You certainly help people get the matching funds. You bring people into the system. You have a great little sticker that you guys just promoted on Twitter. It's all fantastic and I'm not taking away from that work. One particular point of your work, which is a very clear failing is you're spending a lot more money trying to sink candidates than you are trying to help them, and the result is the candidates are failing, and they're getting fined and it's hurting them and it's discouraging people from running for office. You need to change that. I would like to hear at the end of the next cycle only five percent of the people got fined, not 50%. It's not fair. It's harmful to you and it's harmful quite frankly to the democratic process.

AMY LOPREST: Okay, can I-I mean I--

CHAIRPERSON KALLOS: [interposing] So, we're-we're going to-we're doing to move a little bit beyond this.

AMY LOPREST: Wait, can I just make one more-I'm sorry. Excuse me, Mr. Chair.

CHAIRPERSON KALLOS: [interposing] So I
just wanted to ask just if you can please share with
us the compliance costs from all the campaigns? Do
you have those numbers, you have everyone's budget.
So if you can show us how much their compliance is
because my understanding is the money isn't there to
pay lawyers to do compliance to avoid getting fined,
the--the money is there for people to communicate with
voters. So can you share with us how much each
campaign is spending on average with compliance?

AMY LOPREST: I mean that's--I mean it's
one, because compliance is not a--it's own discrete
purpose code, it's hard to tease that out, but I can
give you some estimates.

CHAIRPERSON KALLOS: Sure, and I--I--I
think the way you could tell is if somebody paying
for a lawyer between June and July that's a
petitioning cost. If they're paying for a lawyer any
other time that's compliance. Along the same lines,
one of the reasons you oppose going to a full public
matching system to get big money out politics was a
concern that more people might end up running afoul
of compliance. So even with the current system,
you're hearing that people are getting stuck in the

1 compliance system. So that is why it's even more
2 important because I would like to get to a place
3 where it's full public matching, and we need to have
4 a place where the Candidate Services Unit is big
5 enough and it has the resources they need, but you--
6 you agree we'd rather see candidates spending money
7 on talking to voters than on attorneys for
8 compliance?
9

10 AMY LOPREST: Yes, and I--can I just make
11 a--two points. One is that we--much of what I just
12 described is things that we are changing to--for this
13 new election cycle. So we have not yet seen the
14 results of all of this additional effort that we have
15 put in. So to compare last year's class t this
16 year's class we have--we don't know yet. So we are
17 always trying to improve. I'm--I'm taking--I don't
18 take offense. We are absolutely always trying to
19 improve the services and the education we give to
20 candidates because we--I mean--

21 CHAIRPERSON KALLOS: [interposing] The--
22 the violations that we're talking about in that--so
23 there's--there's strict liability violations and then
24 there's other violations. So we've got our corporate
25

counsel waiting very patiently, but you've got mens
rea and you've your--

COUNCIL MEMBER GREENFIELD: [interposing]
I'm sure he's enjoying this conversation.

CHAIRPERSON KALLOS: He--he actually said
he was. So, what I think David is expressing and
what I'm expressing, too, is just you were giving the
parking violation and he was talking jaywalking,
we're literally talking about you--you go into the
store, you--you buy a beer in the morning, you walk
right out and cop hits you and says you weren't
supposed to buy a beer in the morning because there's
blue law, and you didn't know about, and you're like
oh, I didn't know about. I'll go back in. I'll
return the beer. You go and you do it. You come
back out and the officer is like no, no, it's strict
liability. You bought a beer at 10:00 a.m. and even
though you thought it was and the person who sold you
the beer sold it to you, you made a mistake, and
because you made that mistake not knowing it, you now
have to pay fine. And so--

AMY LOPREST: [interposing] And again
these are as I said--

CHAIRPERSON KALLOS: --at least for me
that--that was the majority of all of my fines where
it was we--somebody wrote a check or did a credit card
contribution. Technology doesn't exist, and I'm the
guy technology to decline a credit card transaction
at it's incent, and then it--it was returned, but
because it wasn't returned at the speed that it
needed to, which is immediately, I mean before it
happened with the time travel machines that we'll
have for all candidates, there's a strict liability.
You committed the crime. You took a corporate
contribution from somebody who used their corporate
card instead of their personal card, and now you've
got a fine. And that's happened to anyone and
everyone. So I think it's just trying to make sure
that--and there's no amounts of technology or
trainings that you can do unless you've got somebody
from Candidate Services who's working with folks, and
the policy of it's not something or somebody was--was
engaged in fraud, and where there isn't a pattern of
violation and there's like one or two of them added
over a thousand contributions that you--you go from
being like we're going to hit for every single small
thing that they did to saying if somebody makes a

mistake and it's an honest mistake and was on the
advice of the Services Unit it--it moves on. So, I
think that would be helpful, but the key thing is
your Services Unit is not big enough to do the
things. So I guess one question is would you be open
to a pilot for this coming election to allow
campaigns, and I volunteer right to have an embedded
Candidate Services Liaison so that we don't--I don't
spend on compliance. Like David said, I do it
myself, and we've been pretty good anyway. But can
campaigns opt in to having an embedded Candidates
Services person to do their compliance so it can be
done with the support of the Campaign Finance Board
without having to hire an attorney or somebody else?

AMY LOPREST: Do you mean like to have
one candidate for--a Candidate Services Liaison for
every campaign?

CHAIRPERSON KALLOS: Sure. It's--it might
actually be cheaper than some of the things you're
doing, but--or--or multiple or like they--Mondays are
with one campaign, Tuesdays are another, and having
them actually there and seeing what's going on or
being able to do compliance?

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AMY LOPREST: You know, I have to think—I
mean I don't—I

CHAIRPERSON KALLOS: Well, we're doing it
with DOB. We're having supervisors on different
sites to make sure they're safer, and so if you're
concerned about what's happening, this might help.

AMY LOPREST: You know, I mean—I'd—I'd
have to think about the legal implications of that
but, you know, we can look into that.

CHAIRPERSON KALLOS: Okay, in terms of
the budget you've broken out CSU, you've broken out
audit. That still leaves \$9 million. What are you
spending the other \$9 million for personnel services
on?

AMY LOPREST: So, we have our people who
do the Voter Assistance Engagement. We have--

CHAIRPERSON KALLOS: [interposing] How
much is the VAC—for voter assistance how much are you
spending? Well, can you break down every single
subdivision you've got?

AMY LOPREST: Yes. Wait. I'm sorry. I
took my—I actually took this document that she's
looking for from her before. Okay, I'm sorry.

[laughs] Okay, well, you know, it would probably be

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in order—in the interest of time, it would probably
be easier if I sent this to you directly because I'd
have to add the seasonal staff to the full-time
staffing and, you know, doing the math now. Would it
be just easier if I just sent it to you—to the
committee afterwards?

CHAIRPERSON KALLOS: [off mic] Well, I
don't need it right. [on mic] I—I do need to know
the budget for Voter Assistance Commission.

AMY LOPREST: For the Voter Assistance.
Our Voter Assistance Unit is—I'm just trying to add
two numbers together. It's \$380,000--\$389-88,000
about.

CHAIRPERSON KALLOS: Okay and how many—
what's the headcount?

AMY LOPREST: It's five full-time and one
seasonal.

CHAIRPERSON KALLOS: Okay, I'm going to
yield to my colleagues with a clock of five minutes
for his line of questioning and the I will continue
back and follow up.

COUNCIL MEMBER GREENFIELD: Thank you.
I—I really just want to focus on one kind of example
of over here, and I know that folks are patiently

waiting. So I'm going to limit it to just one
example where it seems to me where the CFB is
creating rules that candidates are ultimately going
to violate. So for example, recently we—we passed
law that specified what kind of documents are
required for matchability of contributions. I want
to just be crystal clear at the—at the beginning of
this. I am not seeking matching funds in this race,
and so my upcoming race and so this has zero impact
on me. So I have no for the reporters and those
watching at home this has—this law absolutely doesn't
impact me. The only reason that we tried to push
this law was to make it easier for first-time
candidates. And so, one of the things for example we
did was we said that personal checks that a copy of
the personal check alone is sufficient without a
contribution form is signed by donor. However, I'm
being told by experts that your agency is require
that personal checks that are printed from a computer
program, for example, and are signed by donor they
still need a contribution form. It's just one
example of where we specifically passed legislation
to make it easier for first-time candidates, and then
the CFB comes along and says nope, no good. Now, why

1 is that an issue? Because for those who aren't
2 familiar, these are the kinds of things that people
3 get fired for, right, which is they don't fill out a
4 form that you've required or to the point of the
5 chair you take a credit card contribution and you
6 accidentally didn't realize that it came from the
7 wrong kind of account and then you want to reimburse
8 it, and boom, you have the fine. And so, it leads
9 the--the question really, which I--I did focus on,
10 which is, you know, are we really focused on helping
11 the candidates or are we really focused on violating
12 and making sure that the candidates somehow are going
13 to end up accidentally violating some sort of rule.
14 So this particular instance, which is a law that we
15 recently passed, can you give us an example of what
16 it is that CFB ignores this law and says, oh, you
17 still need a contribution form for a check that's
18 printed out on a computer? I'm just curious.

19
20 AMY LOPREST: I'm--I'm--I'm not going to
21 answer that particular--because I'm not exactly
22 certain exactly what you're talking about so I don't
23 want to misstate. But I will--

24 COUNCIL MEMBER GREENFIELD: [interposing]
25 Okay.

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AMY LOPREST: --say this about it that
that would never be a violation or something they
would penalized for. It at most would be something
that would not be eligible for matching funds and so
again not knowing exactly what you're talking about I
would--

COUNCIL MEMBER GREENFIELD: But the--I--
ask you to look into this, but the--the--the--the gist
of what I'm saying, and this may be actually
something you referred to in previous testimony a
different hearing where you said that you don't--I
think you said you don't directly supervise the
auditors. Is that correct?

AMY LOPREST: Well, I have a Director
Auditing who I supervise yes.

COUNCIL MEMBER GREENFIELD: Do you--

AMY LOPREST: [interposing] I mean I--I
mean they report to me. I'm not sure I understood.
I think maybe what you're referring to is that there
was a provision in the law that required a separation
of the judicatory functions--

COUNCIL MEMBER GREENFIELD: Yeah.

AMY LOPREST: --and the investigative
function, but now that--

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COUNCIL MEMBER GREENFIELD: [interposing]

The point--

AMY LOPREST: --the law has been changed,
we're--we're

COUNCIL MEMBER GREENFIELD: [interposing]

The point--the point that I'm making, Director, is I'm
just giving you one example. This is an example that
you can personally check out and go back to your
agency and speak to your auditors and tell you where
we specially passed a law to make it easier to for
individuals to get matching funds. And--and to the
point that we're making, and this is I think the
point that the Chair and I are making, which is if
someone is corrupt and they're trying to steal money,
by all means go after them, and--and throw out and
refer them to the DA and do whatever you can to root
them out of office. But if somebody is just trying
to--to work their way through the system, and they get
tripped up by a myriad of rules, and we end up with a
situation where more people than not are getting
tripped up by these rules, it means that the system
is failing us, and I think that to be fair I think
that, and this is why we're having this public
conversation right now. The standard which we and I

believe the media as well is going to judge the CFB
is by whether or not you're going to lower the
percentage of people who are getting fines and fees,
and violations. Because if we have—if—if in 20—by
the time 2017 is over, when 50 to 60 to 70 to 80% of
people are getting fines, well, then once again,
you're proving our point, which is it's impossible
for the average person to participate, and I will add
to that point again that average people aren't even
participating because they need to hire experts to
get through the process. And so, we need to
simplify the process, and we need to focus on the big
violations, and stop giving out parking tickets.
Because these are not akin to parking tickets.
You're the government agency in charge of the
Campaign Finance system. I'm telling you, you're
discouraging people from running for office and
worse, people who run for office successfully or
unsuccessfully you're putting a scarlet letter on
them by not recognizing that your parking tickets are
not akin to parking tickets because this is very
small class of 234 people in the last few years for
example, and those people end up getting that scarlet
letter because they get slapped by the CFB for

something that is relatively innocuous. I want to be clear again, the bad actors go after them, but creating rules and regulations and ignoring laws that we Council passed to make it easier, and you then make it more difficult, and then the result is that candidates get tripped up regulations. It's really not fair, and then to have the focus, which comes back to our Finance hearing, the focus of your staff instead of helping candidates is to gotcha and catch the candidates and give them fines and fees. That's also no fair, and I want to say it again [bell]. I'm somebody who fortunately can pay, and I, too, pay and expert campaign finance lawyer to give me advice. And so, 99% of these issues don't apply to me because my lawyer is very good, and other people can do the same thing, but think about that. It doesn't make sense. That means that the average person, I firmly believe this, the average person cannot go through the CFB process without getting fined in some way, shape or form. That's a failing of the system. That I a failing of the system. That doesn't take away from the good work that you do. It doesn't take away from the dedication. It doesn't take away from the fact that the CFB system overall works, but it is fair to

say you can have a wonderful school, and the teachers can be great, and the kids could be having a great time, and they're all playing in the yard, but if half the kids are failing the class, that's a failing the system. And I-I insist that we have to look at that measurement over the upcoming years to see whether or not things have improved on the bottom line, but I firmly believe and I've heard. I know, this to be a fact, people are not running for office because they believe that you've created a system that is impossible for average people to comply with.

AMY LOPREST: Can I make several points. First, I'm-I'm not sure if you were here for my initial testimony, but as I mentioned during my testimony that one of the things that we are engaged in right now is a review of our audit processes in order to make the audit process simpler and more streamlined, again to focus on the things that are most important. Also, in your analogy of the school, I would say that, you know, having one violation doesn't necessarily make that person a failure. Maybe they're getting a B or a C. Again, I-I-I absolutely agree with you we should make the--

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COUNCIL MEMBER GREENFIELD: [interposing]
It's the scarlet letter.

AMY LOPREST: --we should make the
program easier, and simpler. Many, many candidates
go through the program, get the public funds and have
no penalties.

COUNCIL MEMBER GREENFIELD: Without
counselors or advisors or lawyers I don't believe so.
I would love to have a list. Let's do this, there's
200-200 and what did we say there was total? 234
candidates. I'd like to have a list of how many
candidates went through the system without any legal
advice or consultants giving them information on the
CFB and actually were not fined. I think it's a very
small list and I-and I-I don't think perhaps you're
underestimating my final point. Director, maybe you
don't realize the power that you have at the CFB.
You view it as a parking ticket. Let me clarify this
point because maybe this has just been a
miscommunication and perhaps this is a Nirvana moment
for all of us. You view it as a parking ticket.
That's not the rest of the world, the candidates and
the media views it. So you say what's the big deal.
I'm just giving you a small fine, a \$1,000, but that

ends up in the Post and the Daily News and that
trails someone for the rest of your life. That's not
fair. If they're doing something really bad, God
bless you. Go after them, but for jaywalking we
shouldn't be giving everyone in New York City tickets
and perhaps there needs to be an appreciation that
you have a lot more power than you think you do. And
the influence when you someone a fine or a violation
really dogs them and in many cases has even a
political impact on their future races.

CHAIRPERSON KALLOS: [pause] Just to—I—I
have a question about my colleague, which is just so
far following the New York Post editorial we're up
from two participants. There's myself, Perkins,
Richards, Levin, Cornegy, but that's it. Why are
there so few incumbents or just general candidates
participating in 2017? What—what has—what has change
in the system that so few incumbents want to
participate, and you have folks like my colleague
here Brad Lander and—and very many more who have gone
on the record saying they're not going to
participate.

AMY LOPREST: Well, one, there—there are
65 participating candidates so far. The deadline to

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join the program is not until June 12th. It's always
the case that there are some candidates who will not
participate in particular incumbent candidates who
are not facing challenges. So I mean there is—that
is the—that happens, and there are people who are
participating. So I mean I anticipate we've had
pretty much standard 92% about participation rate for
the primaries, for the people who are on the ballot,
and I don't anticipate that 2017 will be any
different. Again, the deadline is to join. It's not
until June 12th.

CHAIRPERSON KALLOS: Do you think if
there was a full public match it might incentivize
more elected officials who are incumbents to
participate because they wouldn't have to spend all
their time doing their fundraising? They could focus
on being elected officials?

AMY LOPREST: I mean you have more—in
touch with that particular—I mean with the people who
are running and they're—

CHAIRPERSON KALLOS: [interposing] Have—
have you--

AMY LOPREST: --but then that wouldn't
make a difference on, you know--

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CHAIRPERSON KALLOS: Have you done focus
groups with candidates after each election to ask
every single candidate and treasurer what their
experience was?

AMY LOPREST: We do a survey of—that we
send to every single candidate and treasurer after
every election.

CHAIRPERSON KALLOS: Can you share the
results of your last survey for 2013?

AMY LOPREST: Sure.

CHAIRPERSON KALLOS: Great. Will you do
a focus group with folks, because I've—I've watched
my colleagues like Council Member Rosenthal literally
break down during one of these hearings about how—how
they did not like the experience, and I'm not sure if
she actually made it to tears, but it was pretty
close. So, I'm—what I am just sharing is from—from
the most Good Government people in—in the Council
that I think you need to re-evaluate the Candidate
Services Unit and increase their staffing so that
they can do more proactively to help people through
everything and even as far as visiting different
campaigns each day so that they can actually be there
on the ground, and give people the assistance. There

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is a question what do you do for the child who
doesn't even know what to ask? And so it's—you do
everything you can for them proactively. So, just
going into some of the budget. So, you have the
Voter Assistance Commissioner \$388,000. So, what is
their role? Are they—are they leading vote—I Voted
Sticker?

AMY LOPREST: With the Voter Assistance,
our Voter Assistance Unit does all of our—I mean
they're mandated by the Charter. They would do voter
outreach and engagement. We register—do voter
registration.

CHAIRPERSON KALLOS: [interposing] Okay.

AMY LOPREST: We say--

CHAIRPERSON KALLOS: [interposing] So-so
those—those five people do lots of—did they do the
vote, I Voted sticker?

AMY LOPREST: No, our Public Relations
people did.

CHAIRPERSON KALLOS: Okay, how—how much
is our Public Relations Budget?

AMY LOPREST: I—I think I mean I can read
all these lists, but I think it might—I mean I can
read but different units that we have in our office

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targeting the number of people and the salaries, but
it might save some time if I just sent it to you.

CHAIRPERSON KALLOS: Sure.

AMY LOPREST: I mean because like I'm—I'm
happy to. I have the numbers here.

CHAIRPERSON KALLOS: The—so—so--

AMY LOPREST: I can read them, but we
have about 11--

CHAIRPERSON KALLOS: So, what's the PR
Budget?

AMY LOPREST: What?

CHAIRPERSON KALLOS: So, what's the PR
Budget? How many people do you have in PR?

AMY LOPREST: We have three.

CHAIRPERSON KALLOS: Okay. Cost?

AMY LOPREST: [pause] I'm trying to--
again, I'm adding this. It seems—I guess there's
four people and adding a seasonal person so I'm
trying to add them together as I'm standing here. So
it's about 257.

CHAIRPERSON KALLOS: Great.

AMY LOPREST: Okay.

CHAIRPERSON KALLOS: Okay--

AMY LOPREST: 258,000 actually.

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CHAIRPERSON KALLOS: The PR Division did,
the-by voters voted. It's like you did in-house and
so no added costs for that.

AMY LOPREST: But, when we-we have to
print the stickers.

CHAIRPERSON KALLOS: And you print them
every year or does to the Board of Elections do the
printing?

AMY LOPREST: We-we do all the printing.

CHAIRPERSON KALLOS: So how much does it
cost for all those I Voted stickers that are--

AMY LOPREST: [interposing] I-I mean-I
mean I don't have the, you know, the breakdown in
that granular level. I'm going to-if you want, I can
give you all those--

CHAIRPERSON KALLOS: [interposing] Okay.

AMY LOPREST: --I don't have that kind of
granular reporting

CHAIRPERSON KALLOS: [interposing] Do we-
and do we have a-do we have-has there been any
research that says that giving somebody the sticker
afterwards increase the number of people who vote
like anecdotally I see somebody with I Voted sticker,

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and I'm like oh, there's an election today, I go-I
better go to where my poll is.

AMY LOPREST: Absolutely, I mean the
reason we started doing the stickers was after, which
was on 12 elections we heard from a lot of voters,
you know, Twitter and social media jeez, you know,
I-you know, I always got an I Voted sticker. Why
don't-why isn't new York City giving us a sticker?
Where's our sticker? And so we decided that we would
do a contest to design the sticker to build
anticipation for the 2013 elections, to build
excitement that we did that-that contest. We got,
you know, a few entries. We had a vote, a public
vote on that sticker. We started distributing in--

CHAIRPERSON KALLOS: [interposing] Okay.

AMY LOPREST: ---the 2013 election. At
first we did it on our own, then we with the-in
conjunction with the Board of Elections, but now I
mean if you-I hear all the time oh, we ran out of
stickers. People-it's definitely--

CHAIRPERSON KALLOS: Sure.

AMY LOPREST: --something that people
look for and see--

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CHAIRPERSON KALLOS: [interposing] Have-
have-so-so-so anecdotally, do you have any evidence
basis?

AMY LOPREST: To know exactly how many
more people vote because they see that I Voted
sticker?

CHAIRPERSON KALLOS: [interposing] Uh-
huh.

AMY LOPREST: --I think that that's a
hard number--I meant that's--

CHAIRPERSON KALLOS: [interposing] Would
you be open to actually--

AMY LOPREST: --a quantified (sic) vote.
I think what--one thing that I think I think is
important we--New York City has a very low voter
turnout. Absolutely it's certainly we have low voter
turnout than a lot of jurisdictions even in
presidential elections. That is a--it drops off
significantly in off year elections.

CHAIRPERSON KALLOS: [interposing] Would-
would be open--

AMY LOPREST: We try and do--

CHAIRPERSON KALLOS: [interposing] Would
you--

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AMY LOPREST: --everything to try and
encourage more people to participate, and the sticker
is one small part of that.

CHAIRPERSON KALLOS: To the extent that I
am friends with foundations and foundations have
money to fund these kinds of studies, would you be
open to studying the impact of the I Vote sticker on
voter turnout?

AMY LOPREST: Sure.

CHAIRPERSON KALLOS: Okay.

AMY LOPREST: I mean I--yeah.

CHAIRPERSON KALLOS: Great.

ERIC FRIEDMAN: Just I would add--I would
add one thing to that. So going into this year, one
of the--the pieces of research we did was to look at
what motivates certain people to vote. Where we--we
wanted to look at the people who voted in
presidential elections, but not in local elections.
Why aren't people voting in local elections? One of
the lessons we learned from that research is that
civic pride, city pride can be a really powerful
motivator for people and that's--that's one thing that
we really built into this I Voted sticker contest,
and something we've seen anecdotally over the last

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few years, and it's really one of things that we
built in--

CHAIRPERSON KALLOS: [interposing] Where--
where is the--where was that research published and
where--and where was the period you did. (sic)

ERIC FRIEDMAN: Happy to share it with
you. We--we--we contracted with a firm to do survey
research for us. If you'd like to--

AMY LOPREST: Yeah. How much is the
contract?

ERIC FRIEDMAN: It was about \$76,000.

CHAIRPERSON KALLOS: Okay, so yes, please
and please--are there other research studies that you
have that we spent public dollars on that aren't up
on your website and publicly available?

AMY LOPREST: I mean. No, I see right
here. I think we did a survey with--a project about
where voting--you know voting trends a number of years
ago. We---

CHAIRPERSON KALLOS: Can you put--put--put
all those--?

AMY LOPREST: Those--those are on our
website.

CHAIRPERSON KALLOS: Okay.

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AMY LOPREST: I'm—I'm just saying ones
that are.

CHAIRPERSON KALLOS: So, let's get this
research up because I'm curious. So along the same
lines. So there is a new New York City Votes—sorry—
Vote Better. So if you can tell us a little bit
about Vote Better New York. So earlier this week—
sorry—last week you went up to Albany and lobbied for
elections related reforms. I believe you're
supporting bills on early voting, free clearance on
the reform bills such as the Voter Empowerment and
the New York Votes Act. Is that—is that correct?

AMY LOPREST: That's correct.

CHAIRPERSON KALLOS: Were you there in
your capacity as the Campaign Finance Board, the
Voter Assistance Advisory Committee or in some other
capacity?

AMY LOPREST: Well, the Voter Assistance
Advisory Committee is a committee of the Campaign
Finance Board. We are—the CFB is part of a
coalition of community organizations and groups that
are interested in improving the electoral system for
New Yorkers. We—our mandate is to encourage and
facilitate voter registration and voting. They're

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all residents in New York City who are eligible to
vote, and recommend ways to increase that. One of
the ways that we have identified is to make voting
easier, and all of those reform bills that you cited--
-

CHAIRPERSON KALLOS: [interposing] And--
and I--

AMY LOPREST: --are ways to make it
easier.

CHAIRPERSON KALLOS: --I actually support
it, and so what--at what--what was the cost for the
lobby day?

AMY LOPREST: I have--I don't it.

CHAIRPERSON KALLOS: Is it done through
your VAC Budget line or which budget line does it
have?

AMY LOPREST: Well, the number, the
number I gave you before was the staff line, which I
though was what your question was. I'm sorry if I
misunderstood you. I thought you were asking me just
what this--the--the total number I gave a number the--
the--

CHAIRPERSON KALLOS: I got it.

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AMY LOPREST: So that, we don't devise
our budget based on staff. You know each unit is we--
we do a total budget. So I would have to know. So
think of this--

CHAIRPERSON KALLOS: [interposing] So-so
it's all part for costs for the--for the Vote Better,
is just--is it staff time or is it staff plus paying
for buses--

AMY LOPREST: [interposing] No, there
was additional--there was additional costs and it's
probably Chief of Staff who, you know, manages our
budget process so that you think the total--the
overall total of the budget with the buses was
\$10,000.

CHAIRPERSON KALLOS: \$10,000?

AMY LOPREST: Under \$10,000.

CHAIRPERSON KALLOS: Under 10?

ERIC FRIEDMAN: Right.

CHAIRPERSON KALLOS: And so, how does the
CFB and Voter Assistance Commission identify which
legislation will help people vote, and which
legislation won't?

AMY LOPREST: We have hearings that the
public testifies at. We had a public hearing on our

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Voter Assistance Report just earlier this week. We
have a public hearing in December every year where
members of the public come, and explain what their
problems are. We do analysis of various
recommendations with the members of the Voter
Assistance Advisory Committee who were selected
because of their civic engagement have issued a--

CHAIRPERSON KALLOS: [interposing] And
then they--do they vote on which legislation the CFB
should support in Albany?

AMY LOPREST: Yes, we discussed it. It
mean it's though--it's a committee. They--they have a
discussion.

CHAIRPERSON KALLOS: Is it public and
televised?

AMY LOPREST: All our--yes, all of those--
all of those have public access.

CHAIRPERSON KALLOS: Okay, so, and so did
they consider--so one of the items is online voter
registration for the State. Did they also consider
City registration online voter registration for the
city residents?

AMY LOPREST: I mean I think that we
testified on--on that bill. I mean I think one of

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the, you know, we obviously think that it's important
to have online voter registration for New Yorkers. I
think we testified about a bill that would--would make
online voter registration in support of a bill last
October. I think that one of the things that we
think is that it would be better to have that
universally done through state legislation, but
again, because the State Board of Elections maintains
the voter rolls. But again, we are supportive of--

CHAIRPERSON KALLOS: So-so-is-I guess the
question is how--how do we get the Vote Better New
York to--so I guess one big question is how many years
has Vote Better New York been in existence and
lobbying or these reforms in Albany?

AMY LOPREST: This was our fourth lobby
day.

CHAIRPERSON KALLOS: How many voters--

AMY LOPREST: [interposing] Vote Better
New York was a coalition that was started three years
ago, but it--it--this is our fourth.

CHAIRPERSON KALLOS: How many bills have
you passed through Albany to get to substantial
reforms here in the city?

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AMY LOPREST: I mean the--the State has
not passed--passed any of those laws.

CHAIRPERSON KALLOS: Okay, so in the city
do you think it might be worthwhile for Vote Better
New York to focus on New York City and city laws and
passing online voter registration here in the city
versus--and--and welcome to do Albany, but it seems
like things are happening in the city. You've passed
quite a number of bills as a the Campaign Finance
Board here.

AMY LOPREST: Well, I think that's mainly
because we have a very good working relationship with
the City Council. We've been very supportive of
legislation by the City Council. I don't actually
think that, you know, as a city agency that we're
going to pull together a group to lobby the members,
but I mean certainly we've been supportive of all the
issues. Many, you know, better than everyone--many
referendums [laughs] what's it about. Things cannot
be--(sic)

CHAIRPERSON KALLOS: [interposing] Well,
I'm--I'm just saying if you're getting people together
and students and what not to go to Albany to fight
for packages of bills that are very similar to bills

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that are actually in the City Council where things
can move, we would—I—I feel one would welcome having
Vote Better here fighting for online registration,
and many of the bills, some of which I carry, some of
which of I don't. IRV is one of them which you've
recommended. Would love to get 34 sponsors on that
because the Mayor opposed IRV, and we need a veto
proof majority, but it's not going to happen without
support, and if everyone is focused on Albany for
four years, meanwhile we're getting things done here.
With regards to NYC Vote so how has CFB been working
on NYC Votes?

AMY LOPREST: Well, it was a—it was—there
was an earlier version of it released during the 2013
election, and then there have been significant—I mean
your—I assume you're talking about the contribute—

CHAIRPERSON KALLOS: Yes.

AMY LOPREST: --part of the proper(sic)
so that there were significant enhancements and it
was rolled out in its newest version I believe in
February of 2016.

CHAIRPERSON KALLOS: And so the February
2016 version is the one where you had a substantial
and—and fully working online contributions.

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AMY LOPREST: Yes.

CHAIRPERSON KALLOS: Okay, when are we
going to get the text messaging--the--the text
messaging contributions that were passed by my
predecessor Gale Brewer as part of the platform.
It's actually probably 10 to--10 to 100 lines of code.

AMY LOPREST: As--well, as you know,
there's a lot of--one of the issues with text
messaging is not just the--the code for doing it,
it's--it's the complicated way that text messaging--
that text contributions through text are received
and processed by the phone companies and the
companies involved in processing text--probably, you
know, the various wireless carriers that would be
processing those text messages amounts. (sic) You
know, we've--we've talked about this. We've testified
about this before.

CHAIRPERSON KALLOS: Uh-huh.

AMY LOPREST: There is significant feeds.
I mean those feeds--often it's just a--

CHAIRPERSON KALLOS: [interposing] Okay,
so--so--so let's take a--a--a step back. So how much have
we spent on the February 2016 NYC Votes Contribute
Platform so far?

AMY LOPREST: Well, in the next budget
there is about \$300,000. I think that that is about--
that's \$475,000 total on the software.

CHAIRPERSON KALLOS: So, as-as you may
know, I'm a software developer. As-as you may know,
actually I---I just remembered this last night. My
first interaction with the CFB was I FOILED a copy of
the C-Smart system so I could reverse engineer it,
and build an API to allow folks to just directly
contribute back in 2007. So this might be something
I actually cared about at the time. It was requested
that I not move forward with it, but in 2012 I
actually built VotesGive.com where I actually helped
my colleagues who I now sit with get elected with a
very similar system. In fact, it's the same. It's
Drupal, and you're using Drupal and that's what I
did, in fact, and I'm almost sure some of the code
base that I created you may be using now, but that
took me about 12 hours while I was working full-time
for Bill Samuels and running for office, and running
an LLC to do this. And, I think even with the
outsource that I did to other developers it cost me
less than \$1,000 to build a platform that I was able
to run several thousand contributions including my

own for a lower credit card rate where I ended up making money on the overall project. Is there opportunity to do something here where we're not actually losing money on the platform, but it's actually not only paying for itself, but taking advantage of some of the free and open source code, and my voters get. David, you guys can have it any time you want it. That offer has been there since 2012.

AMY LOPREST: Well, the code is the Open Source. A lot of the costs are related to making sure that it is a seamless integrate--integration with our C-Smart software that the documentation is provided and is--meets all the requirements that we have. But again, I mean we have this process. We always are trying to find ways to streamline our processes. So I don't know if--

CHAIRPERSON KALLOS: [interposing] Have you--have you reached out?

AMY LOPREST: --going in time and getting that maybe would help. Part of this was the original project was also developed with the help of volunteer developers.

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CHAIRPERSON KALLOS: So-so, I guess the-
the concern is half a million dollars for something
that people in the community wanted to do. I as an
independent resident just wanted to build it. Is
there an opportunity to work with Beta NYC or Civic
Hall to get these costs down, and work with the civic
developer community to get this built, and then give
it away to every other jurisdiction in the country?

AMY LOPREST: Well, sure. I mean it's
built. So I mean I-I have no problem giving it away
to every other jurisdiction in the country.

CHAIRPERSON KALLOS: But in--in terms if
you got another \$300,000 budgeted and it seems like
you could either hire three developers in-house or
you could just maintain and work on it yourselves?
Or, is this internal or external? Which consulting
firm are you using?

AMY LOPREST: I can't remember it, but
it's--

CHAIRPERSON KALLOS: It's--this is
\$300,000 contract, right?

ERIC FRIEDMAN: The firm we're working
with is called Depth Methods. (sic)

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CHAIRPERSON KALLOS: Okay, I'm not familiar with it, but to the extent we can reduce those costs. With regards to Student Voter Registration Day, which I also believe grows out of the Voter Assistance Commission, how much did CFB-how many years has this been happening? How long? How many years have you been doing student voter registration?

AMY LOPREST: There--there is--okay, so there were--it's been--there have been three student voter registration days. I guess it's over two years, though, if that makes sense.

CHAIRPERSON KALLOS: Great and so how much did you spend on this in the first year that you did it?

AMY LOPREST: On the first year I think we spend--I mean it was most staff costs. I don't think there was any additional with staff costs.

CHAIRPERSON KALLOS: And then when did the initiative monies come from the City Council come in?

AMY LOPREST: That came in the second year.

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CHAIRPERSON KALLOS: Okay, so in the
first year how many students, 18-year-olds, 17 and
18-year-old college students did you register?

AMY LOPREST: I—I don't have those exact
numbers. I must say that the first year I think we
only went to about 10 schools and the following year
we went to many more schools. So about eight. So
Kathy, do you know the number right off—Because it
was about eight. The second year when we—when with
the city money, and the expanded program we registered
8,000, which actually was a representative of 50%
increase of 18-year-olds registered in the city.

CHAIRPERSON KALLOS: Is registering
voters part of the CFB's mission?

AMY LOPREST: Yes.

CHAIRPERSON KALLOS: Why isn't it in your
budget and why does it need to be a City Council
initiative?

AMY LOPREST: We have no—I mean we would
be happy to have Student Voter Registration Day be a
permanent part of the CFB Budget. It has not—I mean
it—the initiative has come in a different way through
the City Council in the past, but we would be happy

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to make it a permanent part, and ask for the funding,
but because it is the funding--

CHAIRPERSON KALLOS: [interposing] In-in
the third year how many people did you register and
how--?

AMY LOPREST: Well, the third one was in--
this October was much again much smaller. It was
again--

CHAIRPERSON KALLOS: [interposing] It's a
presidential election, right?

AMY LOPREST: It was--well, because of the
timing, it was focused on trying to register students
in October who would be eligible to vote in the
general election. So it focused--there--the earlier
one where--you have a longer amount of time because
you just need to be 18 by the next election.

CHAIRPERSON KALLOS: You're allowed to--
you're allowed to register the year you're turning
18?

AMY LOPREST: Yes.

CHAIRPERSON KALLOS: So what--what is--how
many people were in the third year?

AMY LOPREST: I mean we had much less to
do with that third one, but I think it was about

1,500. Again, it was a much smaller universe of
schools that would--

CHAIRPERSON KALLOS: [interposing] Do
you--do you believe that if you brought it in--brought
it in-house versus having it come out of the City
Council budget that you'd be able to get back to the
8,000 number in a faster facet, get to all probably
30 to 40,000 seniors that are graduating each year?

AMY LOPREST: I mean I think yes. I mean
I think we would be able to.

CHAIRPERSON KALLOS: And then would you
support legislation to have DOE also be mandated to
do this?

AMY LOPREST: I think that would be very
helpful.

CHAIRPERSON KALLOS: Okay, would the Vote
Better New York Campaign support such legislation?

AMY LOPREST: I mean we are in touch with
our coalition partners, (sic) but I think that that is
you know--

CHAIRPERSON KALLOS: [interposing] Okay.

AMY LOPREST: --I mean I think it's
something that is important to register students and
having the DOE on board is--would be helpful.

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CHAIRPERSON KALLOS: Were--were--

AMY LOPREST: [interposing] Not that they
haven't been cooperative in the past.

CHAIRPERSON KALLOS: So there are many
more questions. We will follow up with them. I-I
believe in Campaign Finance. I want to improve your
system. I want people to run on only small dollars.
I want to get all the big money out of the system. I
want to create a system that has little less
friction, but still dissuades fraud. I want to help
candidates who may not be as sophisticated as others
to be able to follow the rules without paying lawyers
like myself to do compliance, and I favor (sic) the
partnership. Let's--one--one thing before I-I forget.
The Voter Guides. The Voter Guide needs to be each
for each an individual City Council district.

AMY LOPREST: Again, I mean I think
we've--we've had this discussion in the past. So I
won't belabor it. I mean it is--the Voter Guide is
incredibly complicated project that we have to send
to every household in--with a registered voter. About
four million get sent for the Primary. Four million
get sent before the General Election. They have to

be translated into numerous languages. In the 2013,
just so you know, we sent out 14--

CHAIRPERSON KALLOS: [interposing] The--
the cost--the--the difference in cost is just between
sending out 26 or however many versus 52 or 53. The
only change in cost that you are dealing with because
the content and other items are baked in, the
translation is baked in, the mail would actually re--
be reduced because you'd be sending small mailers.
You'd be paying less for printing. It would be
saving paper, and I--have--have you done a survey of
how many people in District 5 when they got a piece
mail that said: Here are you City Council candidates
for District 1, 2, 3, 4, 5, 6. Figure out which one
is yours. Read their profile, and then go vote for
one of them.

AMY LOPREST: We have actually--we've--I
mean as I mentioned in my testimony, one of the major
redesigns part of the redesign of the Voter Guide for
the 2017 Elections is to focus on that to make sure
that people understand which district they're in and
which candidates are the candidates that they are
eligible to vote for.

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CHAIRPERSON KALLOS: But all I have to do
is look at my mailing label, which I never do and
then find out that it had the right district there on
it somewhere on the label. I'm—I'm just saying there
are much smaller firms than the CFB. There are
consult-campaign consulting firms that get paid with
your money that have five or ten people work for them
who send out many more than 53 mailers and this is—
this is a layout problem. It isn't an insurmountable
problem. I would like to see it in the budget
because I do not believe your—I have had so many
people tell me I wanted to vote for you. I got the
book. I couldn't. I don't live in your district. I
had people walk up to me and be like I didn't know
you were on the ballot. I thought this person was on
the ballot because folks don't necessarily know
they're not engaged. So, this—this is kind of a—a
demand and perhaps even a term and condition like I—I
don't want to pay for a voter guide where it doesn't
tell the person exactly who they're voting for. And
I think that you're doing something useful, but when
you send somebody six different districts I don't—I
don't think that's fair, but back to the closing.
Just you do great work. We would like to do better.

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Both Davis and I like Campaign Finance. I perhaps like it a little bit more, and just we look forward to working with you, but it's just-it's-it's hard to be in body. There are a lot of folks who have had a tough experience with it, and I get that it can be hard to-to respond to change, but the-it's better to respond by change to change by choice, but we have to fight earlier this year where it was done by force. And so, my-my preference is these are all very good suggestions, I believe. My colleague David Greenfield and you can ask the reporters, we rarely agree especially in public. We both feel that investing in Candidate Services, Voter Guide, getting better legislation all these things we can do together, and I think it will help improve the process so you don't end up in a situation where people are-are actually angry with the CFB. So thank you. I want to let you go. I want to-and I want to thank you the Corporate Counsel for their patience, and though it is after 5 o'clock so it's 4:55, but I usually ask my staff to leave at 5:00. So if the Law Department could please come up and give us 60 second to settle things out, and we'll get right started and

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try to do this very quickly. [pause] [background
comments, pause] Oaky.

SERGEANT-AT-ARMS: Quiet, please.

CHAIRPERSON KALLOS: I'd like to now
welcome Corporation Counsel Zach Carter the head of
the Law Department. He and the Law Department have
been waiting for at least an hour if not longer, and
thank you for those who are watching online and at
home. It's been a fun and eventful day. The New
York City Law Department is responsible for all the
legal affairs of the city. It represents the city,
the Mayor, other elected officials, and the city's
many agencies and all affirmative and defensive civil
litigation as well as juvenile delinquency
prosecutions brought in Family Court and the
Administrative Code enforcement proceedings brought
in the Criminal Court. The Law Department's proposed
budget for Fiscal Year 2018, totals \$207.7 million
including \$148.2 million to support 1,706 budgeted
positions, changes in Executive Plan include an
additional \$40 million in Fiscal 2014 for judgement
and claims payments or for funding for settlement for
lawsuits facing the city. In addition, the
Department is budgeting an additional \$455,000 to

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hire new six new staff in its Office of Special
Enforcement as well as 122,500 to hire an additional
legislative staffer for the Office of Legal Counsel.
During today's hearing we will be discussing the Law
Department's handling of judgment and claims and
claims against the city, the department's progress in
uploading an online-updating an online portal so that
all New Yorkers can have easy access to the city
laws, the department's preparation for handling an
increased caseload for Raise the Age and many other
issues of importance. With that, I will ask the
Committee Counsel to swear you in.

LEGAL COUNSEL: Please raise your right
hand. Do you swear or affirm to tell the truth, the
whole truth, and nothing but the truth in your
testimony before these committees, and to respond
honestly to Council Member questions?

ZACHARY CARTER: [off mic] I do.

LEGAL COUNSEL: Thank you.

CHAIRPERSON KALLOS: Feel free to read,
summarize, however you wish.

ZACHARY CARTER: [pause] Whoops. That
wouldn't be good. Hi. Good afternoon, Chair Kallos.
It's a pleasure to be here. I'm seated here with

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First Assistant Corporation Counsel Georgia Pestana,
and with our Managing Attorney Muriel Goode-Trufant,
and I have other staffers here who would be available
to provide any information that's necessary in the
course of these proceedings. I know this is—that
this is the end of a very long day for you, and you
have our testimony in writing. I will just pick
through and give you some—some highlights that I
think are—are worthy note. The volume of litigation
matters pending against the city presents a
substantial challenge as you know. The Tort Division
alone defends nearly 22,000 cases currently pending
against the city, its agencies and employees.
Approximately 7,500 new tort cases are filed against
the city each year. More than 6,000 cases are
resolved each year by trial motion practice and
settlement. With the Council's assistance, this
fiscal year the Law Department has begun to transform
the manner in which cases are handled in the Brooklyn
and Bronx Offices of the Tort Division. Due to the
volume of cases pending in the Tort Division, until
recently those cases were handled by several
attorneys with different attorneys handling only a
segment of any case. While such case handling has

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certain deficiencies, case handling by one person or
a unified team from beginning to end, which is
usually characterized as a vertical assignment system
permits better development of case theories leading
to improved trials, motions and settlements. Three
years ago, the Law Department created a unit within
the Tort Division to handle cases in defense of law
enforcement in this manner. That change produced—
that changed approach has contributed to a marked
decrease in the new filings in the past two years.
At least a 20% decrease each year. Similarly, in
Fiscal Year 2012, and continuing thereafter staffing
in the Special Federal Litigation Division has
increased to permit more proactive case handling
including taking more cases to trial. Since that
time, the new case filings have decrease. The number
of cases tried has tripled and our win rate in these
federal trials now approaches 90%. As a result of
these efforts, the city litigates a significant
portion of civil cases, which are tried by juries in
the federal courts. In Fiscal Years 14 and 15, the
City cases accounted for 24% of the total federal
civil cases tried by juries in the United States
District Courts for the Southern and Eastern

Districts of New York. In Fiscal 16, City cases were 27% of the total of completed civil jury trials. The transformation of our tort practice will permit not only improved case handling, but also improve our good trial practice in New York State Courts. Of all civil jury trials commenced in Supreme Court Civil Term, City cases accounted for 10 to 14% of trials between 2014 and 2016, and the percentage of trials is a substantial--such a percentage of trials is a substantial presence considering that more than 80,000 new civil cases are filed in the state within New York City each--each year. While the Law Department has been transforming our tort practice, we are also beginning planning for the transformation of our Family Court particularly as a consequence of--of the Raise the Age Legislation that--that passed in Albany this past year. So I thank the Council for its support, and I am ready to answer any questions you may have.

CHAIRPERSON KALLOS: Thank you. With a win rate in the Federal Court that approaches 90%, I'm glad to have you defending me. What--what is the win rate in the State Courts.

ZACHARY CARTER: Do we have that
information?

MURIEL GOOD-TRUFANT: It's more than 50%,
but it's not quite 90.

CHAIRPERSON KALLOS: Okay, it's-it's a
great record to have at least on the federal level
and the-the stronger record on the city level.

ZACHARY CARTER: Well, that's more-now
we're talking about trial conviction rates, and that
does not take into account the-the cases that are
dismissed on motion, which even though trial practice
gets the most notoriety, and obviously and-and among
those of us who are trial guns, provides the greatest
level of personal satisfaction. Every dismissal
counts as well-as much as every-as every trial
victory. And so those are extraordinarily important
and take a tremendous amount of work on the part of a
lot of folks on our staff.

CHAIRPERSON KALLOS: I-I-having been a
litigator, I completely understand the sheer number
of cases that you will win on the motions long before
you will ever get to trial.

ZACHARY CARTER: Absolutely.

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CHAIRPERSON KALLOS: And-and it is-it is-
it is the tip of the iceberg, as it will-as it were.
So, I-I think somewhere at DCAS there's a similar
refrain and some questions that they are asking. So
as we're at budget hearing, the first question is is
there-now that we're in the Executive Budget is there
any additional funds in the budget for the Mayor's
defense? So do you have anything for--

ZACHARY CARTER: [interposing] No.

CHAIRPERSON KALLOS: --Fiscal Year 2018
for budgeting for any of the Mayor's defense.

ZACHARY CARTER: No, we-we are very much
in the-in the wind down phase, the last numbers that
you-that you received estimating the amounts in
connection with the defense and connection with the-
the-the investigations that have been obviously
concluded are-are pretty much up to date.

CHAIRPERSON KALLOS: So, I-if I-if my
memory serves me in the Preliminary there was still a
million budgeted. We weren't at that point on the
other side of the investigation. So I am-I'm asking
if that has been reduced from \$1 million to zero for
the coming Fiscal Year, and if not what-what work
remains starting July 1st?

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ZACHARY CARTER: Nothing for the coming
Fiscal Yer.

CHAIRPERSON KALLOS: Okay, so that
million dollars is back in the budget. There's--okay.

ZACHARY CARTER: Yes.

CHAIRPERSON KALLOS: Ands there--there are
no further ongoing investigations for anybody else
related to it?

ZACHARY CARTER: That is correct.

CHAIRPERSON KALLOS: Great, and so how
much did all of this cost the city all in beginning
to end?

ZACHARY CARTER: Approximately \$13
million.

CHAIRPERSON KALLOS: Okay. The Conflicts
of Interest Board released an opinion March 29th
stating the contributions to a Legal Defense Fund for
Public Service must be treated the same as gifts, and
must, therefore, be subject to a gift restriction no
more than \$50 for donations barring the document
specific legislation that distinguishes gifts made to
public servants through legal defense firms from
other gifts to public service. Will this ruling
result in taxpayers footing the bill similar

litigation in the future? Sorry. Similar
prosecution or investigation in the future? Will it
have any impact?

ZACHARY CARTER: It shouldn't.

CHAIRPERSON KALLOS: And--and then just--
just to be clear, so the--give me one second. So with
all the investigations concluded the defense
concluded the Mayor has been cleared of all charges.

ZACHARY CARTER: That's correct.

CHAIRPERSON KALLOS: Great. The next
piece, which is the thing we like to talk about is
judgement and claims.

ZACHARY CARTER: Yes.

CHAIRPERSON KALLOS: So the first
question is--

ZACHARY CARTER: [interposing] Actually,
I've handed up a--a chart--

CHAIRPERSON KALLOS: Yes, please.

ZACHARY CARTER: --because this obviously
is a recurring and important question and a--and a
matter of--of appropriate interest for the--the Council
and one of the frustrations, and I'm sure we--we're
not alone in this, in terms of describing year-to-
year fluctuations is--is a way of describing it in a

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way that we highlight the year-to-year anomalies that
distort in any one year or maybe even a couple of
years the--the judgment in claims experience, and this
is a chart, as you will see reading from left to
right that includes Fiscal Years 2010 through so much
of--of this Fiscal Year as has been concluded.

CHAIRPERSON KALLOS: [interposing] I--if
I--if I may interrupt for one moment.

ZACHARY CARTER: Sure.

CHAIRPERSON KALLOS: So, for those
watching at home or online you can download the
testimony from today, and this will be included, and
I guess one quick thing just so I can have a frame of
reference.

ZACHARY CARTER: Sure.

CHAIRPERSON KALLOS: The numbers we've
been talking about classically are in the \$700--\$600
to \$700 million range, and on your chart we're
looking at a--around \$400 million range.

ZACHARY CARTER: Right. These--these are
judgments and claims attributable to the Law
Department only.

CHAIRPERSON KALLOS: Got you.

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ZACHARY CARTER: Alright. This is not
the full funding on any--

CHAIRPERSON KALLOS: [interposing]
Adversity we're funding is--(sic)

ZACHARY CARTER: Right.

CHAIRPERSON KALLOS: And who is the
other--who is the remaining \$300 million?

ZACHARY CARTER: That's the Comptroller
and HHC.

CHAIRPERSON KALLOS: So that's medical
malpractice and Comptroller?

ZACHARY CARTER: Correct.

CHAIRPERSON KALLOS: This--this would have
ended with us fighting a little less about it over
the past couple of years. Okay so--

ZACHARY CARTER: Right.

CHAIRPERSON KALLOS: I think it would be
helpful just moving forward if--if in the budget when
you're working with our--our good friend Dean Fuleihan
to break out your budget between your judgments and
claims, the Comptroller's judgments and claims, and
H+H's so that that way the appropriate folks can
concentrate in the right areas, but this is
incredibly helpful.

ZACHARY CARTER: Great. As-as you-as you
can see--

CHAIRPERSON KALLOS: [interposing] And-
and you'll agree to do that with Dean?

ZACHARY CARTER: Absolutely.

CHAIRPERSON KALLOS: Great.

ZACHARY CARTER: Absolutely, and-and as
you can see, and obviously the-the chart speaks for
itself. The blue signifies all judgment and claims
of less than \$10 million. The Green and that will
illustrates the anomalies are judgment claims in
excess of \$10 million, and so you'll see that if for
instance going back to 2011, the total amounts were
\$392 million, and it and-and it's a sawtooth of in
the years following that, and you could see in the
year just prior to 2011, it was significantly less,
but then it-it-it got larger in-in 2014, but then was
reduced again. So if-if-if these number bounce up and
down, but there's a certain amount of consistency in
the claims that are under \$10 million, which is the-
which is the bulk of the claims. One of the things
that I-that as I said in-in my preliminary remarks,
is that because of the reduction in filings that we
think are at least partially attribute-attributable

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to some of the new initiatives in the--in both in
torts and in--and in the trial success on the special
federal litigation is that that should begin to have
an impact over the next few fiscal years in terms of
judgement and claims because we are having a marked
reduction in filings.

CHAIRPERSON KALLOS: So, first I just in
the top line number we understand that from the
Preliminary Plan to the Executive Plan. Give me one
second. Okay, so the issue is that we're running
into--it's just we're dealing with the--the overall
judgment and claims budget, and we're--we're now
trying to reduce to--to a lower. So I guess what
we're looking at coming into this hearing is that
Fiscal Year 2017, you had increased Judgment and
Claims Budget, and what we are seeing was the
Judgment and Claims Budget increasing from FY17 to
FY18 and then just continuing to increase by about
15% a year, and so just trying to--about \$15 million
every year.

ZACHARY CARTER: But you're--but you're
comparing the all-in numbers--

CHAIRPERSON KALLOS: Right

ZACHARY CARTER: --to these and that's--

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CHAIRPERSON KALLOS: [interposing] Which
do you happen to off the top of your head on--perhaps
on your chart for the future and I like this chart if
you could have the--the four-year projection.

ZACHARY CARTER: Sure.

CHAIRPERSON KALLOS: But do you happen to
have that four-year projection?

ZACHARY CARTER: Not at--not at our
fingertips. We--we can provide that information.

CHAIRPERSON KALLOS: So, I--I guess
looking at the big picture with the numbers that
we've been talking for the past three years, it looks
like the costs are going up, and my--my--my--my counsel
has--has wisely noted that it's--it may in some places
reflect inflation, but on the other hand I'm--I--I am a
tough client at times and so we're--we're paying you
more, and I want my lawyers to lend more talents like
you are, but it still seems like we're still planning
to pay out more.

ZACHARY CARTER: Well, let me--let me--let
me make one observation because generally when you
have to pay more that's all bad news, but there's on
area in which I think you will agree with me that it
is the appropriate cost of good news. Virtually all

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of the--of the--of the DA's Offices, are within New
York City, have taken the appropriate step of
establishing Conviction Integrity Units within their
offices in order to it--open old cases where there are
indications where an injustice may have occurred, and
where someone has been wrongfully convicted, and over
the past several years, there have been a number of
cases, some of which have gotten substantial
publicity in which it has been discovered that
persons have been wrongfully convicted and spent
decades in jail. Those cases have resulted in
substantial settlements in the tens of millions of
dollars, and lot of the--and a number of the torts
settlements over the last few fiscal years have
included settlements of those wrongful conviction
cases, and while, you know, we tried--we--we would like
to settle those cases fairly, they have to be
settled, and to the extent that it is reported to us
by the DA offices if these cases that they believe
that persons were wrongfully convicted we have to
agree to a settlement that--that justly compensates
those victims and families.

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CHAIRPERSON KALLOS: And how many of
those cases are settled through an initial offer
without a lawsuit versus filing a lawsuit?

ZACHARY CARTER: There have been—I—I
don't have all those numbers at my fingertips. We
can give them to you. Some—there have been cases
that have been settled by the Comptroller's Office
before they were filed. Sometimes in close
consultations, sometimes not, but always in—in our
experience several on fair terms, and so there—there
are cases where there has been no litigation at all.
Generally speaking, once it has been determined, and
usually that's with the assistance of—the affected
DA's Office that they have come to the conclusion
that—that this is an actual innocence case. The case
is pretty—gets—gets settled without protracted
litigation.

CHAIRPERSON KALLOS: So looking at the—
the sheet you've given, it appears that since this
Administration has taken over, there have always been
a payment—there has always been about \$53 million or
more per year in pay-outs over \$10 million. And so,
how many—how much longer will this remain? The
statute of limitations in many cases is six years. So

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at a certain point it's no longer the-the-us paying
for the sins of a previous administration. It then
becomes us paying our own-for our own mistakes.

ZACHARY CARTER: Well, the statute-that
statute of limitations doesn't determine-is-is not
determined-is not the sole determinant because the--

CHAIRPERSON KALLOS: [interposing] Well,
the statute runs the case and--

ZACHARY CARTER: Plus how long the case
has been pending once it's filed. Of course once the
case is filed the statute of limitations--

CHAIRPERSON KALLOS: Yes.

ZACHARY CARTER: --has been tolled. So
there are cases and there were a number of them
pending when-when the-when the-with the advent of
this new Administration of cases of very long
standing that had not been resolved, and now have
been resolved, and there-and there are going to be--
always be case in the pipeline.

CHAIRPERSON KALLOS: So, would---would
you share a report of the pipeline of the-the cases
in the pipeline that have potential liabilities where
the-everyone sues for a million dollars. I'm not
sure how many people now sue for \$10 million. So

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just trying remember federal procedures. Federal
Court is \$75,000?

ZACHARY CARTER: Right, what the-what
we're--

CHAIRPERSON KALLOS: [interposing] But
every--everyone always sues for a million anyway. But
so--

ZACHARY CARTER: We--we will--we will do
the best we can to--to provide an estimate of cases
that are pending that we believe realistically would
have to be resolved at \$10 million or more.

CHAIRPERSON KALLOS: And I don't know if
you already have such a report, but whatever it looks
like I make the strong recommendation to have such a
report of like the--the date of incident, the--the date
of filing, and what the status of the case is, and--
and projected either settlement of court dates just
so we can have an idea if this is something we can do
so that we can hopefully get those cases going and--

ZACHARY CARTER: Right.

CHAIRPERSON KALLOS: --and start focusing
on them.

ZACHARY CARTER: Right, but--but just--just
so long as it's understood that we can't provide

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information--information that compromises our ability
to negotiate settlements.

CHAIRPERSON KALLOS: Understood. I'm
asking for--

ZACHARY CARTER: [interposing] And so
we're talking about--so if we--we--we can talk about
things in the aggregate, but obviously will not be a
case-by-case.

CHAIRPERSON KALLOS: Well, so--

ZACHARY CARTER: Right.

CHAIRPERSON KALLOS: --if--if I was so
inclined I could go to PACER or the State Court
filing system and go to each case, look at the
Complaint, look at what they're claiming and some
just-- I assume you have some sort of case tracker.
I'm not looking for what the disposition is, whether
there have been settlement offers. I'm just looking
at what--what the--what the pipeline looks like, what
the--what the dates of the --

ZACHARY CARTER: [interposing] I--I think
that we'll be in a position to provide you meaningful
information--

CHAIRPERSON KALLOS: [interposing] Right--

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ZACHARY CARTER: --that will answer your--
your--your question without compromising our--

CHAIRPERSON KALLOS: And--and so who--who
represents H+H? It's not you?

GEORGIA PESTANA: [off mic] It's not me,
anyway. We may have it, but they represent
themselves. [on mc] In many--in many of our cases
they represent themselves.

CHAIRPERSON KALLOS: Okay.

GEORGIA PESTANA: They have their own in-
house counsel.

CHAIRPERSON KALLOS: And your mic is on?

GEORGIA PESTANA: Right. Now it is I
think. I many of our cases H&G represents itself.
They have their own lawyers that specialize in this
now. (sic

CHAIRPERSON KALLOS: Okay, is there--is
there--is there--do their lawyers-- So, let me just
look at our budget. How much is for H+H and how much
is for--? Okay. [pause] Sorry, give me one moment.
[background comments] Could you say your name for
the record?

GEORGIA PESTANA: I'm sorry. Georgia
Pestana. I'm the First Assistant Counsel.

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CHAIRPERSON KALLOS: Okay. So, in-in-in
the next week, if you can just get us a breakdown of
the Judgement and Claims because you apparently have
access to information that we don't in terms of the
breakdowns between Comptroller settlements, things
that you're handling at H+H, but I guess along the
same lines--

ZACHARY CARTER: We do not have a break--
we have our own numbers. We do not have access--we do
not have numbers beyond our own numbers.

CHAIRPERSON KALLOS: Okay.

ZACHARY CARTER: So that information
you'll have to ask for--for--from--from OMB.

CHAIRPERSON KALLOS: Okay, so I guess one
question is just for H+H, do you--is there an
opportunity for the Law Department to work with them
to reduce the Med Now Medical Malpractice liability
and whether or not there--there is any efficiency. I
imagine you're a much larger law firm as it goes than
they are.

ZACHARY CARTER: We don't represent H+H,
and HHC in those cases.

CHAIRPERSON KALLOS: Okay. So that's
Judgment and Claims. Let me go to another quick line

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of questioning, and the hopefully we can get folks
out sooner than later. So, during the Preliminary
Budget hearing, you indicated that you not to change
the current Law Department budget structure which
only has units--units of appropriations for personnel
service and other than personnel that operational
side stability grants you. While I understand your
desire for operational flexibility what the Council
are concerned over the Law Department's current
budget structure greatly reduces the transparency of
your budget. I think this whole talk about judgment
and claims has been an indication therein. Would you
not agree that you could restructure your budget to
allow your greater flexibility without significantly
constraining your operations?

ZACHARY CARTER: No in a word. I mean
it--and I--and I--and I would. I mean I don't want to
waste your time because--

CHAIRPERSON KALLOS: [interposing] Yes.

ZACHARY CARTER: --we've talked about
this in--in repeated cycles, and our position hasn't
changed, and I don't and I doubt that you would
either if you were corporation counsel, but I know
you're an experienced litigator. We need the

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flexibility given the breadth of our responsibilities
for representing all of the legal interests of the
city of New York to be nimble in moving resources
from one obligation to another, and that's not always
predictable. I mean we didn't—we—we—I—I think that
on the 1st of November of last year we wouldn't have
known what the national election would be--

CHAIRPERSON KALLOS: Yes.

ZACHARY CARTER: --and sometimes maybe
that affects that resource.

CHAIRPERSON KALLOS: So that leads me to
my next question. What kinds of lawsuits are—should
be—the city should be expecting at the—the—the very
least it may not have a budget impact.

ZACHARY CARTER: Right.

CHAIRPERSON KALLOS: It may--there will
be a budget impact because you're going to take
affirmative litigation steps. So, what type of
lawsuits could the city be expecting for federal
government regarding the issue of Sanctuary Cities?
How can we best prepare to defend against such items,
and what type of affirmative lawsuits should we be
budgeting for? Are these things that you could do
internally or you would need to bring counsel in as

consultants, and is there any affirmative legal
action we can take today to protect ourselves from
anything in the futures?

ZACHARY CARTER: Well, I guess the-the
short answer is all of the above, and-and we have
been engaged with other jurisdictions around the
country who have common concerns about the jeopardy
to-to reductions in federal funding for important
services, and-and as is a matter of public record
there have been court challenges to executive orders.
There have been discussions about preparing in the
face of threatened or rumored executive order that-
that could have implications for the city
particularly cities with large immigrant populations
and with policies that tend to be supportive of
those-of those populations. We have filed amicus
briefs in-in certain cases. In others we have-we
have had dialogue, as I've said with other cities in
preparation for possible legal action, and so we-we
are-we are doing everything we can to be prepared.

CHAIRPERSON KALLOS: So, how-how much
should be budgeting for the Law Department internally
to be responsive and for in preparation and how much
should we be budgeting for external counsel for-

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GEORGIA PESTANA: [off mic] So we don't
need external counsel.

ZACHARY CARTER: We don't need external
counsel at-at this-at this point.

CHAIRPERSON KALLOS: Right.

ZACHARY CARTER: I think that-that we
should-we-we'll be able to marshall the resources
from-from our current budget, and-and-and fortunately
and this is a-it's-it's a-it's a time to be proud to
be proud of being part of a legal profession. We've
had lots of volunteer help and office of help from-
from the legal community in New York. So I think
we'll be fine.

CHAIRPERSON KALLOS: At the Preliminary
Budget, we talked a little bit about Raise the Age.
Both of us support it, and so Raise the Age
legislation was signed into New York State Law on
April 10th 2017. Will affect 16-year-olds as of
October 2018, and 17-year-olds as of October 2019,
shifting casework to the Law Department's Family
Court Division starting in Fiscal Year 2019. Can you
walk us through how Raise the Age will Affect your
operations and just my--my own inclination is that
hopefully many of them will not actually end up in

the Juvenile Justice system, and they'll actually
have to spend less on attorneys, and more on
diversion.

ZACHARY CARTER: Actually, I think that
for planning purposes the responsible course—course
would be to expect that the additional 16 and 17-year
olds would be completely additive, and—and I would
not based on the experiences of other jurisdictions
count on the same reduction in—in caseloads that some
have experienced because all jurisdictions are
different and—and New York City is just a different
scale. The other thing this that I think that what
has not been taken sufficiently into account in terms
of the kinds of services, and I know you're very
interested in—in diversion, but diversion can't be
just keeping people out of the system. It also has
to be quality services in support of—of—of the—the
persons who are diverted. As people in public
education know, the difference between 13, 14, and
15-year-olds on the one hand mostly middle schools,
and 16 and 17-year-olds who are high school students
bordering on adulthood are different—forget apples
and oranges—and—and—are as different as apples and
oranges and—and—we have to plan accordingly

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because we are now dealing with an cohort that Family Court has not dealt with in the past, and we will have re-imagine different kinds of services that—that support this—this age cohort. We also don't know right now what kinds of decisions that DAs will be making in terms of their decisions to—of what category okays us to remove the Family Court. As you know, under the Raise the Age Legislation, unlike the current statute where you—where you have a limited number of jail offenses, that—that the DA's office can elect to keep in for adult prosecution all felonies are in play when it comes to 16 and 17-year-olds. And so we won't know until the—until we're actually in the implementation phase what percentage of 16 and 17-year-olds are going to end up in the—in the Family Court system. So there's some—there's certain—there's—there are uncertainties.

CHAIRPERSON KALLOS: To the extent you can share any of this. So I guess key piece is would you be willing to work with—will you be willing to include the City Council amongst the cohort that you'll be working with including the five district attorneys and others in—as you're moving forward, and getting ready for this?

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ZACHARY CARTER: Absolutely.

CHAIRPERSON KALLOS: And is there funding
necessary to get rid of—get ready for this in terms
of structure and so that on day one in October 2018
and the Fiscal Year 2019?

ZACHARY CARTER: [pause] There is—there
is—there is planning that's being coordinated by
MOCJ, chiefly to—to organize all of the affected
stakeholders to determine based on what the final
shape of the legislation was because there was
uncertainty around that and as you know, a lot of
negotiation about the—what the shape of the statute
was going to be toward the end of—of the legislative
session. But—but there—there are currently talks
about what will actually be needed in terms of city—
additional city resources to—to meet—meet everyone's
obligations on the Raise the Age.

CHAIRPERSON KALLOS: In response to my
diversion you—you made it very—my—my advocacy for
diversion you made a very strong and welcomed point
that they have to be quality programs. What can the
Law Department do between now an October 2018 to
ensure that there's a sufficient number of programs
that are of sufficient quality so that we can use

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diversion as a strong tool in as many cases if not
all cases.

ZACHARY CARTER: I mean we have to—we
have to—we have to—we have to have consultations with
all the affected stakeholders, chiefly the courts,
ACS, Probation, all of these stakeholder will—and
also with all the not-for-profits who are currently
in the business of providing services to 13, 14, and
15-year-olds to determine which one of them can
expand to include 16 and 17-year-olds and whether or
not we need to find additional stakeholders to
provide services.

CHAIRPERSON KALLOS: Are those convenings
already happening?

ZACHARY CARTER: Yes.

CHAIRPERSON KALLOS: Okay, and--

ZACHARY CARTER: [interposing] And—and
again, those have been under the—under aegis of—of—of
the Mayor's Office of Criminal Justice Services.

CHAIRPERSON KALLOS: So I don't have
oversight with them, but if you could drag this
committee chair and—and our staff to that table, we
would--

ZACHARY CARTER: Sure.

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CHAIRPERSON KALLOS: --it would be
helpful if only just to see the work happening and
know that it's happening. I-I give credit for-for-
for work even if sometimes it doesn't materialize.
Sometimes despite our best efforts, non-profits have
scaling challenges, and so it-it's helpful to know
everything that we are trying to do to help--

ZACHARY CARTER: Sure.

CHAIRPERSON KALLOS: I believe. There is
legislation I care particularly about because as a-a
young lawyer and even as a Council Member, I-I like
the law, and I-I want to be able to it, but actually,
I-I-I'm bound by it, but I can't actually access it
unless I pay a fee often. And so in New York City we
passed a-a law online. Where are we in terms of
progress for allowing for folks to be able to
download it and work with it without actually having
to go through city's website?

ZACHARY CARTER: Well--

CHAIRPERSON KALLOS: [interposing] And-
and so, that's the plain language version of when
will the open API be available for folks to be able
to access the city's laws?

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ZACHARY CARTER: Well, as I understand it
and this is and this is by way of a progress report,
as of this week the Charter and the Administrative
Code have been updated through May 4th, and the Rules
through May 10th. The site is fully searchable and
text can be saved in multiple formats where the
process of reaching out to Open Gov Foundation, which
has developed tools for the average user to increase
accessibility, but I don't know if we have any-any
more leasing information?

MALE SPEAKER: [off mic] Not right now.
We have to through--

CHAIRPERSON KALLOS: Okay. So-so the-the
points of an API is just so that the-the site is
great. I use it. It allows you to instead of having
to log into the site to check if the law changed, an
API allows a computer to send a message your computer
and say, when is the last time you updated? And it
says May 5th, and it's like I already have the May 5th
version. No problem. Otherwise what ends up
happening is you have to send a computer to read the
entire thing, and then compared it to the additional
version to see oh, is it a new version or another
version and it will reduce your server load because I

1 assure you that people are paying attention to the
2 site with their computer. So I would love to see
3 that happen before my first term in office is over.
4 Give me one moment. [pause] If we have any
5 additional questions, we will—if we have any
6 additional questions, we will send them along and
7 look forward to working with you on any different
8 partnerships. We're sorry for keeping you pas that 5
9 o'clock. Actually, I have a rule in my office. I
10 try to keep people from having to work past 5:00. I
11 don't want a culture of people who hang out past 5:00
12 because they feel pressured, too, by those who might
13 want to work longer hours such as ourselves. So, my
14 hope is folks are headed home. So just by a show of
15 hands, who's headed home right after this? Okay, so
16 if we can ask that the Law Department make sure that
17 our—our best lawyers have a strong work/life balance
18 and that we get them home at 5:00 on weekends.

20 ZACHARY CARTER: Unfortunate—
21 unfortunately this—this afternoon may be the last sun
22 sign—shine we see from the next 48 hours. I was just
23 looking on the radar. It's not looking good.

24 CHAIRPERSON KALLOS: Fair enough. We'll
25 adjust that. Thank you for all the great work you do

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defending our city, and thank you for participating
in this hear and thanks for staying a little later.

ZACHARY CARTER: Okay.

CHAIRPERSON KALLOS: Thanks for all of
you who have been watching online. You can email me
with any of your thoughts, questions of comments at
bkallos@benkallos, and for members of the public who
wish to testify, there will be a public hearing on—
you can find it out at citycouncil. Sorry.
council.nyc.gov. Thank you and I hereby adjourn.

[gavel]

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 May 21, 2017