

CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON GOVERNMENTAL OPERATIONS

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March 16, 2018  
Start: 10:25 a.m.  
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HELD AT: Committee Room - City Hall

B E F O R E: FERNANDO CABRERA  
Chairperson

COUNCIL MEMBERS: Ben Kallos  
Alan N. Maisel  
Bill Perkins  
Keith Powers  
Ydanis A. Rodriguez  
Kalman Yeger

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

Gale Brewer, Manhattan Borough President

Letitia James, Public Advocate  
Office of Public Advocate

Jim Caras, Land Use Director and General Counsel  
Office of the Manhattan Borough President

Angelina Martinez Rivera, General Counsel  
Queens Borough President Melinda Katz

Tom Lucania appearing for: Borough President Diaz

Isaac Grodesky Appearing for:  
James Oddo, Staten Island Borough President

Ryan Lynch, Poly Director  
Brooklyn Borough President Eric Adams

Pierina Sanchez, NYC Director  
Regional Plan Association

Douglas Mouseio, Professor of Political Science  
Austin W. Marxe School of Public and International  
Affairs at Baruch College, CUNY

Ethan Geringer Sameth, Public Policy & Program  
Manager, Citizens Union

Stanley Fritz, Campaign Manager  
Citizen Action of New York

Susan Lerner, Executive Director  
Common Cause New York

Alex Camarda, Senior Policy Adviser  
Reinvent Albany

2 [sound check/pause]

3 CHAIRPERSON CABRERA: Good morning and  
4 welcome to this hearing of the—the Committee on  
5 Governmental Operation is privileged to be with you  
6 this morning in my new role as chair of this  
7 committee. I look forward to working with my  
8 colleagues on this committee to make New York City  
9 government work well for all New Yorkers, and just  
10 want to acknowledge we've been also joined by Council  
11 Member Yeger. Today's hearing is on Proposed Intro  
12 No. 241-A, which was introduced by Public Advocate  
13 Tish James and Manhattan Borough President Gale  
14 Brewer. Thank you both for your leadership on this  
15 issue creating a Charter Revision Commission, and for  
16 being here today. Before we hear from the sponsors  
17 of this legislation, let me briefly explain why I  
18 support it. Nearly 30 years ago, New Yorkers voted  
19 to approve a proposal by a Charter Revision  
20 Commission to abolish the Board of Estimate and  
21 establish our city's system of government in its  
22 currently form. Since then, the city has not closely  
23 examined how the system established in 1989 has  
24 functioned. For example no panel has examined whether  
25 the budget process created by the 1989 Commission has

2 resulted in transparencies—transparency and vision  
3 during those commission hearings. There has not been  
4 a serious look at—at adding community engagement  
5 prior to the foremost startup of the ULURP process.  
6 These are just two of the important issues that a  
7 Charter Revision Commission could examine. To be  
8 clear, there has been charter revisions since 1989.  
9 There have actually been seven. In general, however,  
10 these commissions consider—consider a narrow set of  
11 issues rather than looking at the Charter as a whole.  
12 Notably, all of these commissions were in my Mayoral  
13 Commissions meaning that all of their members were  
14 appointed by the Mayor. Many of these commissions  
15 were created for political reasons such as bumping  
16 another question from the ballot. Many of these  
17 commissions have been rushed, often with only around  
18 three months to produce one or more questions for the  
19 ballot. Most importantly, because if all of these  
20 commissions were mayoral commissions, they have dealt  
21 with issues important to the Mayor. What I mean by  
22 that is this these commissions have not critically  
23 examined checks and balances and other structural  
24 issues with our system of government. Furthermore,  
25 these commissions have often recommended ballot

2 questions on issues that could be handled through the  
3 Legislative process, issues that do not require our  
4 Charter Revision Commission. I do not mean to imply  
5 that these commissions were meaningless, but taking a  
6 thoughtful look at—look at the structure of the  
7 city's government is overdue and that is what this  
8 bill would allow for. If you take a look at the  
9 weaknesses I just highlighted, limited time to do  
10 each work, narrow empirical issues that could be  
11 handled through legislative—legislatively by the  
12 Council, an agenda that is created by the Mayor, you  
13 may notice that the Charter Revision Commission that  
14 Mayor de Blasio recently announced suffers from all  
15 these weaknesses. The Mayor has a right to create his  
16 commission if he chooses to do so, but in my view,  
17 the commission will be created—that will be created  
18 by Intro No. 241-A is far better—is—is a far better  
19 approach. The commission created by Intro No. 241-A  
20 will be inclusive and independent, and will have a  
21 broad—broad focus. It would include appointees from  
22 the Council, the Borough President, the Public  
23 Advocate, the Comptrollers, the Mayor given it a  
24 diverse set of perspectives. Nobody will have a  
25 majority of employment, so it will have independence,

2 and it will be empowered to examine a wide range of  
3 issues that presented themselves since 1989. It will  
4 have also the time to do so properly with the ability  
5 to work for over a year to develop its proposal, if  
6 necessary. It will be a charter revision for  
7 everyone. Let me say that again. It will be a  
8 charter revision for everyone. I wanted to take a  
9 moment to thank Robin Newman, David Seitzer, Kelly  
10 Traylor, Committee staff Rob Reeves, Alyssa Cronk and  
11 Zach Harris for their diligent work in this committee  
12 and getting us all ready, and with that, let me also  
13 just share that we've been joined by Council Member  
14 Powers, and so thank you for being here today, and  
15 look forward to hearing from Public—the Public  
16 Advocate and the Borough President Brewer as well as  
17 Good Government groups, civic organizations, and  
18 others who are interested in the governance of our  
19 city, and with that, I'm going to welcome my former  
20 colleagues, and now Public Advocate and Public  
21 Borough President of Manhattan to come forward and to  
22 testify. [pause] [[background comments, laughter]

23 PUBLIC ADVOCATE JAMES: I want to thank  
24 Chair Cabrera. I want to thank his staff. I want to  
25 thank Council Members Yeger, Powers, and Ampry-

2 Samuels and, of course, I want to thank my partner  
3 Borough President Brewer for her tireless commitment  
4 to pushing this issue forward, and the Speaker,  
5 Speaker Corey Johnson for his leadership [coughs]  
6 that he's shown for championing this legislation as  
7 well as his political-political courage. [coughs]  
8 This history of the New York City Charter dates back  
9 more than 300 years when it was first adopted as a  
10 colonial charter. It's important that everyone  
11 understand that this really is a lesson-lesson in  
12 civics. The Charter is our constitution, and it is a  
13 living document that must grow and change as our city  
14 grows and changes. Charters should be instruments of  
15 democracy reflecting the whole city as it actually  
16 exists. Unfortunately, charter revision has been  
17 used cynically in the recent past [coughs] to block  
18 the building of a stadium on the west side, to keep a  
19 political rival from politically ascending the-to  
20 become Mayor, to stop a grassroots referendum that  
21 would have limited the size of public school classes.  
22 Recent commission under the prior to administrations  
23 have been created by mayoral decree, and given  
24 explicit-explicit marching orders about the issues to  
25 consider and the conclusions to reach. The state law



2 requirement that commissions consider the entire  
3 charter has been treated as a pro forma, and it  
4 essentially ignored. Commissions have often been  
5 given an extremely limited timeframe to complete  
6 their work, sometimes as little as three months.  
7 They have repeatedly take up issues that could have  
8 been pushed through the regular legislative process  
9 by this body. And so, under our legislation that has  
10 been co-sponsored by the Borough President, no one  
11 officially would have majority control. The  
12 Commission's findings would not be predetermined,  
13 narrow or rushed. In fact, the Commission would be  
14 statutorily required to consider the entire charter.  
15 Hearings will be held in every borough at times that  
16 allow for full community participation, and I  
17 certainly have many areas of the charter that I would  
18 like to see changed, and specific proposals I hope  
19 will be considered. Let me say at the outset that  
20 this commission will not be used as a vehicle to  
21 engage and run around term limits. That issue is off  
22 the table, and will not be considered period, full  
23 stop. In the process of reviewing the entire  
24 charter, the Commission would naturally consider  
25 whether the Council should have more say over the

2 budget process is an issues obviously that I'm  
3 concerned about, whether communities will have more  
4 input in land use deals that are all but finalized  
5 before they reach the community that's something that  
6 I would like to focus on. I want more  
7 democratization when it comes to land uses, and  
8 whether our current system of checks and balances are  
9 sufficient to ensure meaningful oversight of mayoral  
10 agencies. And last but not least, a consideration of  
11 the Fair Share Doctrine, which unfortunately in our  
12 city is not fair at all. The people of this city  
13 deserve an independent commission that will not be  
14 directed to take a specific action, but charged with  
15 the responsibility to look at the whole picture, and  
16 bring its recommendations to the people. They  
17 deserve a commission that is given the time to  
18 undertake a full review. They deserve a democratic  
19 and inclusive process that lives up to the  
20 progressive vision of true civic engagement. I  
21 support the substance of the Mayor's proposals  
22 particularly as it relates to public financing,  
23 decreased campaign contribution limits particularly  
24 in light of Citizens United, but I do not believe  
25 that these two commissions exist in conflict. Our

2 Commission, which was proposed before the Mayor's is  
3 not a rebuke of his specific policy goals. The  
4 Mayor's Commission has a specific focus and a defined  
5 agenda, and that's fine. Our attention—our intention  
6 is to create a commission that will consider the  
7 entire Charter and put forth a set of proposals on  
8 whatever needs fixing in city government. The  
9 Mayor's intention is to have his appointees put  
10 proposals forward for the 2018 elections. We need a  
11 longer more deliberate, a more intentional process  
12 creating proposals that would go before the voters  
13 until 19—excuse me—2019, and that is why I'm asking  
14 the Mayor of the city of New York to join us and to  
15 lend his support. His commission can move forward  
16 and he can pursue the democracy agenda he envisions,  
17 but he can—he could do it along with us. And  
18 meanwhile, his four appointees can join our  
19 commission for an open discussion of what else our  
20 Charter needs to do to grow and change along with the  
21 city. This does not need to be a zero sum game, or  
22 even a competition. We can all join together to do  
23 what's best for the people of New York. I don't like  
24 competition. I believe--I believe in democracy, and  
25 I believe in all of us working together for the

2 betterment of the city of New York and we need to put  
3 our game-gamesmanship beside us, and work together  
4 for the good of the people. Thank you.

5 GALE BREWER: Thank you very much. I am  
6 Gale Brewer, Manhattan Borough President and I, too,  
7 want to thank Speaker Johnson, Chair Cabrera, and the  
8 wonderful members of the Government Operations  
9 Committee, my colleague, Public Advocate Tish James  
10 and everyone who is here today to participate in this  
11 hearing on a Local Law 241-A to create a truly  
12 independent Charter Revision Commission. I want to  
13 thank Jim Caras, who's General Counsel who we all  
14 know in our office, and certainly on the City Council  
15 staff Rob Newman, David Seitzer, and everyone who's  
16 part of this process. The law itself is pretty basic  
17 and self-explanatory, creating a commission of 15  
18 members with appointment from the Mayor, the Speaker,  
19 the Borough President, the Public Advocate and the  
20 Comptroller. That's how it should be, and that's  
21 what our situation and our law calls for. The  
22 Council staff has done a great job with the Committee  
23 Report examining the history of Charter Vision in our  
24 city and in the current context. So, I just want to  
25 explain the reasoning behind my push for this

2 independent Charter Commission. I have been in  
3 government for 40 years, and I have tried to devote-  
4 devote myself to improving its functioning and its  
5 accountability to those it represents. In my years  
6 in the City Council, I worked on government reform as  
7 Chair of the technology Committee and later as Chair  
8 of the Committee on Governmental Operations. In both  
9 roles, I sought to improve how government functions  
10 and increase New Yorkers' access to government  
11 information and services, the same as you are doing,  
12 Mr. Chair. I watched as seven mayoral charter  
13 commissions came and went, and I testified at every  
14 single one of them. Most were spring/summer affairs  
15 and flings often beginning in March or April and  
16 ending in late August or early September. Even  
17 worse, a couple of them started in June or July and  
18 ended around Labor Day. Now, everyone is entitled to  
19 their own opinion, but you cannot tell me that you  
20 can review the entire City Charter, hear from all the  
21 many constituencies in our city, debate issues, and  
22 come up with a well thought out proposal in 40 or 50  
23 days over the summer. And that doesn't even address  
24 the fact that most of them were convened not with the  
25 purpose of reviewing the entire charter as the public

2 advocate indicated, but to fulfill a particular  
3 mayor's political agenda. In the case of the 2005  
4 Charter Revision Commission, the New York Times  
5 reported that the Mayor announced what would end up  
6 on the ballot before he even appointed the Commission  
7 members. When the Seventh (sic) Commission undertook  
8 its work in 2010, I was sitting where you are sitting  
9 Chair Cabrera now. I work really hard with my  
10 Council colleagues on proposals that we strongly  
11 believe could improve the functioning of City  
12 Government. They were not attempts to grab power,  
13 address grievances or gain political advantage, but  
14 many of them were proposals that are unlikely-  
15 unlikely to be put forward by a group of people  
16 appointed by any mayor. Just to give three examples:  
17 One recommendation was designed to prevent Mayor from  
18 using his revenue estimating power to thwart a  
19 Council budget with which he disagreed, something  
20 Mayor Giuliani did in 1998. Another proposal would  
21 allow more public input prior to certification of a  
22 ULURP recommendation, again something mentioned by  
23 the Public Advocate. A third would give the Council  
24 an advice and consent role in the appointment of  
25 corporation counsel, and I think the City Council

2 knows something about this now. These were modest  
3 yet very important proposals to improve the fairness  
4 and responsiveness of certain aspects of City  
5 Government. However, they were also proposals that  
6 appointees of a mayor are unlikely to put forward for  
7 obvious reasons. In fact, we were told that  
8 Commission staff was interested in some of our budget  
9 proposals specifically those designed to make the  
10 budget more programmatic as the 1989 Charter had  
11 intended the issue of units of appropriation. Yet,  
12 they nonetheless did not gain traction among the 15  
13 appointees all of whom at that point were appointed  
14 by the then Mayor. So, after to the 1989 Charter had  
15 been in effect for 25 years, and no commission had  
16 attempted to address these kinds of issues that  
17 invariably arise when powers and functions are  
18 reorganized, I started working with our wonderful  
19 Public Advocate on this proposal, Letitia James. We  
20 felt that a commission that would be independent of  
21 any one elected official and that could make more  
22 than one election cycle to do its work, would all it  
23 to do what none of the mayor appointed commissions in  
24 the last 29 years have done: Really study how the  
25 charter has worked in light of almost three decades

2 of experience, and reach out to as many of our  
3 constituents as possible to get their input in all  
4 five boroughs. The legislation was first introduced  
5 last year, and I realize that the timing couldn't  
6 have been more perfect. In the last couple of years  
7 I have recognized a marked increase in the New  
8 Yorkers' interest and all New Yorkers in the  
9 functioning of city government. In 2017, we had more  
10 than a thousand applications for just 300 open  
11 community board slots in Manhattan, and in the past  
12 we've had 700, 500, 600. Many of our public ULURP  
13 hearings have been overflowing with residents.  
14 People are demanding more accountable government and  
15 more access to government. I truly believe then and  
16 now this the time for the independent commission we  
17 are proposing. Finally, I want to address the  
18 concern some have raised over allegedly dueling Mayor  
19 and Council Charter Commissions. The Mayor  
20 certainly has a right to empanel a Charter Commission  
21 with an agenda to look at the important issues  
22 surrounding campaign finance and elections, and they  
23 are important issues and the Public Advocate  
24 indicated. But a commission was such a focus that  
25 will place questions on the ballot in 2018, will not



2 dueling with a commission that has a broader mandate  
3 and will not put anything on the ballot until 2019.

4 Moreover, from 1998 to 2005, we had seven, seven  
5 commissions in eight years with the potential for two  
6 commissions in two years to be called dueling  
7 commissions, both commissions would have been a  
8 brawl. Yet, they propose changes to the Charter each  
9 year, and the electorate approved some and

10 disapproved others, although I don't think there was  
11 much debate. But I do believe that the propose

12 Independent Commission would look favorably on many  
13 of the goals the Mayor outlined for his commission.

14 I think all of our ideas would benefit from the give  
15 and take and compromise that would be necessary in a  
16 commission not controlled by any one elected

17 official. If an idea is worth pursuing, and capable  
18 of being put into practice, its proponent should be

19 able to convince others of this and achieve consensus  
20 among the majority of the commission. That's the

21 point of an independent commission. So, I invite the  
22 Mayor, as was stated again by the Public Advocate to

23 join with us so that we can all work together for the  
24 benefit of all New Yorkers. I must admit it is very

25 hard for me to envision a commission as the Mayor has

2 appointed to convene and discuss in four months to  
3 have all 15 members appointed by one person and, in  
4 fact, the staff is supposed to at least be reviewed  
5 by the 15 members, and in this particular case, the  
6 staff has been appointed already by the Mayor. So,  
7 again, I really want to thank the Speaker and my  
8 colleagues on the Council from the bottom of my  
9 heart, and all of the elected officials from our city  
10 who have been so supportive of this effort, and I  
11 look forward to working with all of you. Thank you  
12 very much.

13 PUBLIC ADVOCATE JAMES: Mr. Chair, I was  
14 remiss in not thanking my staff and your staff as  
15 well, but in particular I want to introduce to all of  
16 you Jason Furman who is the Deputy Counsel in the  
17 Office of Public Advocating, who's responsible  
18 obviously for all of the work.

19 CHAIRPERSON CABRERA: Okay. So, thank  
20 you, both of you for sharing today. I want to—before  
21 I continue, acknowledge that we've been joined by  
22 Council Members Samuels and Maisel here today.  
23 Thank. I want to thank you both for coming up with  
24 this bill. The vast amount of years and experience  
25 that you bring forth, the historical context. You

2 were here when other commissions were put together.  
3 You've seen some of the pitfalls. Can you give us a  
4 little bit of the details regarding the pitfalls of  
5 the previous commission, and how we could make it  
6 better?

7 PUBLIC ADVOCATE JAMES: Again, as was  
8 mentioned by Manhattan Borough President and myself,  
9 and by the way, the experience between the Borough  
10 President and myself both of us are basically walking  
11 institutions, and so it's an honor and a privilege  
12 always to join with her on all issues related to  
13 civics and government as a whole. Let me just say  
14 that the pitfalls include the fact that each of the  
15 Mayors, as was mentioned, have come forth with  
16 predetermined agendas, and basically what they wanted  
17 was the Commission to rubberstamp their views going  
18 forward. And I believe what's different about the  
19 commission that we envision is a commission that—that  
20 does not come with any preconditions, a commission  
21 that does not come with any particular outcomes,  
22 proposed outcomes. We want to look at the whole of  
23 government. The Charter has not been reviewed for  
24 over 30 years, and I think it really needs to reflect  
25 what is happening on the ground and would reflect the

1 city as we know it today, and not as it was, and  
2 that's why it is so critically important that we have  
3 a commission that will review all of city government.  
4 Now, do I have some issues that I would like for the  
5 Commission to review? Yes. Does the Manhattan  
6 Borough President have her—has some issues that she  
7 would like for the Commission to review? Yes, but  
8 again, we're not putting them forth before the  
9 Commission. We're making recommendations, but again,  
10 from A to Z to the entire soup of issues that is  
11 affecting our city should be reviewed, and I  
12 particularly again want to focus on Land Use. As I  
13 travel all throughout the City of New York, I've  
14 heard from community boards—boards. I heard from  
15 civic associations. I heard from block associations,  
16 and a number of other organizations with respect to  
17 the fact that they believe that Land Use process is  
18 not democratic, and it's really critically important  
19 that we hear from the ground because I believe that  
20 the power should come from the ground up as opposed  
21 to the top down. In addition to that, I'm also  
22 concerned obviously about the Fair Share Doctrine,  
23 and lastly, but not like—and lastly, oversight  
24 responsibilities of all city agencies including, but  
25

2 not limited to the Office of Public Advocate that  
3 should be independent of the Office of the Mayor.  
4 The budget should be independent as well as the  
5 Office of Public Advocate should have the ability to  
6 issue subpoenas, and the ability just like the City  
7 Council to initiate litigation. We need standing and  
8 we need capacity. This Mayor, as you know, has  
9 blocked the ability of the Office of Public Advocate  
10 as well as the City Council to even issue amicus  
11 briefs, and I just think that just goes against all  
12 that we stand for. It goes against our values and it  
13 goes against democracy. We need to have the ability  
14 to go into court and seek grievances on behalf of the  
15 constituents that we represent.

16 GALE BREWER: I mean I think that  
17 shortcomings of the past are certainly evident. In  
18 just 1998, Mayor Giuliani didn't want the Yankee  
19 Stadium Referendum so he put on a Campaign Finance  
20 Referendum based on his quote/unquote "commission"  
21 and the—you know, some of this is political, and then  
22 in 1999, to prevent succession by Mark Green while  
23 Giuliani ran for Senate, he put on a sometime some  
24 kind of a referendum with our city's spending, which  
25 didn't pass. And then in 2001, he—he put on—again,

2 coming out of a commission that started in June and  
3 ended in September, something about Local Laws that  
4 could be changed, which did not end up on the ballot.  
5 Mayor Bloomberg did a couple of commissions, as you  
6 know, on the non-partisan elections, which did not—  
7 got defeated, and then also there were some that he  
8 put on to block class size referendum and to—the term  
9 limits, which we're really familiar with. So, the  
10 ones that got discussed were not looking at the full  
11 City Council, full Charter and it's really—it's a  
12 very discouraging list if you look at it. It's very  
13 picky and political, and we're looking for something  
14 exactly the opposite, and I think the only way to do  
15 it is to have a commission that's appointed by a  
16 variety of people. My understanding in 1989 is it  
17 was appointed by Mayor Koch, but he stood aside and  
18 made no suggestions as to what the agenda, and acted  
19 as he said as a regular New York citizen and  
20 testified at the Commission as opposed to making sure  
21 that they had a certain agenda.

22 CHAIRPERSON CABRERA: Now—

23 PUBLIC ADVOCATE JAMES: Mr. Charter—Mr.  
24 Chair, let me just say this.

25 CHAIRPERSON CABRERA: Sure, sure.

2 PUBLIC ADVOCATE JAMES: As I stated in my  
3 opening, I do not believe the two commissions are in  
4 conflict. I think one of the down sides that should  
5 be taken into consideration and the Mayor should take  
6 this into consideration is the cost of having two  
7 commission--

8 CHAIRPERSON CABRERA: Absolutely.

9 PUBLIC ADVOCATE JAMES: --and that is a  
10 major issue. In addition, I don't believe that this  
11 commission should be rushed. The Mayor would like to  
12 see his commission come up with recommendations,  
13 recommendations that are already predetermined for  
14 the 2018 Election. Our Commission obviously we would  
15 like to be a little bit more circumspect and it would  
16 be--come before the Commission in 2019. The cost  
17 particularly at a time when we are seeing shrinking  
18 budgets, at a time when we're not going to get  
19 additional resources from Washington, D.C., we should  
20 take that into consideration, which is why I'm urging  
21 the Mayor of the city of New York to reconsider his  
22 position.

23 CHAIRPERSON CABRERA: So, I'm going to  
24 come up with a hashtag: Today we are better  
25 together.

2 PUBLIC ADVOCATE JAMES: Yes.

3 CHAIRPERSON CABRERA: And I believe that—  
4 that we could accomplish more together than if we do  
5 it separately, and—and I appreciate the consort of—of  
6 your voices coming together, and—and we're singing  
7 with you and the same tune in the same harmony that  
8 we could accomplish more together, and we are  
9 definitely better together in this Commission. One  
10 of the things that has baffled me is something that  
11 you mentioned, Madam Public Advocate, is how—how  
12 elected officials citywide and borough wide, for  
13 example being a borough president and being a public  
14 advocate your—your budget is set by the Mayor, and  
15 that—I don't care who's in that office, you know,  
16 they're thinking about that, you know, if I speak up,  
17 if I say something, if I make a move, then it's going  
18 to have—may have an impact on my future budget to be  
19 affected in what the Charter has asked me to do. So,  
20 that's—that's a point that I—I really—as the Chair  
21 would like us to look at very closely to—so, they  
22 would have the independent powers so they could  
23 balance each other in—in being able to do whatever  
24 they could accomplish.



2 GALE BREWER: [interposing] But—but  
3 that's a good reason why to have the Mayor and all  
4 the other appointments be part of a discussion  
5 because you need the mayor's perspective and you need  
6 the borough president's and the Public Advocate, and  
7 everybody else so you're having one discussion.  
8 That's a perfect example.

9 PUBLIC ADVOCATE JAMES: Let me just say  
10 that we've been looking at this issue for some time,  
11 and when I ran for this office, obviously that was  
12 taken into consideration because in the past, as you  
13 know, previous public advocates' budgets were  
14 decreased as a result of their criticism of the Mayor  
15 of the City of New York. It has not happened during  
16 my tenure as Public Advocate and I--

17 CHAIRPERSON CABRERA: [interposing]  
18 That's great.

19 PUBLIC ADVOCATE JAMES: --I appreciate  
20 that, and I hope going forward it does not happen,  
21 but nonetheless, I think one, it speaks to the  
22 importance of making sure that we have checks and  
23 balances and that we have independent voices. Two, I  
24 think it's also critical that we look at IBO, the  
25 Independent Budget Office. Their budget came about

2 as a result of litigation. They sued, and as a  
3 result of negotiation their budget is now tied to the  
4 budget as a whole, and the Mayor's Office is no  
5 longer—provides—is no longer tied to the Mayor's  
6 Office. So, I think that should be the model going  
7 forward. Our office, the Office of Public Advocate  
8 as well as the Borough President should be tied to  
9 some percentage of the budget as a whole as is IBO.  
10 That really should be the model, and last but not  
11 least, again, the fact that IBO initiated litigation  
12 speaks to my other issue, and that is the ability of  
13 this City Council as well as the Office of Public  
14 Advocate to have capacity and to have standing to  
15 initiate litigation in the city—in the courts.

16 CHAIRPERSON CABRERA: Fantastic.

17 Alright, I'm sitting here baffled. It's been almost  
18 30 years and we have not been able to do our  
19 comprehensive, systematic—

20 GALE BREWER: Right.

21 CHAIRPERSON CABRERA: --you know,  
22 overview of the structures—

23 GALE BREWER: [interposing] And I—

24 CHAIRPERSON CABRERA: --and systems  
25 because—

2 GALE BREWER: [interposing] Right.

3 CHAIRPERSON CABRERA: --we have to  
4 structure how we organize in systems how they  
5 interact, how the structure interacts with one  
6 another is just, you know, and we've been, you know,  
7 we've been around for a little while here to  
8 understand that this could work a lot better. People  
9 expect it to work better. People expect it to work  
10 better, and they deserve better.

11 GALE BREWER: And I think it's—as I  
12 indicated in my testimony, this is the time to do it  
13 because yes people are out rallying and doing things  
14 that are more general in scope, but I think for them  
15 to get involved with the nuance of city government  
16 this is actually absolutely the time that people can  
17 feel a—an involvement, and would want to participate.

18 CHAIRPERSON CABRERA: Well, let me—let's  
19 pass the baton to my colleagues, Council Member  
20 Yeger.

21 COUNCIL MEMBER YEGER: Thank you, Mr.  
22 Chairman. Good morning. I—I—first of all, I've—this  
23 is my 75<sup>th</sup> day here on this job. So, I—I do not have  
24 the longevity of you, Madam Advocate and Madam  
25 President at your institution. I know you don't like

2 to be called that, but you are an institution  
3 regardless.

4 GALE BREWER: I love it.

5 COUNCIL MEMBER YEGER: Okay. Well, there  
6 you go. [laughter]

7 PUBLIC ADVOCATE JAMES: The longevity  
8 part I have an issue with.

9 COUNCIL MEMBER YEGER: The longevity.  
10 Well, you know, I've think it's less on the long and  
11 more on the longevity. I-I-before I joined this body  
12 a number of years ago I worked for a borough  
13 president who was one of the last borough presidents  
14 to serve on the Board of Estimate, the last class. I  
15 was not there then. I'm not that old, but, you know,  
16 being here only 75 days perhaps I have a different  
17 perspective. My perspective is I have some  
18 discomfort with outsourcing my work, if you will, to  
19 an unelected body of 15 people. I would not appoint  
20 anybody to that board. Nobody on this panel will  
21 appoint anybody to that board, and that body will  
22 have unfettered access to our ballot to put on  
23 whatever it is that they choose. Now, obviously,  
24 it's independent, and, but Madam Advocate, you  
25 yourself, indicated in your testimony that term

2 limits is off the table. I agree with that. It  
3 should be, but clearly the—the Commission will come  
4 into existence with something being take off the  
5 table. Many things possibly should be taken off the  
6 table, and many things possibly should be put on the  
7 table. My question is whether or not we would be  
8 better served if perhaps instead of putting together  
9 a commission of players to be named later, that we  
10 all vote on and say yes let's do this, perhaps we  
11 just simply name a commission, don't need a law to do  
12 it, that would come back with recommendations and any  
13 member of this body, any of the 51 members of the  
14 Council, yourself Madam Advocate, Madam President  
15 yourself and your four colleagues with—with any  
16 member of this Council can pick and choose what  
17 recommendations out of that report makes sense, and  
18 to introduce them here in the Council. And to the  
19 extent that they require referendum in order to enact  
20 because some revisions to the Charter do, we simply  
21 do that. And I'll send it up as a Local Law, have  
22 the Mayor sign it or veto, and we override and put it  
23 in front of the people and let them choose. But, why  
24 outsource our work. We can do that. You can write a  
25 bill tomorrow, Madam Advocate. Madam President, you

2 can do the same, and bring it in front of the Council  
3 and let's do the job.

4 PUBLIC ADVOCATE JAMES: So, Council  
5 Member, let me just say a couple of things. One, I  
6 don't believe we're outsourcing your work. I think  
7 what we would like to do is review the Constitution  
8 of the City of New York, which has not been reviewed  
9 in 30 years, and hear from the voices of the general  
10 public in all five boroughs. I think that's really  
11 critically important. If we were to put forth our-  
12 our issues and give it to an appointee, I think  
13 again, we would be closing the door to the general  
14 public, and we would not be hearing from the  
15 constituents that we serve. And I believe that we  
16 should democratize this process, and I think going  
17 forward that the bill that the Borough President and  
18 I have put forward, and I believe it's the proper  
19 approach—the most—the most efficient and effective  
20 and appropriate venue and avenue necessary to do  
21 that. And we also go on to answer a question that  
22 was mentioned by the chair, and that is another. I'm  
23 just thinking about all of the downsides of having a  
24 commission, and that is the voting process as a  
25 whole. As you know, we're seeing less and less voter

2 participation, and so putting this on the ballot in  
3 an off year, 2019 where there are no other major  
4 elections going forward, I think—I think it's  
5 incumbent upon all of us and the City Council as well  
6 as in our respective roles to generate as much  
7 interest and excitement about reviewing and revising  
8 our Constitution in the City of New York and the  
9 challenge is up to all of us And I take on that  
10 challenge because I believe in voter engagement. I  
11 also believe in engaging the general public, and I  
12 believe letting individuals know how important it is  
13 to be—to participate, to participate in government,  
14 and we are seeing that now, particularly in light of  
15 what's happening on the national stage, and more and  
16 more individuals want to take an active role in their  
17 government, and I think we have an obligation to  
18 seize this opportunity, and the Commission is the  
19 best way to do it.

20 GALE BREWER: Well, I think your question  
21 is a good one. I'm going to ask Jim Caras to add the  
22 State Rules, but the reason I would like to see the  
23 Commission that we outlined and go through the City  
24 Council process because I think it gives us more  
25 weight to put the material on the ballot, and I think

2 people will take it more seriously when all of you  
3 vote for it. Obviously, we'd love to have the  
4 Mayor's participation, but let me have Jim answer  
5 your question more specifically about the State  
6 Rules.

7                   JIM CARAS: The State General Municipal  
8 Law sets out three ways to review or revise the City  
9 Charter by mayoral commission, by commission created  
10 by the Council, by local law and by petition on  
11 public petition sending the creation of the  
12 Commission to-to the referendum if you get enough  
13 signatures. It also-it envisions a commission being  
14 a more holistic thing. Yes, the Council could  
15 absolutely pass Local Laws and as in my years as  
16 Deputy General Council at the Council there were  
17 Local Laws put forward that had to be subject to  
18 referendum because they altered powers in the  
19 Charter, but they would each be on a particular  
20 subject and not necessarily having looked at the  
21 whole thing as a whole. So, for example you could  
22 have somebody put in a bill to tie the Public  
23 Advocate's budget to peg it to some thing, but then  
24 you would have other elected officials say, well,  
25 what about my budget, and yes, maybe then somebody



2 would put one in first. But it wouldn't be sort of a  
3 holistic review of the charter but, you know, you  
4 know, there are obviously, you know, potential  
5 downsides to doing charter revision in anyway that  
6 you could do charter revision. You know, I think  
7 our—I think the borough president's point of view was  
8 that certainly a commission appointed by every  
9 independently elected body in the city including the  
10 Mayor, the Council, the—the borough presidents would  
11 have a lot less of those problems that a commission,  
12 for example appointed solely by the Mayor, with the  
13 staff designated by the Mayor studying the City  
14 Council's powers.

15 COUNCIL MEMBER YEGER: Thank you. I—my—  
16 my—with respect to what you said, Madam Advocate, and  
17 you said it several times that the Charter is our  
18 Constitution, and I agree wit you. It's our founding  
19 document, and while we seem to have this conversation  
20 going on about, you know, opening up the entire  
21 document to essentially a wholesale review, and I'm  
22 not saying that's necessarily a wrong thing, but last  
23 year the Constitutional prevention question was put  
24 on the ballot by Operational State Law, the leverage  
25 (sic) of our Constitution and I and you I presume and

2 many of us on this body, many Democrats across the  
3 city worked very hard to beat that for the same  
4 reasons that are in essence the foundation of what  
5 we're doing here, which is that people we don't know,  
6 players to be named later, are going to be opening up  
7 our entire governing document, and they're going to  
8 be looking at it, and making changes that we don't  
9 know and the same answer, you know, well, it's going  
10 to be in front of the voters, and the voters will  
11 ultimately choose, but still, we thought it wise to  
12 beat it back down and we didn't just do it in 2017,  
13 but I am, myself, Madam Advocate, Madam President and  
14 many others worked very hard in 1997 to do exactly  
15 the same thing because in the view of many it isn't  
16 wise necessarily to open up an entire document to an  
17 unfettered review that ultimately has this access to  
18 the ballot with questions that may not have been  
19 necessarily checked by the elected representatives.

20 PUBLIC ADVOCATE JAMES: I-I, too, stood  
21 with you in-in opposition to Con-Con. It was too  
22 much of a risk, and I understand that. Think because  
23 of all of the checks and balances that are inherent  
24 in this particular process, I believe those concerns  
25 can be addressed, and again, I think because the City

2 Council, the Borough—the Mayoral—the Mayor will have  
3 four appointees, the Speaker, the Speaker and I'm  
4 sure in consultation with the members will have four  
5 appointees. There will be one appointment from each  
6 borough president, one appointee from my office as  
7 well as one appointee from the Comptroller of the  
8 City of New York. That will go a long way in  
9 addressing some of the concerns that you have, and I  
10 understand and recognize that we—we both opposed  
11 opening up the State Constitution because of all of  
12 the risk, but I do believe there are some checks and  
13 balances in place here to—to assure us of some  
14 confidence that the issues that you're concerned  
15 about and that I'm concerned about will be before—  
16 will be put on the ballot.

17 GALE BREWER: Yeah, in 1989, I was there.  
18 Went to a lot of the hearings, and there was no  
19 opening in the sense of such a discussion that really  
20 only—that would destroy the Constitution of the City  
21 of New York. It was very, very thoughtful. I, too,  
22 did not support the Constitutional Convention. I  
23 think the difference there is how does delegates were  
24 to be elected. You know, three posts in a district  
25 and all those challenges. It's a very difference

2 process for this body, and I think it's one that was  
3 indicated earlier that would select—I'm making this  
4 up—12 issues, 13 issues, whatever the number is and  
5 not undo all the good that's in the Charter. So, I  
6 think it's a different process. In '89 it was very  
7 exciting. Lots of good came out of it, the Public  
8 Advocate's Office as an example, and nobody thought  
9 that the Constitution was unraveled.

10 PUBLIC ADVOCATE JAMES: And also Council  
11 Member let me also add the other fear, which is why  
12 we both opposed Con-Con was the individuals who were  
13 behind Con Con, and so, there is no Wizard of Oz in  
14 this particular process. It's the Manhattan Borough  
15 President and it's Letitia James who you both know,  
16 and you work with, and who obviously are concerned  
17 about reforming and improving our Constitution to  
18 reflect the modern day.

19 COUNCIL MEMBER YEGER: You indicated in  
20 your testimony, Madam Advocate, your concern about  
21 voter turnout. I am concerned about voter turnout as  
22 well, and I'm one of the very few members in this  
23 body who had to contest the general election. So,  
24 bringing out votes and, you know, it's—it's one of  
25 those—it's always hard, right? We go back to the

2 voters. We ask them to come and vote. We have to  
3 make the case. As this is currently scheduled, and  
4 you both have acknowledged that this is a reality,  
5 we're not going to have, if this ballot—if this  
6 measure were to be adopted by the Council a—a  
7 referenda on this year's ballot with regard to this  
8 Charter Revision Commission. It would simply be in  
9 2019, which is a very off year, and I use 'very'.  
10 It's not just an off year election. It's a very off  
11 year election because not just are there no  
12 legislative seats either from the state or the local,  
13 but for two district attorney races in the city I  
14 believe and random judicial races around the city,  
15 it's an off year, and turnout in this off year 19,  
16 15, 11 and going back to 2007 is always the worst of  
17 the four-year cycle because there are some districts  
18 that there was literally nothing happening in  
19 November. So, when we put this on the ballot, what—  
20 we're—we're talking to the very, very, very limited  
21 group of people who come out in every single  
22 election. The majority the vast majority and I think  
23 we have to acknowledge because we've been doing this  
24 for a while that no matter what we do, turnout is  
25 going to be low on such a question being on the

2 ballot or such a series of questions. And my  
3 concern it goes along with my concern about  
4 outsourcing the work of this body to an unelected and  
5 unrepresentative body, and I—I respectfully differ  
6 that the body would be representative. It won't be.  
7 I don't have the appointee it. The Chairman doesn't  
8 have an appointee. Councilman Powers doesn't have an  
9 appointee. Councilman Maisel doesn't have an  
10 appointee. So, I do not believe it's representative  
11 of the 51 districts. One member of this body, one  
12 member, one Council Member has appointees to this  
13 body. Not me, not of the other 50, and I believe  
14 without question that the five boroughs presidents  
15 will appoint great people. I believe the Public  
16 Advocate will appoint great people. I believe the  
17 Comptroller and the Mayor and the Speaker will all  
18 appoint great people, but I know that the 50 of us  
19 won't have a voice, won't have our people on the  
20 ballot. But going back to the—that was just a  
21 statement not a question. Going back to the turnout  
22 question--

23 PUBLIC ADVOCATE JAMES: We heard that  
24 statement. [laughs]

2 COUNCIL MEMBER YEGER: What-how are we  
3 going to make sure that the-that the 8 million people  
4 who live in this city and who are governed by this  
5 document on a day-to-day basis have that voice that  
6 they come out, that they understand, and I understand  
7 it's a year and a half process--

8 PUBLIC ADVOCATE JAMES: Yes.

9 COUNCIL MEMBER YEGER: --but it's hard  
10 work to do that and, I-you know, I like to look at  
11 the glass is half full, but I think we also have to  
12 be realistic about it.

13 PUBLIC ADVOCATE JAMES: Council Member, I  
14 respect that. First, I believe that with regards to  
15 the City Council not being represented, I believe  
16 that the Speaker-I'm confident that the Speaker of  
17 this great house will appoint individuals in  
18 consultation with all of 51-all 50 members of the  
19 City Council. I'm confident of that. Two, I'm  
20 hopeful that the State Legislature will pass  
21 legislation that will make it easier for early  
22 voting, and other reforms in the State of New York,  
23 and that will go a long way in increasing voter  
24 turnout, and three, we've got our work out-cut our  
25 for us. And so I'm willing to take on that challenge

2 because you know me. I love meeting people at the  
3 subways. I love engaging New Yorkers each and every  
4 day, and I look forward to trying to increase—to  
5 increase voter turnout in 2019, and I will hope to  
6 join with you as we go all throughout your district,  
7 and educate individuals about the—the proposals and  
8 bout the Commission and about our work as a whole.

9 GALE BREWER: I just want to add there  
10 was a debate 2019, 2020, which, of course is the  
11 Presidential, could get lost in the discussion. So,  
12 there's an opportunity for us in 2019 to do the hard  
13 work, and to have these kinds of debates and forums  
14 and so on that could really engage people in a way  
15 that hasn't existed before. So, I mean I—I don't  
16 want to keep going back to '89, but people really did  
17 participate, and there's obviously—there was no  
18 Internet. There was no Social Media there. There's  
19 a lot more opportunity for that kind of dialogue in  
20 different kinds of ways. We have to be creative.  
21 So, I think it's something that we have—we're up to  
22 the challenge.

23 COUNCIL MEMBER YEGER: Well, from your  
24 lips to you know whose ears. I want to thank you,  
25 Madam President, and Madam Advocate for your hard



2 work on this. I know you were greatly involved last  
3 year in getting this bill into the Council and I know  
4 you're looking forward to this and these questions I  
5 think will continue percolate throughout this  
6 process, but I'm very grateful for your advocacy  
7 here.

8 GALE BREWER: Thank you.

9 COUNCIL MEMBER YEGER: Thank you.

10 CHAIRPERSON CABRERA: Thank you so much,  
11 and before I give it to Council Member Powers, I'll--  
12 I'll take just one minute because I know you're--  
13 you're very eager, and I love that. But I--I just  
14 want to point out that what we have right now is just  
15 the Mayor and making all the appointments. So, what  
16 we do have here is more of a democratic process, and  
17 the other piece to consider is that we have a lot of  
18 moving pieces here that are interdependent on one  
19 another. I think the Commission will enable those to  
20 have a very thoughtful and intentional plan that will  
21 be reflected in structure and the system that we have  
22 in government, and so, we need to be mindful of that.  
23 So, with that, let me turn it over to Council Member  
24 Powers.

25 COUNCIL MEMBER POWERS: Yes.

2 CHAIRPERSON CABRERA: Thank you for your  
3 patience.

4 COUNCIL MEMBER POWERS: Yes, thank you,  
5 and thank you for being here and thank you for your  
6 for your—your thoughtful testimony, and—and your  
7 legislation. I share some of the Chairman's  
8 comments. So, thank you for being there, but I think  
9 it could be insourcing. I think it actually could be  
10 an insourcing of while you can't introduce  
11 legislation right now, the opportunity to provide  
12 with us together an opportunity to talk about the  
13 broad structure of the government. So, I do  
14 certainly understand the—the concern about the  
15 appointments, and not letting the Council ever give  
16 up its power, and I know you respect that as former  
17 Council members. So, I hear that comment, but I  
18 actually view it as a pretty thoughtful proposal both  
19 the Op-ed that you did on it and the piece of  
20 legislation to in-source. I don't know if you're an  
21 outsourcing source, but to—to be at a table together  
22 and talk about what our city government looks like.

23 PUBLIC ADVOCATE JAMES: Right.

24 COUNCIL MEMBER POWERS: So, I wanted to  
25 ask some questions just about what's possible within

2 the, you know, if we went broader and I-I would note  
3 for the record that I think that technically the  
4 Charter Revision Commission that the Mayor is  
5 proposing could look at things beyond Campaign  
6 Finance--

7 GALE BREWER: It could.

8 COUNCIL MEMBER POWERS: --has been--has  
9 been sort of indicated that was the recommendation  
10 made. So, I think that would be the focus, but it  
11 won't--this is for both members having been Council  
12 members and turn it to the Borough President in the  
13 Land Use capacity. One of the things that I hear and  
14 you hear for sure in Manhattan all the time is the  
15 concerns about land use and development and over-  
16 development, the role of the community, the role of  
17 visibility in the process and I think there's a-  
18 there's a hunger for some restructuring around the  
19 land use process to make it so it's more community  
20 drive. I can't say--I can't speak for every district,  
21 but I know in--in Manhattan the question--the daily  
22 question is how did that thing develop and what--who  
23 forgot. (sic) Can you give us more recommendations  
24 perhaps? I'm not asking you to guide a future  
25 Charter Revision Commission, but thoughts on--or--and--

2 and anybody for that matter about how we could  
3 restructure pieces of the land use process, the ULURP  
4 process to make it more inclusive or modernize it.

5 GALE BREWER: Well, in the very broadest  
6 sense, it's pre-planning to ULURP process because  
7 right now, as you know, for the Community Boards,  
8 when the City Planning Commission's gavel hits, then  
9 that's the beginning of a timed process, and it is  
10 not enough time. So, we've tried, you know, with the  
11 ULURPs that we've had to deal with to have almost a  
12 year in some cases: South Street Seaport, folks in  
13 East Harlem and so on, East Midtown, which you know,  
14 only too well to have much more time in advance when  
15 it's just random, and so it has no process  
16 whatsoever. People juts don't have enough time to  
17 plan their neighborhoods, and so again, it would need  
18 a lot of thought. It would need a lot of hearings.  
19 It would need a lot of coming together with people  
20 who have been doing this for a while to figure out  
21 what it is that both supports the development  
22 community because we obviously need to them involved,  
23 and at the same time give the communities much more  
24 input. Obviously, if I had my way, we would not have  
25 the tall buildings, and you know, but again, I want

2 other persons to have that kind of input. That land  
3 use process needs a lot of discussion not to mention  
4 the budget, and all the other topics that we have  
5 discussed, but it's not in my opinion a three-month  
6 or four-month discussion during the summer. It needs  
7 more. So, that's what—I mean that's just one  
8 example. There are many others that I think people  
9 would come up with like what exactly is included in  
10 the ULURP process. We have many discussions about  
11 what goes into the scoping document without getting  
12 into all the minutiae, but these are the kinds of  
13 processes that need to be discussed.

14 PUBLIC ADVOCATE JAMES: So, Council  
15 Member Powers, we really need to balance the interest  
16 of developing our city to meet the needs of, you  
17 know, to—to meet the—the increased needs of the  
18 residents of the city of New York. We recognize that  
19 we anticipate a million individuals coming to New  
20 York City. We've got to balance that against  
21 community needs, and so one of the things—so a couple  
22 of things that I would like to look at is community  
23 benefits agreements. How to incorporate community  
24 benefits agreements. As someone, as you know, who  
25 was very much opposed to the Atlantic Yards Project,

2 the Community Benefits Agreement from Atlantic Yards to  
3 Yankee Stadium, to other projects how do you  
4 concretize that? How do you make—how do you give  
5 that teeth both legally and otherwise. Two, since  
6 I've been in the government I've yet to see a 197-A  
7 plan go forward. Can 197-A plans, which are  
8 community driven plans from the Community Board can  
9 they be incorporated into plans, which are put forth  
10 by developers in the city? And what can we do  
11 precertification by City Planning in the city of New  
12 York? Those are some of the issues that we really  
13 need to look—look—look at as part of the commission  
14 without bogging down development in the city of New  
15 York, but development obviously should take into  
16 consideration the needs of the community. And last,  
17 but not least, we need to look at displacement.  
18 Displacement in the city of New York it needs to be a  
19 factor when we put forth land use applications in  
20 this city of New York, and the role of BSA. Most  
21 individuals do and run around City Planning, and they  
22 go straight to—straight to BSA. And then lastly, the  
23 Arts Commission. I've argued that we no longer need  
24 an Arts Commission, that the Arts Commission should  
25 be incorporated into—

2 GALE BREWER: I like the Arts Commission.

3 PUBLIC ADVOCATE JAMES: I know she does.

4 [laughter]

5 COUNCIL MEMBER POWERS: A term line all  
6 on that.

7 PUBLIC ADVOCATE JAMES: I know, see,  
8 already, but that great. [background comments]  
9 [interposing] That's why we have to have a  
10 commission.

11 PUBLIC ADVOCATE JAMES: A commission, and  
12 so I've had a—I remember when we were rezoning  
13 Downtown Brooklyn. I remember it was a—it was a  
14 several month discussion with respect to some  
15 development on the color of brick, and that's—that's  
16 a very--

17 GALE BREWER: [interposing] That's a very  
18 important discussion. [laughter]

19 PUBLIC ADVOCATE JAMES: But, so it's—  
20 because it's, she says it's important. I say it's a  
21 way (sic) to some affordable housing. So, those are  
22 the types of issues that we should have a—we should  
23 discuss.

24 COUNCIL MEMBER POWERS: I—I certainly  
25 appreciate it, and I think we've made the case for

2 our Charter Revision Commission using the Arts  
3 Commission as a-as a potential example, and I would  
4 go-I would even say I think I've heard concerns about  
5 what items go into ULURP, what items don't go into  
6 ULURP, and more community participation and  
7 preplanning, but also what is community objections  
8 resulting in other parts of the process and things  
9 like that. You guys both I thought mentioned BSA and  
10 the Arts Commission and other-other agencies. You  
11 either the Borough President or Public Advocate have  
12 appointments to the BSAs? No?

13 PUBLIC ADVOCATE JAMES: No.

14 COUNCIL MEMBER POWERS: Are-so-so  
15 theoretically, without me potentially taking away  
16 mayoral, you know, control over the BSA or whatever  
17 you want to call it, you could also, you know, land  
18 in a-in a charter review look at the appointment  
19 process for ways that at least the public has more of  
20 a-I would say more of a voice via their  
21 representatives.

22 PUBLIC ADVOCATE JAMES: The city-the  
23 Public Advocate's Office we have an appointment on  
24 City Planning, but we do not have an appointment on-  
25 in-on BSA on landmarks, and so obviously as was



2 mentioned by the Borough President, we should look at  
3 appointments in general in all city agencies and as  
4 was mentioned, the City Council should have advice  
5 and counsel on a wide range of appointees,  
6 appointments in the city of New York.

7 GALE BREWER: On Landmarks for instance  
8 no appointments, but also no qualifications. So, the  
9 LPC one doesn't have to have the qualifications and  
10 there could be several that might be appropriate for  
11 such a commission. Just to give you one example.

12 COUNCIL MEMBER POWERS: And--and--and is it  
13 recommended or is the suggestion that you should have  
14 to have some sort of background architectural or--

15 GALE BREWER: [interposing] That's the  
16 suggestion.

17 COUNCIL MEMBER POWERS: --preservation?

18 GALE BREWER: Yes.

19 COUNCIL MEMBER POWERS: And you don't  
20 currently right now?

21 GALE BREWER: We don't have an  
22 appointment and they don't have to have--

23 COUNCIL MEMBER POWERS: [interposing] But  
24 you don't have an appointment, but the appointments  
25 that are made don't have to have a--

2 GALE BREWER: [interposing] Correct.

3 PUBLIC ADVOCATE JAMES: It's suggested,  
4 but it's not required.

5 COUNCIL MEMBER POWERS: Right.

6 GALE BREWER: No, it's not required.

7 COUNCIL MEMBER POWERS: I think the  
8 Department of Buildings has some—they've maybe  
9 changed it a few years ago--

10 PUBLIC ADVOCATE JAMES: Actually, it's  
11 waived.

12 COUNCIL MEMBER POWERS: It's waived or  
13 it's waived often. Okay. So, there's an opportunity  
14 to look at appointments as well. So, it's also I  
15 think an opportunity to look at the Council's—not on  
16 your appointment part of this, but in the general  
17 appointment process so where the city—where the City  
18 Council's role is either adding appointments in or  
19 where we have I guess we can—we have to approve  
20 certain appointments. Thank you, and you both were  
21 fantastic City Council Members and we welcome you  
22 back always, and you both had I—I presume and—and  
23 perhaps Borough President, you were the Chair at the  
24 point had voted on Campaign Finance Legislation to  
25 the Council while you were both Council Members, and

2 so-and-and what-what year is it-I-I-excuse me for not  
3 knowing the answer off the top of my head. What  
4 years did you both become Council members?

5 GALE BREWER: 2002.

6 COUNCIL MEMBER POWERS: 2002

7 PUBLIC ADVOCATE JAMES: 2003.

8 COUNCIL MEMBER POWERS: So there's three  
9 or at least two or three packages of legislation I  
10 think that Campaign Finance that came through--

11 PUBLIC ADVOCATE JAMES: [interposing]

12 Sure

13 COUNCIL MEMBER POWERS: --the Council.

14 So, I won't ask you to comment on it. I'll make the  
15 comment, which is that the Council obviously plays a  
16 role, and-and can play a role if we're looking only  
17 at Campaign Finance. In fact, I-I welcome all your  
18 support for forthcoming legislation I have exactly on  
19 the topic of Campaign Finance. My comment here is if  
20 we're going to do a Charter Revision Commission, I-I-  
21 I welcome both increased participate-participation  
22 from-from others that are not currently included in  
23 it. I think it's a thoughtful proposal in that  
24 regard, and-and that I certainly support looking at  
25 our Campaign Finance system. I think it's always

2 healthy to be looking at our democratic incidents and  
3 processes and elections and things like that, but I  
4 do note that I—I would like us, and I think it's  
5 healthy for us to also take a look at our broader  
6 government and whether it's—it's working to—to its  
7 mission and—and including and being—have more  
8 participation in that—in that—in that process. So, I  
9 would note to my colleagues, though, I—I totally and  
10 I think where we—where we share some of the concern  
11 about the Council's losing of its power in some  
12 regards or—or precedent. So, you have my commitment  
13 with colleagues is to make sure that the Council and  
14 our appointments, too, is really an inclusive  
15 process, and that we all have a voice in—in what that  
16 process looks like. So, that's my questions for now.  
17 Thank you.

18 GALE BREWER: Thank you very much.

19 CHAIRPERSON CABRERA: Thank you so much.

20 Now we have Council Member Alan Maisel followed by  
21 Council Member Carlos Menchaca.

22 COUNCIL MEMBER MAISEL: Good morning.

23 COMMISSIONER GARCIA: Good morning to  
24 you.

2 COUNCIL MEMBER MAISEL: So, I recall when  
3 Mayor Bloomberg decided to cut the budget of your  
4 immediate predecessor because of a disagreement over  
5 what I thought was a person doing her job, but it  
6 wasn't just the--the Public Advocate's budget, it was  
7 also the Borough Presidents' budget because from time  
8 to time I know in particular the Brooklyn Borough  
9 Presidents' budget had been cut also for the same--  
10 basically, vindictive reasons--

11 PUBLIC ADVOCATE JAMES: Right.

12 COUNCIL MEMBER MAISEL: --retaliatory  
13 reasons. So, it certainly makes a whole lot of sense  
14 to put a fixed percentage. So, your counsel, Borough  
15 President, your counsel anticipated my question,  
16 which was are there legal impediments for introducing  
17 a bill now to fix the budgets of the Public Advocate  
18 or the Borough Presidents, in fact, and if there are  
19 no legal impediments, why don't we do it or why do we  
20 have to wait for Charter? It seems to me something  
21 that really needs to be done.

22 GALE BREWER: I mean from perspective and  
23 there are legal reasons to do it, I like to have a  
24 process in which the public is really involved, and a  
25 back and forth. Obviously, I was on the City Council

2 when the budgets got cut, and I was on budget--on the  
3 Finance and we reinstated it. So, I remember all  
4 those kinds of discussions, but from my perspective,  
5 I think it could be part of a broader discussion to  
6 do with the entire charter or at least portions of.  
7 So, then I think the public has more involvement.  
8 That would be my answer, but I don't know if there  
9 are others.

10 PUBLIC ADVOCATE JAMES: So, I do know  
11 that two of your colleagues has approached me and  
12 have considered introducing legislation, and I--if my  
13 memory serves correctly, there were some legal  
14 impediments with respect to Council Members  
15 introducing those.

16 COUNCIL MEMBER MAISEL: And do you have--

17 GALE BREWER: [interposing] It also has--  
18 it has to go to referendum. So, the other issue  
19 would be wouldn't you want a larger discussion?  
20 Because that does have to go to referendum.

21 COUNCIL MEMBER MAISEL: Well, it's also a  
22 budget--it's also a budgetary item? I mean we--

23 GALE BREWER: Yeah.

24 COUNCIL MEMBER MAISEL: --we--we have a  
25 lot of items on the budget that we don't put to a

2 referendum. It just seems to me such a logical thing  
3 to do. I don't know why we need to debate it  
4 forever, and there's no guarantee that a charter  
5 revision will be successful.

6 PUBLIC ADVOCATE JAMES: True.

7 COUNCIL MEMBER MAISEL: Since we had  
8 experience with so many that haven't it seems to me  
9 call a per diem. Seize the day. I remember how  
10 outrages I was when Mayor Bloomberg did what he did,  
11 and I hadn't really thought about until now, and it  
12 really is outrageous that—for a Mayor decides that he  
13 wants to be vindictive. So my attitude is we should  
14 do it now. I wish—I would love to know what those  
15 impediments are. The other thing I wanted to mention  
16 is that although the Arts Commission is a—a noble  
17 institution, it does, however, increase costs  
18 significantly. I had a modular portable bathroom  
19 delayed for at least two years in my district because  
20 Arts Commission was upset about some aspects of this  
21 modular non-permanent structure. So, and—and as you  
22 say about the bricks, like any good thing sometimes  
23 there's too much of a good thing. I—perhaps if the  
24 Public Advocate had an appointment on the Arts  
25 Commission we could straighten things out, but we—we

2 do need to—to discuss how to make the decisions  
3 faster and—because again, it's—every time you delay a  
4 project by a year, you're increasing the cost of that  
5 project. I think the figure was about 7%. So, in  
6 two years it's 14%, which is kind of ridiculous, but  
7 finally, if you really want to increase the voter  
8 turnout and participation in 2019, put term limits on  
9 the ballot. [laughter] You—you will get a massive  
10 outpouring of voters.

11 PUBLIC ADVOCATE JAMES: Well, well, you  
12 might also get voted out of office. [laughter]

13 COUNCIL MEMBER MAISEL: Well, I'm going  
14 anyway. I—I'm term limited. [background comments]

15 CHAIRPERSON CABRERA: Thank you. Thank  
16 you so much. Let me just recognize we've been joined  
17 by former Chair Ben Kallos. Welcome and at this  
18 moment Carlos Menchaca.

19 COUNCIL MEMBER MENCHACA: Welcome to you  
20 both, and—and welcome to the conversation. This is a  
21 really beautiful conversation I think and I think  
22 there's a lot of leadership that's coming from this  
23 Council in partnership with you led by our Speaker  
24 Corey Johnson. And so my—my first question off the  
25 bat, I'll start with—I'll start with Public Advocate



2 Tish James. One of the things that's really  
3 beautiful, and we just look at this week alone, young  
4 people from all over walked with you in Park Slope  
5 hand-in-hand with some of the young people that have  
6 a lot to say about their government. How are we  
7 going to include young people in this process as  
8 adults? I don't know if anybody is here younger than  
9 30. How are we going to bring young people into this  
10 discussions?

11 PUBLIC ADVOCATE JAMES: That's a great  
12 question. Again, they--there are four of the  
13 appointees will come from the City Council, four from  
14 the Mayor of the City of New York and each from--and  
15 one from the other members on the Commission. I  
16 think it's an opportunity we really need to go beyond  
17 just the regular suspects, and we need to bring more  
18 and more young people into--into the fold. I think  
19 it's really critically important. Again, we saw a  
20 number of young people who marched in Park Slope. We  
21 saw the number of young people who walked out. We  
22 look forward to the--to the rally that's anticipated  
23 in Washington, D.C. on the 24<sup>th</sup>. I agree with you,  
24 Council Member Menchaca, we need more young people to  
25 be involved in civics and to being involved in

2 government, and the challenge for all of us is how  
3 many appointees that we should put to this Commission  
4 who will be under the age of 21.

5 COUNCIL MEMBER MENCHACA: And if there's  
6 anybody here younger than 21, can you raise your  
7 hand?

8 GALE BREWER: Nobody under the New  
9 Council Member. [laughter]

10 COUNCIL MEMBER MENCHACA: So, you—okay and  
11 you responded to the vision. So, we have the vision  
12 set. How? How are we going to do it, and what is  
13 your office going to do about that?

14 PUBLIC ADVOCATE JAMES: So, it's really  
15 all about participation. The Commission requires  
16 that we have hearings in each and every borough. It  
17 sets the floor and not the ceiling. There's nothing  
18 preventing us from doing more. There's nothing  
19 preventing us individually from going out and talking  
20 to civic associations, and community boards, et  
21 cetera, precinct councils, whatever, about the  
22 Commission, about government, and about  
23 participation, and I think we need to seize upon all  
24 of the activity that we are seeing right now in the  
25 city in New York particularly amongst women. And so,

2 obviously, I want to take advantage of that—and—and  
3 as soon this bill is passed, I look forward to  
4 working with you as well as with Council Member Yeger  
5 despite his reservation and—and all of the Council  
6 Members, Council Member Powers and the Chair to again  
7 educate individuals about the importance of reviewing  
8 our Charter and how we can change government to  
9 reflect the 21<sup>st</sup> Century particularly since the  
10 Borough President, as you know, was the mother of  
11 technology. As—as the Chair of the Technology  
12 Commission, I looked—I remember working with her on a  
13 wide range of issues, and she reminded me recently  
14 she was responsible for a lot of the kiosks that we  
15 are seeing all over the City of New York. And so we  
16 need to involve—make sure that technology is a part  
17 of this. We need to again defend net neutrality, a  
18 separate—an issue separate and apart, but again,  
19 voter engagement, civic participation is going to be  
20 critical to the success of this commission and turn  
21 out.

22 GALE BREWER: So, I've been very  
23 specific. Obviously, we have young people at our  
24 office and we march with them all over the city. We  
25 did You Did. The fact that the Council and the State

2 Legislature passed that young people can be on  
3 community boards, and we've done that in Manhattan,  
4 and I think you have in Brooklyn, and then the other  
5 issue, and that was my original bill, though, was to  
6 do something very controversial that didn't happen,  
7 which is that young people 16 and 17 be able to vote  
8 in municipal elections. I got no support for that,  
9 and so I went to the community boards instead. So—but  
10 this is the kind of discussion that could take place  
11 with a commission that's willing to have those kinds  
12 of discussions. Obviously, you could do that with  
13 the state. I don't think it could be done at the  
14 city level, 16 and 17-year-olds to vote in municipal  
15 elections. However, the discussion could be part of  
16 something that was larger. So, that would get  
17 attention for young people. Thank you.

18 COUNCIL MEMBER MENCHACA: [interposing]  
19 It's a really great thought.

20 PUBLIC ADVOCATE JAMES: And—and Council  
21 member, you know, again as we stated earlier the two  
22 commissions that are being proposed there's nothing  
23 preventing us from incorporating your ideas into the  
24 Mayor's Commission as well since he wants to focus on  
25 civic engagement. I think that's also critically

2 important, and they're not in conflict, and so  
3 obviously, this issue should be discussed at both.  
4 We should push the Mayor individuals on young-younger  
5 than the age of 21 on his commission as well as ours.

6 COUNCIL MEMBER MENCHACA: Well said and-  
7 and I support-I support that vision. The other-the  
8 other organization or the other constituency are  
9 immigrants in our community. The Mayor's Office of  
10 Immigrant Affairs is about to release a report that  
11 we've asked them to pull together by law on just the  
12 target, and some beautiful things that are coming out  
13 on that that really kind of show how strong the  
14 backbone they are in our neighborhoods making them  
15 stronger. Can both of you talk a little bit about  
16 that and what your vision is as we kind of think  
17 about these commissions how we engage them, thinking  
18 about language access and just see if there's  
19 anything that's inspiring for you in that-in that or  
20 with that constituency.

21 PUBLIC ADVOCATE JAMES: So, it's-so, it's  
22 important that the commission obviously be inclusive  
23 and be reflective of the city of New York, and so we  
24 need to include immigrants. We need to include  
25 people of color and we need to include women, and we

2 need to discuss all of the issues obviously impacting  
3 their lives. We also need to make sure as in the  
4 Office of Public Advocacy-Advocate, we've done a lot  
5 with respect to language access. We put forth bills.  
6 We've proposed recommendations to the Mayor of the  
7 city of New York with respect to access for  
8 individuals particularly immigrants and those who  
9 are—and those who are coming from Puerto Rico that we  
10 need to extend our arms and do a better job at  
11 outreach. And last but not least, particularly as  
12 those immigrants challenge—face the bureaucracy of  
13 the Department of Education. It's so critically  
14 important as well as Social Services, and so, I look  
15 forward to working with you to ensure that language  
16 access is not a barrier and/or impede the number of  
17 immigrants who want to participate and who want to be  
18 involved in this commission, and who want to testify  
19 before us with respect to issues that are impacting  
20 their success in the city of New York.

21 GALE BREWER: I would agree. I'm not—just  
22 like I suggested with the 16 and 17-year-olds  
23 something specific that would, in fact, get them  
24 excited. I would love to find something that was  
25 specific so the community would feel that there would

2 be success at the end of the discussion. So, whether  
3 it's language access, which is very spotty currently,  
4 even though there are bills. Maybe the oversight  
5 that is done for language capacity is not  
6 appropriate. I would be one that would look  
7 something to see where is the gap that exists now,  
8 and whatever. I want something specific as opposed  
9 to we should be X what. I'd have to see what was  
10 needed. I want the vote for 16 and 17-year-olds. I  
11 will tell you that. That's something I've been  
12 working on for awhile. I do think that we need to  
13 have--you know, this kind of discussion is important  
14 so that we keep the focus on government and as a  
15 whole, you know, rather than one specific discussion  
16 and issue. So, that's why we're looking. I think  
17 you--earlier we talked about how we have to make this  
18 a whole discussion and when you say specific, we'd  
19 have to see if there was something because the  
20 community came out and said this is what we need.

21 PUBLIC ADVOCATE JAMES: I think, Council  
22 Member Menchaca, one of the issues that we should  
23 discuss is immigrant voting in municipal elections,  
24 and I think that should be a conversation that we  
25 should have before the Commission.

2 COUNCIL MEMBER MENCHACA: Look, I think  
3 all these things are really important to say. I  
4 think there's a lot of assumptions that we walk into  
5 rooms, and so these questions are really important  
6 for—for both of you as—as kind of leaders with us on  
7 this—on this project that we say—say it, and we can  
8 kind of hold each accountable. But the last question  
9 is rally a question about participatory democracy and  
10 the way that we kind of think about it and  
11 participatory budgeting. It's one thing that's kind  
12 of manifested here in the city through the City  
13 Council, and—and one of the borough presidents that  
14 really offered an opportunity for people to create  
15 community plans where they can come up with an idea,  
16 and nine months later in conversation with city  
17 agencies vote. Middle school students are voting for  
18 projects in their schools and in their parks, and  
19 that's really cool to watch. The same people that I  
20 watched walk in Park Slope and walk out on Wednesday  
21 are the same folks that are driving participatory  
22 budgeting. They're doing door knocking on the  
23 ground. They're understanding campaigns. It's  
24 beautiful stuff. It's still voluntary. Not  
25 everybody does PB. Would it be great if we created a



2 component of this discussion. Tell me a little bit  
3 bout that, and—and what—what you think could be a  
4 conversation starter with this commission?

5 PUBLIC ADVOCATE JAMES: Again, the  
6 commission does not come to the table with any  
7 preconditions. I think all—everything needs to be  
8 put on the table including participate budgeting, and  
9 making it a requirement. As a former City Council  
10 member, when it was first envisioned, I wanted to see  
11 how it developed, and I right now am pleasantly  
12 pleased and would hope that we would move from the  
13 voluntary process now to a mandatory process and that  
14 it be incorporated in the budget process as whole,  
15 and that's an issue that should be discussed as part  
16 of this commission as well. I support you on that.

17 COUNCIL MEMBER MENCHACA: I agree.

18 GALE BREWER: So, earlier we talked a  
19 lout about what we have instituted, which is  
20 preplanning in the land use process. So before any  
21 city planning takes place and the gavel goes down for  
22 certification, we have a long process. We did it  
23 with the South Street Seaport when I first walked in.  
24 We've done it with East Midtown, East Harlem. We're  
25 doing it with Inwood, with the Council Member and

2 certainly we'll be doing with NoHo/SoHo in Chinatown.  
3 Everything is a pre-planning process. We even just  
4 had a meeting in Manhattan with all of the  
5 stakeholder regarding Rikers Island and how will  
6 Manhattan deal with that issue in the closing. So,  
7 to me it's a long discussion before any decisions are  
8 even begun to be made. So, on the budget process we  
9 should be doing something similar. I don't know  
10 exactly what it is. PB is one suggestion, and how  
11 you get people involved. In our office with the  
12 budget process we do our own. We meet with every  
13 Council member. We, you know, we talk extensively.  
14 It's hard to do a PB because there's already one  
15 that's existing. I don't want to supersede what the  
16 Council members are doing, but it's a very inclusive  
17 process because we want the schools and the parks and  
18 so on to get their fair—their discussion, and that  
19 they feel that there's a fair discussion going on.  
20 So, I think the process needs to be—that's why you  
21 have hearings. That's why you have a longer process,  
22 a year and a half to make these decisions, and not  
23 four months.

24 COUNCIL MEMBER MENCHACA: Thank you for  
25 that, and those were my—my questions, and—and look

2 forward to working with you, and I'll invite you,  
3 Borough President Brewer to maybe talk to the Borough  
4 Presidents of Brooklyn. What he does is kind of give  
5 dollars to--

6 GALE BREWER: [interposing] Uh-uh--

7 COUNCIL MEMBER MENCHACA: You won't talk  
8 to him?

9 GALE BREWER: I talk to him all the time.  
10 We talk about health, and what's the other topic?  
11 Police.

12 COUNCIL MEMBER MENCHACA: Okay, awesome.  
13 You can maybe talk to him about participatory  
14 budgeting. What he does is offer dollars to members  
15 who do participatory budgeting, and just kind of  
16 amplify it with another \$100,000 for everybody who's  
17 participating so we can kind of keep going down the  
18 line on projects.

19 GALE BREWER: That's okay. You can do  
20 Brooklyn. I'll do Manhattan.

21 COUNCIL MEMBER MENCHACA: As I'm saying  
22 [laughter] Oh, I wasn't asking for you to giving money  
23 to Brooklyn projects. I'm asking you to think about  
24 working with your Manhattan-Manhattan Council  
25 members.

2 GALE BREWER: We'll see. We'll see.

3 PUBLIC ADVOCATE JAMES: But that's—

4 GALE BREWER: [interposing] We work with  
5 the Manhattan Council members.

6 COUNCIL MEMBER MENCHACA: Awesome.

7 PUBLIC ADVOCATE JAMES: But that really  
8 speaks to the issue. There needs to be a uniform  
9 system in the city of New York.

10 COUNCIL MEMBER MENCHACA: Exactly.

11 PUBLIC ADVOCATE JAMES: And so it's  
12 really critically important that we have a discussion  
13 with respect to PB as we move forward on this  
14 commission as well as other issues for instance how  
15 each of the five district attorneys handle criminal  
16 justice differently. So, a lot of these issues  
17 obviously need to be discussed, which is why we need  
18 to look at our Constitution because it is a change in  
19 document, and it really needs to reflect our values,  
20 and our priorities as a progressive city.

21 COUNCIL MEMBER MENCHACA: You just  
22 triggered an idea about the DAs. So, I don't know  
23 if you want to wax political on that, but I think the  
24 DAs recently just made a case about  
25 institutionalizing that, but anyway.

2 PUBLIC ADVOCATE JAMES: There's state-  
3 there's state--

4 COUNCIL MEMBER MENCHACA: I'm glad  
5 everything is on the table. Thank you so much for  
6 your time and, and go the people's government.

7 CHAIRPERSON CABRERA: Thank you so much,  
8 Council Member for your insightful questions, and  
9 comments. Council Member Yeger wants to make a few  
10 comments--

11 COUNCIL MEMBER YEGER: Yeah, very  
12 quickly.

13 CHAIRPERSON CABRERA: --before we go to  
14 other Council members. (sic)

15 COUNCIL MEMBER YEGER: I just want to  
16 apologize to the panel, Madam President, Madam  
17 Advocate and member of the public. I have the pre-  
18 existing 12:00 that I have to leave for, but I am  
19 committed to watching the tape of this hearing and  
20 listening to every word of every testimony from every  
21 person who's here, and I thank you very much for  
22 coming out.

23 CHAIRPERSON CABRERA: Thank you so much.  
24 Thank you so much. Council Member Williams followed  
25 by Council Member Powers for a second round.

2 COUNCIL MEMBER WILLIAMS: Thank you, Mr.  
3 Chair, Public Advocate, Borough President, et al. I  
4 have a number of questions actually, but I did—the  
5 Public Advocate was interested—I heard you just say  
6 that everything was on the table, and previously, I  
7 heard you say that term limits are off the table.  
8 So, I'm trying to figure out which one it is.

9 PUBLIC ADVOCATE JAMES: Everything is on  
10 the table except term limits. [laughter]

11 COUNCIL MEMBER WILLIAMS: And I—I wasn't  
12 going to bring it up because I didn't want to consume  
13 all the reports, but I just found that why do you  
14 feel you have a decision to make? You have the  
15 authority to make that decision before the commission  
16 has been made and before the Council has weighed in?

17 PUBLIC ADVOCATE JAMES: So, I don't have  
18 the authority. I can speak for the Office of Public  
19 Advocate, and I believe that the Office of—my  
20 position is this is that this Commission should not  
21 take on the issue of public—should take on the issue  
22 of term limits.

23 COUNCIL MEMBER WILLIAMS: I see, you're—  
24 you're—you're—you're making that decision based on  
25 the Public Advocate's Office?

2 PUBLIC ADVOCATE JAMES: Correct. Okay, I  
3 actually—as you know, I support extending term  
4 limits. I think just as you have put in your remarks  
5 what you think would make your office better, I think  
6 the public should hear about what would make this  
7 Council better, and the way it's set up now  
8 particularly with the Council and the Mayor up at the  
9 same time, I don't think serves the public well. I  
10 think there's a very Good-Good Government argument to  
11 be made, and mostly the Good Government groups  
12 actually agree with us.

13 PUBLIC ADVOCATE JAMES: Uh-hm.

14 COUNCIL MEMBER WILLIAMS: I think we have  
15 to take some time to explain that to the public so  
16 that they don't think it's just a grab. I actually  
17 don't know if a—I'm actually not sure if I—if I think  
18 it should be in this chart or something separate  
19 because it might consume the entire discussion--

20 PUBLIC ADVOCATE JAMES: Right.

21 COUNCIL MEMBER WILLIAMS: --and I don't  
22 want that to happen, but it is important to point out  
23 that there is a very reason why the third term should  
24 happen. I won't benefit from it because I already  
25 have a third term. I'm speaking purely from the

2 ability of this body to do this job independently. I  
3 think it—it bodes well that it should at least be on  
4 the staggered terms with the Mayor. So, I just want  
5 to make sure that we—we put that on.

6 PUBLIC ADVOCATE JAMES: So, Council  
7 Member, I share your concerns that it would consume.  
8 I think it would consume this commission, which is  
9 why obviously I think we should pass on it. That  
10 being said, some of the issues that I would like to  
11 focus on is revising land use, revising oversight for  
12 a number of city agencies advising the appointments  
13 for the City Council, revising Fair Share, which is a  
14 major issue in the city of New York. I also have  
15 concerns and have raised them earlier with respect to  
16 the fact that the Mayor opposed the City Council  
17 submitting amicus briefs in litigation, and the fact  
18 that he has opposed the standing and the capacity in  
19 the Office of Public Advocate. So, I'm not just  
20 focused on the Office of Public Advocate. I'm  
21 focused on revising the Charter, which is our  
22 Constitution so that it reflects the 21<sup>st</sup> Century,  
23 and that it provides some checks and balances with  
24 respect to the Office of the Mayor.



2 COUNCIL MEMBER WILLIAMS: Thank you. I  
3 just again, resubmit to provide those checks and  
4 balances because I think that full term is critically  
5 important and should be discussed with the public,  
6 and one thing that I agree is that the body should  
7 not make the decision because the public has weighed  
8 in. Although, they haven't weighed in the question  
9 specifically geared to the Council. They have  
10 weighed in on a bunch of other questions with  
11 everyone combined. I think there is a question that  
12 should be asked about the Council. Also, for some  
13 reason when the—when the discussion happened, term  
14 limits were synonymous two terms. We never had a  
15 question about what it should be for the body, and so  
16 I think those questions should be discussed at some  
17 point. I, too, am not sure if this—if this  
18 commission is the—is the right one. I want to think  
19 about it some more, but I do have some additional  
20 questions. So, in February 2013, Council Member  
21 Garodnick and I put out a report about what we  
22 thought should be in charter change. It had to do  
23 with the City Budget process. So, I just want to  
24 know, if you have agreement with it, and it had to do  
25 again with our ability to be a counter balance to the

2 Mayor, and as both of you have been Council members,  
3 I hope you understand it. I don't know if you saw  
4 it.

5 GALE BREWER: I did see the report, and I  
6 feel strongly that you're correct. I actually think  
7 that one of the main aspects of a Charter Revision  
8 Commission would be to look at that, and the reason  
9 that we went to a Charter Revision Commission that's  
10 appointed by the Council, the Mayor and all the other  
11 elected officials is you could have a back and forth.  
12 And the Charter—I mean the Charter doesn't— In 1989,  
13 there was a big discussion about units of  
14 appropriation, which, of course, is not the public's  
15 number one concern. If you say units of  
16 appropriation, they probably glaze over, but if they  
17 understand that they could then know what is in the  
18 other with, you know, \$10 million listed, and they'd  
19 like to know what exactly is in that, you could find  
20 ways to break it down so that was of interest.  
21 Absolutely that could be a main discussion of a—of a  
22 well organized representative of the budget in  
23 general, yes.

24 COUNCIL MEMBER WILLIAMS: Thank you, and—  
25 and—and—

2 PUBLIC ADVOCATE JAMES: [interposing] I  
3 echo those sentiments.

4 COUNCIL MEMBER WILLIAM: Alright, just  
5 for--for clarity what we--and I'm going to resubmit to  
6 the--to the body what we putout in 2013. It just had  
7 to do with the Mayor's power to estimate revenues--

8 GALE BREWER: Yep.

9 COUNCIL MEMBER WILLIAMS: --and when he  
10 has to do it, and--and sometimes he just does it later  
11 than he's supposed to. They Mayor is an empowerment  
12 power with the ability to impound the--the fund of any  
13 appropriation issues with the Capital Budget, and I'm  
14 glad to see that this body is actually doing some  
15 changes with the capital, but we had some ideas in  
16 here as well, and it's critically important for us to  
17 do our job when we're doing it, and so my hope is  
18 that this body will take up some of the issues that  
19 we raised back in 2013. Just in closing, the--I don't  
20 know if it came up, but I would love to see this body  
21 be able to--to at minimum be able to provide advice  
22 and consent to you could speak about--

23 GALE BREWER: [interposing] We talked  
24 about that. We talked about that.

2 COUNCIL MEMBER WILLIAMS: --for-for  
3 commissions in general. Okay, and then-

4 GALE BREWER: [interposing] Again, up to  
5 the body to discuss, but we gave an example of  
6 Landmarks Preservation Commission where not only is  
7 there no advice and consent, but the members do not  
8 have to have any appropriate profession degree or  
9 interest in the topic.

10 COUNCIL MEMBER WILLIAMS: And what about  
11 the Police Commissioner and the DOE?

12 GALE BREWER: It would all be up to the  
13 Commission to decide, but we talked about Advice and  
14 Consent as a topic for the-

15 PUBLIC ADVOCATE JAMES: [interposing]  
16 Commission.

17 GALE BREWER: --Commission. Yes.

18 COUNCIL MEMBER WILLIAMS: And lastly,  
19 there's been an idea for about the Police  
20 Commissioner being an elected position. I just would  
21 like to hear if you had ever thought about that, had  
22 any ideas?

23 GALE BREWER: I mean it wouldn't be  
24 something that I would suggest, but again, there's  
25 some-to me, when you have these kind of-I know they

2 have it in other cities. I don't know that there's  
3 enough—how you—how you politicize the Police  
4 Commissioner. I don't know. I'd have concerns about  
5 that.

6 PUBLIC ADVOCATE JAMES: I don't have a  
7 position.

8 COUNCIL MEMBER WILLIAMS: Alright. I—I  
9 actually don't have a position. I thought it was  
10 very interesting, and I just wanted—there was another  
11 idea about having CCRB be elected positions. Any  
12 thoughts on those?

13 PUBLIC ADVOCATE JAMES: I think we should  
14 look at CCRB. CCRB needs to be reformed.

15 GALE BREWER: I mean yes. I mean I think  
16 CCRB needs helped whether they be elected or not. I  
17 mean people don't participate. We're going to have  
18 enough trouble getting people to participate in the  
19 commission, but I think we can. We talked about that  
20 in '19—2019, low turnout. The time is now. People  
21 are energized. Hopefully, they could be energized.  
22 We could support their energy on this topic, City  
23 Government, but I don't know when you start electing.  
24 Like I know the Commissioner of highways in Texas is

2 elected. I don't know how many people participate.  
3 So, I think it has to be looked at carefully.

4 COUNCIL MEMBER WILLIAMS: Thank you very  
5 much and—and you—as you may know in my recent travels  
6 a lot of—a lot of people do look at New York City.  
7 So, I think it's important to have a lot of these  
8 questions answered correctly so that other cities can  
9 look at what's happening, and perhaps benefit from  
10 them as well. Thank you.

11 GALE BREWER: Thank you.

12 PUBLIC ADVOCATE JAMES: Thank you.

13 CHAIRPERSON CABRERA: Thank you so much,  
14 Council Member, and thank you for your previous work.  
15 We're looking forward to disseminating that to other  
16 Council Members, and to the future Commission. Thank  
17 you so much. Council Member Powers--

18 COUNCIL MEMBER POWERS: Yes.

19 CHAIRPERSON CABRERA: --and also, I want  
20 to recognize we've been joined by Council Member  
21 Rodriguez.

22 COUNCIL MEMBER POWERS: Just—just very  
23 quickly. I want to offer two comments. One is I  
24 want—I didn't get to congratulate my chair on his  
25 first—on his first committee hearing, and I would

2 note that all he did was just take on the topic of  
3 restructuring the entire city government [laughter]  
4 as—as his mission in the first hearing. So, I'm with  
5 you. Congratulations on—on that and I just—I didn't  
6 get a chance to do it at the end—at the end of my  
7 testimony. I'd think more clearly, but I—I think the  
8 Council should take this up, and I think we should  
9 take it up because to the degree we're going to have  
10 a Charter Revision Commission in the city of New York  
11 this year or soon, I think the idea that we can have  
12 full—full representation from the different boroughs  
13 and from the citywide elected officials as part of  
14 the conversation, certainly the City Council as well  
15 in a real appointed role. I think that's—I think  
16 that's a proposal that is worth our—worth our taking  
17 up, and second the broader structures of government  
18 to look at versus just sort of individual--

19 PUBLIC ADVOCATE JAMES: [interposing]

20 Right.

21 COUNCIL MEMBER POWERS: --targeted pieces  
22 of it, I think is more imaginative and we can use our  
23 imagination better than just taking on pieces that  
24 are legislative and can be legislated, and can be  
25 legislated. So, I just wanted to say thank you again

2 for the proposal, and I think it's certainly worth  
3 our consideration here.

4 PUBLIC ADVOCATE JAMES: And let me just  
5 say, Council Member Powers I think it's important  
6 that everyone understand that the State Law requires  
7 that we look at the Charter as a whole, and we have  
8 violated the—the basic precepts of that law by  
9 looking at it in part or based on predetermined  
10 considerations, and I think this commission that we  
11 are proposing again will follow the letter of the  
12 law, and look at the Commission—look at the Charter  
13 as a whole in its entirety consistent with the intent  
14 of that law.

15 CHAIRPERSON CABRERA: And now, I know why  
16 your last name is Powers [laughter] making power  
17 statements. Thank you so much. I want to—yes.  
18 [background comments, pause] I'm going to turn it  
19 over to Council Member Ydanis Rodriguez and I believe  
20 Council Member Williams has a second question.

21 COUNCIL MEMBER RODRIGUEZ: Thank you to  
22 two of the most progressive who walk the walk in our  
23 city. You know, many people call themselves  
24 progressive because now it's cool and it's popular to  
25 say that you're joining the progressive movement, but



2 we can—we know that from—from Gale and Tish, there's  
3 a lot that we can learn on how they have lived their  
4 whole life being progressive like fighting so hard to  
5 lift up especially our working class New Yorkers and  
6 I think that we have a great opportunity, and I don't  
7 want to miss this opportunity, which is leaving a  
8 legacy to our present and future generation. And as  
9 a former teacher of social studies, co-founding to  
10 school (sic) one thing that I have learned that first  
11 of all changes take longest than when we thought when  
12 we were a college activist, and that sometimes we  
13 have conversations like we are city of thousands of  
14 years, and we are a nation in a—in a city of a couple  
15 of hundred of years. And I think that what you have  
16 done in introducing this bill is very important  
17 because we need to define the role of each body in  
18 our city, and no doubt that we have this opportunity  
19 to approve these revisions to look to all areas on  
20 how can have a more powerful government in our city.  
21 On particular area that I would like to ask is about  
22 how do you feel about expanding the role of community  
23 board? Because for me if you—the way how I see first  
24 of if not pay as a part-time or providing a real  
25 stipend, those members of community boards who will

2 stay up to 12:00, 11:00 p.m. who really know the  
3 details of our community. They should not be only  
4 asked or mandated to be a recommendation. I think  
5 that we need to expand the role and the interest of  
6 community board. Sometimes Council Member, elected  
7 official, you know, we know that we rely on them, but  
8 the fact that they only play role to the  
9 recommendation, I think that limits the role. They  
10 are the one knows the details. So, how do you think  
11 with this process we should look at expanding the  
12 role of community board throughout our five boroughs?

13 GALE BREWER: Well, there are a couple of  
14 issues. First of all, thank you for bringing that up  
15 because nobody else brought it up earlier, and I  
16 appreciate it because as you know, you and I and  
17 others work really hard on the appointments and  
18 trying to figure out their roles. A couple of  
19 things. Obviously, the Land Use process needs to be  
20 looked at in general. We talked about pre-planning  
21 earlier how the community boards could have a role in  
22 that that would be binding, and the second thing that  
23 comes to mind is how they can have a bigger say over  
24 the districts that they quote/unquote "represent"?  
25 In other words, they are supposed to have oversight

2 over how the Department of Transportation is doing.

3 How is DOB doing in the area, and it's very

4 voluntary. As you suggested, it's not just the land

5 use process that's challenging, but what they say

6 about the data that is going on in their district,

7 it's not taken seriously. So, there are many ways

8 that the information that is given to them could be

9 used in a way that really improves the city services

10 not just the land use process. So, I would

11 absolutely say that the issue of community boards in

12 the general sense should be on the agenda of any

13 commission. And the second thing, you weren't here

14 with Council Member Menchaca brought up young people.

15 It occurs to me having listened to you just say that,

16 that as part of year and a half process, we could

17 engage the schools and the high schools in the

18 planning process for a better constitution. So,

19 there are so many ways that this process could

20 involve many different people, but the community

21 boards need to be front and center of any discussion,

22 and I said, not just on the land use front, but also

23 on the how they oversee their respective noise

24 issues. They're very, very frustrated now as you

25 know about how change is made in the neighborhood.

2 They call and call and call, and don't feel that that  
3 data that they now sit with is used in a way to  
4 improve the communities. And you know as well as I  
5 between SLA and the Department of Environmental  
6 Protection and so on. So, there's a long list of how  
7 the community boards and they would have ideas about  
8 how they could be improved. Of course, they always  
9 could use more funding for staff, but that might not  
10 come up as an issue of Charter, more in terms of  
11 budget.

12 PUBLIC ADVOCATE JAMES: So, just let me—  
13 just let me add that community boards are not at a  
14 level playing field when it—when dealing with  
15 government and when dealing with developers. And so,  
16 as was mentioned by the Borough President, I think  
17 it's really critically important that we provide them  
18 with the resources that they need to review land use  
19 applications that come before them. They are at a  
20 complete disadvantage, and although the law says that  
21 they're supposed to have all these professionals at  
22 their disposal, unfortunately they do not. And so,  
23 it's really critically important that we examine the  
24 role of community boards, that we give them more  
25 teeth, that we give them more resources, and the

2 services that they need in order to examine land use  
3 applications moving forward. And, I want to thank  
4 you for the compliment, but it should not--  
5 Obviously, I'm sure it's--it's obvious to everyone  
6 around this room that progressive politics right now  
7 is in the face of a woman.

8 COUNCIL MEMBER RODRIGUEZ: [off mic] So,  
9 that's how we believe. [on mic] I want to ask a  
10 question. It's about standing voting rights. You  
11 know, I'm one of those immigrants about 39% of  
12 immigrants born and raised in another country. I  
13 think that the number in the '80s was like 15% or  
14 less than 20%. Today, in the 2018, it's like 37% or  
15 39% of us born and raised in another country. We are  
16 producing the second, the third, the fourth  
17 generation or a grandfather, whoever was born in  
18 another country, but New York city is just changing  
19 every day, and in the past, we already--we had already  
20 a city where individuals who were not U.S. citizens  
21 they were able to elect the local representative. We  
22 are addressing this conversation through legislation.  
23 However, I believe it is important that as we are  
24 fighting Donald Trump, who has been an anti-immigrant  
25 individual denying who we are as a nation, a nation

2 built for and by immigrants, how can New York City  
3 through these revisions also study and look at  
4 expanding the participation and the role of  
5 immigrants especially through the voting  
6 participation.

7 PUBLIC ADVOCATE JAMES: As was mentioned  
8 earlier by Council Member Menchaca, I believe the  
9 Commission should look at immigrants extending voting  
10 rights to immigrants in municipal elections. This is  
11 a commission where everything should be on the table.  
12 It's not pre--there's not precondition, preconditional  
13 issues that we are proposing, but one of the issues  
14 that we should focus on or look at is obviously  
15 immigrants in municipal elections.

16 GALE BREWER: And one of the reason that  
17 we wish the Mayor would work with us, and we would  
18 have one commission is because when you have the  
19 Mayor's folks, the Council folks and, you know, the  
20 other elected appointments this kind of discretion:  
21 Immigrant rights, voting, language access and the  
22 list goes on and on. We talked about young people  
23 voting. Obviously, they're on the community boards.  
24 I suggested that they be able to vote 16 and 17 in  
25 municipal elections, but this needs to be discussed.

2 So, that's the unfortunate part. I mean I think the  
3 Mayor's commission if goes as predicted would have  
4 some discussion about governance in the broadest  
5 sense, but it needs to be more inclusive and look  
6 more carefully at the issues that you just described.  
7 That's how we would like to have a commission that we  
8 have proposed that includes everybody.

9 CHAIRPERSON CABRERA: Thank you so much,  
10 Council Member Rodriguez. Council Member Williams.

11 COUNCIL MEMBER WILLIAMS: Thank you very  
12 much. One, Council Member Rodriguez, I can't have  
13 you disparaging the Orange Man. I think he likes  
14 immigrants, but usually the ones that come from  
15 Norway. So, I want to make sure we clarified that.  
16 And thank you for the second round. So, my astute  
17 staff found some Charter stuff that I worked on way  
18 back in 2010. So, six months into my term, and a  
19 letter I wrote to the Charter Revision Commission.  
20 So, I haven't thought about it in awhile. So I  
21 apologize because some of it might be outdated, but I  
22 just want to see if you had any thoughts on—it looks  
23 like additional four ideas. One had to do with a  
24 proposal concerning the use of AMI as a calculating  
25 tool for affordable housing changing. So, that's not

2 just dealing with the 80% of AMI but 60% and/or 40%.  
3 I also wrote what seems necessary is to move to  
4 another standard of calculation such as the self-  
5 sufficiency standard that people have been  
6 discussing, but I don't know if it's been fully  
7 developed. Another one had to do with community  
8 boards giving them some additional voting power on  
9 the ULURP process, and perhaps requiring an urban  
10 planning on each community board be funded by the  
11 city. And the other two-one was to amend Section 3 of  
12 the Charter to require the Mayor to implement all  
13 laws enacted by the City Council unless a court has  
14 enjoined enforcement of the law. This had to do with  
15 the *City Council v. Bloomberg*---

16 PUBLIC ADVOCATE JAMES: [interposing]  
17 Right.

18 COUNCIL MEMBER WILLIAMS: --way back in  
19 2010. Another one I think we talked about was  
20 granting the CCRB authority to prosecute  
21 substantiated cases instead of NYPD. I just wanted  
22 to get any thoughts on any of those.

23 GALE BREWER: I mean all of those issues,  
24 our community boards just came up, but all of those  
25 issues should and could in my opinion be part of the



2 discussion. That's why we need the year and a half,  
3 why we need to have more robust appointments. I  
4 think in—in different ways those issues have come up  
5 in addition to your budget suggestions. They're all  
6 good ones, but they need to have a robust discussion,  
7 and that's why we're suggesting this commission  
8 absolutely.

9 PUBLIC ADVOCATE JAMES: I agree.

10 COUNCIL MEMBER WILLIAMS: Okay.

11 PUBLIC ADVOCATE JAMES: And I think  
12 what's important is also looking at all of the cases  
13 and decisions that have been decided, which curtail  
14 the power of the City Council. We should be  
15 reviewing that to just see whether or not some of  
16 those powers should be incorporated into the Charter,  
17 and codified as such. So, all of the four provisions  
18 are—are again we don't come here with any  
19 preconceived--

20 COUNCIL MEMBER WILLIAMS: [interposing]

21 Except for one.

22 PUBLIC ADVOCATE JAMES: Except for one  
23 [laughs] and that we should have an open full  
24 discussion with the general public as well.

25 COUNCIL MEMBER WILLIAMS: Thank you.

2 GALE BREWER: I think one—one thing I  
3 want to add is that those—each one of those topics  
4 has a constituency that's interested in it, and  
5 another way to get people involved because there was  
6 a discussion earlier: How do you get people  
7 involved? No, you and are our involved, the people  
8 we know because of what's going on nationally are  
9 involved, but—and another reason in my opinion to  
10 have this commission is there are so many different  
11 topics, and each one will have people who want to  
12 have a say, and that will help bolster the  
13 involvement leading towards 2019. So, topics like  
14 that are ones that people want to have a say on and,  
15 therefore, you get more people involved, and we could  
16 find ways of having immigrants and young people and  
17 people who are not normally a part of the process.  
18 That's what today is all about.

19 PUBLIC ADVOCATE JAMES: Because in 2019,  
20 it's—it's an off election, and we've got to generate  
21 a lot of excitement with respect to this commission,  
22 and I think as was mentioned as we bring more issues  
23 into the fold, that will be one way to educate the  
24 general public, and increase voter turnout for the—  
25 for the Charter changes as proposed.

2 COUNCIL MEMBER WILLIAMS: Thank you. Mr.  
3 Chair I think the—the public in general don't  
4 understand the—the balance of power that—that exists  
5 here, and I think if they did, they would very much  
6 support a lot of these Charter changes. There's  
7 things they're asked to do sometimes. Sometime we  
8 just don't use the power we have, but sometimes there  
9 are powers that we don't have that they're unaware  
10 of. So, I'm—I'm looking forward we're changing that  
11 and in 2019 I'm looking forward to using whatever  
12 voice and whatever position I'm in to help push that  
13 forward, and thank you for being here, and thank you  
14 for the voice that you two have been giving on these  
15 issues.

16 CHAIRPERSON CABRERA: Thank you so much,  
17 Council Member Williams and I couldn't agree with you  
18 more. There's going to be an indication piece to  
19 this process, and talking about process, that's the  
20 part that I—to be honest with you, I care about the  
21 most that we have a democratic process that there is  
22 as much as inclusions as we could have a possible.  
23 One of the things that I was impressed with your bill  
24 that we have not discussed here today is that there's  
25 going to be a hearing in each of the boroughs. So,

2 each of the boroughs are going to be treated equally  
3 to come and voice their ideas. That's the—that's the  
4 big difference versus somebody, you know, is—are  
5 Council members coming up with an idea for a bill and  
6 saying hey let's just do this bill separately, and  
7 let's do another one, we get to really hear the  
8 public in their territory in their context and how  
9 that could have a citywide impact, and again, I—I'll  
10 keep saying it. We will be better together, and I  
11 want to thank you both for being vanguards of  
12 democracy, and it really—it really, really matters.  
13 Well, this bill really, really matters. Thank you so  
14 much.

15 GALE BREWER: Thank you very much.

16 PUBLIC ADVOCATE JAMES: Thank you.

17 CHAIRPERSON CABRERA: Alrighty, and with  
18 that, let's move with the representative of the  
19 Borough President Thomas Lucania from Bronx  
20 President, Angelina Martinez Rivera from the Queens  
21 Borough President's Office; Isaiah Grodensky from  
22 Staten Island Borough President's Office and Ryan  
23 Lynch from the Office of Brooklyn—Brooklyn Borough  
24 President's Office. You may begin as soon as you're  
25 ready.

2 ANGELINA MARTINEZ RIVERA: [background  
3 comments]

4 CHAIRPERSON CABRERA: Hey, good afternoon  
5 already. I don't think your mic is on. Got and you  
6 can begin.

7 ANGELINA MARTINEZ RIVERA: [interposing]  
8 Now it is.

9 CHAIRPERSON CABRERA: Just identify  
10 yourselves and--

11 ANGELINA MARTINEZ RIVERA: [interposing]  
12 Yes.

13 CHAIRPERSON CABRERA: --then we're ready  
14 to roll. Thank you for your patience.

15 ANGELINA MARTINEZ RIVERA: So, good  
16 morning Chair Cabrera, and congratulations on your  
17 first hearing today on this committee--

18 CHAIRPERSON CABRERA: [interposing] Thank  
19 you.

20 ANGELINA MARTINEZ RIVERA: I am Angelina  
21 Martinez Rivera, General Counsel for Queens Borough  
22 President Melinda Katz, and I will be reading a  
23 statement on behalf of Borough President Katz who  
24 could not be here with us this morning. I am excited  
25 for the opportunity to provide testimony in support

2 of Intro 241-A that will establish a Charter Revision  
3 Commission to draft a new or revised charter. I want  
4 to thank the sponsors: Speaker Johnson, Public  
5 Advocate James, Borough President Brewer, and Council  
6 Member Kallos for their leadership and support in  
7 this initiative I also want to thank Chair Cabrera  
8 and the members of the committee and their staff on  
9 Governmental Operations for their oversight and  
10 input. As most of you know, I have dedicated most of  
11 my career to serving the public. I believe that part  
12 of serving the public involves assessing how  
13 effectively government responds to the needs of  
14 constituents, and in order for government to be  
15 effective, it is important that we consider the  
16 structure in place that allows government to run. It  
17 is hard to believe that it has been almost 30 years  
18 since New York City has looked at its charter as a  
19 whole-as a whole to see to how it is serving New  
20 Yorkers. We all know that in the last 30 years, not  
21 only has the city changed, but more importantly  
22 thanks to advances in technology, the way in which  
23 New Yorkers interact with my office, with the City  
24 Council, with the Mayor, with community boards, and  
25 all the agencies amenities covered under the New York

2 City Charter has changed. So, I say it is about time  
3 we take that closer look at the Charter, but not with  
4 the intent to make it all new, but rather to make it  
5 work better for New York City. We need to look at  
6 where we are with the reforms from the 1999  
7 Commission. We need to look at our budget and  
8 whether portions of it should be carved out  
9 independently. We need to look at the oversight and  
10 powers of Commissioners tasked with providing  
11 essential services to New Yorkers. We need to look  
12 at how to save taxpayers money by streamlining or  
13 eliminating obsolete [beep] but more importantly we  
14 need to look at our growth. As Borough President of  
15 the great borough of Queens, I am mindful of the  
16 remarkable growth right here in the city of New York  
17 and especially in Queens, its largest borough.  
18 Growth is expected to continue, but along with growth  
19 will come challenges. Growth in a borough like  
20 Queens and a city like New York requires that  
21 comprehensive approach that aims to strengthen—  
22 strengthen and uplift entire communities. We need to  
23 guide it, sustain it and make sure we have the  
24 infrastructure for our families to age gracefully and  
25 for our children to thrive. Community input

2 throughout that growth is vital, and it is my hope  
3 that through establishing a Charter Revision  
4 Commission, we can increase the opportunities for  
5 direct input from the community on how to best guide  
6 future growth in addition to looking at the processes  
7 already in place. It is not a secret that in my  
8 eight years as Council Member and Chair of the Land  
9 Use Committee and now in my role as borough  
10 president, I have always advocated for robust  
11 community input in land use projects, and I believe  
12 that there are other areas within city government  
13 where community input should be mandated. In  
14 closing, I want to thank the groups and the members  
15 of the public present here today because without  
16 their support and guidance on this process, the  
17 vision of a new city charter could not happen. I  
18 look forward to working with all of you and to  
19 hosting the commission at a public hearing in the  
20 great Borough of Queens in the near future. Thank  
21 you.

22 TOM LUCANIA: Good afternoon, Chairman  
23 Cabrera. My name is Tom Lucania, and I'm here this  
24 afternoon on behalf of Borough President Diaz in  
25 support of Intro 241-A, the creation of the people's



1 Charter Revision Commission. It's been almost 30  
2 years since the New York City Charter was reviewed  
3 comprehensively by a Charter Revision Commission. In  
4 those 30 years, there have been a number of  
5 commission created. However, each had specific  
6 agendas and did not address the many new issues that  
7 have presented themselves in the 21<sup>st</sup> Century nor the  
8 effects that the Charter revisions of 1989 have had  
9 on the governance of New York City. This commission  
10 promises the residents of the city of New York an  
11 open, transparent, and democratic process that will  
12 involve many individuals and advocacy groups. It  
13 will offer residents the opportunity to comment on  
14 what they think their government should look like  
15 through public hearings and the effective use of  
16 social media. Since it is anticipated that the  
17 questions would be placed on the ballot in 2019, the  
18 Commission will have enough time to do extensive  
19 outreach to communities throughout the city, to  
20 solicit their opinions and give the commission  
21 opportunity to deliberate and present changes to the  
22 charter that would have the greatest positive effect  
23 on our city. I am pleased that this commission will  
24 give the leadership of each of the boroughs a voice  
25

2 in this process. We at the borough level can provide  
3 a unique perspective on the issues which affect our  
4 communities and the services that the city provides.  
5 I hope that this Commission will address such serious  
6 issues and concerns as community involvement in the  
7 land use review procedure, the transparency of the  
8 New York City budget process, the need for police  
9 reform, fair share issues, the weakening of borough  
10 governments due to the 1980 Charter revisions, and  
11 the need for independent budgets for citywide borough  
12 officials and community boards. Over the last 30  
13 years, so much has changed in the way New York City  
14 is governed such as the increased use of technology,  
15 the great strides being made in development  
16 throughout the city, the ability for people to obtain  
17 information instantaneously, and the growing pop-  
18 population of our city just for starters. All of  
19 these issues require us to take a new and bold look  
20 at the way our city is governed. This new people's  
21 Charter Revision Commission is the best opportunity  
22 for the residents of the city through discussion and  
23 debate, and through the various forms of social media  
24 platforms to influence the way our city is governed.  
25 I look forward to speedy approval of Intro 241-A, and

2 in playing an active role in the discussions on these  
3 very important issues through this Commission. Thank  
4 you.

5                   ISAAC GRODESKY: Good afternoon, Chair  
6 Cabrera and members of the City Council's Committee  
7 on Government Operations. My name is Isaac Grodesky  
8 and I'm here to testify on behalf of Staten Island  
9 Borough President James Oddo in support of  
10 Introduction 241 establishing a Charter Revision  
11 Commission to draft a new or revised city charter.  
12 The Borough President expresses his regrets that he  
13 cannot be here in person, but wanted to make sure  
14 that it is acknowledged that he considers charter  
15 reform a top priority, and I also wanted to make sure  
16 that I acknowledge Public Advocate James and Borough  
17 President Brewer for supporting this Local Law and  
18 Speaker Johnson for advancing the overdue effort to  
19 comprehensively review the City Charter. I will read  
20 an abridged third-person version of the testimony  
21 submitted to the committee in the interest of time.  
22 The Borough President wholeheartedly believes in the  
23 necessity of a top-to-bottom review of the City  
24 Charter, but submits his support for this bill with  
25 some skepticism. He can't forget the night of April

2 13, 2010 when Staten Island resident after Staten  
3 Island resident stood up to address the empaneled  
4 Charter Revision Commission because they were  
5 promised an open process where their voice—where  
6 their voices were--would be—would be heard. The  
7 Borough President, then the Council Member was, too,  
8 assured that the Charter Revision Commission was  
9 starting from a blank slate, and was going to rely on  
10 the input of residents, civic groups and local  
11 elected officials to inform their recommendations on  
12 how to reform city government. Unfortunately, we  
13 were in for a rude awakening. The Borough President  
14 does not mince words about the 2010 Charter Revision.  
15 It was a sham, and now, here we are nearly eight  
16 years later presented with another opportunity to  
17 enact meaningful reform, and some may wonder if it is  
18 a mirage. The difference is that now we have an  
19 entirely slate of leadership with a seemingly earnest  
20 desire to undertake real charter reform, and the  
21 reality is that reform is so desperately needed that  
22 we can't afford to allow any skepticism that we may  
23 harbor and lead to indifference. Therefore, the  
24 Borough President is ready and able to actively  
25 participate in this iteration or reform as Speaker

2 Johnson has described it, a broad, comprehensive and  
3 open process without narrowly defined limitations,  
4 but feels obliged to offer the following  
5 recommendations gleaned from the 2010 hand-waving  
6 spectacle.

7           1. Top to Bottom Review. The charge of  
8 the Charter Commission must be to comprehensively  
9 review the entire Charter, and with the specific  
10 focus of examining the impact of the 1989 Charter  
11 Revision, which essentially gutted borough level  
12 governance.

13           2. An Independent Commission: The  
14 appointed members of the Commission must be  
15 independent and representative of the entire city.  
16 It should also be properly staffed with independent  
17 experts.

18           3. Meaning Public Engagement: There  
19 should be an effort to work with local elected  
20 officials to ensure that residents in each Council  
21 District are able to participate in an inclusive,  
22 robust and engaging process.

23           4. Appropriate Time Line: The Commission  
24 should be given a sufficient amount of time to  
25 deliberately complete its work free of externa

2 political considerations or artificial deadlines, and  
3 transparency. This iteration of the Charter Revision  
4 Commission should be empowered to leverage technology  
5 so that it may offer unprecedented transparency into  
6 the process in an effort to dispel the perception  
7 that this effort like the one in 2010 is rigged. The  
8 Borough President looks forward to the prospect of  
9 opening the hood to examine the balance of power, the  
10 budget process, agency structure and operations and  
11 many other foundational issues that impact the  
12 quality of life of 8.5 million residents to make city  
13 government more responsive, efficient and effective.  
14 The Borough President is reading with a list of  
15 proposals that have been growing unaddressed since  
16 2010 like local control and decentralization of  
17 select administrative functions, and he hopes to  
18 bring that to a platform—that platform to a  
19 commission that will be known as the gold standard  
20 for charter reform. Thank you.

21 RYAN LYNCH: Good afternoon Chair Cabrera  
22 and members of the Committee on Government  
23 Operations. My name is Ryan Lynch. I'm the Policy  
24 Director for Brooklyn Borough President Eric Adams.  
25 Thank you for the opportunity to testify today on

2 Intro 241-A, and a special thanks to Borough  
3 President Brewer, Public Advocate James and Speaker  
4 Johnson for providing this framework for how to  
5 create a more inclusive Charter Revision Process, and  
6 comprehensive revision process at time when all too  
7 often decisions that impact future generations are  
8 left to one or two people in a room. The Borough  
9 President supports Intro 241-A being heard today for  
10 that reason, and he urges the committee, the Council  
11 and the Mayor to adopt this bill putting us on a path  
12 to a Charter review that couldn't come at a more  
13 appropriate time. While he echoes the—the  
14 comprehensive nature of this approach, he wants to  
15 make clear that in this review that he believes that  
16 we as a city must take a hard look at our Campaign  
17 Finance Laws. Our system is often regarded as one of  
18 the best public-private campaign finance models in  
19 the country, and while this may be true, it certainly  
20 does not mean that it has been a truly effective  
21 enough system at eliminating the barriers to entry  
22 for those interested in serving their fellow New  
23 Yorkers in elected office. New York City should  
24 look—be looking to refine it's Campaign finance—  
25 Campaign Finance System, a system that's still

2 injects too much private money into our politics and  
3 shuts out the voices of those who have the least—who  
4 are the least among us. Citywide candidates are much  
5 less likely to go door-to-door in East New York one  
6 of the poorest census tracts in the United States  
7 looking for donations and connecting them with  
8 residents, and the art of being five-star restaurants  
9 in the Upper East Side. Imagine if residents of  
10 Gowanus Houses have an equal opportunity to bend the  
11 ear of candidates as those living in Gramercy Park.  
12 Do we really think NYCHA would still have a hearing  
13 crisis? The Charter Revision must take a fresh look  
14 at our public financing system and see where we can  
15 learn from other cities that have either fully taken  
16 out or severely limited the role of private donations  
17 and political fundraising. For example, in November  
18 2015, voters in Seattle, Washington passed a citizen  
19 led initiative known as Honest Election Seattle which  
20 enacted several campaign finance reforms that changed  
21 the way campaigns are typically financed for Seattle  
22 Municipal candidates. According to the program, one  
23 major reform allows for the Seattle Ethics and  
24 Elections Commission to distribute Democracy Vouchers  
25 to eligible Seattle residents. Other campaign



2 reforms include campaign contribution limits for  
3 lobbyists and contractors. Seattle is the first city  
4 in the nation to try this type of campaign finance.  
5 Democracy vouchers are a new way for residents to get  
6 more involved in their city government where eligible  
7 Seattle residents receive four \$25 paper certificates  
8 that they can use to support a candidate running for  
9 Seattle City Council or city attorney. The program  
10 is set—is set to be expanded to include the Mayor's  
11 race in 2021. Other models to review include those  
12 in Arizona, Connecticut, Maine, Minnesota where full  
13 public funding systems attempt to remove money as a  
14 determining factor in auctions for governor,  
15 lieutenant governor and state legislative offices.  
16 The full public funding mechanism generally works  
17 where a candidate for office whether state or local  
18 depending on the plan collects a certain number of  
19 donations usually around \$5.00. These donations do  
20 not go directly to the candidate, but rather to a  
21 pool of money that helps supplement the funding of a  
22 public funding system. After collecting the required  
23 number of small donations, the candidate qualifies  
24 for to receive a set amount of money for primary if  
25 there is one, and another amount for the general

1 election if they win the primary. Public financing  
2 alone cannot solve all the problems facing our  
3 election system, but it is a start. While the goal  
4 of raising the influence of the small donor is  
5 laudable, too many people cannot afford to donate at  
6 all. Their voices are among those drowned out by  
7 massive spending by a small number at the top of the  
8 economic ladder. Matching funds to not help climb a  
9 ladder that you can't—can't even see. The BP, has—  
10 the Borough President has called for and is  
11 reiterating again now for 100% publicly financed  
12 campaigns where every candidate has equal footing to  
13 express their ideas. Fully publicly financed  
14 elections will seem more women running for office at  
15 a time when representation in the City Council has  
16 decreased since our last election and fully publicly  
17 finance campaigns have show to increase minority  
18 participation in elected politics. In short, the  
19 Borough President believes it's important we achieve  
20 Campaign Finance system that (1) is fully publicly  
21 financed; (2) only contributes to candidates through  
22 a pool of public funding rather than direct  
23 individuals' contribution; and (3) Sets contribution  
24 maximums as significantly low level. We urge the  
25

2 upcoming Charter revision process to make 100% public  
3 financing a reality. It is, in fact, the most  
4 important reform he believes this review can pursue.  
5 We look forward to the adoption of 241-A, and thank  
6 you for the opportunity to speak today.

7 CHAIRPERSON CABRERA: Thank you so much.  
8 Before I make a quick statement Council Member  
9 Reynoso.

10 COUNCIL MEMBER REYNOSO: Thank you, Chair  
11 and thank you for your testimony today. It's great  
12 to—to hear—to get feedback as to what exactly we  
13 should be looking into as a Council if a Charter  
14 Revision Commission is opened up or created that we  
15 not be stuck with a pre—already pre-set notion as to  
16 what this commission is to do. So, I'm excited to  
17 see you here, and I actually want to speak to land  
18 use. When I heard this could possibly be happening,  
19 I wanted to talk about the outdated land use systems  
20 that we have that were put together since the  
21 previous Charter Revision Commission was put  
22 together, which was in 1969. We have outdated SEQR  
23 laws, our SEQR requirements and environmental review  
24 here in the city of New York that does not accurately  
25 justify or—measure exactly the impacts of what

2 let's say rezonings are going to be. We also have-

3 have handcuffed the City Council into not being able

4 to seriously pursue land use changes without DCP

5 requirement, and DCP kind of putting a stop gap to

6 land use recommendations that could possibly come

7 from the City Council when the City Council is

8 support to assume full authority or at least have the

9 authority to modify land use here in the City

10 Council. We also have a BSA issues where the BSA has

11 the right to modify land use items without the-any-

12 any recommendation or say from the City Council as

13 well, and these are things that I just want to-to be

14 able to look at and think we have an opportunity to

15 pay attention to. We also have communities coming

16 into the City Council constantly fighting against re-

17 zonings that are happening in their community. Not

18 because they're against rezonings, but because they

19 feel that their voices weren't hear throughout the

20 process. We have an opportunity here to modify that

21 ULURP process and allow maybe for more clear moments

22 of input for the community maybe before an

23 application gets pre-submitted to DCP. So, I just

24 don't want to lose sight of the opportunity here to

25 modify land use or the ULURP process as part of the

2 work that we should do with the—the Charter Revision  
3 Commission, and that again, we don't allow for anyone  
4 to tell us that there are some preset conditions as  
5 to what we're going to be doing when this happens and  
6 I—I appreciate the work that is being done by you,  
7 Chairperson, by Speaker Corey Johnson and, of course,  
8 by our great Borough President Gale Brewer and our  
9 Public Advocate and really letting the people get an  
10 opportunity to state what they want to see changed  
11 here in the city of New York and not just again  
12 setting conditions before we even start. Thank you  
13 for the opportunity to testify here, Chairperson and  
14 thank you.

15 CHAIRPERSON CABRERA: Thank you so much,  
16 Council member Reynoso, and I share your sentiments.  
17 I think that's the key to this democratic process  
18 that we don't come with preconceived ideas, but that  
19 we have a plethora of ideas. They could come in and  
20 we could choose the best ideas so we could have good  
21 government. So, we could have, as I mentioned  
22 earlier the structures in the system into place  
23 including what we both have experienced. We've been  
24 through the whole land use process, which could be  
25 very, very grueling as those representatives of the

2 Borough Presidents' office know full well. Please  
3 convey to every single one of your--of your bosses,  
4 your--your borough presidents my deep appreciation for  
5 their support in this bill. I believe that this is  
6 going to be a more democratic process that's going to  
7 really engage more people like we have not done since  
8 1989. Thank you so much.

9 COUNCIL MEMBER REYNOSO: Yeah, I want to  
10 correct my-it was 1989 not 1969. It was nice to see  
11 you all.

12 CHAIRPERSON CABRERA: Yeah, I was just--I  
13 was just only four years old, and I'd like to say I  
14 was only four years old and maybe nine, but in '69.

15 COUNCIL MEMBER REYNOSO: [off mic] I was  
16 approximately maybe four years old at that time.

17 CHAIRPERSON CABRERA: [laughter] So, at  
18 this moment we're going to have Douglas Mouseio from  
19 Baruch College, CUNY Ethan Geringer Sameth from  
20 Citizens Union; Peirina Sanchez from the Regional  
21 Plan Association. [pause] You may begin as soon as  
22 you're ready. [pause] No fear. Whoever would like  
23 to go first. [background comments]

24 PIERINA SANCHEZ: [off mic] Good  
25 afternoon. Good afternoon Council Member Cabrera.

2 CHAIRPERSON CABRERA: Good afternoon.

3 PIERINA SANCHEZ: [pause]

4 COUNCIL MEMBER REYNOSO: Excuse me, is  
5 your mic on. I'm sorry.

6 CHAIRPERSON CABRERA: Is your microphone  
7 on?

8 PIERINA SANCHEZ: ...in the New York  
9 Region. Should I start over? I should start over.

10 COUNCIL MEMBER REYNOSO: Yeah, you should  
11 start over because we—we want to know who you are.

12 PIERINA SANCHEZ: [laughter] Hi. Good  
13 morning. My name is Pierina Sanchez and I'm the New  
14 York Director at Regional Plan Association, and urban  
15 planning, research and advocacy organization that  
16 aims to improve the New York Metro's Equity Health  
17 Sustainability and Economy and I am here to support—  
18 to testify in support of Intro 241. As has been  
19 said, it has been nearly 30 years since the city's  
20 charter was last comprehensively reviewed, and the  
21 city has changed dramatically. Between '05 and '15,  
22 nearly 90% of job and population growth within New  
23 York's metro region or Tri-State happened inside of  
24 New York City. That was a complete reversal of the  
25 numbers between 1975 and '05, and in the past three

decades our transit system was in crisis, came out of crisis and has come back into crisis all over again.

All the while inequality has continued to every upward well concentration for top earners, wage depression for the lowest income earners and persistent inequities along racial and ethnic lines.

All of this change requires much more proactive and inclusive planning than the city engages in today. In fact, our land use and governance tools are

fractured. There's no overarching public framework

driving land use decisions and it makes it really difficult for us to answer simple questions like how

our neighborhood is chosen to be rezoned. How other

communities will contribute to citywide goals of

addressing the affordable housing crisis, and do

sufficient resources even exist to aid communities in

accommodating growth without displacement? Our

community boards are under-resourced. Public review

and environmental review is time consuming—time

consuming, expensive and worse, just inaccurate, as

Council Member Reynoso had mentioned, and last but

not least public review. Meaningful public review

really excludes stakeholders until it's much too late

to effect decisions especially in low-income



2 communities of color. So, the result is that even  
3 beneficial projects, great projects they either cost  
4 too much or take too long, and don't make it to  
5 completion. But if they do, we still have the  
6 situation that environmental review is pressured to  
7 answer questions far beyond the scope that they were  
8 intended. We should not have to address displacement  
9 inside of the zoning code for instance. We should  
10 plan for it, and at the neighborhood scale, these  
11 inefficiencies come together to deepen inequality as  
12 wealthier neighborhoods are often able to identify  
13 resources to navigate complex processes while low-  
14 income communities are less able to affect these  
15 outcomes. So, with—from our perspective, we have  
16 just released the Fourth Regional Plan for the New  
17 York Metro and we within the plan identified  
18 strategies to make planning more inclusive,  
19 predictable and efficient across the region, but I'm  
20 here today because we've also worked very closely  
21 with Council Member Antonio Reynoso's staff and  
22 Manhattan Borough President Brewer's staff to come up  
23 with solutions in consort in—in the collaboration  
24 with many, many community organizations and experts  
25 on land use across the city including 10 elected

2 officials in the city and over 40 community based  
3 organizations and think tanks. So the strategies  
4 that you have in front of you in your—in your packet,  
5 I hope you'll flip through in the—in the future.  
6 They're oriented around three topics but the central  
7 point is that Charter revision is needed to  
8 accomplish some of the most important recommendations  
9 because planning comprehensively and empowering  
10 communities to have more of a say in their own future  
11 requires a rethinking of how power is balanced within  
12 our city. So, we support Charter revision, and we  
13 just have three recommendations for the current bill.  
14 First, regarding membership, we—we urge that  
15 appointees to the Commission represent a diversity of  
16 perspectives and have expertise on a variety of  
17 subjects including land use. Second, we hope that  
18 outreach will be inclusive both geographically out in  
19 the boroughs, but also partnering with organizations  
20 across the city to ensure that we hear from  
21 underrepresented voices, and third regarding scope,  
22 it won't be a surprise that we hope land use will be  
23 a central part of the discussion. Thank you so much  
24 for your time, and I'm here to answer any questions.

2 DOUGLAS MOUSEIO: Good afternoon. My  
3 name is Douglas Mouseio. I am a Professor of  
4 Political Science at the Austin Marxe School of  
5 public and International Affairs at Baruch College,  
6 CUNY. I wish to thank both Public Advocate James and  
7 Borough President Brewer. I would like to thank the  
8 Council, Speaker Johnson, and you Chairman Cabrera  
9 for the opportunity to address one of my profession  
10 obsessions, and that is City Council revision now  
11 that don't have a life. My obsession began in 1989  
12 when I co-authored the Commission's Analysis of the  
13 size, function and powers of the City Council, and  
14 continued through the 2010 Commission as an expert  
15 witness. Now, my-my introductory comments will  
16 duplicate much of what we've heard earlier and then  
17 I'll move quickly through that and get to the more  
18 substantive area. It appears we have a dueling  
19 Charter Revision Commission, one proposed by the  
20 Mayor, and one by the Council. Public Advocate James  
21 and Manhattan Borough President Brewer first  
22 introduced the legislation in December 2017, and it  
23 was Intro 8-1830, and they re-introduced it as Intro  
24 241 in the new session in early January. Mayor de  
25 Blasio in his February State of the City Address

announced the creation of the Charter Revision Commission charging it with "The mandate to propose and plan for deep public financing of local elections" and to make changes to the Board of Elections. It would have proposals on the ballot in November 2018 General Election and the Mayor would appoint all the members of the Commission. First of all, the Mayor can't mandate anything to a Charter Revision Commission. Once it's called, it can examine what to study to what to recommend and in- parenthetically, the proposals he mentioned in the speech could more quickly and efficiently be enacted through city legislation by the City Council. Putting a commission's recommendation to a November vote would require the final report in August and as Public Advocate James and Borough President Brewer have stated, it's simply not enough time. So, let's look at the-the comparison of the-the two commissions. First of all the Council's approach differs in significant respect. First, it calls for a comprehensive view of the structure and operation of city government. Essentially, it would examine the 1989 Charter changes in light of the challenges and opportunities that have arisen in the near-in the

2 near-nearly 30 years. If it did so, recommendations  
3 could be placed on the ballot in November 2019.

4 Second, the commission would be selected by  
5 citywide,. Borough wide and local officials through  
6 the Council offering divers and presumably more  
7 representative views on fundamental governmental  
8 matters. Of the 15, 4 appointed by the Mayor, 4 by  
9 the Council and 1 each to the 5 borough presidents,  
10 the Comptroller, the public and the public advocate.  
11 The chairperson would be chosen by the Speaker. Now,  
12 what I want to focus on is that questions should be  
13 addressed by a commission irrespective of its point  
14 of origin? Charter revision itself raises two sets  
15 of questions, those on process and structure and  
16 secondly those on possible needed substantive  
17 proposals. Among the process and structure questions  
18 are: What should be the guiding goals and principles  
19 of the commission? What is a good commission and  
20 commissioners? What is the desired staffing, budget  
21 and timeframe? What has been and ought to be the  
22 role of the Mayor and his relationship with the  
23 institutions and officers of city government. What  
24 has been and ought to be the role of the City Council  
25 and its relationship with institutions and offices of

1 city government. Any meaningful review of today's  
2 charter must begin with the 1989 Charter changes.  
3 What has worked? What hasn't? Why? How have the  
4 post-1989 commissions attempted to fix it? Have they  
5 been successful? How do we fix it now, and are any  
6 unwanted consequences lurking. A comprehensive  
7 charter review will like or ought to be framed by  
8 three broad themes as it did in 1989: Centralized  
9 power versus local advice and consent, governmental  
10 checks and balances, essentially how to control the  
11 power of the mayor and the expansion of an informed  
12 and efficacious elector. The recommendations. A  
13 2018 charter commission should first of all and very  
14 explicitly articulate clear and compelling goals. The  
15 2010 commission and earlier commissions never defined  
16 its goals. The proposed commissions ought to. The  
17 1986 to 88 Ravage Commission believing that charters  
18 and hence charter changes could reflect clear and  
19 compelling goals, adopted a number of goals "to  
20 provide logic rationale and context for the various  
21 decisions to more universal principles." The Chair  
22 of the successor 1989 commission Frederick Schwartz  
23 restated these goals in his initial proposals in  
24 April 1989. (1) Balancing checking power. (2)

2 Increasing participation adding voices. (3)  
3 Enhancing government efficiency and effectiveness.  
4 (4) Fixing accountability, and (5) Ensuring fair  
5 representation. Without clearly articulated goals, a  
6 commission's deliberations are ultimately  
7 directionless. It can get you places where you don't  
8 and ought not want to be. Neither the preliminary  
9 staff report nor the final report of the 2010  
10 Commission provided a discussion of any principles  
11 that structured the choice of the alternatives and  
12 recommendations offered and that critique is true of  
13 the previous commissions. The Citizens Union and the  
14 City Council, for example, offered sometimes  
15 overlapping and overarching goals to the 2010  
16 commission. The City Council submission stated there  
17 goals and objectives: (1) Greater community  
18 participation in the government. (2) More  
19 transparency to the work of city government, and (3)  
20 strengthen the accountability of and in turn the  
21 public's confidence in city government. The Citizens  
22 Union in its 2010 City Charter Revision  
23 Recommendation proposed five major objectives. (1)  
24 Ensure checks and balances. (2) Open elections. (3)  
25 Strengthen accountability. (4) Protect integrity.

(5) Increase transparency. You must have clearly defined goals, and previous commissions other than the 1989 commissions did not have it, and they resulted in piecemeal ad hoc solutions to problems that were articulated and fostered by the Mayors. The second thing besides articulating clear and compelling goals is you have to address significant and feasible substantive areas. Significant issues include those mentioned in the 2010 commission's final report, issues for future consideration, and would subsequently, rigorously analyze in a symposium held at New York Law School in 2013, and the articles in the school' law review are an excellent basis for initial discussion. Among the matters that a 2018 Commission could address are broadly governmental structure and processes and land use planning and zoning. Just to articulate some of the-the issues under governmental structure and process, a charter revision should/must examine-address the powers and purviews of the Mayor, the City Council. For example, enhance its budgetary roles, make it a full-time body with limits on earned outside income, et cetera. The Comptroller giving him the power or her the power to establish or sign off on revenue



2 estimates. The public advocate, the borough  
3 president, the community boards. Another area of  
4 substantive concern is alternative electoral voting  
5 systems, voter participation and the effect. For  
6 example, instant runoff voting, ethics, appointments  
7 to and purview procedures of the Conflict of Interest  
8 Board, oversight of lobbying activities. Another one  
9 is procurement, enhanced bidding and contracting  
10 oversight by the Comptroller and the—or the Council,  
11 and then finally the charter content, move much of  
12 the charter into the Administrative Code and remove  
13 anachronisms like mandating agencies to—to produce  
14 their files on floppy disks. This—this substance—the  
15 other substantive area besides governmental structure  
16 is land use zoning, and a charter revision commission  
17 should consider land use policy since land is one of  
18 the principal stakes in the New York political game.  
19 Land use policies affect the city and the wellbeing  
20 of its neighborhood and residents. Critics of the  
21 status quo particularly the Uniform Land Use Review  
22 process seen—see it as inefficient, time consuming  
23 and often wrong headed in need of streamlining with  
24 shorter timeframes for review and the elimination of  
25 steps. Others want enhanced purview and greater

2 powers for the community board and the City Council  
3 on zoning and land use issues. Two cautions: Beware  
4 of unintended consequences. Jimmy Flannery the  
5 Chicago Sewer Inspector, machine ward dealer, sleuth  
6 and protagonist of Robert Campbell's crime series has  
7 a warning in the 600-Pound Guerilla for those who  
8 would tinker with the city's governor: "A thing like  
9 the city government is like a tower built out of  
10 match sticks. It stands so rickety you think one  
11 breath will knock it down flat. Somebody decides to  
12 fix it, take out this rotten beam, and that rotten  
13 brick, chop out a floor, pump out the basement, add a  
14 garden room, and then everybody acts surprised when  
15 it comes crashing down." And then finally, Yogi.  
16 Yogi said, "If you're going to build a better mouse  
17 trap, you better make sure there are mice out there."  
18 I just have one further comment. There was no  
19 specification in the intro that members of the  
20 commission must be residents of the city, and I would  
21 ask is this an omission or a conscious policy? And  
22 also there appears to be a duplication of Section 2  
23 Subsection (c) and (d) and Section 3(d) and (e) and  
24 has to do with lobbyists, and it has the exact  
25 wording in the two paragraphs. I am submitting both

2 the written testimony and two reports that I have  
3 prepared for the 2010 Commission, one on the City  
4 Council and one on the Public Advocate and Borough  
5 President and I thank you.

6           ETHAN GERINGER SAMETH: Good afternoon.  
7 Thank you, Chair Cabrera and Council Member Reynoso.  
8 My name is Ethan Geringer Sameth, and I'm the Public  
9 Policy and Program Manager at the Citizens Union.  
10 Citizens Union is a good government, non-partisan and  
11 independent watchdog organization. We—our  
12 mission is to make democracy work for all New  
13 Yorkers, and we believe that that is done through  
14 good government processes, transparency, and  
15 accountability. We've had significant involvement in  
16 past charter revision commissions. In 2010, we  
17 explored the Charter parallel to the commission  
18 extensively, and came up with a comprehensive set of  
19 over 50 detailed recommendations for reform. We're  
20 excited to see such interest in the reform again  
21 embodied by calls, multiple calls for a Charter  
22 Revision Commission, and we support many of the  
23 issues mentioned here today by Public Advocate James  
24 and Manhattan Borough President Brewer that could be  
25 addressed in the Commission. Things like land use

1 reform, independent budgeting, increase oversight,  
2 community govern-governance to name a few. We don't  
3 have a particular position on Intro 241-A, but there  
4 are certain aspects of it that we'd like to comment  
5 on. As I mentioned, our mission is to make democracy  
6 work for all New Yorkers, and to that end we  
7 appreciate and support the diversity in appointing  
8 authorities of-of this particular bill. Also to that  
9 end to ensure that the voices of New Yorkers are  
10 heard throughout the process are not only embodied in  
11 this diversity of appointing authorities, we think  
12 that there should proactive transparency in the  
13 process, open meetings, proactive engagement of  
14 community groups, experts and other stakeholders, and  
15 an extensive public education, and that's especially  
16 important if our referenda are going to be on the  
17 ballot in 2019, which will be a very low turnout  
18 year. We also have questions about the independence  
19 of the commissioners. Will they be-are there any  
20 limitations on-on-on what they-on who could be  
21 appointed. For instance, can they be appointed by  
22 from the staff of the appointing authorities?  
23 There's a concern and-and finally, we just want to  
24 point out that although part of the conversation  
25

2 today made it seem as though the-the-the commission  
3 wouldn't be-the Mayor's Commission and the Council's  
4 Commission wouldn't be operating at the same time, we  
5 do want to point out that the mayor can, of course,  
6 immediately reappoint another commission as soon as-  
7 as his is disbanded. You know, that would cause  
8 confusion to voters in the following year, and  
9 perhaps even conflicting referenda on the ballot.  
10 Thank you for inviting us to speak today, and we  
11 welcome any questions that you have.

12 CHAIRPERSON CABRERA: Thank you so much.  
13 That was very, very insightful. I wanted to ask you  
14 a question, professor regarding the goals. Which  
15 goals do you recommend that the Commission should  
16 have as we move forward?

17 DOUGLAS MOUSEIO: I would simply look at  
18 the recommendations from the 1989 Charter, the-the  
19 Council's submission in 2010 and also the Citizens  
20 Union because I think generally they are appropriate  
21 and applicable and the-the fundamental point is you  
22 need some goals. Those goals seem to me to be  
23 appropriate but you need goals. You need the focus  
24 of goals. That simple.

2 CHAIRPERSON CABRERA: I-I definitely  
3 agree with you and your purpose. Without goals  
4 would-it just-it provides no guidance and it's so--

5 DOUGLAS MOUSEIO: It's directionless.

6 CHAIRPERSON CABRERA: Yeah, exactly. So,  
7 if we're going to be intentional about what we need  
8 to do, we definitely need to set some goals, and I  
9 appreciate your very extensive report you just gave  
10 us. It was-it was very good along side with those  
11 standing right next to you. It was very helpful.  
12 Council Member Reynoso, do you have a question?

13 COUNCIL MEMBER REYNOSO: Just-I guess I'm  
14 not making-I don't have any questions because I'm  
15 actually excited about how his process is going to  
16 move forward and really getting input from folks more  
17 than anything else. I just really want to put in  
18 another plug for Exclusive City, which is a-a  
19 document that you should read, professor that we  
20 worked together with Gale Brewer regarding land use  
21 and how outdated the processes are that our city has  
22 changed significantly since 1989 when it comes to  
23 land use, and we should be really-really look into  
24 it. So, again, I just really want to push that last  
25 land use being one of our goals, is looking at land

2 use and its role in the city of New York, and how we  
3 could modify it to work better. It's like any  
4 machine. It's like a vehicle from the 1989. You  
5 have to look and you have to change parts. Maybe  
6 there are some wheels need changing. Maybe the  
7 engine needs to be-be-be fixed, the transmission  
8 might not be working. We can't go into the future  
9 with the same outdated lesson. We don't want to just  
10 look at the air conditioner, and the CD player.

11 DOUGLAS MOUSEIO: Correct.

12 CHAIRPERSON CABRERA: We want to  
13 encompass the whole car. Why not and have goals, and  
14 the goals that I want to put it, and just keep using  
15 that. It's just like do we want it to go faster? Do  
16 we want it to be safer? You know, like there's  
17 different things that we just set forth that are not  
18 particular to one item, but speak to what we're  
19 trying to achieve as a-as a city. So, I'm really  
20 excited about this process, and I'm so glad that it's  
21 a-it's something that the City Council has decided to  
22 take on and put for the for a process that's a lot  
23 more collaborative and inclusive than what we heard  
24 from our mayor. So, again, thank you to all the  
25 panelists, Peirina and everything and everything that

2 RPA has done to help us push this along. Again,  
3 thank you all.

4 CHAIRPERSON CABRERA: Thank you for the  
5 analogy. I think that was the best analogy we have  
6 seen today.

7 COUNCIL MEMBER REYNOSO: [laughs] Good.

8 CHAIRPERSON CABRERA: And so we don't  
9 want to have also a vehicle that is running on nitro,  
10 and then the rest of the cars are not able to hold.  
11 So, that's very good. I did have one more question  
12 and that is how long do you suggest that the  
13 Commission should meet? What--how long do you  
14 foresee that a workable efficient, reasonable  
15 commission should meet together in order to be  
16 prepared.

17 DOUGLAS MOUSEIO: It--it really depends on  
18 the scope of the purview. If it looked at every  
19 thing discussed today, you probably have a commission  
20 and time for the presidential election in 2020 or the  
21 mayoral election in 2021. My sense is that the  
22 commission should complete its work by November--by  
23 August 2019, but to really look at the important  
24 issues that were raised here today, and devote  
25 sufficient time and to study it. It's going to be an



2 immense project, an immense project like the '86 to  
3 '88 and '89 Charter it took years. It wasn't, you  
4 know, three months or 15 months. It was three years,  
5 and it produced what you folks apparently want is a  
6 comprehensive view of the City Charter.

7 CHAIRPERSON CABRERA: Indeed.

8 PIERINA SANCHEZ: Right. If I could just  
9 add, I mean the Charter is, well the PDF version if  
10 you download it from the Internet is 340 pages long.

11 CHAIRPERSON CABRERA: Right.

12 PIERINA SANCHEZ: And so it's a--it's a  
13 quite lengthy document and to--to think about, you  
14 know, if we change one thing what are the ripple  
15 effects down the road. It really does take time.  
16 So, I think goals will be of utmost importance. I--I  
17 hope to see land use on there but, you know, 2019 is  
18 a good time to do it because there won't be the  
19 other--the other, you know, political noise, if you  
20 will, of elections and--and other--and other goings on.  
21 So, this could be something that, you know, educates  
22 the public in some ways, gets them engaged and it's a  
23 really exciting thing to see on the agenda hopefully  
24 in 2019.

2 CHAIRPERSON CABRERA: Well, thank you so  
3 much. This was very, very insightful and my hope is  
4 that you continue working with us through the entire  
5 process all the way to the finish line.

6 DOUGLAS MOUSEIO: Thank you.

7 PIERINA SANCHEZ: Thank you.

8 CHAIRPERSON CABRERA: Thank you. Have a  
9 great day, and the last panel. I'm visually  
10 challenged here. So Stanley Fritz of Citizen Action  
11 of New York, Barbara Zucker from Women's City Club of  
12 New York; Alex Camarda from Reinvent Albany; and  
13 Susan Lerner from Common Cause. [background  
14 comments] You may begin as soon as you're ready.  
15 [background comments]

16 STANLEY FRITZ: Thank you for having me  
17 here today. So good afternoon now. My name is  
18 Stanley Fritz. I'm the Campaign Manager at Citizen  
19 Action of New York. Citizen Action is a grassroots  
20 member raised organization that's taking on big  
21 issues at the center of transforming the society  
22 focusing on issues that that work on quality  
23 education, racial, social, environmental and economic  
24 justice. I'm here today in support of this effort to  
25 examine how structural forms to our city government

1 can help it best serve its citizens. I want to  
2 commend Council Speaker Corey Johnson, Public  
3 Advocate Tish James and, of course, our dear friend  
4 and Citizen Action co-founder Manhattan Borough  
5 President Gale Brewer on the hard work they put into  
6 Intro 241 for a Charter Revision Commission. Citizen  
7 Action believes that after 30 years, it's about time  
8 to again consider these fundamental questions of city  
9 governance and supports all efforts including this  
10 proposal to look into ways to make the next several  
11 decades of New York City governance as equitable and  
12 progressive as possible. However, we do have a few  
13 suggestions. First, we suggest that the Council  
14 consider appropriating funds both in 2018, but  
15 especially in 2019 for significant public education  
16 effort to engage the people of the city in the  
17 discussion of charter revisions, and to make sure  
18 that voters are aware of what they may vote for, or  
19 against in 2019. When processes like this take  
20 places usually poor low-income and communities of  
21 color are left out of the conversation for no other  
22 reasons but then a lack of awareness in the process.  
23 People in Brownsville, East New York or the polar  
24 grounds in Harlem are thinking about a chartering  
25

2 process, but they should be and they should have a  
3 say in how things go, but they usually aren't as  
4 engaged and they don't have a chance to vote because  
5 they're blocked from the process, which is why that  
6 funding for education particularly in 2019 it's very  
7 important. Second, we have noticed one piece of the  
8 draft legislation before you today that we would  
9 encourage you to consider amending Section 1,  
10 Subsection (c). This section clearly has a noble  
11 intent to prevent the Charter Revision Commission  
12 from being taken over by lobbyists. We support that  
13 intent. However, the language in this section would  
14 end up excluding many other people you might ideally  
15 want on a commission including yours truly. That's  
16 because of the defining excluded category as anyone—  
17 excuse me—the defining category excludes anyone who  
18 has conducted any lobbying activities as defined—as  
19 defined by Section 3211 of the City Code, which would  
20 mean excluding any staff person at a non-profit  
21 organization who has ever met with their City  
22 Councilman and have requested support from local  
23 programs. In fact, it would exclude virtually the  
24 enter New York City Good Government community  
25 including the sorts of advocates who are testifying

2 before you today as virtually all of us have met with  
3 one of you or testified at hearings like this one.  
4 And as a result, have filled out the form mandated by  
5 a state law that lumps us in with professional  
6 lobbyists. So, we would encourage you and the  
7 committee to please look at amending that language to  
8 only exclude people who have lobbied on behalf of  
9 for-profit entities, or to allow individuals who have  
10 lobbied to be on a commission if they are first  
11 vetted by Conflicts of Interest Board. Once again,  
12 thank you very much for having me on here today, and  
13 thank you very much for this conversation.

14 SUSAN LERNER: Chairman Caberera, good  
15 morning or good afternoon at this point. I'm Susan  
16 Lerner. I'm the Executive Director of Common Cause  
17 New York, and I apologize that I do not have written  
18 testimony prepared, but I was up in Albany all week.  
19 Common Cause is very supportive of the concept of  
20 revisiting the Charter, of revising the Charter of  
21 having thorough look, but we are quite concerned that  
22 the city looks terrible with the idea that there  
23 would be two Charter Revision Commissions going on.  
24 The types of subject matter that have been discussed  
25 for both of them are things that we do believe

2 require discussion. We're very supportive of the  
3 idea of a very thorough and new look at campaign  
4 finance for the city, and we concur and we are part  
5 of the group that with the Regional Planning  
6 Association with the suggestion of-of Borough  
7 President Gale Brewer and Council Member Reynoso met  
8 over a number of months to look at the ULURP and land  
9 sue process. So, we believe as does the Public  
10 Advocate that that process desperately needs to be  
11 democratized. So, the subject matters that are being  
12 discussed are absolutely what we think should be  
13 addressed. It's the process that concerns us. We  
14 really don't want to see New York City, which is  
15 supposed to be a progressive city following the model  
16 of Washington, D.C. and allowing important issues to  
17 fall into what to the public will look like petty  
18 political squabbling. I know that the Council itself  
19 doesn't have the ability to force the Mayor to come  
20 to the table or to require the Public Advocate and  
21 the Borough President to find some middle ground, but  
22 I would urge all of the parties involved for the sake  
23 of New Yorkers to put aside their political  
24 differences and figure out how to do this as one  
25 integrated process. I do want to share with you some

2 concerns we have about the bill, which is very  
3 skeletal. We've heard a lot of discussion about how  
4 it should be an independent committee, a commission,  
5 how it should take a thorough look, but the bill  
6 itself is really skeletal. It's simply attracts what  
7 state law permits the city to do in Home Rule  
8 Section—Home Rule Law Section 37, and really doesn't  
9 give any guidance at all to how people should be  
10 appointed, what would be done to ensure it would be  
11 an independent committee. There's nothing which  
12 would prevent the appointing authorities from filling  
13 a commission with their staff if they wanted to  
14 because that's permitted under state law or to ensure  
15 somehow that the staff of the commission is drawn  
16 primarily from the offices of the appointing  
17 authorities. I don't expect that all of the  
18 appointing authorities would use that, but it's a  
19 matter of concern that there really aren't any  
20 safeguards. I also question why if this is to be an  
21 independent commission the Chair of the commission is  
22 going to be appointed by the Council Speaker. If the  
23 commission is properly appointed with people who have  
24 independence of the necessary experience, then it  
25 seems to me that the Commission itself ought to be

2 able to figure out who to choose to be their chair.  
3 So, that's a matter of concern, and I think really  
4 it's somewhat unusual. I think the Council is in an  
5 excellent position to think through what's needed in  
6 terms of guidance and in terms of some better  
7 protection for an independent structure since Council  
8 members don't have the opportunity to appoint anybody  
9 to this commission. So, I would like to see there be  
10 a more through discussion of what's necessary. I  
11 echo Stanley's concerns regarding the ability of the  
12 public to really participate, and I share some of  
13 Doug Mouseio's concerns in terms of how long this may  
14 actually take. I think it's a wonderful idea to have  
15 one meeting, public hearing in each one of the  
16 boroughs, but not nearly enough in today's  
17 information laden world, and that raises the last  
18 question, which is the bill is very skeletal in terms  
19 of how this commission would actually be funded. I  
20 think this is going to be an expensive commission if  
21 it's done right. I think you're going to have to  
22 have a robust online presence. I think you're going  
23 to have to have different modalities for the public  
24 to communicate and participate, and there's really  
25 nothing in the bill that ensures that that is



2 actually going to happen, and so I would like to see  
3 the bill more thoroughly expanded. I'd like to see  
4 the Council have more of a direct voice in terms of  
5 ensuring that the wonderful statements about what  
6 everybody wants this commission to be would actually  
7 be realized. The truth of the matter is at the end  
8 of the day, this commission, if indeed it is  
9 empaneled, will rise and fall on who is appointed.  
10 We need some protections in the bill to protect its  
11 independence, but it's ultimately going to be the  
12 appointing powers, and so some guidance from the  
13 Council as to the type of people that they expect to  
14 see on the Commission would be helpful in that  
15 regard. Thank you.

16           Good afternoon, Chair Cabrera and members  
17 of the New York City Council Governmental Operations  
18 Committee. My name is Alex Camarda and I'm the  
19 Senior Policy Adviser for Reinvent Albany. Reinvent  
20 Albany advocates for transparent and accountable  
21 government in New York and is particularly interested  
22 in making city government more transparent. Here in  
23 New York City we were instrumental in passing the  
24 city's Open Data Law, and subsequent amendments.  
25 Thank you for your help with those, Chair Cabrera,

2 and also advocating for open FOIL legislation, which  
3 led to the creation of the city's Open Records  
4 platform. The bill before this committee today  
5 Intro No. 241-A will establish a Charter Revision  
6 Commission to draft a new or revised charter for the  
7 city of New York. As you know, Mayor de Blasio is  
8 convening a Charter Revision Commission, which  
9 intends to put proposals on the ballot this fall.  
10 Reinvent Albany previously supported the Mayor's  
11 Commission, the mayor call a Charter Revision  
12 Commission in part because of the emphasis on  
13 Campaign finance reform and lobbying transparency,  
14 and the historic focus of past charter commission on  
15 government accountability issues for example in 2010  
16 and 2003. We believe it is in the best interest of  
17 the city for the Council and the Mayor to negotiate  
18 and convene one commission to examine the entirety of  
19 the city's charter. Council Speaker Johnson has said  
20 he hopes the Mayor will agree to do this, and so do  
21 we. If the Mayor and the Council proceed with  
22 different and competing commissions a number of  
23 scenarios could unfold, which could result in  
24 conflicting policy, public confusion, excessive  
25 politicization, inefficiency and litigation. For

2 instance, the Mayor's Commission could put measures  
3 on the ballot this fall, and the Council commission  
4 could immediately revisit the Charter in 2019 even  
5 reversing proposals put forth by the Mayor's  
6 Commission and approved by the voters. In another  
7 scenario, the Mayor could call a Charter revision  
8 commission in 2018 and then separately again in 2019,  
9 which would seemingly bump off the ballot any  
10 referenda submitted by the Council convening the  
11 Charter Revision Commission, and that in-and that act  
12 in and of itself may trigger litigation. It's also  
13 possible the work of the two commissions will be  
14 complementary or at least co-existing rather than  
15 conflicting. The events I described earlier may not  
16 happen, and the Council initiated commission's work  
17 on the charter may proceed in 2019 with different  
18 charter revisions altogether than the Mayor's  
19 commission placing referenda on the ballot this year  
20 in 2018. The point is that this is an unprecedented,  
21 unchartered waters type of situation. There's no  
22 doubt the two commissions convened in the same year  
23 would be unprecedented in recent memory and create a  
24 high degree of uncertainty. This is why we think  
25 it's best that the Council and the Mayor try to come

2 together to create one commission, and we understand  
3 there's been communications in that regard and we  
4 would ask that all efforts be made to create one  
5 commission. As for the specific provisions of the  
6 Council's bill, Intro 241-A, it largely tracks the  
7 requirements in the Municipal Home Rule Law Article  
8 4.2 Section 36. This law gives the Council  
9 flexibility regarding appointees to the commission.  
10 Reinvent Albany believes doing something as important  
11 as rewriting the City's Charter should include the  
12 diverse voices of the city as expressed through their  
13 elected officials. We, therefore, support that intro  
14 No. 241-A includes appointees from all citywide  
15 elected officials and the Borough Presidents. We  
16 suggest the chair of the commission be jointly chosen  
17 by the Mayor and the Council Speaker. We think that  
18 would be more appealing and fair to the Mayor so the  
19 commission would be exactly balanced between the  
20 Mayor and Council both in the number of appointees  
21 and the choosing of the chair. We do support the  
22 provision of the bill that prohibit lobbyists from  
23 serving on the commission, and requiring the  
24 Conflicts of Interest Board to restrict or limit  
25 outside activities by consultants who are doing

2 business with the city if they serve on the  
3 Commission, acknowledging Citizen Action's concerns,  
4 our read of that provision was that if someone like  
5 myself or another Good Government advocate was to  
6 work with the Commission that they would then  
7 terminate their lobbying registration, and that would  
8 enable them to work on the commission. They just  
9 could not lobby while simultaneously being on the  
10 commission. So, it would be interesting to hear the  
11 the Council's take on that particular provision give  
12 the concern that were raised. We also suggest the  
13 Council amend Section 3 (f) of the bill to clarify  
14 the commission should follow the Freedom of  
15 Information Law, the Open Meetings Law, which we  
16 believe it is required to do so under state law. We  
17 think the Commission should webcast its hearings and  
18 meetings, create a website posting and archiving  
19 testimony to the Commission, minutes of the meetings  
20 and hearing and any reports issued by the Commission.  
21 We think all of that should be included in Section 3  
22 (f) of the bill. We also think importantly that the  
23 bill should require commission members and their  
24 staffs and any consultants working with the  
25 Commission to be issued government emails and be

2 required to use them exclusively for the Commission's  
3 work. Additionally, we recommend that Council  
4 clarify that lobbying the commission should be  
5 reported to the city's clerk's office as would be  
6 required for attempting to influence any other  
7 commission. The City has created a new lobbying data  
8 base. It only displays lobbying activity back to  
9 2013. So I was unable to look up whether previous  
10 lobbying of commissions was reported, but my  
11 recollection is in 2010 the City Clerk's office made  
12 an adjustment to the e-lobbyist platform that enable  
13 those lobbying the commission to report that activity  
14 and we would suggest they do so again. Thank you and  
15 I welcome any questions you may have.

16 SUSAN LERNER: Chairman Cabrera.

17 CHAIRPERSON CABRERA: Yes.

18 SUSAN LERNER: This is the problem of not  
19 having a written testimony.

20 CHAIRPERSON CABRERA: It's no-no problem.

21 SUSAN LERNER: There were two things that  
22 I did want to-to add. One, the State Law does permit  
23 the Commission to be made up of members who are  
24 appointed and members who are directly elected by the  
25 voters, and that possibility is something that I

2 would recommend that the Council discuss because we  
3 are to have a really thorough examination, and we  
4 want to be sure that there is clear representation  
5 and public participation, the public being able  
6 actually to choose some commission members I think  
7 will be—is something which will appeal to the voters  
8 and cause more public attention. The second thing is  
9 that I personally was exiled for too many years in  
10 Los Angeles, and I was there when Los Angeles went  
11 through exactly this process of have two dueling  
12 charter revision commissions, one that was empaneled  
13 by the City Council, which had elected members and  
14 one which was empaneled by the Mayor. It was a  
15 political mess. At the end of the day, thank  
16 goodness, the two chairs of the commission were able  
17 to sit down and come up with a compromise, but after  
18 both commissions had finished their work. So, the  
19 taxpayers had double cost for two commissions, and  
20 did not have the advantage of a process where the two  
21 convening—competing visions were forced to talk to  
22 each other throughout the process. So, I just wanted  
23 to share that personal experience with you.

24 CHAIRPERSON CABRERA: Yeah, and thank you  
25 for your concern and as—as you know, our Speaker has

2 reached out to the Mayor. We do want to work  
3 together. We wanted to be—we want to be as inclusive  
4 as possible to have as it was mentioned earlier  
5 representative views included through the membership  
6 of the Commission. I agree with you 100% that—with  
7 all of you—that the key to this commission and it's  
8 funny you mention it because we were just talking  
9 about it just a bit earlier, that the key is who is  
10 going to get appointed. You know, everything rises  
11 and falls based on leadership, and so we're going to  
12 need people who are very well prepared. We're going  
13 to definitely look over your recommendations, a  
14 serious look at your concerns about lobbyists and  
15 which lobbyists should be allowed and not allowed or  
16 to what degree. That's why we feel it necessary to  
17 have these hearings because we did want to hear the  
18 concern, and I believe that at the end of the day,  
19 we're going to be able to come up with a better bill,  
20 and hopefully we could work together. That's—that  
21 was our intention from the very beginning, and as you  
22 know, you know, this bill was introduced prior to the  
23 Mayor's intention. Well, he has every right to do  
24 so, but I think, and I think this is a consensus that  
25 the majority of people would like us to work together



2 for the obvious reasons that you have mentioned. So,  
3 please stay working close with us in this process.

4 We're going to need your expertise, your historical  
5 knowledge and—and—and all of the advice that we could  
6 get from you so much. I appreciate all of the  
7 advocates, all of the elected officials and the  
8 representative that came here today, and with that,  
9 we conclude today's hearing. I want to thank again  
10 my staff, the Council staff that made this day a  
11 productive day. Have a great day. [gavel]

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C E R T I F I C A T E

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



Date April 17, 2018