

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

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

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MAY 17, 2018
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HELD AT: COUNCIL CHAMBERS - CITY HALL

B E F O R E:

COUNCIL MEMBERS: ANTONIO REYNOSOS, CHAIR
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A P P E A R A N C E S (CONTINUED)

ANDY KING
BILL PERKINS
KALMAN YEGER
ALAN MAISEL

DAWN PINNOCK, CHIEF HUMAN CAPITAL
OFFICER/DEPUTY COMMISSIONER

LARRY CIPOLLINA, DEPUTY COMMISSIONER FOR
ADMINISTRATION AND FINANCIAL MANAGEMENT

STEVEN COSTAS, FIRST DEPUTY COMMISSIONER

D. KATHRYN GARCIA, COMMISSIONER OF THE
NEW YORK CITY DEPARTMENT OF SANITATION

LISETTE CAMILO, COMMISSIONER OF
DEPARTMENT OF CITYWIDE ADMINISTRATIVE
SERVICES

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BOARD OF ELECTIONS

DAWN SANDOW, DEPUTY EXECUTIVE DIRECTOR OF
THE BOARD OF ELECTIONS

AMY LOPREST, EXECUTIVE DIRECTOR OF THE
CAMPAIGN FINANCE BOARD

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

ERIC FRIEDMAN, ASSISTANT DIRECTOR FOR
PUBLIC AFFAIRS

ZACHARY CARTER, CORPORATION COUNSEL

MAL HIGGINS

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(Test, test, test, today's the Committee
on Finance joint with Sanitation and Governmental
Operations. Today's date is May 17, 2018. This is
recorded by Sargeant Bradley. Test, test, test,
today's the Committee on Finance joint with
Sanitation and Governmental Operations. Today's date
is May 17, 2018. This was recorded by Sargeant
Bradley.)

ANTONIO REYNOSOS: Thank you Sargeant.
(gavel pounding). Good afternoon I am Council Member
Antonio Reynoso, Chair of the Committee on Sanitation
and Solid Waste Management. This is a hearing on the
Fiscal 2019 Executive Budget for the Department of
Sanitation held jointly with Committee on Finance.
Today we will hear testimony from the Department of
Sanitation about its \$1.73 billion Fiscal 2019
Expense Budget and \$2.2 billion Fiscal 2018 to 2022
Capital Commitment Plan and General Agency
Operations. The Committee looks forward to hearing
such important topics such as efforts to both their
Zero Waste Outreach, further plans for a cleaner
fleet and identified new services as well as updates
on current service levels. I want to just thank the
Director Latonia McKinney, Deputy Director Regina

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1
2 Ryan and Nathan Toth, Committee Counselors Rebecca
3 Chasen (SP?) and Nicole Benny (SP?), Unit Heads
4 Carillion Francisco (SP?), Financial Analyst John
5 Salcer (SP?), the Finance Division Administrative
6 Support Unit, again Nicole Anderson, Maria Pagan
7 (SP?), Roberta Catawanno (SP?) hold everything
8 together. I really want to thank uhm the staff
9 behind the scenes that do all of this work and make
10 us look, look competent. I would like to remind
11 everyone that the public will be invited to testify
12 on the last day of Budget Hearing on May 24 beginning
13 at approximately 4:00 p.m. in this room. For members
14 of the public who wish to testify but cannot attend
15 the hearing, you can email your testimony to the
16 Finance Division at financetestimony@council.nyc.gov
17 and the staff will make it a part of their official
18 record. Before we begin I would like to remind my
19 colleagues that the first round of questions for the
20 agency will be limited to three minutes per Council
21 Member and if Council Members have additional
22 questions we will have a second round of questions at
23 two minutes per Council Member. I would also like to
24 acknowledge that we have been joined by Council
25 Members Fernando Cabrera and Keith Powers and now I

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1
2 will pass it over to hear testimony from Commissioner
3 of the Department of Sanitation, D. Kathryn Garcia.

4 KATHRYN GARCIA: Thank you. Good morning
5 Chair Reynoso.

6 ANTONIO REYNOSO: I do got to swear you
7 in very quickly.

8 KATHRYN GARCIA: Yes.

9 COUNSEL: DO you affirm that your
10 testimony will be truthful to the best of your
11 knowledge, information and belief?

12 KATHRYN GARCIA: Absolutely, yes. Good
13 morning Chair Reynoso and members of the City Council
14 Committees on Sanitation and Solid Waste Management
15 and Finance. I am Kathryn Garcia Commissioner of the
16 New York City Department of Sanitation. I am joined
17 by Steven Costas, First Deputy Commissioner and Larry
18 Cipollina, Deputy Commissioner for Administration and
19 Financial Management. We appreciate this opportunity
20 to testify on the Department's Expense and Capital
21 Portions of the Mayor's Fiscal Year 2019 Executive
22 Budget. The Fiscal 2019 Executive Budget allocates
23 \$1.73 billion in expense funds to the department of
24 which \$1.01 billion is for personal services and \$724
25 million is for other than personal services. Out

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1 budgeted head count for the Fiscal Year 2019
2
3 Executive Budget is 10,306 full time and full time
4 equivalent positions. The funding made available to
5 the department by this budget will allow us to meet
6 our core service obligations to the public by keeping
7 New York City healthy, safe and clean. This Budget
8 includes funding for a new initiative called Clean
9 NYC 2.0. This program includes targeted cleaning
10 resources including mobile litter patrol, litter
11 basket service and mechanical room service in the
12 Brooklyn North Zone which has the lowest average
13 score card reading of the seven zones in the City and
14 four Districts in the zone rank among the 10
15 Districts with the lowest card rating in this Fiscal
16 year to date. Clean NYC 2.0 also includes additional
17 supervisory resources to monitor compliance with
18 alternate side parking regulations and ensure that
19 mechanical brooms are able to quickly and effectively
20 clean their routes. This expands on the earlier
21 version of clean NYC which provided highway onramp
22 cleaning and expanded Sunday and holiday litter
23 basket service in all five boroughs. On the topic of
24 cleaning I'm excited to share with the Council that
25 this summer the department will be launching a design

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1 competition to envision the next generation corner
2 litter basket for New York City. We expect to
3 release more information about this exciting program
4 in the next several weeks. In the meantime I
5 encourage New Yorkers to go to betterbin.nyc to help
6 us answer the question, What should New York City's
7 next generation litter baskets look like? In
8 addition, this Budget includes \$760,000 in Fiscal
9 year 2019 increasing to \$1.2 million in Fiscal year
10 2022 for maintenance contracts to support the
11 operation of this City's Marine Transfer Station.
12 These contracts include fire alarm inspection,
13 ventilation system cleaning and maintenance and other
14 similar services. Together with the additional
15 maintenance staff included in the Fiscal year 2019
16 Preliminary Budget, these contracts will ensure that
17 these facilities are able to operate for decades to
18 come. To maximize our use of resource, the
19 Department projects to achieve savings in the Fiscal
20 2019 Budget that will include it's agency allocation
21 share of citywide savings through reduced civilian
22 overtime, phone plan charges, travel expenses and
23 procurement reform for vendors to facility online
24 processing. The Capital portion of the Department's
25

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1 Fiscal Year 2019 Executive Budget is \$495 million
2 which includes funding for facility construction and
3 vehicle purchases. The Budget includes full funding
4 for all of our vehicle and replacement cycles, in
5 addition from 2019 to 2023, the Department is funded
6 to complete construction of the Southwest Marine
7 Transfer Station which we expect to open later this
8 year, continue construction of the East 91st Marine
9 Transfer Station which we expect to open in the first
10 half of calendar year 2019, continue the
11 modernization of the West 59th Street Marine Transfer
12 Station together with the demolition of the
13 Gansevoort Marine Transfer Station, begin
14 construction of the new Brooklyn 3 Garage in this
15 coming Fiscal year, complete the design of the new
16 Staten Island 13 Garage and begin construction in
17 Fiscal year 20, renovate the Queens 1113 Garage,
18 design and then begin construction of a new Queens 1
19 Garage and replace the Bronx 91011 Garage. In
20 addition, for the past several years, the Department
21 has invested in the renovation or construction of
22 personnel facilities. The Department has conducted a
23 complete assessment of its garages lacking suitable
24 bathrooms and locker rooms for its female workers.
25

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1 We are now nearing completion of this program by the
2 end of Fiscal year 2019, I expect all female facility
3 upgrades to be complete. We are currently assessing
4 our personnel spaces for heating and air condition
5 requirements for the next phase of upgrades. In
6 addition, as we prepare to be evicted this September
7 from the Manhattan 6 Garage near Hudson Yard, we are
8 rehabilitating personnel and office spaces at three
9 locations on the east side of Manhattan. This will
10 facilitate ongoing service to District 6 while we
11 continue to work toward a long-term facility to serve
12 this community. Going forward, the Department will
13 build on its progress and commitment to increase
14 recycling participation and diversion to set the city
15 on path to achieve our goal of Zero Waste goal by
16 2030. A few weeks ago DSNY kicked off our annual
17 Spring Safe Disposal Events at Save Disposal Events
18 which stands for solvents, automotive, fireable and
19 electronic products, New Yorkers can drop off
20 potentially harmful household products for proper
21 recycling or disposal. Accepted products include
22 household cleaners, unwanted or expired medications,
23 automotive fluids, paint, batteries and electronics.
24 We hold two events annually in each borough, one in
25

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1 the spring and one in the fall but each event is open
2 to New York City residents from any borough. Our
3 next Save Event will take place this Sunday on West
4 120th Street in Morningside Heights in Manhattan.
5 Residents can find out more about it on our website
6 at nyc.gov/savedisposal or by calling 3-1-1. This
7 fall this Department will expand its curbside
8 electronic waste collection service to Southern
9 Brooklyn and Western Queens in areas with curbside
10 ewaste collection, residents living in buildings with
11 nine or fewer dwelling units can schedule a pickup
12 appointment for unwanted televisions, computers and
13 other electronics covered by the New York State
14 E-Waste Disposal Ban. This service is currently
15 offered in Northern Brooklyn and on Staten Island.
16 The Department also continues to work with its
17 partner Housing Works and Electronic Recyclers
18 International to expand the Refashion NYC and ECycle
19 NYC Programs in larger apartment buildings across the
20 city so that residents can drop off unwanted clothing
21 and electronics free of charge. Currently more than
22 13,000 residential buildings with 830,000 households
23 are enrolled in the E-Cycle NYC Program. In more
24 than 1,500 buildings with 158,000 households are
25

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1 enrolled in the Refashion NYC Program. This year we
2 will continue efforts to grow these programs and we
3 have recently expanded capacity of process textile
4 donations through a new partnership with the
5 Salvation Army. As we discussed with the Council at
6 the previous hearing on the city's 2017 Waste
7 Characterization Study we must have a robust organic
8 waste diversion program to meet our ambition Zero
9 Waste goals. Presently the Residential Organics
10 Curbside program serves 3.5 million New Yorkers and
11 is by far the largest and most expansive curbside
12 organics collection program in the United States. We
13 believe that for the program to be successful over
14 the long-term we must ensure New Yorkers are getting
15 the very best service when Curbside Organic
16 Collection reaches their neighbo, neighborhoods. To
17 achieve this, the City is evaluating its current
18 service with a goal of increasing efficiencies and
19 streamlining the program. At this time, the City has
20 temporarily placed the implementation schedule for
21 expanding the program to additional Districts on
22 hold. In the interim, residents in the current
23 participating areas will continue receiving curbside
24 organic collection service while the Department
25

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1 continues intensive outreach in these neighborhoods
2 to grow participation. We will also continue
3 supporting Green Market Drop Off Programs across the
4 City where residents can drop off their organic waste
5 for collection. Working with our neighborhood
6 partners and local nonprofit organizations we
7 continue to promote the expansion and growth of new
8 community composting sites across all five boroughs.
9 Earlier this year, we completed construction of a new
10 and expanded Community Compost Site along the Gowanus
11 Canal in partnership with the Gowanus Canal
12 Conservancy and Use. The Department will continue to
13 look for opportunities and seek innovative ways to
14 increase recycling diversion and participation rates
15 across the City and look forward to working with you
16 and the City Council to achieve these mutual goals.
17 As you know, the Department operates a sizeable fleet
18 of trucks and other vehicles to collect recyclables
19 and dispose of waste, clean streets and vacant lots
20 and clear snow and ice. When I appeared before you
21 in March at the Preliminary Budget Hearing, members
22 of the Sanitation Committee expressed interest in the
23 Department's sustainable vehicle fleet. I would like
24 to take this opportunity to highlight some elements
25

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1 of our fleet program which continues to be among the
2 cleanest heavy duty fleets in the nation. Thanks to
3 new technologies and our Agency's commitment to lead
4 in the research development and testing of cleaning
5 fuels and emissions and effort the Department began
6 over 20 years ago. We have achieved success in
7 dramatically reducing emissions of particulate
8 matter, nitrogen oxides and other air pollutants from
9 our fleet. Currently all of the Department's heavy
10 duty diesel vehicles utilize the industry's latest
11 computer controlled and regulated clean diesel
12 engines for their respective model years. While the
13 Department's light duty fleet incorporates hybrid
14 electric plug in, hybrid electric and all electric
15 technology to minimize vehicle emissions. In Fiscal
16 year 2018, the Department ordered 446 new collection
17 truck, an accelerated purchase to advantage of
18 favorable contract pricing. These new trucks will be
19 in full compliant with EPA Phase 1 Greenhouse Gas
20 Standards and will augment our fleet of sustainable
21 collection trucks. To further lower emissions, the
22 Department is currently using B20 Biodiesel, 20%
23 coming from soybeans for its trucks citywide. We use
24 B20 generally from April 15 through November 15 and
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1
2 B5 during the colder months. We are currently
3 conducting a pilot for use of B20 throughout the
4 winter at 14 District locations and the result so far
5 look promising. While we have achieved much to date,
6 we believe more improvements are possible as
7 technology advances and we are excited to be at the
8 forefront of testing other kinds of alternatives
9 fuels and technologist. Toward that end, I am very
10 please that as part of this city's clean fleet plan
11 the administration recently announced it will use for
12 the first time renewable diesel. A low emissions 99%
13 petroleum free fuel to power over 1,000 large heavy
14 duty vehicles including some sanitation trucks.
15 Renewable diesel is made almost exclusively of plants
16 and animal fats with just 1% of its composition
17 derived from petroleum. In addition, in 2019 the
18 Department will receive from Mack trucks a fully
19 electric demonstration refuse collection truck
20 equipped with an integrated electric drive train
21 system to test in its daily operations. This
22 represents a significant opportunity for the
23 Department to a truly zero emissions vehicle, the
24 first of its kind manufactured by Mack truck and one
25 of the first in its class nationwide. As we now

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1 enjoy longer daylight hours and warming temperatures
2 though apparently no sun we are pleased to put the
3 2017-18 snow season behind us. This past snow season
4 seemed to never end. We received more than 5 inches
5 of snow on April the day after Easter and a total of
6 more than 40 inches of snow was nearly 50% more than
7 the average annual snow accumulation for New York
8 City. The Department's Snow Budget for Fiscal 2019
9 is funded for \$97.7 million, an increase from \$13.6
10 million from the \$84.1 million funded in the Fiscal
11 Year 2018 Adopted Budget. Additionally our current
12 spending estimate for Fiscal 2018 now stands at
13 \$107.2 million. The Department expects to hire
14 between 400 and 500 new sanitation workers this
15 summer depending on the rate of attrition. These new
16 employees will receive snow operations training
17 before the start of next winter. Going into the
18 2018-19 snow season, the Department will have
19 adequate staffing with over 6500 sanitation workers
20 available to be prepared for whatever Mother Nature
21 has in store for us. I would like to thank you for
22 the opportunity to testify today on the funding of
23 the Department's program and operations over the next
24 Fiscal year. The Department has always recognized
25

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1 the vital role of the Department in keeping
2 communities across the city healthy, safe and clean
3 and we will continue to uphold the high standards in
4 our delivery of the essential service we provide to
5 the public. We also welcome your supportive
6 partnership in carrying out all of our future agency
7 initiatives. My staff and I will now be happy to
8 answer any questions.

10 CHAIR ANTONIO REYNOSO: Thank you
11 Commissioner for your testimony. Uhm I'll ask a
12 couple of questions and then open it to the rest of
13 my colleagues. Uhm I just want to acknowledge that
14 we have also been joined by Council Member Matteo,
15 Vallone, Cohen and Gjonaj. Thank you for coming
16 guys. Uhm so the Council's response to the Mayor's
17 uhm 2018 Preliminary Budget called upon the
18 Administration to include \$10 million to increase
19 public awareness regarding the City's goal of
20 achieving zero waste in New York City by 2030. It
21 aims to eliminate the need to send waste to out of
22 state landfills and currently it is unclear whether
23 the City is on track to meet this goal uhm given that
24 the diversion rate however is at around 20%. Uhm can
25 you please explain to the Committee why for the

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1 second year this budgetary request was not included
2 and can we expect to see it in the Executive Plan? I
3 think what we are going for here is that even though
4 you have done a good job at speaking to individual
5 initiatives we, uhm re, related to educating and
6 informing the public there is no one grand plan to
7 educate uhm the folks of the City of New York on Zero
8 Waste. And we are hoping the \$10 million can help
9 you do that.
10

11 KATHRYN GARCIA: I'm sure the extra \$10
12 million would help me do that. Uhm we really have
13 been focused, you are quite correct on, on outreach
14 and campaigns and advertising that have to do with
15 providing a message to the public, specifically about
16 an action that they can take. Uhm we are currently
17 running a subway ad campaign for DonateNYC as well as
18 for Refashion because it's clean out your closet time
19 of year. Uhm we are happy to look to designate
20 within our current Outreach Budget which is pretty
21 robust a specific amount of money to do more
22 advertising but I think that it would be useful to
23 have you sit with us and the creatives around what
24 that campaign looks like, uhm because I, I really
25 always want to try and tie it to something that

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1 someone can do. I mean one of the things about waste
2 that is you know different that somewhat Vision Zero
3 and people are making decisions about what they buy
4 everyday and all of those decisions impacts what
5 happens at the end of its useful life uhm and I
6 really want to make sure that we are engaging in a
7 way uhm that's helpful so we are willing to look
8 within our Budget to try and allocate more money for
9 this but no OMB did not provide additional funding
10 for it.

12 CHAIR ANTONIO REYNOSOS: And I saw, I saw
13 the ads on, well Johnathan Seltzer saw the ads on the
14 train this morning uhm related to cleaning out your
15 closet so I know you are out there doing the work uhm
16 I just wish that we could tie it into like one
17 central theme and really push it. I just want to put
18 it to relative to Vision Zero where the Budget is \$10
19 million a year just for Vision Zero not any of the
20 other initiatives and I believe that your Marketing
21 Budget is like \$2.5 million across the board when it
22 comes to the Department of Sanitation, so I just want
23 to make sure that we have some equity when it comes
24 to these Achieving Zero Goals whether it is a

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2 pedestrian safety or moving trash or not allowing
3 trash to go to land.

4 KATHRYN GARCIA: Right, let, why don't we
5 work together to try and figure out what that
6 campaign could look like uhm and how that could tie
7 together and perhaps we can, we will, we will work
8 hard to identify a specific amount of money to focus
9 on that within our current Budget.

10 CHAIR ANTONIO REYNOSO: With respect to
11 CNG Powered Vehicles and now your electric Mack truck
12 which I am very excited to see, I hope it looks cool.

13 KATHRYN GARCIA: It really looks like a
14 regular garbage truck the one that I saw.

15 CHAIR ANTONIO REYNOSO: We've got to have
16 some exposed ...

17 KATHRYN GARCIA: Battery situation.

18 CHAIR ANTONIO REYNOSO: Some battery,
19 exactly it would just be, it would just be nice. But
20 uhm in my, in my District specifically in North
21 Brooklyn, we know the South Bronx and Southeast
22 Queens suffers from high rates of asthma, a lot of
23 truck traffic and pollution. What we are hoping is
24 that in locations where you have CNG infrastructure
25 for refueling, that you can look into whether or not

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21

1
2 you can pilot the CNG trucks for now, that we have
3 them now in these areas so that we can start talking
4 about environmental justice in these communities. I
5 know that we have some CNG trucks, I know you are
6 concerned about uhm getting a larger fleet uhm
7 because without the larger, without the
8 infrastructure without the refueling stations, I can
9 only imagine a truck getting stuck in the snow
10 because we couldn't find an appropriate place to
11 refuel it but in North Brooklyn we do have CNG
12 stations and in parts of, of, of New Jersey, Covanta
13 facility which means that parts of the west side of
14 Manhattan I guess of Manhattan.

15 KATHRYN GARCIA: So, so, let, I know we
16 have had this conversation several times and I know
17 that Covanta would definitely like me to be using
18 their CNG station. We don't go to New Jersey when
19 it's snowing. Uhm and so we the real constraint is
20 how quickly I can fuel the snow fleet and that is,
21 that is the driver of why we have not moved in that
22 direction. We actually think that the Cummins engine
23 is, doesn't tend to last as long as a regular diesel
24 engine but the savings on the diesel is usually
25 offset uhm that cost change uhm so we are not opposed

1
2 to the CNS truck, it's really the question of being
3 able to fast fuel them as quickly as we can the
4 diesel fleet because my most vulnerable time during
5 snow is when the entire fleet comes in to get
6 refueled because that means I've got nothing out
7 plowing.

8 CHAIR ANTONIO REYNOSO: Can we, take time
9 to have a conversation about these three communities
10 and whether or not there is an opportunity in
11 locations like Southeast Queens and North Brooklyn
12 both have CNG refueling stations uhm and maybe there
13 is a conversation to be had where we can focus these
14 trucks on nonsnow days specifically to be along the
15 route, along our routes in these communities so that
16 again we can see some environmental justice.

17 KATHRYN GARCIA: I am not opposed to
18 that, I need to have that fleet be above and beyond
19 what I have now because you know we use, we use the
20 regular fleet to plow so I'd need like a whole
21 separate fleet then I mean which has not, there's
22 not, there's not been a lot of room for that from
23 Fleet Central of wanting me to do that but we are
24 certainly willing to continue looking at it I mean
25 but that has been our biggest struggle. Uhm has been

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1
2 the issue of can I operationally meet the demands of
3 snow with these types of vehicles and so far that
4 really hasn't been true.

5 CHAIR ANTONIO REYNOSO: Okay and I hear,
6 I think we should sit down and talk about it.

7 KATHRYN GARCIA: Sure.

8 CHAIR ANTONIO REYNOSO: I'm just trying
9 to figure out ways to really again giving that we
10 haven't passed Intro 495 and we haven't done other
11 things or Intro 157 now and other things to bring
12 about justice to these communities that maybe we
13 could do something in the interim to bring down the
14 level of pollution that is happening in these
15 communities. I'm, I'm going to have one more
16 question so I can allow for my colleagues to ask
17 questions as well, uhm how the Executive Planning
18 includes \$620,000 for radios and accessories. This
19 is in addition to prior allocations made in recent
20 years for similar purchases. For example, in Fiscal
21 Year 2017 the Preliminary Budget included \$400,000 to
22 replace 200 hand held radios, so when we see almost
23 half a million dollars for 200 handheld radios we
24 know they are very expensive, I would like to
25 actually see one of these radios.

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KATHRYN GARCIA: Oh sure...

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CHAIR ANTONIO REYNOSO: To see what it
accounts for.

5

6

KATHRYN GARCIA: Yeah we can, we can, we
can show you one of the radios.

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CHAIR ANTONIO REYNOSO: Uhm I don't, I
don't have the math right in front of me but they are
very expensive radios.

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KATHRYN GARCIA: Yeah.

CHAIR ANTONIO REYNOSO: I expect that
given how expensive they are that they would already
come with their accessories uhm like chargers or
whatever it is that you would need that we wouldn't
have to add another \$620,000 to, to meet the, I
guess, the, to get accessories for these radios that
already cost a lot. We are talking about \$1 million
for like outfitting 200 handheld radios and that just
doesn't, that doesn't add up.

KATHRYN GARCIA: To do all of our radios
is probably going to be like \$8 million and like its,
its, radios are very expensive and we have thousands
of them and they do need docking stations and stuff
like that. They do come as a package but I mean its,
uhm they are very expensive, I wish they were not. I

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2 also wish that we didn't have to replace everything
3 but we do because of changes Federally with the wave
4 lengths.

5 CHAIR ANTONIO REYNOSO: What about
6 bidding? Is there, is there only one company that
7 makes these radios that allows them to charge so
8 much? Uhm I know folks here understand the City of
9 New York's Procurement process is a lot different
10 than going to like Best Buy and buying radios but we
11 are talking about an exorbitant cost for what I
12 consider you know for a radio. Uhm I would just like
13 to see it and I just want somebody on my staff if you
14 guys could just do the math of what \$400,000 for 2000
15 handheld radios, it is I think it was like 2000
16 radios but I want to make sure.

17 KATHRYN GARCIA: So I mean we're happy to
18 I mean I don't always think despite how big we are
19 that we get the best pricing on everything and they
20 are made by Motorola and so we are certainly willing
21 to take you through it, I mean its you know,
22 Procurement is a process.

23 CHAIR ANTONIO REYNOSO: Alright well
24 thank you.

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2 KATHRYN GARCIA: I mean I hate the fact
3 that they cost so much as well.

4 CHAIR ANTONIO REYNOSO: \$2000 a radio. You
5 can buy a small used car for that.

6 KATHRYN GARCIA: I know but the car won't
7 communicate with my staff.

8 CHAIR ANTONIO REYNOSO: It's a hooptie at
9 that price but it's okay. Uhm so now I just want to,
10 I have more questions that I will ask uhm after all
11 my colleagues have asked questions, I want to make
12 sure that their time is spent wisely here so I want
13 to call on Council Member Cabrera who will then be
14 followed by Council Member Powers by Cohen and I want
15 to acknowledge the fact that we have been joined by
16 Council Member Chaim Deutsch.

17 FERNANDO CABRERA: Uhm Mr. Chair uhm
18 thank you so much. So uhm yeah you actually started
19 to address a question that I was very intrigued
20 because we did talk about this, brought it up in the
21 Preliminary Hearing about fully electric trucks and
22 we talked about the possibility of a Tesla and so
23 forth. Uhm have they communicated to you have fast
24 they could, relo, how fast they could?

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2 KATHRYN GARCIA: I don't think they've
3 gotten there, they've, they have just put out a press
4 release with us to say that they would give us the
5 first one so we don't have it yet, so until it hits
6 the streets of New York and we find out how it works
7 I'm not going to base the numbers on anything.

8 FERNANDO CABRERA: But I'm surprised they
9 didn't give you the specs, you know, usually.

10 KATHRYN GARCIA: Oh we can ask them for
11 it, I'm sure they would provide what they think it
12 will do.

13 FERNANDO CABRERA: Okay that's
14 interesting and I'm sure you communicating them what,
15 your needs.

16 KATHRYN GARCIA: Absolutely.

17 FERNANDO CABRERA: Prior to them building
18 it. It makes no sense them building that all of a
19 sudden, oops by the way you know you never asked us
20 that we needed this and that. So I'm happy to hear
21 that this is a step forward in the right direction
22 when it comes to full electric uhm trucks. Uhm do, I
23 meant to ask you about the hiring of 400 and 500 new
24 sanitation workers this summer.

25 KATHRYN GARCIA: Uh-huh, uh-huh.

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2 FERNANDO CABRERA: Uhm is this basically
3 to replace the attrition that is going to be taking
4 place?

5 KATHRYN GARCIA: So it is some attrition
6 in there, some additions. Uhm so there is basic
7 attrition going on and then there is the MTS's that
8 need staffing for Southwest and 91st Street and then
9 there's also, there are some new programs such as the
10 Clean NYC 2.0 and the RATS Program where there were
11 additional basket trucks and a second pick up in many
12 of the areas that the Mayor announced last summer.

13 FERNANDO CABRERA: Okay uhm those were my
14 only questions.

15 KATHRYN GARCIA: Okay.

16 FERNANDO CABRERA: It's easy today.

17 KATHRYN GARCIA: Okay.

18 FERNANDO CABRERA: Thank you so much
19 Commissioner and Mr. Chairman. For the sake of time
20 I know we run out of time here so thank you so much.

21 CHAIR ANTONIO REYNOSO: No problem and
22 I'm going to modify the timing, it's not going to be
23 three minutes, it's going to be five minutes per
24 Council Member in the first round so if you have more
25 questions, please ask.

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KEITH POWERS: I'll take his.

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CHAIRMAN ANTONIO REYNOSO: Okay so we are going to add to your original three minutes the one minute that was left over by Council Member Cabrera. Uhm five minutes and then we will get a second round, uhm we have a good, a good crew here. I think we will go through these questions pretty, pretty quickly.

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KEITH POWERS: Thank you, and thank you I should say thank you for letting the members get their questions in early. I did not do that and I got yelled at last meeting. Anyway, uhm I want to start with the, there is for commercial waste zones there is money in the Budget about \$1.5 million to do consulting work around the commercial waste zones and I think have been moved up, moved up, or been moved. Uhm Can you just give us an update of where you are in terms of that work?

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KATHRYN GARCIA: Absolutely.

KEITH POWERS: And also what findings and where we are in terms of uhm the overall plan?

KATHRYN GARCIA: Absolutely so we anticipate that uhm we will be releasing as we said, uhm this summer the implementation plan uhm for a

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2 proposal on commercial waste zones. This will kick
3 up a very intensive process with the Council. We
4 will need to draft legislation uhm as well as perform
5 an environmental impact statement in all of the
6 things that go along with that uhm but we have done,
7 we have had an incredibly intensive interaction with
8 a variety of stakeholders from labor to the private
9 carting industry to buildings to bids to small
10 businesses, uhm you know we've had over 150 meetings
11 with over 100 individual stakeholders uhm and at this
12 point in time what we are looking is we still don't
13 have exactly what the numbers will be, we are still
14 refining that but we have determined that we are
15 going to go with a nonexclusive option in every zone
16 of 2-5 carters in every neighborhood, uhm and the
17 neighborhoods will be primarily based around
18 community boards just because that is an easy
19 geography that people know. Uhm and we still
20 anticipate that we are going to get a similar
21 reduction in vehicle miles traveled as we proposed
22 originally which was I believe 48 to 60 something
23 percent. We still expect to be in that range. Uhm
24 so we are moving through and trying to wrap it up and
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2 put all the information together so we can give you
3 something.

4 KEITH POWERS: So sometime, sometime this
5 summer you will have your report or your plan.

6 KATHRYN GARCIA: Yeah the plan.

7 KEITH POWERS: Together to send to us?
8 Okay. Thanks.

9 KATHRYN GARCIA: Yep.

10 KEITH POWERS: On the, on the part of
11 your testimony around Manhattan 6 Garage, New Hudson
12 Yards, you mentioned something that we have talked
13 about of course. The three locations on the east
14 side of Manhattan. Can you tell me those three
15 locations?

16 KATHRYN GARCIA: Uhm.

17 KEITH POWERS: That you are
18 rehabilitating personnel and office spaces?

19 KATHRYN GARCIA: Certainly I didn't
20 remember it until someone reminded me. Uhm they were
21 all more or less around 1st Avenue between 1st and 2nd
22 and so it's 12th Street, 26th Street and East 60th
23 Street.

24 KEITH POWERS: And East 60th Street and
25 that's where you have facilities today in your?

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KATHRYN GARCIA: We have, we have, we have what are called section stations uhm and the section station usually it's because you know someone was far away from the actual garage as where they can stop the use the bathrooms and there are showers and there is office space for supervisors, so we hadn't been using them really them and so we are rehabilitating them so that there is some place for the sanitation workers to go but we don't have a location for the trucks.

KEITH POWERS: Right and but that those are the but those are the, those are the, I mean as I understand as I understand in our last meeting that those are the three locations.

KATHRYN GARCIA: Those are the three locations.

KEITH POWERS: Those are the three locations to park as well am I right about that? That those would be parking locations, Even if you got a garage tomorrow you would still have to.

KATHRYN GARCIA: Yes we are going, I got nowhere else to put the trucks.

KEITH POWERS: Yep, got it. Uhm thank you. The third uhm topic is uhm styrofoam.

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KATHRYN GARCIA: Yes.

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KEITH POWERS: A topic I'm sure that is
near and dear to your heart, where are we on, where
are in the world.

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KATHRYN GARCIA: In the world, so all of
our arguments were heard in January. We have not
heard back from the Judge. That is where we are at,
at the moment. I would be very happy if you did a
straight ban here in the Council but uhm.

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KEITH POWERS: If we got a straight ban,
but we are waiting for a, and do you need any money
to do, I mean do you anything in the Budget, you
don't need anything in terms of.

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KATHRYN GARCIA: We will be able to use,
I mean we'll do, we'll do mailers to you know
effected businesses, we will do some promotional
activity uhm but you know.

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KEITH POWERS: Is there money in the
Budget for that if it happened today?

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KATHRYN GARCIA: No, there is nothing
specific that we have designed because I don't, I
don't have any idea when it is going to happen.

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KEITH POWERS: Definitely. Yeah.

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2 KATHRYN GARCIA: Uhm so we will figure it
3 out when it comes up but we think that, you know if
4 we need to talk to OMB, if we think we need a big
5 outreach campaign we but I think we will probably be
6 able to internally fund that.

7 KEITH POWERS: Okay the last question I
8 had was on the, you know my time is withering. Uhm
9 I, I, had heard some folks in the industry that Glass
10 was a problem around, uhm recycling.

11 KATHRYN GARCIA: So.

12 KEITH POWERS: And breaking and I was
13 wondering if there were any plans around gla... I
14 never heard that so I was wondering if there were any
15 components around glass specifically, whether it will
16 be like recycling or take back or that it was, they
17 were having difficulty around recycling because of
18 glass. I don't know.

19 KATHRYN GARCIA: Uhm so glass it the
20 least valuable portion of the recycling stream. Uhm
21 we don't and you know it, chang... it's the most
22 challenging portion of the, of the stream. Uhm our
23 facility not our facility, Sims Facility where our
24 material goes, it then goes to a glass place across
25 in New Jersey. The challenge is finding new uses for

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2 it because of mixed colors are not acceptable to
3 bottlers and particularly green glass is a problem
4 for bottlers. It is easier on the west coast where
5 they have a larger wine industry for there to be an
6 opportunity. It is not as robust here on the east
7 coast but it is not impossible and yes so what is
8 happening, at least this is my understanding of what
9 is happening is they weren't doing what they were
10 suppose to be doing and when we started requiring
11 them to do the right thing they suddenly had a
12 problem.

13 KEITH POWERS: Would it define do the
14 right thing?

15 KATHRYN GARCIA: They actually are
16 recycling it like you know people are, we are, we are
17 enforcing on the commercial side to make sure people
18 are recycling. Uhm it is primarily an issue of
19 contamination if you go to a single strand facility.
20 So if you are putting bottles with paper that can
21 contaminate paper but paper in and of itself is a
22 challenging commodity at the moment as well, so.

23 KEITH POWERS: Okay, thank you, thanks.

24 CHAIR ANTONIO REYNOSO: It's uhm it's
25 amazing that we are talking about the value of metal,

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2 glass, plastic and paper and how, how hard it is to
3 find the market for those, uhm as we recycle them and
4 folks have conversations about recycling styrofoam.
5 It is just remarkable to me, remarkable to me.

6 KATHRYN GARCIA: Do you find it ironic?

7 CHAIR ANTONIO REYNOSO: Huh?

8 KATHRYN GARCIA: Do you find it ironic?

9 CHAIR ANTONIO REYNOSO: I do, I do find
10 it ironic. I think I just found out that China is
11 saying that they are not going to take any paper from
12 us if it has more than like a 0.5% combination.

13 KATHRYN GARCIA: China, China, China's
14 closed.

15 CHAIR ANTONIO REYNOSO: They are pretty.

16 KATHRYN GARCIA: China has been closed
17 since January.

18 CHAIR ANTONIO REYNOSO: Yeah.

19 KATHRYN GARCIA: It is having serious
20 impacts on the mixed paper market.

21 CHAIR ANTONIO REYNOSO: So even paper at
22 this point is going to lose its value or has already
23 lost its value.

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2 KATHRYN GARCIA: Paper, there have been
3 weeks in which uhm one of our venders has had to pay
4 people to take the paper.

5 CHAIR ANTONIO REYNOSO: Right. So.

6 KATHRYN GARCIA: And this is less than a
7 year after we were getting like \$100 something
8 dollars per ton.

9 CHAIR ANTONIO REYNOSO: Right so now
10 glass and paper are a problem. You can only imagine
11 if we add another item to that, styrofoam,
12 specifically, especially a contaminated one. It just
13 doesn't make any, any sense when it comes to like the
14 what we are doing here and trying to actually find
15 value for these items.

16 KATHRYN GARCIA: Uh-huh.

17 CHAIR ANTONIO REYNOSO: Uhm so I want to
18 move on. I got to, I want to acknowledge the fact
19 that we've been joined by Council Member Grodenchik
20 as well we are going to go with Vallone, Cohen and
21 Gjonaj in that order. So Council Member Vallone?

22 PAUL VALLONE: Thank you Mr. Chair. Uhm
23 morning Commissioner.

24 KATHRYN GARCIA: Good morning, how are
25 you?

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2 PAUL VALLONE: I just wanted to follow up
3 on our previous conversations and now you have in the
4 Fiscal Executive Plan \$400,000 going to 1.2 million
5 up to 2022 for our Marine Transfer Stations for some
6 of the support contracts. So if you could uhm what
7 areas will we be aiding in those Marine Transfer
8 Stations and how much is that for the support
9 contracts.

10 KATHRYN GARCIA: Uhm so that is the money
11 for the support contracts, not for the personal
12 services, because we have maintenance staff that we
13 are assigning as well but those are things that are
14 more specialized such as fire alarms that have to be
15 maintained on duct cleaning which can be really
16 problematic in a transfer station as well as like
17 crane maintenance. Uhm those are all sort of beyond
18 the capacity of what we can do in house but we also
19 have staff that we will be assigning to those
20 facilities as well to make sure that they are cared
21 for going into the future, considering the Capital
22 Investment that we have made, we want to make sure
23 that they last for a long time.

24 PAUL VALLONE: So there is additional
25 staff budgeted for those stations?

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2 KATHRYN GARCIA: There is additional both
3 sanitation workers as well as civilian trade staff
4 that are going to be there.

5 PAUL VALLONE: So how does that break
6 down? Do you have that?

7 KATHRYN GARCIA: Yeah I do actually have
8 uhm the difference, so in Hamilton we have 60
9 uniformed staff that work there and 17 civilian staff
10 and that is a bit of a mix between the trades and
11 there is like one or two clericals there. Uhm at
12 North Shore it is 59, 17, at South West it is 46, 16
13 and at 91st Street it will be 46, 16 and we will also
14 continue to engage with OMB around whether or not
15 that is the right number of if we picked the right
16 trade. So it's like we've picked you know
17 electricians and plumbers and make sure that we have
18 the right people there to ensure that this can be
19 taken care of.

20 PAUL VALLONE: Okay so it's not for all
21 transfer stations?

22 KATHRYN GARCIA: Those are the, those are
23 the ones that we.

24 PAUL VALLONE: I didn't hear College
25 Point, sorry. So is.

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KATHRYN GARCIA: That is North Shore.

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PAUL VALLONE: That's North Shore. So of
the capacity that is going in through our transfer
stations now do you see that on the rise, steady or
how are we looking at those stations?

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KATHRYN GARCIA: No I mean, refuse, the
refuse has been pretty steady across the city for
wherever they are going. You know North Shore has
been performing well.

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PAUL VALLONE: And what we would like to
see with that, because it's an ongoing, it will be
consistent is the working with sister agencies on the
locations of the stations as well as DOT needs and
some of the infrastructure around the transfer
stations. I think we need to do a better job at the
neighborhoods that surround the transfer stations,
the streets that we are using.

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KATHRYN GARCIA: Uh-huh.

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PAUL VALLONE: Clearly the wear and tear
around North Shore is.

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KATHRYN GARCIA: You know that, the, the.

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PAUL VALLONE: Even before, even before
the transfer station was there there has been issues
over it, over there.

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2 KATHRYN GARCIA: Yes you should have a 4
3 x 4.

4 PAUL VALLONE: Yeah.

5 KATHRYN GARCIA: If you are over there.

6 PAUL VALLONE: That or you are airborne
7 driving in one of your cars. But.

8 KATHRYN GARCIA: Yeah.

9 PAUL VALLONE: Uhm is there Capital talk
10 in the Budget between DOT and Sanitation as to
11 infrastructure needs around some of the stations?

12 KATHRYN GARCIA: Uhm we have not had that
13 in depth, I think it probably isn't a Capital, it
14 might be more of a Expense Repaving need, at least
15 around North Shore. At the other facilities it is
16 obviously, uhm it is not as negative as it is around
17 North Shore in terms of the streets I mean Hamilton
18 av.. I mean Hamilton I basically feel like it has
19 been under construction forever but uhm is also next
20 door to a DOT facility, their Asphalt Plant. And
21 then 91st Street, obviously York gives them decent
22 shape and there has been some work up there and then
23 South West is off of the belt and therefore and that
24 street is not in terrible shape so but we can follow
25 up with DOT to make sure that around our facilities,

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2 which are often in industrial areas that tend not to
3 get as much repaving attention, uhm but College Point
4 is getting quite fancy now with the police over there
5 and other, and other happenings so.

6 PAUL VALLONE: (Laughing). Don't tell
7 the police that.

8 KATHRYN GARCIA: We, we used to be alone
9 with the garage out there so. Uhm now we have
10 company.

11 PAUL VALLONE: Well I think that would be
12 a good place for us to start.

13 KATHRYN GARCIA: Okay.

14 PAUL VALLONE: Is to look at some
15 coordination with the agencies with Capital because
16 the need is just not at, at North Shore but I'm sure
17 it echoes similarly at the other stations with the
18 streets being over utilized by our commercial fleet.
19 The streets are in critical condition and I, you
20 speak to DOT about it, they don't have it in the
21 Budget, we talked to sanitation about it, they don't
22 have it in the Budget, you talk to EDC about it and
23 they are talking about Willis Point and I keep
24 bringing up I said well the more you expand the more
25 the streets are collapsing so we really need to take

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2 a look, so uhm Mr. Chair maybe we can have some focus
3 as to the, the interaction between the agencies on
4 the infrastructure around these transfer stations
5 because they, they reside in communities that just
6 can't handle the breakdown of the streets and no one
7 has it in their Capital Plans.

8 KATHRYN GARCIA: Okay.

9 PAUL VALLONE: Thank you Commissioner,
10 thank you Chair.

11 CHAIR ANTONIO REYNOSO: Thank you Council
12 Member Vallone. Uhm now fol... we've been joined by
13 Council Member Andy King as well. I just want to
14 acknowledge that he was here. It will be Council
15 Member Cohen, Gjonaj and then Deutsch.

16 ANDREW COHEN: Uhm thank you chair. Good
17 morning Commissioner. Uhm first I will report uhm I
18 think not last weekend, the weekend before I took a
19 trip to Orchard Beach and did safe recycling and I
20 got rid of a ton of bad stuff in the house and the
21 experience could not have been any better. I, when
22 they do it on my side at Lehman College the
23 experience has also been very good but it could not
24 have been easier at Orchard Beach. Uhm I have a
25 question about the street waste baskets in the

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2 District. I think we've had conversations about uhm
3 home, household waste ending up in my street baskets
4 and then I have overflowing street baskets.

5 KATHRYN GARCIA: Uh-huh.

6 ANDREW COHEN: Is there any enforcement
7 and do w... you know do you have any data on
8 enforcement? Are we?

9 KATHRYN GARCIA: When there is
10 enforcement the challenge is, is, is uhm catching
11 people who are doing it. If it ends up in the litter
12 basket and not next to the litter basket it is
13 possible to go through and then we have the ability
14 to serve Us if you put your mail in it to try and
15 track them down. Uhm so we do have enforcement but
16 it is an ongoing challenging.

17 ANDREW COHEN: Do, do we ever actually do
18 any enforcement.

19 KATHRYN GARCIA: We do.

20 ANDREW COHEN: We have the ab... we have
21 the ability to do it but do we actually.

22 KATHRYN GARCIA: We do actually do
23 enforcement.

24 ANDREW COHEN: Do you, is there any data
25 on how many citations are issued or?

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2 KATHRYN GARCIA: I don't, I don't have
3 that with me but we can certainly get it for you.

4 ANDREW COHEN: I would be interested.
5 Uhm and last I think that Councilman Powers may have
6 asked this, but in, in supporting recycling, I was
7 just at a recycling facility in the Bronx last week
8 and, and they were telling me about the difficulty
9 uhm particularly with glass.

10 KATHRYN GARCIA: This action has been
11 whining for quite a while now.

12 ANDREW COHEN: Is there, is there
13 anything that you think that we could be doing to
14 either create a market, support a market?

15 KATHRYN GARCIA: Uhm you know that's an
16 interesting question, uhm I think that one of the
17 things that I think would be useful in the market to
18 require glass as part of some of the construction
19 projects that is usually where residential glass on
20 the east coast ends up. Uhm as being sort of a, you
21 know if you need to reelevate something it can be
22 used for that or within as an aggregate within
23 concrete or something like that. I think there are
24 some ways that we can do it within our contracts, uhm
25 so I think that is one options. I think the other

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1
2 question is really much more of a stay question is
3 whether or not you would expand the bottle bill to
4 things like wine bottles which is a big chunk of the
5 glass world.

6 ANDREW COHEN: How would, how would that
7 be helpful to you? Do you think?

8 KATHRYN GARCIA: Well I mean it's just
9 when they become more valuable we tend to not
10 necessarily end up with the beer bottles in our waste
11 room, they tend to take them out.

12 ANDREW COHEN: Okay.

13 KATHRYN GARCIA: Uhm so.

14 ANDREW COHEN: Thank you Chair.

15 CHAIR ANTONIO REYNOSO: Thank you Council
16 Member Cohen. Council Member Gjonaj?

17 MARK GJONAJ: Thank you Chair. Just to
18 continue on that topic for a moment. Of the
19 recycling program that we currently have including
20 glass, uhm does it get recycled or does it work its
21 way into our landfills at some point?

22 KATHRYN GARCIA: No it, it really does
23 get recycled, like there's a portion, so the, the
24 plastic bags that much of the material comes in does
25 not obviously and there is some contamination that

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1 falls out but no, none of our contractors are allowed
2 to landfill any beneficially reusable material.

3
4 MARK GJONAJ: So all glass that, is
5 recycled is, is I guess finds a home somewhere, not
6 in our landfills?

7 KATHRYN GARCIA: Yes, that is, that is
8 correct.

9 MARK GJONAJ: Okay can you tell me about
10 the organic recycling?

11 KATHRYN GARCIA: Sure, certainly so I
12 mean it is a very exciting time to be in organics.
13 To say uhm you know really seeing New Yorkers start
14 to step up and do it has been uhm pretty amazing.
15 And you know we are doing it in places like
16 Stuyvesant Town as well as much of sort of the single
17 family homes and so obviously it is not mandatory
18 yet, uhm I hope someday but I don't everyone else is
19 ready yet. Uhm and you know we are seeing
20 participation and so that is usually going, so there
21 are several outlets for it. Uhm obviously there's is
22 our own facility on Staten Island and then there are
23 the Community Compost Sites that we have around the
24 city. Some of the material actually is turned into
25 biogas at New Town Creek and then some of it, I can't

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1
2 remember if America is going to Mackenrow right now,
3 but we are also seeing investment in the private
4 sector and expanse in processing capacity.

5 MARK GJONAJ: Can you tell me, the
6 approximate tonnage on a?

7 KATHRYN GARCIA: So we did about 1,000
8 tons last week.

9 MARK GJONAJ: A thousand tons a week?

10 KATHRYN GARCIA: Yes.

11 MARK GJONAJ: What does that equivocate
12 to the cost factor for that thousand tons?

13 KATHRYN GARCIA: I don't have that number
14 but I am certain that we could get that. I don't
15 have.

16 MARK GJONAJ: I would be like to see if
17 the squeeze is worth the juice as they say? Uhm.

18 KATHRYN GARCIA: We are exactly where I
19 anticipated we would be uhm as we uhm rolled out this
20 program. It is very similar. I'd actually saying
21 moving a little bit faster than the original
22 recycling program so it has been an, it has been an
23 exciting journey so I, I uhm I look forward to
24 continuing it.

25

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1
2 MARK GJONAJ: And quickly on the radio
3 investment?

4 KATHRYN GARCIA: Yes.

5 MARK GJONAJ: Are we going to piggyback
6 off of some of the other departments such as the NYPD
7 and we if we can benefit from bulk purchase discount
8 using similar technology, obviously wave bands and
9 taking into consideration. I just, that amount of
10 money sounds like a tremendous amount and then.

11 KATHRYN GARCIA: I think they are
12 getting.

13 MARK GJONAJ: I'm almost thinking of
14 maybe why radios? Why not cellphones?

15 KATHRYN GARCIA: I want radios, I don't
16 want cellphone. In an emergency you cannot use a
17 cellphone. In Sandy, I would have lost every single
18 truck.

19 MARK GJONAJ: I'm sorry?

20 KATHRYN GARCIA: In Hurricane Sandy I
21 would not have been able to communicate with anybody
22 in Southeast Queens, anybody who went out the
23 Rockaway would have basically have gone into the dead
24 zones. The radios worked, the cellphones didn't.
25 Uhm so we have a lot of technology in our trucks but

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1
2 we need to make sure it can work in case of a really
3 serious emergency and this is still, this is still a
4 technology that we think is more appropriate.

5 MARK GJONAJ: I would encourage looking
6 to benefit from bulk purchase discount. NYPD, fire
7 department, EMS, there are so many agencies that use
8 uhm radios and I would hope that we can figure out
9 how to collectively buy and benefit but I will leave
10 that to your better judgment and maybe you can talk
11 to me offline about it. Talk to me a bit about the
12 expansion of commercial corridor pickup. When do
13 they normally pick up on commercial corridors, the
14 typical waste basket?

15 KATHRYN GARCIA: Oh it can, it varies
16 completely. There are some places in Staton Island
17 where they will only get collected twice a week on
18 the normal collection route and then there are some
19 busier commercial areas where they can be picked up
20 on multiple shifts.

21 MARK GJONAJ: And my understanding is
22 that some communities only get once a week pick up?

23 KATHRYN GARCIA: No they get at least
24 twice a week pick up.

25

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2 MARK GJONAJ: It's a minimum twice a
3 week?

4 KATHRYN GARCIA: Minimum of twice a week.

5 MARK GJONAJ: Okay. And what would it go
6 back to go back to the good ole days where we had
7 more frequent pickup citywide of commercial corridors
8 which would add to the quality of life, the litter
9 problem and the rodent problem that we are currently
10 exploring very expensive options?

11 KATHRYN GARCIA: Uhm so I mean it depends
12 on how much. We, we really try and focus not just on
13 basket trucks but what we think would be the most
14 appropriate way to keep the neighborhoods clean and I
15 think that's why we've been focused on the Clean 2.0
16 to really experiment in North Brooklyn, one of our
17 most challenging areas uhm to see whether or not this
18 mix works and gets the job done.

19 MARK GJONAJ: We asked for seven days a
20 week pick up.

21 KATHRYN GARCIA: There are some places
22 that get seven days a week pickup.

23 MARK GJONAJ: What would the cost factor
24 be? Because we put in, the City Council, the
25 Administrator has put in 0 and we, I believe

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1 requested \$7 million in additional funding for
2 sanitation for adequate commercial corridor pick up
3 of trash.
4

5 KATHRYN GARCIA: So it would be, it would
6 start if we assume that they are uhm.

7 MARK GJONAJ: Remove that clock on me.
8 Chairman did you speed up that clock.

9 KATHRYN GARCIA: I'm sure he didn't speed
10 up the clock, so it would start at \$4 million if you
11 assume that this is the entry level salary and rise
12 to \$7.1 million in the out years.

13 MARK GJONAJ: I would encourage you to
14 help us find that money. Uhm this.

15 KATHRYN GARCIA: You don't always need
16 it. You just, uhm, like I'm just going to be very
17 clear, there are areas of the city that don't need
18 it.

19 MARK GJONAJ: In my, I want, in my
20 communications with the BIDS, the Business
21 Improvement Districts, a large percentage of their
22 Budget is going to the sanitation work that is
23 needed. Investing in cleaner sidewalks, more
24 frequent pickups, so they are using that money.

25 KATHRYN GARCIA: Well they don't pick up.

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MARK GJONAJ: For city services.

3

4

KATHRYN GARCIA: They don't pick up the baskets, they may, they may take the, the bag out but they aren't suppose to be taking the material anywhere.

6

7

8

MARK GJONAJ: Right, but to my understanding that when those garbage cans get filled and people start piling trash bags on the, next to the bins that they pick it up.

10

11

12

KATHRYN GARCIA: They are not suppose to be picking it up.

13

14

MARK GJONAJ: So we should leave it there for that two day a week pickup?

15

16

17

KATHRYN GARCIA: Well the, you are talking about an area that is not getting two day a week pick up I don't believe. Uhm, I, I can.

18

19

20

21

22

MARK GJONAJ: Get feedback from all the BIDs, citywide, 75 of them uhm most of them have explained to me that a good portion of their Budget goes into sanitation, additional services which to me in mind boggling.

23

24

25

KATHRYN GARCIA: So I mean, all of the BID areas have al, probably all have 7 day a week

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1 service. I mean I would be very surprised if there
2 is a single BID without 7 day a week service.
3

4 MARK GJONAJ: I will certainly circle
5 back to you on that one and really quickly because I
6 got so much to talk to you about. Talk to me about
7 the Next Generation Liter Basket Design Competition?
8 Is it going to cost the City any money? I mean
9 grandma always said a garbage can is a garbage can
10 and its purpose is just that, to collect trash. So I
11 look at the three different cans that we have
12 currently, right the old wire can, which I believe is
13 about \$250 a can.

14 KATHRYN GACIA: No it's less than that.

15 MARK GJONAJ: How much is it?

16 KATHRYN GARCIA: It's closer to like
17 \$125.

18 MARK GJONAJ: \$125? How much is the,
19 they call it the high end?

20 KATHRYN GARCIA: It depends on which high
21 end, the one that is silver is about \$500. The ones
22 that are next to it are green or other colors are,
23 are closer to \$1000.

24 MARK GJONAJ: And tell me about the Rolls
25 Royce, the Pot Belly. The?

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2 KATHRYN GARCIA: The Big Belly. The Big
3 Belly with its service contract is \$7000.

4 MARK GJONAJ: Isn't that insane \$7000 for
5 a trash can that, its.

6 KATHRYN GARCIA: Uhm I, I, I think that
7 it is very expensive but the idea of the Big Belly is
8 that it is able to keep vermin away from food
9 sources.

10 MARK GJONAJ: And doesn't that, isn't
11 that what the high end trash can does?

12 KATHRYN GARCIA: It does, it is not as
13 sealed as completely as a Big Belly is.

14 MARK GJONAJ: What was the cost of the
15 high end?

16 KATHRYN GARCIA: About \$1000.

17 MARK GJONAJ: And what's the cost of the
18 Rolls Royce?

19 KATHRYN GARCIA: Well it's about \$3500
20 before you add the maintenance contract.

21 MARK GJONAJ: \$7000 versus \$1000. I can
22 get 7 garbage cans instead of one.

23 KATHRYN GARCIA: I am, I am, you are
24 quite correct in that.

25

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2 MARK GJONAJ: Let's spend tax payer
3 dollars more wisely please and let's increase the
4 Budget so we can have more frequency pickups. We are
5 just looking for ways that we can make our tax
6 dollars go a little bit further and meet the needs of
7 all New Yorkers. And the la... is there going to be
8 a consultant fee or in this competition, the Design
9 Competition that we are looking to redesign a garbage
10 can?

11 KATHRYN GARCIA: Yeah we have a little
12 bit of assistance with people to coordinate the
13 competition but it is very minimal.

14 MARK GJONAJ: Okay and ultimately if
15 there was a new design that is accepted, approved,
16 and someone decides this is the best thing since
17 chocolate milk. What do we do with the old garbage
18 cans? The ones that we spent upwards of \$7000 on.

19 KATHRYN GARCIA: Well obvious, I, we
20 would not retire anything that was still usable, I
21 mean obviously I have 23,000 Liter baskets on the
22 streets of uhm New York. Uhm if we find. I actually
23 happen to like the Iconic Litter wire mesh basket uhm
24 but it does have some challenges. I mean it is, you
25

1
2 are, you know vermin can get into it. It's pretty
3 heavy. Uhm but.

4 MARK GJONAJ: I'm just afraid of the cost
5 factor for this design.

6 KATHRYN GARCIA: So we, we, we would not
7 go out and purchase or make a determination to
8 completely change out all of our baskets unless we
9 came back to the Council.

10 MARK GJONAJ: And my last question and
11 thank you for the consideration on zoning.

12 KATHRYN GARCIA: Yes.

13 MARK GJONAJ: The idea of what once was a
14 problem with a monopoly we had real corruption and.

15 KATHRYN GARCIA: Uh-huh.

16 MARK GJONAJ: And organized crime and the
17 formation to BIC to weed out all of the craziness and
18 open up the commercial cauding industry to fair
19 competition which benefited all of our mom and pop
20 shops and commercial corridors. Why would we revert
21 back to a similar practice that was problematic for
22 decades. That bread fraud, corruption, organized
23 crime, manipulation of market on the cost of small
24 businesses?

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2 KATHRYN GARCIA: So there are a couple of
3 things, one is we are not planning to give any carter
4 a monopoly. That would be the first thing, the
5 second thing is the market is pretty uhm, uhm
6 concentrated basically there are two players who have
7 half the market right now so you, you have less
8 competition than you think you do. Uhm mom and pops
9 pay more than big commercial areas the way the, the
10 system works and then in addition we have excessively
11 long routes which makes things uhm more dangerous to
12 the public and so we really want to see that we have
13 an environment, uhm we have a cost factor in here.
14 We do not want to see service costs blow up that is
15 not an objective. Uhm we are not trying in many
16 other areas, the government uses the franchise to
17 raise a lot of revenue. They add a big fee on to the
18 franchise, uhm we are not planning to do that. This
19 is not about raising money for like a back channel
20 tax uhm which it often is in other areas, so there
21 actually are a lot of challenges within the carting
22 industry which I am happy to go into detail with you
23 but I think that this is really trying to address uhm
24 there are areas of the City that have 50 carters on
25 the same block, that's insane. Uhm. So.

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2 MARK GJONAJ: That's called the free
3 market, that's what this country is built on.

4 KATHRYN GARCIA: I know but it's, it's,
5 also.

6 MARK GJONAJ: We are not controlling
7 markets. It's, you allow the markets to dictate who
8 survives and doesn't. If there are 50 carters out
9 there that means there is a demand. Someone is
10 competing against another provider, therefore the
11 beneficiary is going to be the end user and our mom
12 and pop shops, mom and pop shops deserve every
13 benefit that we could possibly give them. That's the
14 model here.

15 KATHRYN GARCIA: Right, no, I, I,
16 understand but the, the negatives of that is that you
17 have trucks that are often driven probably twice as
18 long they need to be driven to service the same
19 number of customers, uhm and you also have some
20 inherently very unsafe practices as we have seen
21 recently with the number of fatalities on the city
22 streets caused by private carters. So I mean I think
23 that yes, you are correct. There is the biggest
24 benefit is actually not to the mom and pops I'm sorry
25 to say but really to the big commercial businesses,

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1
2 in mid, in mid town Manhattan where there is that
3 many carters operating but it is definitely a trade
4 off. It's less safe for pedestrians. It's less safe
5 on the streets. It's less safe for the employees.

6 MARK GJONAJ: So government is now going
7 to be.

8 CHAIR ANTONIO REYNOSO: Council Member
9 Gjonaj, can you just close up your question, Council
10 Member Gjonaj, just close it up.

11 MARK GJONAJ: So my problem is government
12 picking winners or losers and we are the freest
13 country in the world and we are starting to act more
14 like a dictatorship than anything else. It is not
15 our position to dictate who should get into what
16 industry. We are suppose to allow an environment of
17 free market to control within guidelines and
18 considering public safety. It is a concern and this
19 will be again on the back of tax payers and everyone
20 else but we, but we will.

21 KATHRYN GARCIA: I, I really think you
22 are going to be pleasantly surprised when we put
23 the...

24

25

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2 MARK GJONAJ: I doubt that. When
3 government gets involved I'm never pleasantly
4 surprised. Thank you.

5 CHAIR ANTONIO REYNOSO: Thank you Council
6 Member Gjonaj. Uhm we've been joined by Council
7 Member Adams and Gibson and now we have questions
8 from Council Member Deutsch followed by. Oh. I'm
9 sorry. We just have a quick follow up question to.

10 PAUL VALLONE: Yeah just one to follow up
11 he's a hard act to follow up. Let's admit.

12 CHAIR ANTONIO REYNOSO: Yes.

13 PAUL VALLONE: Uhm you mentioned the
14 organics recycling program in Stuyvesant Town.

15 KATHRYN GARCIA: Uh-huh.

16 PAUL VALLONE: Which is my favorite place
17 on Earth and uhm, what they are doing it voluntarily.
18 Right.

19 KATHRYN GARCIA: Everyone is doing it.

20 PAUL VALLONE: Everyone is not doing it
21 voluntarily. How do we, is, is there a program to
22 get, I mean we had 25,000 people, it's a huge
23 footprint and but it's, it's an organisable
24 neighborhood. Are there efforts to look at other
25 neighborhoods that are even similar in nature to

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1
2 NYCHA even. I mean it would be one example but other
3 neighborhoods like it to expand it voluntarily and
4 then what is the plan to do it.

5 KATHRYN GARCIA: So I mean obviously the
6 reason why it is a neighborhood that we can look at,
7 it's because it's under the same ownership so that's
8 why we are able to run, go through it that way. Uhm
9 we are working very hard with management companies
10 across the City in all the high rise areas to, to
11 really bring on more and more buildings uhm and we
12 brought in, I think the last time that I was here for
13 Preliminary we had just started out first Bronx High
14 Rise Route where we were working with them. Uhm so
15 we are open to people applying in any high rise to
16 come into the program and be part of that, so we
17 have.

18 PAUL VALLONE: So is there any, is there
19 any, is there any reason they wouldn't, isn't it
20 volun, it's voluntary, they have to put a bin
21 downstairs, is there is any, is there any other, and
22 you have to pick it up? Is that what?

23 KATHRYN GARCIA: Oh yeah, we pick it up.
24 Yeah, no, no the issue is getting you know the
25 management company, the residents and the porters to

1
2 all do the right thing and get it to me on the curb.
3 Uhm and so that's why we have them go through a
4 program to apply for it uhm and building use it who
5 care about sustainability and use it as sort of like
6 part of their promotion of like we are a very
7 sustainable organization to sort of push that as part
8 of their marketing materials which I am fine with.
9 Uhm but anything that you think of that we could be
10 doing better in terms of doing outreach to those
11 sorts of buildings, on, on NYCHA we are still working
12 very hard on their regular recycling needs so if they
13 actually came forward and said they really wanted to
14 do it at a specific development that would be fine
15 but right now our focus with NYCHA has been on sort
16 of the more traditional because it really was not
17 happening before I started here.

18 PAUL VALLONE: Thank you I'll follow up
19 with you on that.

20 CHAIR ANTONIO REYNOSO: Thank you Council
21 Member Deutsch.

22 CHAIM DEUTSCH: Thank you uhm good
23 afternoon Commissioner.

24 KATHRYN GARCIA: How are you?
25

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1
2 CHAIM DEUTSCH: It's great seeing you. So
3 I only have about 40 minutes so please answer like as
4 short as, as short as possible. 40 minutes, don't be
5 jealous. So anyway first I want to ask you, you did
6 mention in your testimony that you will purchasing
7 another 446 new collection trucks.

8 KATHRYN GARCIA: Yes.

9 CHAIM DEUTSCH: With now these collection
10 trucks are for regular trash or or in addition will
11 also include for recycling. Oh for, they are both,
12 and it depends on what District you are in so we, we
13 are getting rear loaders and dual bins, uhm in some
14 areas we use the dual bins for refuse and organics
15 and in some areas we use that for metal, glass and
16 plastic and paper but there are other areas where
17 rear loaders pick up only paper in Manhattan. They
18 pick up only paper. So they are, it's flexible.
19 They are not specifically designed for one or the
20 other.

21 CHAIM DEUTCH: Okay I just wanted to
22 bring up that your, your recycling trucks are double
23 back loaders.

24 KATHRYN GARCIA: Not always, not
25 everywhere.

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1
2 CHAIM DEUTSCH: So what is it? Double or
3 single?

4 KATHRYN GARCIA: It double or single so I
5 mean, so they, so they.

6 CHAIM DEUTSCH: So the, so the point I'm
7 trying to make is that when it's your recycling day
8 now with organics, you put out the trash, you got the
9 recycling and then you put out the organics and then
10 it, it gets picked up by three different trucks,
11 three different times.

12 KATHRYN GARCIA: You, you.

13 CHAIM DEUTSCH: It's not always with two
14 trucks.

15 KATHRYN GARCIA: So no for your Dis, and
16 it's different in different places but in your
17 District your, uhm we use two dual bin trucks on that
18 day so there are only two trucks coming down your
19 street. So those two split bodies, one half picks up
20 refuse, the other picks up organics and the other
21 truck picks up metal, glass and plastic and on the
22 other side picks up paper. So on your block, it
23 should only be two trucks on your recycling day.

24 CHAIM DEUTSCH: So one truck is for
25 regular trash.

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1
2 KATHRYN GARCIA: One truck is for regular
3 trash and then the organics.

4 CHAIM DEUTSCH: Okay and then you have
5 the second truck that has the double.

6 KATHRYN GARCIA: No, no there are two
7 double trucks.

8 CHAIM DEUTSCH: There are two double
9 trucks, so one double truck would be for cardboards
10 and.

11 KATHRYN GARCIA: And metal, glass and
12 plastic.

13 CHAIM DEUTSCH: Plastic and then where
14 does organics go?

15 KATHRYN GARCIA: So one side, the big
16 side is for the refuse and the small side is for the
17 organics.

18 CHAIM DEUTSCH: So you only have two
19 sides? So.

20 KATHRYN GARCIA: Uh-huh.

21 CHAIM DEUTSCH: So you mix the cardboard
22 with the plastic?

23 KATHRYN GARCIA: No, no, no there are
24 two, there are two, there are two dual bin trucks in
25 your nei... on that day, two trucks, each split in

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1 half. So the recycling is getting picked up on each
2 side. Metal, glass and plastic on one side, paper on
3 the other.
4

5 CHAIM DEUTSCH: Okay.

6 KATHRYN GARCIA: The second truck one
7 side is refuse, the other side is the organics so it
8 should be just two trucks on your block.

9 CHAIM DEUTSCH: So it's two trucks, okay
10 got it. Okay uhm so I just want to, I also want to
11 follow up on the previous hearing, uhm so I'm not
12 going to get into now unless I, I stick around for
13 the second round. So I wanted to speak to you about
14 the 12 holidays, uhm those pickups, like as soon as
15 the holiday ends, the trash should be picked up and
16 in and in addition also the recycling should be
17 picked up, right after a holiday and also I wanted to
18 speak to you about uhm corner waste baskets in
19 commercial areas to see if we get 7 day a week
20 pickup, 7 days.

21 KATHRYN GARCIA: So I mean, I, I, think
22 that we have talked about this before uhm and it was
23 a particularly challenging set of Mondays as well as
24 snow storms in January which isn't usual to have
25 Christmas, New Year's, Martin Luther King, Veteran's

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2 and President's Day all falling on a Monday. Uhm
3 that was a lot on a Monday, I know it was a lot.

4 CHAIM DEUTSCH: So we need to take care
5 of your block too?

6 KATHRYN GARCIA: Huh?

7 CHAIM DEUTSCH: We need to take care of
8 your neighborhood too.

9 KATHRYN GARCIA: No actually so the thing
10 that, that one of the things that I, I just want to
11 uhm and I and I understand we are asking a lot of the
12 public. Uhm but for the most part we don't get a lot
13 of complaints about post holiday collection because
14 we do work really hard to get a lot of it and rotate
15 where we miss. Uhm I know that it is inconvenient
16 for people but it, if I was given the funding to
17 actually fully do that on a Tuesday I would actually
18 rather use it and I would love to work with you about
19 thinking through. I think I hear more from the
20 public around cleaning issues than I do around post
21 holiday issues. Uhm and so I mean it's a balance, we
22 are asking the Monday people who usually take the
23 brunt of it, not all of the holidays but many of the
24 holidays uhm to be patient and you know I understand
25 that's challenging it's just, it would be very

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1 expensive, uhm to actually meet that because it is
2 asking me to staff for peak uhm for 12 peak days, the
3 12 Tuesdays. And that uhm, you know that's hard for
4 us to do. We do uhm you know put anyone we can on
5 overtime on that Tuesday to make sure that we are
6 getting as much as possible, particularly on the
7 refuse side uhm but you know, we, we unless we added
8 a lot more staff we would not be able to do it.

10 CHAIM DEUTSCH: So I just want to, to
11 know for the record that you don't support picking up
12 the trash 100% after a holiday.

13 KATHRYN GARCIA: I uhm.

14 CHAIM DEUTSCH: You are just saying that
15 we are not getting enough complaints and people have
16 to deal with us.

17 KATHRYN GARCIA: I mean, it is, it is a
18 balance in which I look at what where I think the
19 resource of the department would be most effectively
20 used and I know it is asking Monday people to have
21 more patience than other people. Uhm but I do think
22 that I would have other priorities ahead of this.

23 CHAIM DEUTSCH: Okay so. Okay and
24 secondly the, uhm the corner waste baskets in
25 commercial areas, so we don't currently have 7 days,

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2 7 days a week in all commercial areas, you have
3 overflowing baskets throughout the city. Uhm and do
4 you support 7 day, 7 day a week pickup.

5 KATHRYN GARCIA: I, I support looking at
6 each area individually if we have areas where we
7 think the service is not meeting what the need is, I
8 would certainly look to add service. I mean that I
9 think I came in and said that I, we need Sunday
10 service, uhm we need holiday service that that was a
11 real problem particularly in commercial areas that
12 were going like many hours without service uhm but I
13 wouldn't necessarily say broadly that every litter
14 basket needs 7 day a week service. Uhm but I would
15 definitely be willing to look at specific areas and
16 see whether or not our service is meeting the demands
17 of that area and advocate for the resources to
18 increase basket service.

19 CHAIM DEUTSCH: So I just want to say
20 that the office has been very extremely responsive
21 whenever there are issues arise. I have to say very
22 responsive, it could be 2 o'clock in the afternoon,
23 it could be 2 o'clock in the morning and I get, I
24 receive a response to my email and so your office is
25 very responsive but. I just want to say it shouldn't

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2 come to it that uhm baskets are overflowing and I
3 take you around my District and I guarantee it's
4 throughout the City and the baskets need to be
5 totally you know picked up and not overflowing and I
6 just want to say for the record that the collection
7 should be picked up 100% and that's why I disagree
8 with the Commissioner that it should be picked up
9 100% after holiday, after snow day and because the
10 fact is, is that you have 200 sanitation officers
11 that ticket homeowners so uhm if you if we are going
12 to hold homeowners accountable for a wrapper in front
13 of his or her home then we have to set a good example
14 as a City and keep our community 100% clean and have
15 sanitation 100% funded because now we have #1 8.6
16 million New Yorkers, we had previously 8.5, we need
17 to go with the flow of population and we need to make
18 sure that our streets are completely clean uhm
19 because when people see that the streets are uhm, uhm
20 messy and overflowing baskets they just tend to throw
21 trash you know if they had something on them they
22 will just throw it with the trashes. So we need to
23 set uhm uhm a good example to the City and also with
24 additional organic pickups, uhm right, we are adding
25 organics, we are add, we keep on adding stuff and I

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1 support, uhm our environment and I think it is a good
2 thing but if we are going to keep on adding and not
3 making sure that sanitation is 100% fully funded I
4 will continue to, especially now during the Budget to
5 have press conferences to mobilize and to send a
6 message to the City that we need to fully fund the
7 men and woman of the Sanitation Department, give them
8 the resources that they need to do their job properly
9 and I can promise you that, that I will be here in
10 front of City Hall in my neighborhoods throughout
11 other communities to ask the administration to fully,
12 fully, fully fund sanitation not talk about other
13 issues until sanitation is 100% fully funded. Thank
14 you.

16 CHAIR ANTONIO REYNOSO: Thank you Council
17 Member Deutsch, and I just want to uhm I know that
18 you said it was going to your priority, you would
19 prioritize funding, uhm that could possibly go, let's
20 say if we founded, that could go to holiday pick up
21 that you would actually try to move that somewhere to
22 where you think there was a higher priority but I
23 think we are hearing from Council Member Deutsch and
24 from this committee uhm is that is a priority for us
25 and uhm just want to know the feasibility of that

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2 actually uhm being able to being able to be
3 accomplished. Can we get pickup at the same rate I
4 guess for holiday pickup as traditional I guess,
5 regular day pick up I would call it.

6 KATHRYN GARCIA: So uhm, if.

7 CHAIR ANTONIO REYNOSO: So we just want
8 to know if it can happen?

9 KATHRYN GARCIA: So it is a huge well, it
10 would take me some time because I would need to hire
11 probably close to 2500 more sanitation workers. Uhm.

12 CHAIR ANTONIO REYNOSO: Oh so it's either
13 we double it up or we...

14 KATHRYN GARCIA: Well because you are
15 talking about two, like the day after the holiday I
16 have twice the material and so I put everybody
17 besides the fol... the Tuesday people.

18 CHAIR ANTONIO REYNOSO: Uh-huh.

19 KATHRYN GARCIA: Who are there, we put
20 anybody else who is available on overtime and we get
21 about 70%. That's usually what we get. Uhm we don't
22 end up getting any of the recycling uhm and so those
23 folks need to wait another week and so if we did it
24 on straight time and didn't do it on overtime it's,
25 it's a huge number of people, it would be \$100

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1 million. You know we, so would, I, I choose to spend
2 that to make it so that. I mean we would have a ton
3 of extra people around so we could.
4

5 CHAIR ANTONIO REYNOSO: I guess we were
6 trying.

7 KATHRYN GARCIA: Empty basket four times
8 a day if we.

9 CHAIR ANTONIO REYNOSO: I agree if we had
10 \$100 million maybe that's not where we want to put it
11 but we were hoping that there was a more, a more
12 creative way of being able to deal with these 12
13 holidays or whatever they are or maybe on extreme
14 days like uhm, you know.

15 KATHRYN GARCIA: It's not going to be
16 other day.

17 CHAIR ANTONI REYNOSO: Two Mondays maybe
18 we can do it every.

19 KATHRYN GARCIA: I mean if you could take
20 and make everybody work every holiday that's, I don't
21 think that's really acceptable. We do occasionally
22 make them work the holiday. It is not unusual that
23 we have them work Veteran's Day or that we had, we
24 had them work Martin Luther King this year, uhm but I
25 try not to do that because it is, it is a holiday uhm

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2 so it's just, it's just the function of the fact that
3 you are ask, you are asking, it's, you know if you
4 wanted to fund something else where you could only do
5 it in the summertime. I mean maybe Parks Department
6 works this way where you are saying I'm going to fund
7 the head count but literally I only need life guards
8 for a few months of the year. We are talking about
9 even less, it's like 12 days and it's just the
10 peaking factor that makes it so expensive.

11 CHAIR ANTONIO REYNOSO: Alright so now I
12 want to just get, we have two more folks that are
13 going to ask questions, because we actually have to
14 close this up for the hearing that is waiting to
15 start 20 minutes ago. Uhm so we want to call on
16 Council Member Grodenchik, followed by Council Member
17 Adams.

18 BARRY GRODENCHIK: Do I get 10 minutes
19 like Mr. Deutsch?

20 CHAIR ANTONIO REYNOSO: Mr. Deutsch is
21 extremely special. No you get five minutes.

22 BARRY GRODENCHIK: Good morning, good
23 afternoon Commissioner. It is always good to see
24 you. Uhm I want to thank you for the excellent snow
25 removal in Eastern Queens, as always I don't think we

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2 got a single complaint, maybe one but that was from
3 Chaim Deutsch because he was jealous. Uhm just
4 quickly I know that in your comments you mentioned
5 CB11, CB13 garage, what is the status on that now?

6 KATHRYN GARCIA: Uhm so we are looking
7 for swing spaces, you know and trying to work that
8 out and we are in the midst of procuring sign in
9 order to do that construction.

10 BARRY GRODENCHIK: Uhm you are looking
11 for sp... maybe we can talk about that.

12 KATHRYN GARCIA: Yeah, we, we, we, should
13 continue to discuss what our options might be.

14 BARRY GRODENCHIK: Alright I'll throw you
15 a call.

16 KATHRYN GARCIA: Okay.

17 BARRY GRODENCHIK: Alright yeah we need
18 some options. Thank you very much. Thank you Mr.
19 Chair.

20 CHAIR ANTONIO REYNOSO: Alright thank you
21 Council Member Adams?

22 ADRIENNE ADAMS: Good afternoon
23 Commissioner, very nice to see you.

24 KATHRYN GARCIA: Nice to see you.
25

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2 ADRIENNE ADAMS: Thank you uhm I whole
3 heartedly support DSNY, uhm those of us in Southeast
4 Queens need you, need you, need you, uhm and I whole
5 heartedly concur with my colleague Council Member
6 Deutsch when he says that the need for pickup
7 continues. I just wonder if there are any areas in
8 New York City where there are seven day pickup?

9 KATHRYN GARCIA: Oh yes, no there's,
10 there's there is 7 day pickup on most commercial
11 areas within the City of New York. It can even be
12 more frequently than that, uhm it really varies by
13 the amount of pedestrian traffic that we see uhm and
14 the volumes that we're, that we're seeing yes so it
15 is, it is complete spans the spectrum.

16 ADRIENNE ADAMS: Do we have any 7 day
17 pickup in Southeast Queens?

18 KATHRYN GARCIA: I don't know the answer
19 to that.

20 ADRIENNE ADAMS: Okay and I guess uhm my
21 final question will be, uhm as you are well aware, we
22 do have issues of chronic illegal dumping in
23 Southeast Queens. What is the progress of the
24 cleanup of those uhm chronic dump out spots?
25

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2 KATHRYN GARCIA: So uhm we pick up those,
3 we keep a list of everywhere that we know, both uhm
4 to use to stake out and try and catch people, uhm but
5 also we will send people out immediately to clean it
6 up. We do not leave where, where a supervisor sees
7 that we have a dump out situation we do not let it
8 stay.

9 ADRIENNE ADAMS: Okay thank you very
10 much.

11 KATHRYN GARCIA: You are welcome.

12 CHAIR ANTONIO REYNOSO: Okay thank you
13 very much and uhm Commissioner thank you.

14 DANIEL DROM: I am of course, Council
15 Member Dromm and it's good to see you.

16 KATHRYN GARCIA: Nice to see you.

17 DANIEL DROMM: Good to see you too. I
18 apologize I was at a funeral of a dear friend this
19 morning so.

20 KATHRYN GARCIA: Oh I'm sorry.

21 DANIEL DROMM: So that's why I'm just
22 getting in now. Uhm but I just have one question
23 actually. I have a number of questions but I'm just
24 going to ask this one because we are running behind.
25 Uhm and it's about the Sanitation Basket Routes. For

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2 Fiscal '18 Council Members allocated approximately
3 \$2.8 million from the New York City Cleanup
4 Initiative for additional basket services. Each
5 Council Member in consultation with your agency
6 determined the routes and days for pickup for
7 service. Uhm DSNY evaluate certain routes, designed
8 by Council Members? Now sometimes I think there is a
9 combination of New York City Cleanup and
10 Discretionary Funds, like for my routes, uhm we do
11 ACE does the basket bagging and then sweeping.

12 KATHRYN GARCIA: Uh-huh.

13 DANIEL DROMM: And then I also put in
14 extra funding for uhm additional pickups along
15 Roosevelt Avenue, 37th Avenue and Broadway. Do you
16 evaluate that? Do you look at that? Do you
17 determine how many bags are collected or the
18 effectiveness of these programs?

19 KATHRYN GARCIA: So uhm, I mean we don't
20 count bags, uhm there are also, it's not all basket
21 trucks, I mean because Council Members really pick
22 and choose from the menu. I know for example that
23 Debbie Rose gets a mechanical broom on Staton Island,
24 uhm so it really does vary, some Council Members only
25 buy baskets, they don't actually ever ask us for any

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1 service or pay us for any service uhm we are looking
2 at our routes and our basket routes and where things
3 are all the time, I mean in some cases, uhm we'll
4 rework a route to try and make it more efficient in
5 terms of what point in the day does that can get
6 collected. Uhm so it is evaluated but they are, it
7 is really varied in terms of what Council Members are
8 choosing to use that funding for.

10 DANIEL DROMM: Do you know how many
11 Council Members aside from the Clean Up Initiative
12 give funding to uhm the Department of Sanitation uhm
13 for things like additional service on different
14 routes?

15 KATHRYN GARCIA: Uh-huh, uhm I can get
16 that specifically, but according to my staff less
17 than a dozen.

18 DANIEL DROMM: Less than a dozen? Okay.
19 Alright that was really about it. I think that we
20 are done because we are falling behind here as well.
21 Uhm so Council Member Moya, I hope you were
22 introduced if not, you are now, officially introduced
23 as being here. Uhm and with that I guess we are
24 going to close out this portion and thank you

25

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Commissioner and the Department of Sanitation for
coming in. Thank you.

KATHRYN GARCIA: Thank you. (Silence,
changing Committees).

CHAIR DANIEL DROMM: Okay thank you we
will now resume the City Council's Hearing on the
Mayor's Executive Budget for Fiscal 2019. The
Finance Committee is joined by the Committee on
Governmental Operations chaired by Council Member
Fernando Cabrera. We have been joined by Council
Member Robert Cornegy and others I'm sure will be
coming shortly. Uhm we just heard from the
Department of Sanitation and now we will hear from
Lisette Camilo, the Commissioner of the Department of
Citywide Administrative Services. In the interest of
time I will forgo making an opening statement. And
Chair Cabrera?

CHAIR FERNANDO CABRERA: I will do the
same.

CHAIR DANIEL DROMM: Okay very good so
with that I am going to ask Counsel to swear you in
and then you can just testimony.

LISETTE CAMILO: Sure.

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COUNSEL: Do you affirm that your
testimony will be truthful to the best of your
knowledge, information and belief?

LISETTE CAMILO: I do. Good afternoon
Chair Dromm, Chair Cabrera and Committee Members. I
am Lisette Camilo, Commissioner of Department of
Citywide Administrative Services. And I am joined by
members of my Executive Team to discuss the planned
expenditures and revenues for Fiscal Year 19 as well
as highlights of the DCAS Capital Plan. The Mayor's
FY19 Executive Budget supports our agency's goal of
delivering essential services and expertise to city
agencies, city employees and the public to further
the Administration's vision for a more sustainable,
resilient and equitable city. This Budget builds on
our agency's accomplishments over the last year and
will support our major priorities this year,
including more efficient administration of Civil
Service Tests, the deployment of a Space Management
Initiative, increased MWBE Utilization and further
reduction of Greenhouse Gas Emissions from City owned
fleet and buildings. I would like to take this
opportunity to provide updates for some of the
projects highlighted in my FY19 Preliminary Budget

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2 Testimony as well as talk about some of our new
3 initiatives. DCAS continues to work on compliance
4 with the New York State Civil Service Law to reduce
5 the number of provisional employees. The key to
6 these efforts is having in place computer based
7 testing and application centers or CTACs across every
8 borough. We currently have CTACs in four boroughs
9 and I am happy to announce that DCAS will be opening
10 a CTAC in the Bronx located at 1932 Arthur Avenue,
11 one of our DCAS Buildings and this CTAC is expected
12 to be in operation by the end of 2018. When we open
13 the Bronx CTAC through expansion and opening
14 of new testing centers, this administration will have
15 almost quadrupled the testing capacity in this city.
16 DCAS also leads the way in providing training on
17 diversity and inclusion and equal employment
18 opportunity rights for city employees. For FY18 to
19 date we have provided classroom and computer based
20 training to nearly 21,000 City Employees surpassing
21 our FY18 goal of training 20,000 Employees. For FY19
22 DCAS plans to enhance and expand its E-learning
23 offerings and other tools provided to its citywide
24 client base. Our upcoming citywide training model on
25 Sexual Harassment is a prime example of our enhanced

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1 services. DCAS is committed, committed to working on
2 maximizing MWBE vendor participation by conducting
3 outreach and ensuring that MWBEs are included as a
4 normal part of the agency's purchasing culture. As
5 of April 30, 2018 we have awarded approximately \$87.5
6 million in contracts to MWBE firms in FY18. This
7 total exceeds the FY17 MWBE award of \$53 million.
8 While we see progress, we will continue to work to
9 increase the words to MWBE vendors. DCAS is working
10 to make the largest municipal fleet in the nation,
11 the safest and most sustainable. An important part
12 of this work is to expand the use of electric
13 vehicles. To support the growing EV Fleet, the City
14 has now installed 500 electric vehicle chargers
15 across the five boroughs and has completed the first
16 phase of solar power electric vehicle carports. These
17 carports charge vehicles using nothing but solar
18 power. The city's 500 electric vehicle chargers are
19 accessible at facilities operated by several city
20 government agencies. The solar power carports are
21 installed at 37 locations and can fully charge
22 electric vehicles without use of the city's electric
23 grid. In addition, DCAS will oversee the
24 installation of 100 level 3 fast chargers as funded
25

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2 in the Executive Budget Capital Plan. In partnership
3 with the Office of Management and Budget and City
4 Hall, DCAS is continuing its mission to maximize the
5 use of all City owned and private leased spaces,
6 currently occupied by City Agencies. This includes
7 the implementation of the new space standards for
8 work stations when designing new work space for City
9 Employees. These efforts will allow for the creation
10 of a more efficient and effective office environment
11 for city agencies while making use of tax payer
12 dollars. DCAS manages City Utility Accounts and
13 oversees the initiatives that strengthen energy
14 management and generate emissions reductions across
15 the city's portfolio of buildings. These efforts
16 include the City's Demand Response Program. DCAS
17 launched the Demand Response Program in 2013 to
18 provide city agencies with the ability to earn
19 revenue by reducing electricity usage during periods
20 of peak usage and stress on the electric grid. DCAS
21 recently announced that 23 participating agencies and
22 organizations earned \$9.3 million for reducing
23 electricity consumption by more than 75 megawatts
24 during the summer of 2017. This revenue was paid by
25 utility companies and the state grid manager as part

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2 of their efforts to use pricing incentives to add
3 flexibility to energy delivery systems. DCAS passes
4 on the revenue earned to participating agencies who
5 use it to implement energy efficiency projects,
6 tackle deferred maintenance issues and improve
7 quality of life at their buildings. DCAS has also
8 upgrade and customized Archibus, a work order
9 tracking system that improves tracking and
10 accountability of on demand work orders. This system
11 will provide more efficient distribution of staffing
12 and resources to DCAS tenants. The data collected in
13 the system will be used to guide building management
14 staff and tenants to better work together to identify
15 and resolve building issues. DCAS' Expense Budget
16 reflects funding of \$1.2 billion and a Budgeted
17 Headcount of more than 2,400 in FY19. The majority
18 of DCAS' planned FY19 Expenditure, \$725 million is
19 allocated for the citywide heat, light and power
20 expenses. The FY19 Energy Budget is a collaborative
21 effort between DCAS and OMB in forecasting agency
22 energy usage as well as commodities rates in the
23 upcoming fiscal year. DCAS continues to work closely
24 with agencies citywide to enhance the energy
25 performance of their facilities through a range of

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2 programs including Retrofitting Equipment and
3 improving operations and maintenance. In the FY19
4 Executive Budget DCAS received expense funding to
5 enhance our services through joint efforts with other
6 City Agencies which include the following: DCAS was
7 allocated funding for three positions and \$750,000 to
8 assist in the implementation of a new citywide sexual
9 harassment policy. The funding includes \$500,000
10 that will be used to conduct annual training for all
11 city employees. In FY19 DCAS will receive \$7 million
12 to assume the building management and operations of
13 the public safety answering center in the Bronx
14 taking it over from DOIT. One of the biggest concern
15 in today's world is the security of an organizations
16 IT system. DCAS received two positions and \$450,000
17 to help monitor our agency's IT system to en, to
18 ensure security. DCAS received funding for three
19 energy engineers and \$300,000 to support the efforts
20 to reduce green house gas emission by 35% from New
21 York City Government Building by 2025. DCAS received
22 a total of \$14 million in FY19 for the continued
23 implementation of local law 2 which reimburses
24 security expenses incurred by participating non-
25 public schools. As requested by OMB we have

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2 identified savings in areas that will not adversely
3 affect the agency's ability to provide critical
4 services to both the public and our client city
5 agencies. Some of these include, DCAS is projecting
6 to earn an additional \$4 million in proceeds from
7 auto auctions in FY19. This revenue increase is due
8 to higher than expected vehicle relinquishments by
9 agencies including sanitation trucks resulting from
10 the Fleet Reduction Citywide Savings Initiative.
11 DCAS' FY18 OTPS Budget was reduced by \$3 million in
12 the FY19 Executive Budget. This reduction was the
13 result of savings in the OTPS Budget associated with
14 project delays in the current Fiscal Year. The non-
15 public school security budget is reduced by \$6.6
16 million in the current Fiscal Year. This surplus is
17 due to 135 schools participating in the program
18 substantially fewer than the 240 schools estimated at
19 the time Local Law 2 was enacted. The FY19 total
20 DCAS Revenue Budget is \$69.3 million, primarily due
21 to commercial rents of city owned property projected
22 at \$43.1 million, the sale of surplus vehicles and
23 other city owned equipment totally \$11.9 million and
24 anticipated revenue of approximately \$4.8 million in
25 filing fees for Civil Service Examinations. The

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2 Executive Budget reflects and updated four year
3 Capital Plan of \$3.1 billion for FY19-22 to maintain
4 and enhance DCAS Facilities and obtain leased spaces
5 as well as to continue the Energy Conservation
6 Program. The Executive Capital Budget for FY19 is
7 \$767 million and will allow us to complete some of
8 the following initiatives, DCAS Managed Facilities,
9 DCAS' Capital Construction Program for city owned
10 offices and court buildings total \$373.7 million in
11 FY19. This includes \$210 million allocated for the
12 renovation of office spaces and related systems
13 upgrades at facilities such as 345 Adams Street, 210
14 Joralemon Street and 100 Gold Street. Another \$60
15 million is also allocated for the upgrade of fire
16 protection and suppression systems at facilities such
17 as the Brooklyn Supreme Court and 253 Broadway.
18 Energy Conservation and Clean Energy Projects, the
19 Capital Plan for FY19 totals \$204 million. This
20 Budget allocation supports both energy efficiency
21 projects such as lighting retrofits, age back
22 upgrades, steam distribution improvements and clean
23 energy projects like solar PV, solar thermal and
24 cogeneration fleet. \$14 million has been received to
25 implement 100 ED fast chargers for city fleet

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1 operations as well as an additional 50 solar
2 carports. Thank you for this opportunity to discuss
3 DCAS' planned expenditures and revenues for FY19 as
4 well as our Capital Plan. I look forward to a strong
5 continued working relationship with the Council over
6 the next year. I would be happy to answer any
7 questions you may have.
8

9 CHAIR DANIEL DROMM: Thank you very much
10 Commissioner, and before we go to questions I just
11 want to say that we have been joined by Council
12 Member Rosenthal, Council Member Perkins and Council
13 Member Yeger and some Council Members do have
14 questions. But let me start with you, a little bit
15 about Solar Panel Installation. In the Preliminary
16 Budget Response to asked the Administration to
17 increase Capital Funding for facilitating the
18 installation of solar panels on city buildings. This
19 wasn't done even though DCAS has a goal of installing
20 100 megawatts of solar panels on city buildings by
21 2025. How many megawatts have we installed to date?

22 LISETTE CAMILO: To date we've installed
23 and I am joined here by Deputy Commissioner Anthony
24 Fiore who can certainly elaborate. We've installed
25 to date 10 megawatts which is significant throughout

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2 this administration and we are on path to install a
3 total of 25 by the end of calendar year 19.

4 CHAIR DANIEL DROMM: Fiscal 19?

5 LISETTE CAMILO: Calendar year.

6 CHAIR DANIEL DROMM: And what are the uhm
7 major impediments to installing megawatts more
8 quickly?

9 LISETTE CAMILO: So installing solar
10 panels on roofs it requires a number of different uhm
11 things, we have to have uhm a roof that is ready to
12 be able to support that infrastructure so a lot of
13 Capital Work needs to be done to prepare those roofs.
14 Not all roofs are created equal. Uhm if they are in,
15 located in shady areas where they don't have access
16 to the sun, uhm that is not going to work but I am, I
17 will, I can toss it over to Anthony to continue and
18 elaborate?

19 ANTHONY FIORE: Yeah I think that's
20 right, I think some other constraints are beyond just
21 finding suitable sites is finding developers out
22 there with the right financing structures that's been
23 somewhat difficult to do as well. Uhm so there's,
24 there's a number of challenges that face us but I
25

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1 don't think it is one of Capital dollars for the, for
2 the solar panels themselves.
3

4 CHAIR DANIEL DROMM: So I'm curious about
5 City Schools? Uhm have we installed solar panels
6 there and uhm from what I've heard, often times
7 buildings are a little bit too hold to hold or
8 contain the solar panels, is that true? Uhm, can you
9 speak about that a little bit with City Schools?

10 LISETTE CAMILO: Yes so we have installed
11 a number of solar panels on on schools, in schools
12 and that work is continuing through a number of
13 different uhm means and as I mentioned before and
14 you, you just mentioned, not all roofs are solar
15 ready so we are actually have been in discussions
16 with the School Construction Authority uhm to, to
17 look at their Capital Plans and, and try and work in
18 a solar ready uhm work, as they work through some of
19 their Capital Projects.

20 ANTHONY FIORE: Yeah and I would just say
21 that schools represent the largest portion of our
22 solar program. It's about 2/3 of our program when
23 you look at both the completed projects and the
24 projects in the pipeline. Uhm they tend to have the
25 best roofs because they are generally larger, flat

1
2 with less mechanicals on them so they do make up the
3 majority of our, of our portfolio.

4 CHAIR DANIEL DROMM: So do, did you say
5 anything about the age of the buildings and the
6 ability for schools to hold the solar panels
7 themselves are they. Are they strong enough to be
8 able to hold them?

9 LISETTE CAMILO: I think it depends on
10 many things, uhm you might have uhm maybe not as old
11 structure but perhaps a roof that is in disrepair.

12 CHAIR DANIEL DROMM: Where you, where you
13 have already installed them are they older schools or
14 newer schools. Do you have an idea of that?

15 ANTHONY FIORE: Uhm I can get you the
16 breakdown on that.

17 CHAIR DANIEL DROMM: So I was always
18 curious about the relationship uhm between the work
19 that you are doing and SCA. Because it, the funding
20 is not going through SCA, am I right?

21 LISETTE CAMILO: For those solar panels?

22 CHAIR DANIEL DROMM: Right.

23 LISETTE CAMILO: We do fund those.

24 ANTHONY FIORE: We do fund.

25 CHAIR DANIEL DROMM: You do?

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ANTHONY FIORE: Uhm solar panels.

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CHAIR DANIEL DROMM: You do, but the
funding goes through you?

5

6

ANTHONY FIORE: The funding goes through
us, that's correct.

7

8

9

CHAIR DANIEL DROMM: And I didn't know
that anybody could go near a school unless they went
through SCA? Can you explain to me how that
happened?

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LISETTE CAMILO: So typically the SCA
builds new facilities and does the heavy renovations
I think for the purposes of energy work. Uhm we work
with their the Department of Education Facilities
Group and to do you know and fund some of those
projects uhm and for installing solar panels, we fund
that through our budget.

18

19

CHAIR DANIEL DROMM: So then this is not
considered major construction?

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ANTHONY FIORE: So there is both major
construction and, and nonmajor construction so both
the SCA and the Division of School Facilities
implements solar projects, uhm it depends on the, on
the size of it so sometimes they are Capital Projects
that SCA does and again I think that's generally when

1
2 it is a new school or a major renovation that is
3 happening but DSF also does small Capital Projects as
4 well as expense projects. So the projects that are
5 going through you are being done by private
6 developers, by private contracting.

7 ANTHONY FIORE: Uhm it's, the funding
8 that is going through us uhm but it's either SCA
9 Consultants that are doing the work or it's the DSF
10 Consultants like the Gordian Group or.

11 CHAIR DANIEL DROMM: Do you work with
12 MWBs for, to install these panels?

13 ANTHONY FIORE: Uhm I'd have to check on
14 the, on the specifics.

15 CHAIR DANIEL DROMM: Union workers?

16 ANTHONY FIORE: Union workers have been
17 employed yes.

18 CHAIR DANIEL DROMM: On, on, in all cases
19 or just in some?

20 ANTHONY FIORE: I uhm in some.

21 CHAIR DANIEL DROMM: Okay can we get that
22 information.

23 ANTHONY FIORE: Sure.

24 LISETTE CAMILO: Sure regardless of and
25 as you know with, with unions, depending on the

1
2 solicitation we cannot require union labor to work
3 on, on our projects however all of our projects are
4 required to be paid as prevailing wage.

5 CHAIR DANIEL DROMM: Uhm let me go to the
6 Provisional Reduction Plan.

7 LISETTE CAMILO: Uh-huh.

8 CHAIR DANIEL DROMM: In a quarterly
9 report on Provisional sent out to the Council on
10 March 30th you reported that the number of
11 provisional employees employed by the City had
12 declined by a net of only 8 positions from 21,060 to
13 21,052 over the past 3 months. Why has this decline
14 been so low and what are the major impediments you
15 are facing preventing a greater reduction in the
16 number of provisional employed by the City?

17 LISETTE CAMILO: So the, I'm happy to
18 report that I think there is a time lag uhm by the
19 time we produce that report because uhm the most
20 recent numbers that we have, uhm we have a current
21 number of 20,164 which is actually the lowest number
22 of provisionals since this fact has been tracked so
23 we are seeing a lot of progress in this area. Now
24 with respect to what some of the challenges are, we,
25 we have many here, uhm the, we have 800 titles,

1
2 unique titles, competitive titles that we would be
3 required to give exams for in order to keep up with
4 the list that agencies need in order to hire. So in
5 order to ensure government operations, agencies, if
6 we don't, if we haven't had the ability to offer an
7 exam and services need to be provided and we don't
8 have a list then we hire provisionally. So uhm its,
9 we are working on multiple paths in order to really
10 drive down those numbers and we are seeing success,
11 uhm and we, and we're happy to report the new figures
12 today.

13 CHAIR DANIEL DROMM: I think what's of
14 concern to us in the Council is that State Law says
15 that they are not suppose to be provisional for more
16 than 9 months. How long have these 20,000 I think
17 164 you said uhm employees been on the, on the
18 payroll.

19 LISETTE CAMILO: So it it varies, uhm you
20 know once we put out a list and we have uhm one title
21 taken care of and if an agency needs others that we
22 don't have that so it really does vary. Uhm we have
23 been working very closely with the State Civil
24 Service Commission who has been very involved in
25 monitoring our progress and we have worked together

1 on a plan to reduce it in increments. There is no
2 way that we can wipe out over 20,000 provisional
3 employees with one fast swoop but we have laid out a
4 very thoughtful plan uhm to work on as I said, as I
5 mentioned uhm through, through multiple areas,
6 multiple paths to try and really reduce that number.
7 When we started the Provisional Reduction Plan, uhm
8 which was approved by the State not too long ago, we
9 had, we started with over 23,000 provisional
10 employees and since, throughout the duration of this
11 plan we have seen it, fall uhm you know to, to a
12 little over 20,000 so we are seeing success. The
13 state really does understand all of the challenges
14 and the difficulties because we are trying to balance
15 a number of interest all on, with one, uhm with one
16 goal in mind but we can't let government operations
17 and services suffer as a result.

19 CHAIR DANIEL DROMM: Can you provide us
20 with a list of provisionals by date of employment?

21 LISETTE CAMILO: By date of employment,
22 I'm sure we can. Yes we can. Put that together for
23 you.

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2 CHAIR DANIEL DROMM: That would be help
3 for us, helpful for us also. Uhm I had the recent
4 pleasure of visiting your new uhm city in Queens.

5 LISETTE CAMILO: Great.

6 CHAIR DANIEL DROMM: Beautiful.

7 LISETTE CAMILO: We are excited about
8 that.

9 CHAIR DANIEL DROMM: And it is really
10 nice which we applaud. Uhm how are these testing
11 centers operating? And are they playing any role in
12 helping fill the provisional jobs?

13 LISETTE CAMILO: So they are, we've been
14 finding with every new CTAC that we bring online we
15 are actually very shocked as how many people are
16 coming up and and taking the exams but the Queens one
17 in particular, ever since it opened it almost out
18 performs the, the Brooklyn and Manhattan and Brooklyn
19 and so we clearly hit a nerve, uhm we have a lot of
20 Queens, Queens residents come in and really, and
21 really take advantage of that and absolutely this is
22 one of the tools that we have to be able to drive
23 down the provisional numbers. The more people we
24 have taking exams, hopefully we will have more
25 populous lists for agencies to use for longer that

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1 will prevent the need for us to reissue that exam,
2 but we, we are really happy to announce that we have
3 our 5th and last one to be open at the end of this
4 year.
5

6 CHAIR DANIEL DROMM: Okay uhm let me talk
7 a little bit about the Real Estate Service Management
8 Program. Uhm the Executive Planning includes new
9 ULAs for Real Estate Services.

10 LISETTE CAMILO: Uh-huh.

11 CHAIR DANIEL DROMM: Does this represent
12 a new division within DCAS' Internal Operating
13 Structure?

14 LISETTE CAMILO: No so we uhm, uhm a
15 little while ago restructured our asset management
16 line of service uhm Asset Management contained the
17 groups that maintained our 55 city owned and managed
18 buildings, it contains our Capital Construction Group
19 and the Real Estate Services Group which deals with
20 finding uhm leased space for city agencies' needs.
21 Uhm and when we restructured that we really wanted to
22 create a separate standalone unit to focus just on
23 that on maximizing the city's, uhm City owned
24 footprint with respect to office leases and only
25 release out whenever we, uhm whenever we need to,

1
2 this required and in order to add transparency and
3 accountability we thought that not only separating it
4 within uhm the agency, we were, the, the, we were
5 working with OMB to create a separate uhm Unit of
6 Appropriation in order to finish the, the structure
7 so right now I think that you are seeing is the start
8 of that work and we are working with OMB to finish
9 transferring the fund and the headcount that
10 originally was within the Asset Management line of
11 service to the Real Estate Services end.

12 CHAIR DANIEL DROMM: So will this help
13 uhm, their, repeat, so we don't have a repeat of
14 Rivington House?

15 LISETTE CAMILO: It's, it's within that
16 unit that uhm the deals with demodification. The unit
17 of appropriation is obviously a Budgeting exercise to
18 be able to provide the Council OMB, DCAS with more
19 transparency and accountability but with regard to
20 the demodification process we have been working hand
21 in hand in with the Council once the law was passed
22 to really overhaul the process. That is what is
23 going to prevent another Rivington. We have a number
24 of stop, stop measures and increased notice and
25

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2 increased public awareness to be able to prevent that
3 from happening again.

4 CHAIR DANIEL DROMM: So Local Law 176 is
5 being implemented?

6 LISETTE CAMILO: Absolutely.

7 CHAIR DANIEL DROMM: Okay and then
8 finally in the Executive Plan the Campaign Finance
9 Board's Lease Budget uhm which is in the Department
10 for Citywide Services Budget was reduced by \$200,000
11 in the Fiscal Year 2019. Uhm why is CFBs Lease
12 Budget decreasing?

13 LISETTE CAMILO: My understanding, I'm
14 going to toss it over the Laura Ringelheim who is the
15 Deputy Commissioner for Real Estate Services uhm is
16 because there was an adjustment on the reduction of
17 heating and cooling?

18 LAURA RINGELHEIMER: So I can't talk
19 exactly to why OMB would have reduced the Budget. I
20 know what we are trying to do is reduce, uhm we are
21 going to move 20 lease space which is better suited
22 to meeting their afterhours age factor requirement.
23 So the cost isn't anticipated to be as high so that
24 could be the reason why it has been reduced in this
25 Budget cycle.

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2 CHAIR DANIEL DROMM: So they are not
3 going to be moving the offices to 255 Greenwich?

4 LAURA RINGELHEIM: They still might be
5 moving to 255 Greenwich we are working with them now
6 in revising their needs to meet the citywide space
7 standards to see where we can scale down and they can
8 scale back and we are almost there, and where they
9 finally end up will be a matter of whether we can
10 negotiate that space with the landlord.

11 CHAIR DANIEL DROMM: Okay its they are
12 coming in I think later so I'm going to ask them a
13 follow up question on that as well. Alright thank
14 you Uhm Chair uhm Cabrera.

15 CHAIR FERNANDO CABRERA: Uhm thank you so
16 much to Chair Dromm and I want to thank you because
17 you are literally here for every single one of the
18 hearings and completely engaged as well as the staff.
19 Commissioner, uhm welcome. I have a few questions so
20 we could here thereafter my colleagues, that I know
21 they have questions, so if you could give me the
22 short version answer of these. So. Uhm my first
23 questions regarded is regarding Reverse Auctions.

24 LAURA RINGELHEIM: Uh-huh.
25

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2 CHAIR FERNANDO CABRERA: Uhm, so I notice
3 that DCAS is expected to generate an additional \$5
4 million from revenue from Reverse Auctions. I, are
5 these items uhm that are being sold in auction, are
6 they brand new or are they used equipment? Vehicles?

7 LAURA RINGELHEIM: So this is uhm, a new
8 initiative that OMB has done an initial research to
9 determine uhm whether we can actually generate
10 savings when we, when the city purchases goods or
11 commodities and other jurisdictions have shown some
12 saving so I think we are working with OMB and the Law
13 Department to implement a reverse auction strategy so
14 that would be, so that would mean uhm so if we were
15 going to buy a particular commodity then vendors, uhm
16 beating each other with the lowest price on an on an
17 IT platform but right now we are still studying that
18 and then OMB then we will be working with OMB to
19 figure out what commodities yet, this has not yet
20 been ruled out.

21 CHAIR FERNANDO CABRERA: But are these
22 going to be new items that we buy, that we bought too
23 many of them of whatever reason? Or are these
24 equipment that you had lying for a few years, to say
25

1 we no longer need them and then we are going to sell
2 them.

3
4 LAURA RINGELHEIM: So that would be uhm
5 it's a slightly different so the, we actually auction
6 off surplus property so properties that we have
7 purchased, we have used, we have no uhm use for
8 anymore and so we auction it off, (clearing throat)
9 excuse me to the public. That's already happening.

10 CHAIR FERNANDO CABRERA: Okay.

11 LAURA RINGELHEIM: Uhm reverse auction is
12 a way to purchase goods to buy goods but have the
13 vendors compete against the clock almost like an ebay
14 auction.

15 CHAIR FERNANDO CABRERA: Gotcha.

16 LAURA RINGELHEIM: Uhm so rather than
17 going up the prices would be coming down and I think
18 OMB is doing the, did the initial research.

19 CHAIR FERNANDO CABRERA: Do you think
20 that it is bad much that we are overspending by \$5
21 million, uhm if we are projecting to give \$5 million
22 I'm sure we are getting pennies on the dollars, I'm
23 not sure what's the forecast here, the expectation,
24 how many pennies on the dollar uhm but usually like
25 if we are going to use the comparable avail platform

1 that uhm that we, we are spending you know, like we
2 are over purchasing here, to, to the tune of \$5
3 million?
4

5 LAURA RINGELHEIM: I think, excuse me, I
6 think that what the reverse auction is a tool that
7 will help us get, a better deal, uhm and the \$5
8 million is something that I think OMB in its initial
9 research thought it would be a reasonable target but
10 this requires additional uhm study. We, we're not
11 sure what commodities we are going to, to purchase
12 through the reverse auction, that still requires some
13 more analysis uhm and OMB I think would, you know you
14 would, would be able to provide more information.

15 CHAIR FERNANDO CABRERA: Okay let me move
16 on to Fleet Coordination uhm Initiative and the Fleet
17 Optimization Initiative uhm which agencies get sued
18 the most from law suits stemming from car accidents?
19 If you could turn the, the mic on please? Thank you.

20 KEITH KERMAN: Hi Keith Kerman the Chief
21 Fleet Officers, uhm certainly the police department,
22 the fire department, the department of sanitation
23 have some of the most serious fleet related events
24 and some of the highest litigation and claims issues.
25

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2 CHAIR FERNANDO CABRERA: And do you have
3 cameras in the, in all of these vehicles?

4 KEITH KERMAN: We do not implement
5 cameras in vehicles currently. We are outfitting and
6 announced today a whole suite of safety measures for
7 City Vehicles including. Uhm let me strike that, we
8 don't have front cameras, we do have back up cameras,
9 uhm back up cameras, automatic braking which is the
10 singular most potentially beneficial technology. We
11 know that about 40% of all the collision that result
12 in litigations involve rear-ending so automatic
13 braking if you are familiar with the technology will
14 basically help automatically stop a vehicle if we are
15 about to smash something on front, will begin to take
16 control of the vehicle, uhm as well as variable
17 headlamps, driving alert systems. I, I came here in
18 an all electric vehicle with this new safety suite
19 and it is really an amazing set of alerts as you
20 drive, every second the driver, the car is
21 communicating to the driver, telling them you are
22 coming off of the lane, you are going too fast, so we
23 are making a lot of investments to make the cars
24 safer in general, including back up cameras but not
25 frontal cameras.

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2 CHAIR FERNANDO CABRERA: Well my thoughts
3 are that uhm you know, you are going to have, in the
4 public you are going to have people who are going to
5 sue us claiming that this happened and then you are
6 going to have sy... you might have a portion of them
7 that are not so honest uhm but there is something to
8 be said about having a camera. I mean it just a
9 video camera would literally uhm it would help the
10 Law Department to be able to say hey we are not going
11 to settle. You know we have video proof here, and so
12 wouldn't that make sense and at the end be more cost
13 effective than doling out you know millions and
14 millions of dollars.

15 KEITH KERMAN: Well one of the
16 technologies going to you point about having
17 independent verification it is coming in place and it
18 is very, very interesting is automatic vehicle
19 collision reconstruction so as we go into this new
20 set of vehicles and we have some there is about 800
21 vehicles now, as you are in a collision we will get
22 an automatic alert from the car that this car has
23 just been in a collision and immediately be sent a
24 report and we could share what this looks like that
25 will tell you where the collision took place, what

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1 part of the vehicle was hit, what the speed was, what
2 the maintenance codes were, so we are moving in this
3 direction, we are also you may know in partnership
4 with the Department of Transportation doing what is
5 called a V to V, a vehicle to vehicle project that is
6 being funded by federal DOT that will involve a
7 little bit of the technology you are talking about.
8 So we are moving pretty heavily in this direction, we
9 do have to vet the technologies though, so we are not
10 at the full kind of light up of cameras yet but, but
11 we are getting there. I will hope that, you know
12 there will further discussion, it will be on your
13 radar, I am thinking also sanitation trucks that
14 during snow storms people say I got swiped and you
15 know sometimes it is very hard to prove you did what
16 and also it keeps the drivers honest and being more,
17 it raises the level of consciousness as to uhm how
18 one should be driving. Uhm the only questions
19 related uhm in the Preliminary Budget Response, we
20 call for the expansion of DCAS Demands Response
21 Program to reduce the city's day to day energy
22 expenses, uhm can you give us a little bit more
23 detail regarding the specific of the, uhm I'm sorry
24 Energy Low Management and if you could give us uhm a
25

1 little bit more detail about the initiative and uhm
2 also if you could talk about why we can achieve
3 greater savings more quickly.
4

5 LAURA RINGELHEIM: So the demand response
6 is it vents specific in what we are hoping to do is
7 do something a little more comprehensive which is a
8 Load Management Program that we've been funded to do
9 uhm which essentially will fund uhm people forehead
10 count I think we received, to work throughout City,
11 City facilities and really on a from a as a
12 comprehensive way as possible really work to reduce
13 the, the energy consumption within these buildings.
14 I am going to toss it over to Anthony to talk more
15 about it.

16 ANTHONY FIORE: Uhm we are very excited
17 by uhm you know the load management program, uhm we
18 think it has a lot of opportunity. It's not just
19 technology that's needed to actually make that
20 successful and we, and we are installing real time
21 meters in many of our buildings so that facility
22 operators have the, can be empowered to see what
23 changes they make, how that affects things in real
24 time but it is also cultural change and so through
25 training programs uhm through Building Automation

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1 Systems, all of that needs to come together so there
2 is actually a lot of work that has to happen in order
3 to make sure that that program is successful.

4
5 CHAIR FERNANDO CABRERA: Okay if we could
6 start thinking about how we could have greater
7 savings, more quickly, uhm I think that we could do
8 more and so my last question because I really want to
9 hear my colleagues and give them time and I'll come
10 back with a second round. Uhm how many, how many uhm
11 if you were to compare the amount of city owned
12 properties versus the ones that we lease, what would
13 be the percentage and have we given thought of, of
14 retrofitting some of the buildings that we do own so
15 we are not paying this high lease, especially in
16 areas where you are paying a surreal amount of money?

17 LAURA RINGELHEIM: Absolutely and we are
18 doing that work in terms of looking at our city owned
19 buildings to try and bring in uhm and expand the
20 density and the usage of our own city owned
21 footprint. We, uhm we currently have 251 leases in
22 private for office leases in private entities. We do
23 have, the DCAS manages 55 buildings, half of which
24 are courts, half of which are not courts but there
25 are other city properties that owned and managed by

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2 other city agencies. We can come back and provide
3 you the list of all city owned properties that are,
4 that are in the portfolio because there are office
5 leases are about 251. But like I, as I mentioned we
6 are.

7 CHAIR FERNANDO CABRERA: If you could
8 include, I'm sorry Commissioner, the square footage
9 because you know you have a building that only has
10 two floors and 10,000 square feet versus a building
11 that may have half a million square feet. So if you
12 could include that as well.

13 LAURA RINGELHEIM: Absolutely.

14 CHAIR FERNANDO CABRERA: So with that I
15 will give it back to co-chair and I am looking
16 forward to hearing my colleagues.

17 CHAIR DANIEL DROMM: Okay thank you we
18 have been joined by Council Members Powers, Maisel
19 and Adams. And we have questions from Council Member
20 Cornegy, Rosenthal, Perkins, Yeger and Powers. Okay
21 so Council Member Cornegy?

22 ROBERT CORNEGY: Thank you Chair. Good
23 morning Commissioner.

24 LAURA RINGELHEIM: Good morning.

25 ROBERT CORNEGY: Good afternoon, sorry.

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LAURA RINGELHEIM: Afternoon.

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ROBERT CORNEGY: So in the DCAS portfolio
I'm curious as to how many rentable or rented retail
spaces in DCAS' portfolio?

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LAURA RINGELHEIM: So we have 80 long
term leases, not all of which are retail. Do we have
that number with us? We don't, not the number of
retail but 80. We can get you the number, the exact
number of retail uhm leases and that we, that we have
on our properties. So everybody is aware and I'm not
going to be Captain Obvious on this, everybody is
aware that we have uhm a retail affordability crisis
in the city and I am wondering that in the DCAS
portfolio are those rented or rentable units at
market or below market?

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LAURA RINGELHEIM: So for the long term
leases under the charter, long term leases are
required to be publically auctioned so that the term,
the lease terms are determined by, by the auction and
typically it depends on the, on the market.

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ROBERT CORNEGY: So I'd be curious and
obviously I'm speaking from my former chair hat as
the Chair of Small Business, I now Chair Housing and
Buildings but I was always curious as to whether or

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1 not we as a city could be helpful in the retail
2 affordability crisis but using units that are in our
3 purview uhm at below market. So I would like to
4 explore that a little bit further.
5

6 LAURA RINGELHEIM: Absolutely. We'd be
7 happy.

8 ROBERT CORNEGY: At a, at a later date.

9 LAURA RINGELHEIM: We'd be more than
10 happy to sit down and go through you know our
11 portfolio what, what you know what has retail
12 functions on it and how we can work together to, to
13 do that.

14 ROBERT CORNEGY: Thank you.

15 LAURA RINGELHEIM: Sure.

16 CHAIR DANIEL DROMM: Okay Council Member
17 Rosenthal?

18 HELEN ROSENTHAL: Uhm nice to see you
19 Commissioner. Uhm thank you Chairs for this hearing.
20 Uhm I want to ask about two general areas, first
21 about uhm some news we learned at the NYPD hearing
22 that the Specials Victims Division would be moving in
23 Manhattan, would be moving into 137 Center Street,
24 could you uhm tell me a little bit about what you
25 envision there? The more important the biggest

1
2 question is what are you plan, do you have marching
3 orders for all of the Special Victims Divisions in
4 every borough or is it just this one and have you
5 been given guidelines for what to make this space
6 able to accommodate?

7 LAURA RINGELHEIM: So we provide those,
8 that service for all agencies that require new space.
9 With respect to the Manhattan Division, we've had
10 discussions about them expanding their footprint,
11 they are already at 137 Center so expanding their
12 footprint within that building and for any of the
13 other boroughs we will be working together very close
14 to determine what the, what their needs are, what
15 their space needs are, conference rooms, special
16 requirements to determine how much space and, and
17 what exactly their needs are.

18 HELEN ROSENTHAL: Have you been asked to
19 look for space in the other boroughs?

20 LAURA RINGELHEIM: Yeah we are looking
21 for space, we are working with PD closely, to, to
22 assess their needs in each of the boroughs, I think
23 Manhattan came up with the first solution because
24 they are already at 137 Center, they can be
25 retrofitted to meet the requirements that were, that

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1 were told to us by NYPD but the rest of the boroughs,
2 we are also working with them closely to see if we
3 have city owned space versus lease space that can
4 accommodate these special requirements.
5

6 HELEN ROSENTHAL: What do you think the
7 timing will be?

8 LAURA RINGELHEIM: For Manhattan or?

9 HELEN ROSENTHAL: For Manhattan first?

10 LAURA RINGELHEIM: I, I think they are
11 going to be able to do it relatively quickly I'm sure
12 that we have established a time line yet.

13 HELEN ROSENTHAL: Okay if we could keep a
14 line of communication open on that I would be very
15 curious to know. And by the way, the, uhm the
16 modeling off of the Child Advocacy Centers so it, if
17 you need a model to go look at that's exactly the one
18 uhm Philadelphia happens to have an extraordinary
19 one, just Google Philadelphia's Special Victims
20 Division 2013.

21 LAURA RINGELHEIM: Okay.

22 HELEN ROSENTHAL: Uhm and that'll show you
23 what a world class model would look like. Secondly
24 uhm so are you able to start working on 137 Center
25 today? Or does that begin next Fiscal Year?

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2 LAURA RINGELHEIM: Uhm I think PD is
3 planning on working on it as soon as possible. They
4 have already toured the site and we have sent our
5 architects over there to see how we could meet the
6 needs including the, the requirements to have more
7 than one entrance for the building. So, its, that
8 project is as far as I know ready to begin
9 immediately.

10 HELEN ROSENTHAL: Great, uhm Chair may I
11 just ask one more question?

12 CHAIR DANIEL DROMM: Yes one more.

13 HELEN ROSENTHAL: Thank you uhm it has to
14 do with the work that your department is doing now
15 with the Stop Sexual Harassment Act. You note in
16 your testimony \$500,000 to develop the Sexual
17 Harassment Training and provide it. Three new staff
18 people, could you talk a little bit more about that
19 and the fact that Dawn just walked up here gives me
20 so much confidence.

21 LAURA RINGELHEIM: I'll kick it off and
22 then I will turn it over to Dawn. Uhm we have
23 developed as you know a computer based training that
24 is available immediately to start the training. We
25 received approval to do in person training because

1 not all city workers have, regularly to a computer so
2 we really want to make sure that we are out there
3 getting the word out and doing this training and the
4 addition of three lines is really to augment our
5 resources to be able to do a host of things, an
6 audit, agencies, EEO, researching how to handle EEO
7 complaints or I'm sorry sexual harassment complaints
8 to make sure that they are properly being
9 investigated and have good, well good determinations
10 that are, that are appropriate. Look doing third
11 party investigations as well. Uhm looking into an
12 investigating some allegations of sexual harassment
13 and to assist in some of our trainings. I will turn
14 it over to Dawn to make sure that I didn't miss
15 anything.
16

17 DAWN PINNOCK: And also following our
18 meeting with you uhm we talked about also bringing a
19 non-mural agency into the fold and so we have been
20 working with them specifically DOE NYCHA helping
21 hospitals to make sure that there is clarity around
22 definitions, having standardized reporting to make
23 sure that we meet our annual reporting mandate and
24 also we are going to offer a lot of more training
25 specifically around complete procedures,

1
2 investigative protocols, making sure that we remain
3 best in class.

4 HELEN ROSENTHAL: Is the training manual
5 you brought to the hearing is that the one that you
6 are using and can we find the training on line by
7 going to the DCAS website?

8 LAURA RINGELHEIM: Currently the sexual
9 harassment training that we have launched, uhm its
10 being an internal launched. Uhm it's been launched
11 within DCAS and it will be made available to every
12 city agency. Currently it is not on our external
13 website. The training that I was referring to was
14 specifically around complaint procedures and
15 investigative protocols so once again to assure that
16 their EEO officers and liaisons are well versed in
17 all areas of investigation.

18 HELEN ROSENTHAL: So it is different than
19 the one that was distributed at the hearing?

20 LAURA RINGELHEIM: The Investigations
21 Training? Yes it would be. The Sexual Harassment
22 Training that we launched on the 9th? No that
23 training is consistent. Uhm there were some minor
24 edits that CCHI and EEPC had that we incorporated but
25 that training is launched currently.

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2 HELEN ROSENTHAL: Okay thank you very
3 much.

4 CHAIR DANIEL DROMM: Okay thank you very
5 much. Council Member Perkins?

6 BILL PERKINS: Am I on? Yes. So the
7 Board of Elections in the Bronx Office at 1780 Grand
8 Concourse is in poor condition with regular leaking
9 from a dialysis facility on the floor above at times
10 threatening the Boards' servers. So what is the
11 present condition of the other Boards as well? Are
12 there similar maintenance issues that need to be
13 addressed?

14 LAURA RINGELHEIM: So we are engaged in a
15 site search for the Bronx space because we know the
16 conditions aren't good. I'm sorry do you want me to
17 repeat that. For the Bronx space we know the
18 conditions are not good in that space and we are
19 continually looking for new space when that lease
20 expires which it is due to relatively quickly. We
21 haven't heard of any similar sites that are in
22 similar condition.

23 BILL PERKINS: Have you looked into make
24 sure that there are no other similar kind of problems
25 in other sites in the other boroughs?

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2 LAURA RINGELHEIM: Generally the age, the
3 Board of Elections or the Agencies ready out to us
4 when there are problems. We're in you know
5 communication as necessary after Lease Execution uhm
6 but we haven't heard of anything.

7 BILL PERKINS: So right now what is
8 happening with the Bronx office.

9 LAURA RINGELHEIM: It is very large, I
10 think it is 80,000 square feet so we are searching
11 for a site that could accommodate that size need.

12 BILL PERKINS: So you plan on moving from
13 that site to another site and in, how long do you
14 think that will take be...?

15 LAURA RINGELHEIM: The usual process once
16 we site select is about 18 months to enter into a
17 lease, after that I, you know depending on the scope
18 of work necessary to get that space into condition,
19 there's a lot of requirements with the election
20 spaces uhm including ramps and lifts so, so we are
21 searching now for it.

22 BILL PERKINS: So in the meantime, how
23 are we managing that, situation? (laughing). That
24 leaky situation?

25

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2 LAURA RINGELHEIM: Right, right, uhm the
3 with the Board of Elections and I think they have
4 reached out to us sometimes it's a landlord if we can
5 help with you know giving any assistance to the Board
6 of Elections in dealing with the landlord to make
7 necessary repairs we do. We know that there have
8 been some remediation done but that Board of
9 Elections still wants to leave that site.

10 BILL PERKINS: So, when, so, they, the
11 Board has been on touch with the owner and efforts
12 are being made to take care of that problem?

13 LAURA RINGELHEIM: As what they have
14 conveyed to us is that we really want to leave that
15 space.

16 BILL PERKINS: They want to leave that
17 space and in the meantime how long will that take.

18 LAURA RINGELHEIM: We have not yet been
19 able to identify a new site, as far as I know. The
20 last that it came to my attention, so we can check on
21 that and see where we are and, and what properties if
22 any we have shown them.

23 BILL PERKINS: And how are we dealing
24 with the present condition until such time that
25 another opportunity uhm comes about?

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2 LAURA RINGELHEIM: Uhm right, generally
3 if it is a lease space, the agency occupying that
4 space, uhm deals with the landlord. There facilities
5 group would deal with the landlord. DCAS is usually
6 called in if there is some question about the lease
7 terms that we might have somebody that might know
8 something about but I believe most of those
9 communications as far as remediation have been
10 between Board of Elections and that landlord.

11 BILL PERKINS: But in the meantime, what,
12 what is the time frame when the problem will be more
13 or less fixed? Do we have any indication from
14 anybody that is responsible for this?

15 LAURA RINGELHEIM: I just, I can't if
16 they've fixed it to the satisfaction. My
17 understanding is that they have not been able to fix
18 it to the satisfaction of the Board of Elections. So
19 that's why we are looking to move them.

20 BILL PERKINS: Okay, thank you.

21 CHAIR DANIEL DROMM: Thank you Council
22 Member Perkins. Council Member Yeger followed by
23 Powers and Kallos.

24 KALMAN YEGER: Thank you very much Mr.
25 Chair. Uhm Commissioner I just have questions on two

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1 topics and I will try to go very quickly I know the
2 clock is working against us, uhm you indicated that
3 the, that the cost for the non-public school's
4 security program which we talked about, you may
5 recall during the Preliminary Budget was not actually
6 included in the Preliminary Budget it was at 0 and I
7 asked you about it and you said well we expect to
8 have it included in the Executive Budget. You didn't
9 indicate at that time that it would have a reduction
10 and perhaps you didn't know and uhm you indicate now
11 that the reason there is a reduction is because you
12 are anticipating fewer schools participating than had
13 been anticipated by the authors of the Legislation at
14 the last Council. I haven't gotten to the question
15 yet, my question is two-fold, first of all is DCAS
16 actually working very hard and I will leave you to
17 determine whether or not the, how to describe very
18 hard or how to define it to enroll non-public schools
19 that may be eligible and my second point to the
20 question is I became aware recently and I had
21 conversations with your agency that due to a change
22 in regulation by the State Department of Education
23 which required separate BES numbers for individual
24 buildings, so for example, where one school may have
25

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1 had five buildings they had one BES number, 500
2 students, 100 per building they are now classified as
3 five separate schools of 100. Uhm my, my uhm, based
4 on my knowledge of how this Law was drafted that was
5 not the intent of the Bill's Authors when they put in
6 the BES requirement. So now DCAS is essentially say
7 that if a school has to have separate BES numbers
8 they cannot avail themselves of the program, is that
9 also something that is affecting the cost of the
10 program going down because schools that we
11 anticipated or my predecessor Council anticipated
12 would be able to partake are no longer able to
13 partake because of the way DCAS is defining the law?

14
15 LAURA RINGELHEIM: So, when the \$19
16 million or so was written into the Law the estimates
17 were, and correct me if I'm wrong, we anticipated
18 about 240 schools to participate which is how uhm I
19 think in combination with the Councilmen on the
20 determined that \$19 million would be the, the
21 Budgeted amount. Uhm through our experience in
22 administering this program the past couple of years,
23 we have not seen 240 schools be enrolled. We have
24 done many outreach efforts, uhm multiple meetings
25 with the public, public notices, trainings were out

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1 there. Really trying to get the word out not only to
2 publicize and market the program itself but to really
3 educate schools on what the process is. So I think
4 we are doing a lot of outreach to try and drum up
5 the, the word across the, the schools. But in fact,
6 we have had lower than anticipated enrollment which
7 has affected our, our request for reimbursement of
8 this program. So the, uhm so the \$14 million that
9 were allotted in this, in the upcoming Fiscal Year
10 reflects what we anticipate the usage will be,
11 however, uhm because the Law authorizes up to \$19
12 million as we go through and, and provide uhm
13 reimbursement, if we see that there is going to be a
14 need to increase that funding we will work with OMB
15 to increase that funding to meet the, to meet the
16 needs and requirements of the, of hopefully an
17 increased uhm enrollment. Uhm with regard to the
18 change in the law, as you know, the Local Law
19 specifically mentions BES numbers and so
20 unfortunately for all of us the State has changed how
21 they determine the, how the allot that uhm that uhm
22 BES number. We are happy to work with the Council to
23 change the Legislation and the definition and how we
24 uhm determine qualifications to the, to the program
25

1 but as of right now we are, we are, they changed the
2 definition midstream. Uhm, the original uhm cohorts
3 that have been participating since the program
4 starting, we have a 3 year memorandum of
5 understanding. They have been relying on those
6 terms, uhm and that's where, that's why we are
7 proceeding as, as is. So unfortunately for the new
8 applicants that are under the, the uhm the new
9 definition it might change our, our, administration
10 of it.
11

12 KALMAN YEGER: Mr. Chair may I continue
13 just very briefly.

14 CHAIR DANIEL DROMM: Sure.

15 KALMAN YEGER: Uhm with regards to the
16 BES numbers, I would suggestion Commissioner that you
17 have within your authority to allow schools that have
18 current BES numbers before they have applied for new
19 BES numbers to break out enrollments as required by
20 State DOE to allow them to use their old BES numbers
21 because those numbers are valid for informational
22 purposes they were inserted into the statute and I
23 didn't land here from outer space yesterday, I was
24 involved a little bit in that statute and many
25 members of this body who are here today were involve

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2 din writing that Bill. It was there to help you
3 identify a school so I would suggest that you have
4 the ability to simply allow schools administratively
5 to use their existing BES numbers. I want to just
6 real briefly, something else, uhm you indicated that
7 there was a savings of \$200,000 due to a reduced cost
8 for the Campaign Finance Board to provide heat and
9 HVAC, etc. Uhm as you know, and my question doesn't
10 involve that but my question involves the lease
11 agreement because the Deputy Commissioner mentioned
12 that DCAS is now currently in the process of once
13 again going out to assist the CFB in getting its
14 apparently much needed new space because after having
15 moved into space 3 years ago that space is no longer
16 able to hold their every growing efforts and great
17 work and the bigillion people that they hire and have
18 working there. Uhm this Council through its efforts
19 in the last several months, this new Council since
20 January was able to encourage you gentle to withdrawn
21 a balloon dongle lease of that would have cost the
22 city approximately \$2-3 million a year to give the
23 Campaign Finance Board 50 and change thousand square
24 feet from the 17,000 square feet that it, had
25 currently had because they were going to run some

1 kind of super war room up there with 8 conference
2 rooms and you know parking spaces and whatnot uhm and
3 so now you are indicating that you are going to go
4 out there and help them again find new space and uhm
5 my reflection to you is based on what we've seen at
6 least what I've seen is the CFB is doing just great.
7 Uhm they have an office space, it was designed to fit
8 their needs. It was designed per spec to their
9 needs, it is brand new. It's beautiful. Uhm God
10 willing that this Council ever had office space as
11 beautiful as the CFBs office space and I'm not sure
12 why the DCAS feels the need to go out once again to
13 help an agency that just moved into brand new office
14 space, brand new to help them find new office space,
15 and it would seem to me that we are on the path to
16 another boon dongle lease and I would encourage you
17 to rethink whether or not that is necessary and if
18 you have any comments that you would like to make I
19 would be happy to hear them. Thank you and I see you
20 looking at me.

22 LAURA RINGELHEIM: (Laughing). So uhm
23 you know CFB has articulated reasons why the current
24 space doesn't work. They have had an increase in
25 head count so we have looked at their current space

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1 and agree with them that it doesn't, it doesn't fit.
2 They have really maximized use of that space. They
3 have been in compliance with the citywide standard
4 since they got in and have made renovations
5 themselves in order to fill every last nook and
6 cranny so their head count which they can talk more
7 about what they have for this Budget cycle and what's
8 been approved but we would disagree that they can't
9 fit more, their current approved head count in their
10 existing space. Uhm they are, they have worked with
11 us over the past couple of months since the last time
12 that we were before you and reduced significantly the
13 number of conference rooms, seen where they can use
14 multipurpose rooms and conference rooms uhm as the
15 sound studio instead of creating separate spaces for
16 all of those. Their head count has also, they are
17 going to do it to the size requirement that they
18 current have uhm approval for and not anticipating
19 new needs so they, they are downsizing in that
20 respect. Uhm you know all of that said if they do
21 end up moving to a new space to accommodate this need
22 we will back fill their current space. We will make
23 use of that space with another agency's needs. So it
24 won't go unused uhm but that's, their programmatic
25

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2 argument for meeting that head count, we don't have
3 another space either in their existing building to
4 put the additional head count.

5 KALMAN YEGER: Will first of all they can
6 reduce their head count. I know that's not on you
7 but secondly if they were to move out the 100 Church
8 which would be used by OATH I know you didn't say
9 that but that's pretty much I understand the plan and
10 OATH does need the space but it would have to be
11 redesigned once again, thus costing the tax payers a
12 whole bunches of more money to do something, redo
13 something that was just done 3 years ago and I think
14 that we can do a little better uhm and certainly a
15 little more with a little less, I would hope.

16 LAURA RINGELHEIM: We can certainly uhm
17 you know revisit that conversation if they will end
18 up staying in that space.

19 KALMAN YEGER: Thank you. Thank you Mr.
20 Chair.

21 CHAIR DANIEL DROMM: Thank you Council
22 Member Powers followed by Kallos.

23 KEITH POWERS: I'm not going to tell with
24 the CFB I think Kalman has covered that. I the I was
25 just was looking through the Budget I had a couple of

1
2 questions on some items that were getting funding
3 reduced or changed. Uhm one I noticed there was an
4 Immigration Plan item in the Budget for \$327,000
5 reduced to \$79,000. Any what is that program and is
6 there a reason for the reduction in the spending?

7 LAURA RINGELHEIM: Rather than speculate
8 we don't have the materials in front of u... oh it's
9 Mayor's Office of Immigration Affairs, uhm we
10 believe. Yeah.

11 ANTHONY FIORE: Yeah there is an
12 adjustment from \$327,000 in FY18 and \$79,000 in FY19.

13 KEITH POWERS: Is there a reason why the,
14 the Mayor's Office of Immigrant, Immigrant Affairs
15 and International Affairs?

16 ANTHONY FIORE: Immigrant Affairs.

17 KEITH POWERS: Immigrant Affairs, is there
18 a reason they are loosing \$200 and something million.

19 ANTHONY FIORE: They are losing \$200?

20 KEITH POWERS: I'm sorry not million
21 thousand dollars?

22 ANTHONY FIORE: No, no it's in addition.

23 KEITH POWERS: Oh this is an addition on
24 top of the, okay I got it, so you are adding in money
25

1
2 for their. So what's the, what's the reason for the
3 increase?

4 LAURA RINGELHEIM: That we will have to
5 get back to on.

6 KEITH POWERS: Yeah okay just a question
7 and then second is we have a program that's the Film
8 Shoot Reimbursement Program, what is that?

9 LAURA RINGELHEIM: So we, correct me if
10 I'm wrong. We have many city properties were uhm
11 there are film companies who want to utilize for
12 back, for sets for film shooting and uhm we get
13 reimbursed.

14 ANTHONY FIORE: We submit, uhm so we
15 provide certain services like cleaning, security so
16 at the end uhmf end of the process we will calculate
17 how much the film, how we incurred as a cost and then
18 bill the film company.

19 KEITH POWERS: So this is billing them
20 for the cost.

21 LAURA RINGELHEIM: For the cost.

22 ANTHONY FIORE: It's a reimbursement at
23 the end of the day.

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25

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2 KEITH POWERS: Got it and then I think we
3 are recognizing savings through procurement reform is
4 there, can you tell us what the reforms are?

5 LAURA RINGELHEIM: So that's uhm related
6 to the project that is being spearheaded by the
7 Mayor's Office of Contract Services, we are, all city
8 agencies are working to implement passport. Uhm we
9 believe that will gain many efficiencies through
10 moving towards electronic uhm electronic
11 administration of procurement whether it be RFPs or
12 BIDs, right now the first wave of the deployment has
13 already happened so we have an online vindex that
14 everyone is now using so that's what that's related.

15 KEITH POWERS: And is this, would this be
16 the only year, are we participating in the out years
17 out that there were be more savings? I mean where
18 are we in that process of doing the?

19 LAURA RINGELHEIM: So the first, the
20 first roll out has already happened and Mox is
21 working on currently building the, the roll... the
22 second phase roll out.

23 KEITH POWERS: Okay great thank you.

24 CHAIR DANIEL DROMM: See I like that.

25 KEITH POWERS: Wow.

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CHAIR DANIEL DROMM: Perfect timing.

3

KEITH POWERS: Perfect timing my friends.

4

CHAIR DANIEL DROMM: Council Member

5

Kallos. I'm sorry and we have also been joined by

6

Grodenschik if I didn't say that before.

7

BEN KALLOS: I'd like to start by

8

thanking the Department of citywide administrative

9

services for pulling contracts in my District uhm

10

which we have used to hold people who had 40 year

11

contracts with the city accountable and we were able

12

to work with them to actually take a city property

13

that had been literally falling apart since before I

14

was born and then take them over and maintain it in a

15

process that took more than 2 years but hopefully we

16

will see an improvement on my, in my District so want

17

to thank your office for that, I know it was not a

18

pleasant process trying to extract community benefits

19

from a DCAS contract but I wanted to say thank you.

20

Uhm I would like to touch on four questions uhm in

21

honor of the post Passover season. Uhm the first is

22

has DCAS received any applications for Deed

23

Restriction Modifications since the recent

24

Legislation was passed into Law? If so, how many and

25

where? Second, as Chair of the Committee on

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1
2 Planning, Dispositions and Concessions we are giving
3 away city land every day for purposes very similar to
4 Rivington. Has DCAS required any Deed Restrictions
5 in these Dispositions and if not, why was it
6 previously appropriate but no longer used?
7 Additionally on the topic for Deputy Commissioner
8 Dawn Pinnock, uhm Medical Leave cannot keep Civil
9 Service and Labor Chair Daneek Miller down, we have
10 collaborated on two questions that we are both
11 interested in answers to. Uhm \$480,000 proposed for
12 atomizing exams in Fiscal Year 2019 and in the last
13 Budget a commitment to getting 299 titles automated
14 by Fiscal Year 18, how many were actually automated
15 and how many are planned uhm since these were first
16 implemented and uhm similarly on the issue of
17 provisionals, it seems like 3 steps forward, 2 steps
18 back has been the case for years. There have been
19 fluctuations in the number of provisionals over the
20 past several years. The most recently quarterly
21 report in March indicated a reduction of only 8
22 provisionals compared to this period ending in
23 November 2017 going from 21,060 to 21,052 I believe
24 the Finance Chairs have already touched on this. Uhm
25 what factors can be attributed to the plateau and

1 substantial reduction of provisionals and are there
2 any other material resources needed to help
3 administration achieve the implementation of the 2008
4 five year plan 10 years later.
5

6 LAURA RINGELHEIM: So I will start, try
7 and start and do these in order. So for the Deed
8 Modifications, uhm we have had, since the passage and
9 enactment of the Legislation we have had 10
10 applications filed for the removal of Deed
11 Modifications. Uhm three of those have either been
12 cancelled or withdrawn. Four of those have
13 progressed to through the legally required steps,
14 that we have, we have posted the notices uhm and we
15 have sent the packet over for the to the Department
16 of City Planning so that they can undertake their
17 review. Uhm one of them I believe is at the point
18 where we have already posted the notice and have and
19 are preparing to send the packets over to the
20 Department of City Planning and too we have been
21 waiting for the documents that are required in order
22 for us to do the initial review. So since the, we've
23 only and 10.

24 BEN KALLOS: And.

25 LAURA RINGELHEIM: Moving forward.

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1

2

BEN KALLOS: And their locations please:

3

LAURA RINGELHEIM: So we have one on 77

4

Rutland Road East Flatbush, second is 1392 Bedford

5

Avenue Crown Heights, third 114 A Marcus Garve

6

Boulevard Bedsty. The next one is 247 Bushwick

7

Avenue East Williamsburg, 1277 Putnam Avenue in

8

Bushwick, 6601 Fleet Street Forrest Hills, 149

9

Rockaway Avenue Broadway Junction, 127 West 130th

10

Street Harlem, 262 West 121st Street Harlem and 900

11

Intervail Avenue Longwood.

12

BEN KALLOS: Please continue.

13

LAURA RINGELHEIM: Uhm with regard to

14

your question about giving away city properties, if

15

you can elaborate I'm not sure what you mean by that.

16

We as DCAS don't give away properties uhm generally

17

so I'm not sure if you are responding or referring to

18

other agencies developments where city land is used?

19

BEN KALLOS: I'm happy to clarify so that

20

agency and principal that we work with in the

21

Planning, Dispositions and Concessions Committee is

22

HPD and often it relates to vacant city lots uhm we

23

can give you the specific address, I believe it was

24

managed by DCAS it was a parking lot in the South

25

Bronx. It was on Council Member Ayala's District uhm

1 where affordable housing is being constructed and
2 then similarly we've had we've had other properties
3 that either were now belong to the city as interim
4 properties where they haven't paid their taxes or til
5 properties through that process, so uhm my
6 understanding is DCAS is the real estate, is
7 responsible for Real Estate portfolio and so you.
8

9 LAURA RINGELHEIM: So the exception to,
10 with DCAS uhm for agencies that can also dispose of
11 properties HPD can do that so although it is in DCAS'
12 jurisdiction of a period of time, if HPD puts a hold
13 on it or then takes it into their jurisdiction they
14 can sell that property. Uhm so the program that you
15 are referring to is all within that agency and we
16 don't have anything to do with administering it or
17 setting the value or working with those developers.

18 BEN KALLOS: Is there an interest in
19 requiring that property that is being disposed of
20 from the city carry deed restrictions for the
21 particular purpose or is that now something that the
22 city is no longer interested in doing?

23 LAURA RINGELHEIM: It's possible that HPD
24 is putting deed restrictions on the properties.

25 BEN KALLOS: They are not.

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1
2 LAURA RINGELHEIM: But again that
3 wouldn't be, if DCAS is going to sell it, which we,
4 we don't have any plans to auction anything at the
5 time but would certainly consider putting a Deed
6 Restriction on it, we just don't have anything in our
7 portfolio right now for that.

8 BEN KALLOS: It is, it.

9 LAURA RINGELHEIM: I wouldn't weight in on
10 HPD and their mission to develop their properties.

11 BEN KALLOS: I don't believe the HPD has
12 ever put a Deed Restriction on anything. I think
13 DCAS would be it, so I guess the question is will
14 DCAS starting putting Deed Restrictions on property
15 that is turned over to HPD restricting it for
16 affordable housing purposes only?

17 LAURA RINGELHEIM: HPD can put a Deed
18 Restriction on the property.

19 BEN KALLOS: Okay.

20 LAURA RINGELHEIM: So I, I couldn't
21 answer that question without having to.

22 BEN KALLOS: I will take it up with HPD
23 every time I see them for the next two we... two we..
24 every two weeks for the next four years. If we can
25 continue with the question on provisionals?

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1

2

LAURA RINGELHEIM: Sure.

3

BEN KALLOS: And the exams.

4

LAURA RINGELHEIM: Uhm the provisionals question, we had discussed previously the report that you reference is a point in time and there has been I guess a delay in, in terms of when that, what that data captured but the most recent numbers that we have show a current provisional count of 20,164 which is the lowest number of provisionals since this has been tracked. Uhm we are seeing progress you know every day and we are, we are, we are, we have done a lot of work and using a lot of parallel on parallel tracks to really drive that number down. Uhm there are challenges have we have discussed. Uhm the city's hiring rate, uhm they fluctuate, uhm the city fluctuates in what titles they are hiring on depending on the need. Uhm the sometimes where the spike the spike in hiring coincides with Civil Service Lists that are already established and thereby not having or needing to rely on provisional hiring.

23

DAWN PINNOCK: Specifically relating to

24

uhm the automation project. Uhm there are several

25

phases, uhm the first phase which essentially uhm

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1 provided us an opportunity to create a system to uhm
2 provide for the first time in the city's history a
3 fully automated exam to support our Qualified
4 Incumbent Exam. That part of the project has been
5 completed and we have been continuing to offer those
6 automated exams since January of 2017. Uhm I just
7 wanted to uhm just clarify that as part of the
8 Legislation we had legal authorization to fully
9 automate exams for 193 titles. So that automation is
10 in place for those 193 titles. We have administrated
11 185 of those exams. In terms of other aspects of our
12 automation project, uhm I think that Council Member
13 Miller will be very happy to hear that uhm a
14 particular area of interesting related to
15 transparency of our customers that is slated to be
16 completed by December of this year. Specifically we
17 are improving the automated experience, the front end
18 experience for all of our customers. So their
19 application history, uhm having greater transparency
20 into the Civil Service Process, that will all be in
21 place by December of 2018. Uhm the remaining aspects
22 of our automation project which tie into the full
23 automation of our Education and Experience test and
24 multiple choice exams, we are actively working on
25

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1 both of those aspects but they will not be online
2 until 2020.

3
4 BEN KALLOS: Okay so just to clarify in
5 response, last to 2017's Budget request what we
6 received from you is by Fiscal Year 2018 there will
7 be a total of 299 titles with an associated automated
8 exam, you are now coming back to say it is 193. Can
9 you explain this specific disparity?

10 DAWN PINNOCK: Uhm without having the
11 benefit of reviewing the testimony I can certainly
12 clarify. So we also offer automated exams at our
13 CTACs which are a citywide. There are computerized
14 testing centers so uhm I'm guessing that the number
15 also included the number of title that we currently
16 have automated. Primarily those are our social
17 services titles, our public safety titles. We offer
18 those exams routinely at our citywide training excuse
19 me testing centers and also with having four centers
20 on line that has certainly increased our capacity so
21 we can provide those numbers in terms of those
22 titles. What I was referring to also were the other
23 titles that we did mention, those 193 that are
24 specifically covered by Legislation that allows us to
25

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1 administer to qualified incumbent exams over a period
2 of two years.

3
4 BEN KALLOS: I want to thank both chairs
5 for their indulgence and thank DCAS for an ongoing
6 conversation.

7 CHAIR DANIEL DROMM: Our indulgence
8 hopefully will lead to a blessing for me. Uhm thank
9 you very much and I want to say thank you to this
10 panel, we are going to go to our next panel.

11 LAURA RINGELHEIM: Thank you very much.

12 DAWN PINNOCK: Thank you.

13 CHAIR DANIEL DROMM: Okay (gavel
14 pounding). We will now resume the City Council's
15 Hearing on the Mayor's Executive Budget for Fiscal
16 19. The Finance Committee is joined with the
17 Committee on Governmental Operations chaired by
18 Council Member Fernando Cabrera and we have been
19 joined by Council Member Adams, Council Member
20 Powers, Council Member Perkins and Council Member
21 Yeger and Grodenchik and Van Bramer also, Kallos also
22 all were here. Okay and we just heard for the
23 Department of Citywide Administrative Services and
24 now are going to hear from Michael Ryan the Executive
25 Director of the Board of Elections. I am going to

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1 forgo uhm my opening statement as is Chair Cabrera
2 and we are going to go directly to uhm having you
3 sworn in uhm Director Ryan.

4
5 COUNSEL: Do you affirm that your
6 testimony will be truthful to the best of your
7 knowledge, information and belief?

8 MICHAEL RYAN: I do.

9 CHAIR DANIEL DROMM: Would you like to
10 begin?

11 MICHAEL RYAN: Yes uhm, Chairs.

12 CHAIR DANIEL DROMM: Need the microphone,
13 the microphone.

14 MICHAEL RYAN: Yes is that better. Thank
15 you. Chair Cabrera and Chair Dromm, uhm thank you for
16 the opportunity to address the City Council today
17 with respect to the uhm Budget for Fiscal Year 2018,
18 2019 uhm seated to my right is the Board's Deputy
19 Executive Director uhm Dawn Sandow and we are
20 accompanied by additional staff who are seated also
21 to my right in the seats, uhm adjacent. Uhm
22 following the lead of the Chairs if it suits this
23 Committee I would dispense with the reading our
24 written testimony if that's, uhm if that's okay it
25 will be part of the record and we can go right to the

1 question and answer period if, if that's your
2 preference otherwise I can read it into the record.

3
4 CHAIR DANIEL DROMM: Uhm we will go right
5 to questions then.

6 MICHAEL RYAN: Fine thank you very much.

7 CHAIR DANIEL DROMM: Sure so uhm let me
8 start off by talking a little about Budgetary Surplus
9 and attracting poll workers. Over the past several
10 years the BOE has had an end year surplus, in 2017
11 this totaled \$8.6 million and in Fiscal 2016 this
12 surplus totalled \$16.3 million. How much of these
13 surpluses are due to the inability to attract the
14 number of poll workers you need to properly operate
15 the poll sites.

16 MICHAEL RYAN: Uhm it varies from year to
17 year but that is certainly an element of the surplus.
18 Uhm say in a Presidential year we may Budget for
19 42,000 poll workers, in a small year, perhaps 37,000.
20 So using last year as a barometer we had 37,000 uhm
21 poll workers Budgeted for roughly and approximately
22 32,000 showed up on election day. You, you take that
23 short fall of 5,000 times it by an election event and
24 times it by you know \$200 to \$300 depending on
25 whether we are talking about poll workers or poll

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1 site coordinators and there you have your math. So
2 yes, a large portion of our surplus is dealing with
3 the poll worker recruitment issues.
4

5 CHAIR DANIEL DROMM: So poll workers are
6 paid about \$200 a day and probably they work close to
7 16 hours, that actually then equals less than the
8 minimum wage, had thought be given to increasing the
9 salary for poll workers?

10 MICHAEL RYAN: The last time the poll
11 workers received a raise was by Executive Order I
12 believe in 2001, uhm so that means that we are now 2-
13 1/2 Administrations later and still there has been no
14 poll worker raise. Every year as part of our
15 Legislative Package there is another avenue to go for
16 poll worker raises and that would be that the New
17 York State Legislature can order a poll worker raise
18 but that can also be done by Executive Order. We
19 believe that a raise would help uhm at, not only
20 attract but also retain because very often we are
21 finding that we are getting people, they come in,
22 they work that entire day and they realize what it is
23 all about and then, and then they don't come back
24 which doubles the problem because now we have trained
25

1
2 them, they have gotten some experience and then we
3 lose them.

4 CHAIR DANIEL DROMM: So you said
5 Executive Order, that is by the Mayor?

6 MICHAEL RYAN: Yes, that's Mayor's
7 Executive Order could raise the poll worker uhm pay
8 at any time.

9 CHAIR DANIEL DROMM: Do you know if uhm
10 poll workers are paid differently or more around the
11 State?

12 MICHAEL RYAN: Actually they are paid
13 less. Uhm the statutory requirement is less. The,
14 the current Executive Order that is in effect in New
15 York City uhm is a, is a raise over what poll workers
16 get in the, in the remainder of the State uhm and
17 we've asked the State to reconsider that or in lieu
18 of State reconsidering uhm Mayor Executive Order.

19 CHAIR DANIEL DROMM: What about the idea,
20 by the way I am a District Leaders and I try to help
21 get poll workers. It is very difficult to recruit
22 them. Uhm the idea of cutting their hours in half.
23 I mean in one sense maybe you are thinking alright if
24 you can't get enough to cover for the full-time how
25 are you going to get enough to cover for half time

1 but I do get complaints for poll workers that they
2 are there and you know and they are mostly, a lot of
3 them are senior citizens are there for 16 hours and
4 it is a lot for them to be able to do in one day.

5
6 MICHAEL RYAN: So that's an interesting
7 question and it's, it's one that we have embraced and
8 as a matter of fact there has been a recent change in
9 the State Legislation that allows the Commissioners
10 with more discretion in terms of prorating the pay.
11 Uhm so we try to pilot in Brooklyn and it seemed to
12 work successful in the few poll sites that we did it
13 in. The problem that we had believe it or not was as
14 low as the poll worker pay rate is we still have
15 difficulty attracting poll workers at a reduced rate.
16 The folks that we are getting as poll workers need
17 every nickel of the money that they are getting. The
18 way I would look at it is is it's almost like a
19 holiday account you know for you know for some of
20 these folks where they have an extra you know \$1500
21 if depending on the number of elections per you know
22 per year and the, and the incentive. So they want
23 that money and uhm we rely on those folks to come
24 back every time so we would like to have a more
25 robust uhm you know split shift program, uhm we just

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1 have found some difficulty attracting people to do
2 that but if there are pockets around the city that we
3 have people that are willing to do it we are
4 certainly willing to entertain that. Anything that
5 we can do to enhance the election day worker
6 experience and the voter experiences is such that we
7 will entertain.

9 CHAIR DANIEL DROMM: Well I definitely
10 will be interested in working with you on that. Uhm
11 the other question I guess I have is oftentimes
12 people who are in public assistance uhm can only make
13 up to I think \$600 or something if I'm not mistaken.
14 Or maybe even \$400 without losing benefits. Uhm is
15 there any thought about how we might be able to uhm
16 either work around that or change that so that they
17 would be eligible to. Sometimes it is two primaries
18 or and one general or three primaries depending on
19 the year and then that pushes them over the limit.

20 MICHAEL RYAN: I'm not certain about the
21 specific monetary cut offs but I am aware of the
22 problem Councilman that you, uhm that you address
23 here. One of the difficulties that has confronted
24 the Boards of Election throughout the country was,
25 and this came up in prior City Council Hearings as a

1 matter of fact there was a young lawyer that
2 researched it for the City Council and came back to
3 me and I think he was a little surprise that I was
4 right. Uhm there is an IRS regulation uhm that says
5 that we have to treat the poll workers as employees.
6 So we process those folks in as you would any other
7 employee and then on top of that we have to withhold
8 the appropriate amount of taxes uhm and that all to
9 be done on a W2. Our preference clearly would be to
10 treat them as day workers and issue a, and issue 1099
11 for each election event and consider that separately.
12 Unfortunately the IRS has told us we can't do that.

14 CHAIR DANIEL DROMM: This may sound crazy
15 but is there any possibility of making everybody a
16 super poll worker because they earn \$300 I think.

17 MICHAEL RYAN: The coordinators do that.
18 Uhm the poll worker rate of compensation is, is set
19 by statute, considering everyone to be a coordinator
20 is not something uhm an idea that we have discussed
21 internally. Uhm certainly something that I could
22 bring back to the Board of Commissioners and see if
23 that's, uhm if that's something that they would be
24 willing to entertain, of course that does create a
25 bit of inequity for the folks that are serving as the

1 coordinator. So it's, it's a little bit of a concern
2 but what about the people, the people who travel in
3 cars. They go from site to site.

4
5 MICHAEL RYAN: The DAD monitors, those
6 folks uhm we have some DAD monitors that are staff
7 and then we have DAD monitors that are, that are poll
8 workers. What's the, they get paid \$300. Uhm as
9 they get paid coordinator rate of pay and basically
10 what they are doing for us is they are being our eyes
11 and ears out in the field on election day and they
12 are troubleshooting. Uhm they deal with Americans
13 with Disabilities Act Compliance issues as well as
14 other, and tablet issues and poll site set up issues
15 and so they get paid the \$300 per day.

16 CHAIR DANIEL DROMM: Well we definitely
17 need more poll workers so I look forward to working
18 with you on that. Uhm temporary ramps at poll sites.
19 I understand the DOE uses temporary ramps at poll
20 sites and they install and uninstall them for
21 elections. How much funding are we planning to spend
22 on temporary ramps at poll sites for Fiscal 2019?

23 MICHAEL RYAN: Uhm we have approximately
24 370 sites that are marked as final. Uhm that is an
25 expenditure of \$2 million a ramp in purchase and \$2

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1 million annual cost for installation, transportation
2 and storage. I certainly could give the Council the
3 exact breakdown but we deal with multiple vendors
4 now. Uhm this process has been ongoing for the last
5 several years, uhm and we don't have the control over
6 these facilities so we have been pushed into the
7 direction of providing temporary ramping so that
8 would be, we have an additional 270 sites that we are
9 expecting final surveys on within the next Fiscal
10 Year and that could push those expenditures by an
11 additional \$1.5 million in equipment and an
12 additional \$1.5 million for installation,
13 transportation and storage. And and just to be clear,
14 our partners with the Board of el.. the Department of
15 Education also help us install ramps, we also install
16 some ramps with our own staff but we have a pool of
17 vendors that deliver, install, uninstall and in some
18 cases store those ramps off site for us so it's quite
19 a, it's quite an undertaking and we have to do this
20 all in a 24-48 hour period prior to an election event
21 and then of course, the sites, particularly the
22 private sites they want that equipment uninstalled
23 and, and taken away relatively quickly after the uhm
24 after the election event is concluded.
25

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1
2 CHAIR DANIEL DROMM: So these ramps that
3 you install, they are all ADA approved, right? They
4 are all.

5 MICHAEL RYAN: Yes.

6 CHAIR DANIEL DROMM: At the correct level
7 of height, etc. so.

8 MICHAEL RYAN: Correct. One of the
9 issues that we've confronted even in circumstances
10 where permanent ramping has been installed, often it
11 is not installed to the technical specifications and
12 there are certain tolerances built within that but if
13 we go over a certain slopeage like it is more than 6
14 degrees that starts to be a danger area for us and
15 then if you get into that double digit the 10 degree
16 to 12 degrees you run the risk of a manual wheelchair
17 user actually having to reach so far back on the
18 wheels that they can tip their wheelchair over
19 backwards and suffer injury so it's not something
20 that you know we take lightly and it's a necessary
21 part of making the elections process accessible for
22 everyone.

23 CHAIR DANIEL DROMM: Would you know at
24 how many schools you have to place these uhm these
25 temporary ramps. Because uhm here's what I'm trying

1 to get at. I've been pushing the DOE I used to be
2 Chair of the Education Committee to make the schools
3 more accessible and I mean just during the day for
4 the students as well and it would seem to me with the
5 amount of money that are spending on temporary
6 placement of ramps if we were to look down the road
7 further and get SCA to do some of this work in
8 advance we could actually wind up saving millions of
9 dollars.
10

11 MICHAEL RYAN: Most of, and I will get
12 specific information we have it back at the office
13 but the vast majority of the sites that we place
14 temporary ramping at are schools. Uhm and it's not
15 just the, the ramping there are other simpler fixes
16 that could be done at these buildings. For example,
17 if you have a fire extinguisher that is installed on
18 a, on a wall and not recessed, that become a
19 potential hazard for someone using a cane to you know
20 particularly someone with vision difficulties that is
21 using a cane so we have to address those elements
22 that are not cane detectable and it's a simple fix
23 but a necessary one. We have to put basically a
24 traffic cone beneath the fire extinguisher so that if
25 someone is walking along the wall with a cane that

1 they notice that something is there and they, and
2 they move around the abutment.
3

4 CHAIR DANIEL DROMM: Uh-huh, have you
5 ever had any discussions with SCA on this issue?

6 MICHAEL RYAN: Uhm we have regular
7 meetings with the Department of Education. Uhm they
8 in the beginning they were like every two weeks and
9 now they are scheduled monthly, they probably occur
10 every six weeks and we go over these issues, uhm but
11 the SCA is entrenched in its five year plans and I
12 understand having done you know construction with the
13 city going back over time that the Capital, uhm Bond
14 Cap can be somewhat unforgiving and they have limited
15 flexibility but there are things that can be done
16 separate and apart from the long term fixes, for
17 example, permanent accessibility signage on the
18 exterior of government buildings. We put temporary
19 signs to give an indication of where the
20 accessibility entrance is but they are held up with
21 string and tape and if its inclement weather or its
22 windy they blow away. But the big thing that they
23 are missing is Braille. And we don't have the
24 ability to reproduce a usable Braille temporary sign
25 for a Government Building that has an accessibility

1
2 entrance anyway and if those signs were installed at
3 appropriate intervals on the exterior of government
4 buildings at the specific heights set by the
5 Americans with Disabilities Act we could stop making
6 these temporary signs, stop delivering them and rely
7 on the permanent signage that is affixed to the
8 buildings.

9 CHAIR DANIEL DROMM: Thank you look we did
10 call for an addition of \$125 million in funding in
11 the Preliminary Budget Response from the Council for
12 accessibility at schools and so I look forward to
13 continuing to fight for this as we move down the road
14 and I would love to come to one of these meetings
15 between you and the SCA to discuss this issue so
16 let's make that happen.

17 MICHAEL RYAN: Certainly we can, we can
18 get the schedule and, you know we are not hiding
19 anything, we need everybody's help we can get so you
20 are certainly welcome Council.

21 CHAIR DANIEL DROMM: It seems it seems to
22 me that there should be a way to be able to fix this.

23 MICHAEL RYAN: I agree, thank you .

24 CHAIR DANIEL DROMM: Chair Cabrera?
25

1
2 CHAIR FERNANDO CABRERA: Thank you so
3 much uhm let me uhm get into, I just have to address
4 this issue that you brought because I just want to
5 get some details, regarding uhm regarding compliance
6 with the State and minimum wage for poll workers,
7 what does, what does that put you in a situation,
8 what happens if you are out of compliance?

9 MICHAEL RYAN: Our rate of pay that we
10 pay poll workers, uhm is established statutorily so
11 as I said by Executive Order, even though it's a 17
12 year old Executive Order, we still are north of what
13 the current statute requires poll workers to be paid
14 so it's my understanding that such another provision,
15 we are exempted from that other provision but where,
16 we are already paying more than the rest of the state
17 we just think that we should pay more given uhm you
18 know the vagaries of life in New York City.

19 CHAIR FERNANDO CABRERA: By next year it
20 is going to be \$15 an hour, right, minimum wage?
21 What will happen then? That will put us in the
22 Fiscal Year?

23 MICHAEL RYAN: Correct. My, my
24 understanding and this is not my area of expertise
25 but my understanding is that Municipal Governments

1 have been exempt from the \$15 an hour wage
2 requirement. If that's a mistake it, it's a mistake,
3 if it is not a mistake and we have to comply with the
4 \$15 an hour wage requirement then, then it becomes a
5 simpler proposition. If the Law requires it, it will
6 be a new need and the City will get a Bill.
7

8 CHAIR FERNANDO CABRERA: Okay interesting
9 we will definitely do some search regarding that
10 particular issue because I'm not, I'm not sure myself
11 uhm but if we are and even if we are not we should.
12 Uhm we definitely should pay our people what they
13 truly deserve. I want to get into Cyber Security.
14 At the Preliminary Budget Hearing you asked for an
15 additional \$1.3 million for Cyber Security which you
16 didn't get and your, uhm testimony uhm you have
17 written that it is the Board's understanding that
18 this request has been deferred to provide an
19 opportunity to newly created Cyber Command to
20 evaluate this proposal, can you give us a little bit
21 more details about that?

22 MICHAEL RYAN: Uhm certainly uhm the
23 City's Chief Information Security Officer, Uhm Jeff
24 Brown, uhm I first came to be aware of Mr. Brown in
25 the lead up to the 2016 Presidential Election. Uhm

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1 we have worked closely to meet the Cyber Security
2 needs of the Board of Elections. We hold tabletop
3 exercises in advance of each election event to make
4 sure that uhm we have coordinated messaging and that
5 all of the relevant players are at the table, the
6 FBI, the Department of Homeland Security, City, State
7 and Federal. Everyone is at the table, what, what
8 Mr. Brown has advocated for on our behalf uhm is the
9 24/7/365 Cyber Security monitoring that is done by an
10 outside entity Fireimandy (SP?) that is under a
11 contract through DOIT. My understanding now is that
12 there has been a spinoff if you will and that now we
13 now have a Cyber Command Office which Mr. Brown is
14 apart of. And it is my further understanding that to
15 ensure that everybody is on the same page that
16 conversation has been deferred so that there is clear
17 and Cyber Command understands what we are going to be
18 doing and the justification for what we are doing.
19 We haven't received any indication that there is a
20 no, if there was an indication that there was a no I
21 would certainly make the Council aware of that. Uhm
22 it is my understanding that it is just a new process
23 that is underway and uhm we expect to be able to
24 revisit that on or before November of 2018.
25

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2 CHAIR FERNANDO CABRERA: So let me see if
3 I understand right, so if this Cyber Command Unit
4 takes over uhm you no longer need the \$1.3 million
5 uhm but is it in your opinion that this should be the
6 approach for Cyber Command to take over Cyber
7 Security or it should be under the privilege.

8 MICHAEL RYAN: So I want to be clear.
9 The Cyber Command has not taken over Cyber Security,
10 what we were able to do for procurement purposes was
11 leverage an already existing contract that covers as
12 an umbrella the entire City of New York. So what
13 they did, was they carved out a piece of that
14 contract, we are not a party to the contract;
15 however, we do behave as if we are the party to the
16 contract. Cyber Security does not interface with us
17 in terms of our relationship with the outside vendor.
18 We deal with them directly as if it is our own
19 contract, so that was simply a funding mechanism to
20 make sure that that happened. Uhm what I think uhm
21 their, they want to do here as a newer entity is to
22 see what all the agencies are doing and make sure
23 that we are not stepping on each other's toes. That
24 we are all rowing this boat in the same direction
25 since there is some overlap and I think that I am

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1 comfortable with that approach and I am comfortable
2 with the interaction that our agency has had with Mr.
3 Brown, uhm and I'm getting no indication that they
4 are attempting in any way, shape or form to interfere
5 with the Board operations. They want to make sure
6 that whatever we are doing, everybody knows what each
7 other is doing so that all of our efforts are moving
8 in the right direction. That's what, that's the way
9 I see I if that changes I will certainly uhm let
10 everyone know.
11

12 CHAIR FERNANDO CABRERA: I am happy to
13 hear that if indeed that is the intention there is an
14 attempt for coordinated, a coordinated effort in
15 that, and that obviously makes sense. On April 18 as
16 you know of this year Governor Cuomo signed an
17 Executive Order to restore voting rights to New
18 Yorkers on parole. I think if you would just explain
19 to us and share with us how is the BOE responding to
20 the new Executive Orders, has the BOE initiated any
21 conversation with the parole board and how you would
22 go about managing this.

23 MICHAEL RYAN: Presently we are waiting
24 specific direction from the New York State Board of
25 Elections, uhm because even though we are an

1 independent Board of Elections the New York State
2 Board of Election is the official repository for all
3 things, voter registration. Uhm we recently there
4 was a reach out and it, it was just prior to the
5 Executive Order uhm done by the, by the Governor. We
6 had a reach out from a regional manager at the, at
7 the Division of Parole and what we participated in
8 was an event for I think it was approximately 60 or
9 so uhm it might have been about 100 or so individuals
10 who were 60 days away from being discharged from
11 parole to give them some information about uhm
12 restoring their voting right and what they need to do
13 in order to make that happen. Uhm that of course,
14 was just prior to the Executive Orders when the rules
15 clearly were if you registered to vote while on
16 parole that could be a parole violation. So as soon
17 as we receive more cla... direction from the State
18 Board of Elections, we will be guided accordingly.

20 CHAIR FERNANDO CABRERA: So there is
21 going to be an attempt eventually to contact every
22 single one who are on parole and then.

23 MICHAEL RYAN: I'm not certain what the
24 directions are going to be from the State Board of
25 Elections uhm but we have to follow their guidance in

1 this regard because the nice voter system is the
2 Providence of State Board of Elections and the New
3 York City Board of Election like the other 57
4 counties are simply uhm we donate our information to
5 the, to the state roles.

7 CHAIR FERNANDO CABRERA: Well I am sure
8 hopeful uhm and will from our office, will definitely
9 communicate uhm at the State level. Uhm you know
10 this Executive Order to be honest with you is useless
11 if people don't know about it and so because this has
12 been part of the political culture for many, many
13 years and so people already have a paradigm that says
14 that you know if you are on parole you can't vote and
15 so uhm definitely pursuing that and any
16 communications you could forward as well you know
17 upstairs.

18 MICHAEL RYAN: We can certainly reach out
19 to the State Board of Elections and find out where in
20 the hopper and how far along this, this matter is an
21 I can provide more information for you than I
22 presently have.

23 CHAIR FERNANDO CABRERA: That would be
24 great. Director, one last question because I know
25 colleagues have questions can you give us a brief

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1 summary of what Budgetary requests were not included
2 in the Executive Budget for BOE.

3
4 MICHAEL RYAN: Well as we discussed, the
5 uhm the Cyber Security issue was not included uhm
6 there were some additional OTPS funding that was
7 really a fairly long list because it was little
8 pieces and pockets and money in dispersed throughout
9 the agency but lie in chair of the shortfall quite
10 frankly is the increase in the poll worker pay uhm
11 that we were looking for, that was about \$10 million.
12 So that's really where this shortfall occurs. Uhm an
13 aggregate number of poll workers paid even at \$200 to
14 \$300 adds up very quickly particularly in years when
15 you have multiple election events. So that money is
16 really what we are talking about here.

17 CHAIR FERNANDO CABRERA: Well hopefully
18 there will be some movement there. This is the right
19 thing to do for our constituents. Thank you so much.

20 MICHAEL RYAN: Thank you very much Chair.

21 CHAIR FERNANDO CABRERA: Turn it over to
22 my co-Chair.

23 CHAIR DANIEL DROMM: Okay great, Council
24 Member Kallos, followed by Adams and the Powers.

25

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1
2 BEN KALLOS: Thank you uhm Chairs, just
3 start with a familiar refrain uhm how many of the
4 jobs at the Board of Elections are currently posted?
5 Has the Board of Elections hired any jobs in the past
6 Fiscal Year without publically posting that job? And
7 uhm were Finance Chair and Gov. Ops Chair interested
8 in adding a term and condition to the Budget that we
9 would not pay for any positions at the Board of
10 Elections that were not publically posted, would that
11 somehow hamper you ability to conduct elections with
12 your current staff?

13 MICHAEL RYAN: Well leaving what I would
14 say is, would be an action by the City Council that
15 would be perpendicularly contrary to New York State
16 Election Law by trying to place such a restriction,
17 if we leave that piece of the puzzle off to the side,
18 uhm I do no have specific information with respect to
19 uhm individual hirings; however, we do have a
20 significant number of jobs that are, that are posted,
21 we publish a weekly vacancy list, more often than not
22 our internal permanent employees come from folks that
23 are temporary employees and that, it is a very simple
24 sequence. Mostly we get poll workers that end up
25 becoming temporary employees and the temporary

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1 employees start out as seasonal and then they go to
2 become temporary employees that work all year and
3 then they become a permanent. It's really, there is
4 not that much mystery to this whole process. But I
5 understand that this has been a particular splinter
6 in your, in your toe Councilman but I don't think the
7 answer has changed over years.

9 BEN KALLOS: I'll, I'll keep asking and
10 then uhm just a point of, I'm curious have you ever
11 had occasion to go to pay for something with your
12 credit card and they they didn't have a pen and paper
13 for you to sign but they had a digital tablet that
14 you signed and then that was used to uhm determine
15 whether or not your credit card was charged and in
16 fact your credit card may have been charged?

17 MICHAEL RYAN: So is that a yes and no
18 answer?

19 BEN KALLOS: Yes please.

20 MICHAEL RYAN: Yes.

21 BEN KALLOS: Thank you I uhm see the rest
22 of my time.

23 CHAIR DANIEL DROMM: Okay and thank you
24 Council Member, we have been joined by Council Member
25

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1
2 Cumbo, Majority Leader Cumbo and uhm questions from
3 Council Member Adams and then Powers.

4 ADRIENNE ADAMS: Good afternoon and
5 welcome.

6 MICHAEL RYAN: Good afternoon Council
7 Woman.

8 ADRIENNE ADAMS: Thank you. Uhm I have
9 just have a couple of questions. I am just really
10 curious as to the location of poll sites. I
11 represent District 28 in Southeast Queens and we've
12 had multiple changes due to re-Districting over the
13 past four to five or six years or so. We have had a
14 lot of changes in movement, uhm as far as our poll
15 sites are concerned. We have had a lot of senior
16 citizens who have been greatly inconvenienced by some
17 changes and closures of sites uhm in the District and
18 in Southeast Queens as a whole, uhm we also had
19 disenfranchisement of some seniors and other voters
20 with disabilities specifically at the Queens
21 Transition Center uhm over the past uhm two years or
22 so because of a change in location from the
23 auditorium to an upper floor that is a District 75
24 site and they do have an elevator but during the
25 warmer months it was very, very, very difficult for

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1 voters with disabilities. I witnessed it myself and
2 that was in 20, uhm 2016 and by 2017 when I revisited
3 again after hearing that they would never come back
4 to that polling site because of the great
5 inconvenience that they suffered the previous year.
6 There was quite a change in voter representation and
7 that's just one particular site that I'm talking
8 about because I witnessed it and it was very bad just
9 because of a mere floor change from the auditorium
10 because they said lighting was poor but it worked for
11 a million years prior to that. Uhm that said, what
12 are the factors of consideration when determining the
13 location of a poll site.

14
15 MICHAEL RYAN: So primary factor is
16 availability of a, of a facility and that is a
17 challenge throughout the City uhm particularly in the
18 older neighborhoods and the older neighborhoods have
19 a tendency to have older buildings which have a
20 tendency to have more ADA compliance issues. Uhm so
21 with respect to a specific instance of an, of an
22 issue that you raised, I would say that we try to be
23 available and we recognize that elected officials are
24 elected to represent their constituency so you speak
25 for the voters in your District and we have no

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1 interest in making it more difficult for the voters
2 in your District to vote and I can point to a
3 particular instance and Chair Dromm probably can tell
4 me the specific location but there was a similar
5 circumstance uhm several years ago uhm in, in Chair
6 Dromm's District and he brought it to our attention
7 and we worked collectively and collaboratively and we
8 relocated the poll site to a more suitable location.
9 We do the very best that we can. One of the things
10 that we are bringing into the process for the, in it
11 from a software assistance uhm perspective is we are
12 going to be internally utilizing in the coming year
13 3d mapping as part of a suite of software that we
14 already have. We hope that that will give us
15 assistance in understanding the typography of a
16 particular location as opposed to looking at a flat
17 map on a piece of paper. So we are certainly
18 available, uhm both in our local office in Queens and
19 through the, the general office. If you have
20 specific instances that are difficult, uhm we can
21 certainly help. The other piece of it though that we
22 experienced in 2017 leading up to 2020 we have
23 specific numbers of, of voters, 1,150 is the largest
24 we can have an election District. The problem, and
25

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1 this is going to be a real Government answer but it
2 is what it is. Uhm March of years ending in 7, we
3 have a black out that we cannot add additional
4 election Districts until December 1st of years ending
5 in 0. So that means and that's for us as the Board
6 to get out of the way of State reapportionment. So
7 we had to reapportion all of our election Districts
8 prospectively to allow for growth. When we add an
9 election District that means we are adding an
10 election District table and adding election District
11 chairs and we are adding poll workers which then
12 encroaches on our ability to be compliant with the
13 Americans with Disabilities Act. So those are the
14 kinds of uhm complex challenges uhm that we, that we
15 confront. That having been said, uhm we never
16 pretend to be more expert about the neighborhoods,
17 areas and availability of buildings, in particular,
18 smaller subdivisions throughout the City. So if you
19 have those kinds of things in your District we will
20 make sure that you have all of the contact
21 information that you need at the Board of Elections.
22 Uhm to raise the issue, in between election events.
23 You know the time for us for those issues to be
24 raised is you know in non Federal years, you know
25

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1 after January uhm we can make the designations before
2 May 1st. That's the guide post, we have to make all
3 poll site designations by May 1st. Of course, if
4 somebody is willing to volunteer even at private site
5 we can do that off of that schedule but any
6 information that you have that you want to share with
7 us, site visits, going out to particular locations.
8 I've done it for numerous other elected officials
9 throughout the city and I'm sure as long as I'm
10 sitting in this chair I will be doing it for numerous
11 more and we are happy to do it for you.

12
13 ADRIENNE ADAMS: I appreciate that. Is
14 there any type of survey system that you have right
15 now that shows you a record of whether or not the BOE
16 is in uhm ADA compliance at all, at August Martin
17 High School, we've got steps and 90 year old senior
18 citizens going down steps to vote.

19 MICHAEL RYAN: Right every one of our
20 poll site is required to be surveyed not only
21 initially but on an ongoing basis pursuant to a
22 Federal Court Order. As I had stated earlier, uhm
23 the little nuance on my testimony was that we have
24 270 sites left. Uhm I'm not certain if the site to
25 which you speak is one of those 270 sites that are

1 left uhm but we are going through methodically in
2 conjunction with a court appointed overseeing
3 Adventary Associations are a nationally recognized
4 ADA compliance uhm entity and surveying uhm company
5 so we work with them and they, we have to some extent
6 follow their guidance. We do have a little bit of
7 room for push back and in certain exceptional
8 circumstances uhm we have been able to work with them
9 where they recognize that the remedy let's say a 10
10 block move, right if that's the only other building
11 that is available was worse uhm that you know the
12 initial circumstance. So it's a lot of back and
13 forth, uhm we're trying uhm we don't have the ability
14 to knock down all of the buildings in New York City
15 that are not ADA compliance and rebuild them
16 according to spec so we work with what we have and we
17 are trying.

19 ADRIENNE ADAMS: Thank you very much.

20 MICHAEL RYAN: Thank you.

21 CHAIR DANIEL DROMM: Mr. Ryan just as a
22 follow up you had mentioned about the creation of new
23 EDs, uhm in the 34th Assembly District in Queens, new
24 EDs were added prior to the City Council Election
25 last year but I don't recall having gotten

1 notification about that. Can you tell me, look it's
2 in the past but whatever, how you go about notifying
3 folks of the creation of new EDs?
4

5 MICHAEL RYAN: Well the one absolute way
6 that we do it uhm is in the annual information notice
7 and if your election District changed on the outside
8 of your annual District.

9 CHAIR DANIEL DROMM: Elected in the
10 District where uhm both of these were non-existent
11 before.

12 MICHAEL RYAN: My understanding is that
13 the local staff is to have communication with the
14 local elected officials. If that needs to be uhm
15 beefed up I can certainly address that with the
16 borough chiefs and deputies to make sure that when
17 these things happen uhm that that better
18 communication occurs. Uhm the bad news would be if
19 it didn't occur and I would apologize for that. The
20 good news is it's not going to occur again until
21 after December 1st, 2020, so we have a little bit of
22 time to fix the issues.

23 CHAIR DANIEL DROMM: Okay good just
24 because if the people who are running for office did
25 not know that the new BEs were created.

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1
2 MICHAEL RYAN: Yes and I understand and
3 we will get you that information. I will check with
4 our candidate records unit to determine what if any
5 notifications went out and we will certainly reply
6 back to you.

7 CHAIR DANIEL DROMM: Uhm Council Member
8 Powers followed Yeger.

9 KEITH POWERS: Thank you I had another
10 set of questions but I'm going to use it to also air
11 my local agree which is my question was you talked
12 about the EDs changing not being able to change
13 between 7 and 0. Uhm but the locations obviously can
14 change, in terms of where those, you can take an ED
15 out of one location and move it to another location.

16 MICHAEL RYAN: Correct. I don't want to
17 give the impression that just because an election
18 District changed that the poll site automatically
19 changed.

20 KEITH POWERS: Agreed. But in.

21 MICHAEL RYAN: What it does is
22 encroach... the equipment that needs to be deployed
23 can encroach on each other and we have to have the
24 appropriate circulation uhm pats for the uhm for the
25 Disability community.

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2 KEITH POWERS: Understood and my
3 question, is if there is a polling place that was
4 moved and we have identified potential alternative
5 locations for it to move, meaning that it is moved 15
6 blocks away or further away from where somebody might
7 do. We are trying to encourage voting.

8 MICHAEL RYAN: Correct.

9 KEITH POWERS: And to move it far could
10 discourage turnout and so if we have an alternative
11 location and we are with the amount of elections that
12 we have this year and who knows how many more that
13 will be added in whatever borough this year or
14 whatever area the is there is a time line by which
15 you like what is the amount of time you need to do
16 proper notification for a uhm for a change?

17 MICHAEL RYAN: Okay so there is, there is
18 no set statutory timeline with respect to
19 notifications. We are as we sit here today beyond
20 the statutory timeline that that Commissioners have
21 to designate poll sites for the following year. So
22 we are beyond the period of time where we could
23 designate as of right. That having been said, if
24 there are exceptional circumstances that are creating
25 a hardship for voters in a particular District, we

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1
2 can you know do site visits, listen to proposals, see
3 what the alternative solution is uhm communicate with
4 the Commissioners. If it's, you know we are probably
5 too late to do anything to say for the June primary
6 but if it was an exceptional circumstance and we had
7 an alternative location and everybody was on board,
8 and the persons that's in control of the property
9 whether it is a private site or a public site are
10 willing to all cooperate.

11 KEITH POWERS: Let me just, let me just
12 because of time, September, November, we may there
13 may be opportunity if we, if we talk to you about
14 revisiting.

15 MICHAEL RYAN: Correct and potentially
16 even September depending on what, what we are talking
17 about because keep in mind we send out our annual
18 information notice uhm between August 1st and August
19 5th every year. We got to go to print uhm you know
20 sometime middle of July.

21 KEITH POWERS: Okay.

22 MICHAEL RYAN: So we have a little bit of
23 time.

24 KEITH POWERS: But we got to move.

25

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1
2 MICHAEL RYAN: But, but we have to move
3 and if there is an emergency like for example several
4 years ago I think it was John F. Kennedy High School
5 had a gas explosion and we had to move. Our poll site
6 quickly.

7 KEITH POWERS: I'm talking about the
8 ordinary.

9 MICHAEL RYAN: So we can do it but it has
10 to be done quickly.

11 KEITH POWERS: So just because I'm on the
12 clock here.

13 MICHAEL RYAN: Right.

14 KEITH POWERS: Uhm back to the poll
15 worker issue, I mean there has been a number of
16 proposals around, other ways to recruit poll workers,
17 some have talked about a municipal poll worker
18 program where you could have City a day off to do a
19 part or a full day or uhm I think Cuney might have a
20 program around recruiting students to become poll
21 workers.

22 MICHAEL RYAN: Right.

23 KEITH POWERS: And then the part day, the
24 increase in pay. So I have two questions on that,
25 one is of any of those programs something that the

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1 Board has considered and I think you piloted at least
2 one of them but considered or put resource into it or
3 will be considering or need the Council to help fund
4 something to do help do a pilot. And the second
5 question is around the compensation, was that Mayoral
6 Executive Order that raised the pay?
7

8 MICHAEL RYAN: Yeah.

9 KEITH POWERS: And if so does that mean
10 that the Council through it Budgetary or Legislative
11 process increase it further or does the Mayor need to
12 ask I'm not sure the, the role there, does the Mayor
13 need to act again with an Executive Order to raise
14 it, because I do have the same concern, because we
15 aren't paying that much for the work that the amount
16 of time.

17 MICHAEL RYAN: Alright so I appreciate
18 the fact that you are running out of time and you
19 threw a lot, you threw a lot out there. So uhm with
20 respect to the Mayor's relationship and interaction
21 with the City Council I'm content to leave that where
22 it is.

23 KEITH POWERS: It was an opinion. I
24 wanted to gather.
25

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2 MICHAEL RYAN: I'm, not certain but like
3 I said that's, that's something that needs to be
4 worked out within the four wall of this building. I
5 don't know that I add anything to that.

6 KEITH POWERS: I will take it up, I will.

7 MICHAEL RYAN: Right but in any event,
8 uhm what was.

9 KEITH POWERS: The first one was about
10 other poll worker programs.

11 MICHAEL RYAN: Right, other poll worker
12 programs. Yes Cuney we've tried to partner with
13 them. Uhm it seems like the November election is a
14 bad time for them. Uhm you midterm exams and
15 whatever. Uhm we do, we are having a pretty good run
16 at it and I can get specific information offline with
17 respect to the students as poll workers, you know
18 high school students, the problem that we have with
19 that is we do them, and then you know they graduate
20 and they go on to college and we and we lose them.
21 But with respect to the municipal workers are poll
22 workers, uhm I had myself and Ms. Sandow had
23 discussed with uhm with Chair Cabrera when we met
24 with him about the possibility of being creative and,
25 and looking you know for different options. As a

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1 matter of fact, a couple of years ago, I believe it
2 was Councilman Kallos had uhm thrown out the idea of
3 having a split shift with municipal workers as a full
4 supplement to the compliment of poll workers that we
5 have, not in place of and have them come in and do
6 the critical functions you know from 5 o'clock in the
7 morning to say 8 or 9 o'clock, get us up and running,
8 have a reliable group of folks that are paid to show
9 up and have real supervisors to answer to at the back
10 end of the day if they don't show up on time and then
11 at the end of the night have them come, maybe not
12 that same group or a different group come back in 6
13 or 7 and help us close the polls. And I think that
14 there's opportunities through the Budget process for
15 us to be able to do that and still not run afoul of
16 any of the City Unions.

18 KEITH POWERS: Okay and Chair Dromm I
19 will tie all reports, this is my last day as a
20 District leader in this great county of New York City
21 so I will no longer be able to reassign polling
22 places if you are recruit poll workers but I uhm but
23 I will luckily still be on this Committee and have a
24 large role in it so thank you, thank you to the
25 Chair.

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1
2 CHAIR DANIEL DROMM: Hopefully whoever is
3 taking over will do as good as a job have you have
4 done.

5 KEITH POWERS: I trust them, I trust them
6 alright.

7 CHAIR DANIEL DROMM: Council Member
8 Yeger?

9 KALMAN YEGER: Thank you Mr. Chair and
10 Mr. Chair, Mr. Director is there currently a law that
11 would serve to require the Board to post job openings
12 with which the Board is not currently in compliance?

13 MICHAEL RYAN: No.

14 KALMAN YEGER: Thank you.

15 CHAIR DANIEL DROMM: Alright well go.
16 Thank you very much. Thank you for coming in. We
17 appreciate it and we are going to now move to the
18 other room for the other hearings that are happening
19 so if you are here for the Campaign Finance and the
20 Law Department we are going to move it next door.
21 (leaving room).

22 (mic, mic, mic check one two, mic check
23 one two. Today's Committee is on Finance joint with
24 Governmental Operations for the 2019 Budget. Being
25

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1 recorded by Sargent Jessica Pelligrino. Today's date
2 is May 17, 2018.)
3

4 CHAIR DANIEL DROMM: Okay thank you, we
5 will now resume the City Council's Hearings on the
6 Mayor's Executive Budget for Fiscal '19. The Finance
7 Committee is joined by the Committee on Governmental
8 Operations chaired by Council Member Fernando
9 Cabrera. We've been joined by Council Member Yeger,
10 Council Member Kallos, Majority Leader Laurie Cumbo
11 and Council Member Adrienne Adams uhm and uhm we just
12 heard from the Board of Elections and now we will
13 hear from Amy Loprest, Executive Director of the
14 Campaign Finance Board. In the interest of time I
15 will forgo making an opening statement as well
16 Council Member and Chair Cabrera. And so Ms. Loprest
17 we just need to swear you in and then you can begin
18 your testimony.

19 AMY LOPREST: Okay can you hear me?

20 CHAIR DANIEL DROMM: The red light.

21 AMY LOPREST: Red is on yeah, okay just
22 making sure. Uhm.

23 CHAIR DANIEL DROMM: Uhm she's going to
24 swear you in. Ms. Loprest we just have to swear you
25 in.

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AMY LOPREST: Oh sorry.

COUNSEL: Do you affirm that your
testimony will be truthful to the best of your
knowledge, information and belief?

AMY LOPREST: Yes. Good afternoon, Chair
Cabrera and Dromm and Members of the Committee. I am
Amy Loprest the Executive Director of the New York
City Campaign Finance Board. With me today is Eric
Friedman our Assistant Executive Director for Public
Affairs. I want to thank you for the opportunity to
lay out the CFBs Budget for Fiscal Year 2019 and to
answer any questions you may have. The CFBs Budget
of \$20.6 million is \$36 million lower than in 2018.
Most of that amount comes for reductions in our
Budget for the New York City Campaign Finance Fund
and the Voter Guide. Excluding those items, however,
the agency has reduced its day to day operating
expenses by 1.2% compared to Fiscal Year 2018. This
reflects the boards real commitment to controlling
costs in a non-city election year while also
fulfilling our mandate to engage all New Yorkers in
the Electoral Process. I will provide details on our
Budget in just a moment but first I want to update
you on the CFBs activities and the role the agency

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1 has played in the ongoing national discussion about
2 Campaign Finance Reform in the past year. Over the
3 30 year history of New York City Matching Funds
4 Program the City Council has routinely worked with
5 the board to craft legislation that has made our
6 Matching Funds Program into a nationally recognized
7 model. I am happy to report that there has been a
8 short increase in successful reform efforts across
9 the country that take their inspiration from our
10 program. In Montgomery County Maryland, 20
11 candidates have already received nearly \$3 million in
12 matching funds in a new program that is explicitly
13 modeled on our. The program includes some
14 interesting tweaks that will be worth watching as
15 voters head to the polls for the first publically
16 funded primary election next month. In Washington DC
17 the City Council passed and Mayor Muriel Bowser
18 signed into law a Matching Fund System that will be
19 in place for the 2020 election. Closer to home,
20 Suffolk County passed a Matching Funds Program that
21 will be place for the county legislative offices in
22 2021. The board is very encouraged and the Council
23 should be proud that other jurisdictions continue to
24 look at New York City for inspiration. We should
25

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1 also be proud that our program continues to deliver
2 strong results for and instill confidence in both
3 candidates and voters. Candidates continue to show
4 confidence in the program by volunteering to
5 participate at very high rates. For the September
6 primary elections, 82% of candidates on the ballot
7 joined the Matching Funds Program. The Campaign
8 Finance Board paid out slightly more than \$17 million
9 in public funds to 106 candidates. The 2017 Mayoral
10 Race included four televised debates, two each before
11 the primary and the general election and both major
12 party nominees excepted public financing for the
13 second election in a row. These facts point to the
14 program that remains very popular with candidates
15 from all parts of the City and across the political
16 spectrum. The program provided real value to voters
17 as well. Matching Funds help encourage deeper
18 participation in the political process by New
19 Yorkers. Research clearly shows that individual
20 contributors are willing to invest small
21 contributions in City Campaigns knowing that support
22 will be amplified by matching funds. This broad base
23 of support at the contributor level helps ensure that
24 diverse voices from every corner of the City have an
25

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1
2 opportunity to be heard. The Matching Fund Program
3 provides every candidate with the opportunity to get
4 their message before the voters and ensures that
5 access to wealth is not the only path to electoral
6 success. Because of Matching Funds Program, the 2017
7 elections were more competitive, small donors were
8 empowered and voters were better educated about their
9 choices at the polls. The Board looks forward to
10 continuing out productive relationship with the City
11 Council, especially over the coming year. CFB staff
12 are working on the comprehensive review of the
13 program and the work of the CFB that we prepare
14 following every citywide election cycle. The report
15 will include the Board's Legislative Recommendations
16 for the Council to consider. We appreciate the
17 opportunity to partner with the Council to help
18 ensure the program continues to be best serve the
19 public and the candidates who choose to participate.
20 Turning back now to our Fiscal Year 2019 Budget,
21 overall our Budget is \$36 million lower than last
22 year. With the Matching Funds we are allocating \$1
23 million to cover any potential special elections.
24 For Fiscal Year 2018 we Budgeted \$29 million for the
25 Campaign Finance Fund. Please note that as we have

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1 done in excuse me (coughing) in previous elections
2 the CFB returns unused Campaign Finance Funds to the
3 General Fund in November 2017. With the Converter
4 Guide we have allocated roughly \$3.5 million in 2019
5 compared to \$11 million in 2018. Relative to
6 printing of citywide Voter Guides for the General
7 Election on November 6 that will cover Ballot
8 Proposals from Mayor de Blasio's Charter Revision
9 Commission. Excuse me. The CFB has reduced spending
10 on day to day operations by 1.2% compared to Fiscal
11 Year 2018. So physically we have reduced our non-
12 personnel spending by more than \$1 million to reflect
13 a reduced staff work load in a non-city election
14 year. We have increased staffing levels modestly as
15 you can see in our personnel services line. The
16 majority of additional staff will joint our Audit and
17 Systems Unit. New Audit staff will immediately help
18 complete the post election audits in the 2017
19 election and begin laying the ground work for what
20 promises to be a very busy 2021 Elective Cycle. I
21 would like to briefly outline some of the steps we
22 have taken to streamline the audit process. Our
23 staff implemented these changes of 2017 campaigns and
24 we have already seen an impact on speeding up our
25

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1 post election audit work. In June 2017, we started
2 providing Campaigns in the Matching Funds Program
3 with a summary of where they stood from a compliance
4 standpoint. The intention of sending this summary
5 was to help Campaigns understand and fix any
6 compliance issues that might prevent them from
7 receiving public funds. This was in fact our
8 intention for most of the work that our Candidate
9 Services and Audit Staff perform. Each disclosure
10 kit reviewed is an opportunity for us to help
11 Candidates fix errors and resolve issues that might
12 prevent payment. Our goals to help Candidates
13 achieve compliance and receive public funds. Our
14 goal is to enable citizens from all walks of life to
15 run for office. For the 2017 Post Election Audits
16 that are now underway, Audit staff are issuing
17 requests that are tailored to each campaign and
18 include more details on potential compliance issues
19 than in previous years. These tailored requests
20 should allow Campaigns to directly respond to
21 specific potential Audit issues and resolve them. We
22 piloted this approach during the special elections
23 that were held for City Council between 2015 and
24 2017. We found that the resulting draft audit
25

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2 reports were shorter and that Campaigns could resolve
3 many issues that otherwise would have been in the
4 draft audit. Indeed 13 of the 19 Campaigns in the
5 Special Elections that have completed the audit
6 process did not receive any violations or penalties.
7 We are already seeing positive results from these and
8 other changes we made to the process. The CFB issued
9 draft audit reports to 68 Campaigns, more than 1/3 of
10 the total draft audits we anticipate sending in the
11 2017 Election Cycle. At this point in 2014, we did
12 not issue any draft audits for the 2013 Campaign.
13 Making real progress and streamlining audits is one
14 of our key goals but has practical implications as
15 well. As I mentioned before, in the 2021 elections
16 promised to be the most competitive in a generation.
17 We estimate that 500 candidates will register with
18 the CFB by the fall of 2021, a 45% increase in the
19 number of candidate from 2017. We will project that
20 there will be 44 open seats. For comparison in 2001,
21 the first election under term when there were 44 open
22 seats and 526 candidates registered with the CFB.
23 Thus far, 20 candidates have registered with us for
24 the 2021 cycle. They will file their first
25 disclosure statement in July. At this point in 2001,

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1 only 5 candidates had registered. In addition to the
2 shear volume of candidates and open seats, 2021 will
3 present new challenges as the CFB prepares to
4 implement new requirements in the program including
5 early payments. Preparing for those new requirements
6 will mean additional work for Candidate Services and
7 Audit as well as new development to our Information
8 Architecture. My systems unit has begun a
9 comprehensive project to update the CFBs Campaign
10 Finance Information System. Some of the additional
11 staff we are adding for Fiscal 2019 will assist with
12 this work because is the backbone of our data
13 disclosure and compliance system and proves to it
14 which communicates with CSmart our candidate
15 disclosure system and virtually every other
16 application that CFB runs will be critical to
17 ensuring smooth 2021 election. With an online
18 candidate disclosure system that is the envy of every
19 other campaign finance system in the country but the
20 bottom line is the underlying architecture needs to
21 be modernized. At the end of this project, we
22 anticipate having a brand new kippus (SP?) that will
23 significantly streamline the interactions candidates
24 have with the CFB. (coughing). In addition to our
25

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1 work on early payments and other new requirements
2 system staff is currently working to implement the
3 online voter registration portal following the
4 Legislation passed by the Council last year. We are
5 very excited to release that portal in June of 2019.
6 Before concluding, I would like to draw your
7 attention to our 2018 Voter Assistance Report which
8 is submitted to all Council Member Offices at the end
9 of April. The report addresses the many efforts we
10 made in 2017 to increase voter participation through
11 our NYC Voter Campaign and outlines election reforms
12 that should be adopted in Albany to increase voter
13 turnout. Thank you and I am happy to answer
14 questions (coughing). Sorry. Yeah.

16 CHAIR DANIEL DROMM: Ok good there is
17 water right there. So thank you for your testimony
18 and uhm we now have some questions. I will be asking
19 some questions and then Chair Cabrera and then we are
20 going to go to Council Member questions as well. So
21 uhm let me talk a little bit about lease
22 expenditures. In the Executive Plan, the Campaign
23 Finance Board Lease Budget which is in the Department
24 of Citywide Services Budget was reduced by \$200,000
25 in Fiscal 2019. Why is your lease, lease budget

1 decreasing and what efforts are you making to make
2 sure more efficient use of space?
3

4 AMY LOPREST: Uhm the, uhm that reduction
5 is mainly due to the reduced need for supplemental
6 heating and air conditioning uhm that we anticipate
7 over this next Fiscal Year compared to last Fiscal
8 Year.

9 CHAIR DANIEL DROMM: Are you still moving
10 uhm the office space to 255 Grant Street?

11 AMY LOPREST: Uhm as the Commissioner of
12 DCAS testified, we are working with DCAS to finish
13 our revised uhm needs assessment and then we will
14 look for new office space. Yes because the current
15 office space does not fit the number of head count
16 that we have right now.

17 CHAIR DANIEL DROMM: So the office space
18 you originally were looking for seemed to be very
19 large to members of the Council. What size space are
20 you now looking for?

21 AMY LOPREST: We haven't finalized that,
22 that work, the needs assessment with DCAS yet so I
23 don't have the precise number.

24 CHAIR DANIEL DROMM: Well what are you
25 looking for, I know you, I know you, you can't tell

1 me what you found but what type of space are you
2 looking for.

3
4 AMY LOPREST: Oh I'm sorry maybe I wasn't
5 clear. Uhm the needs assessment is a process with
6 DCAS where you put in the number of head count. They
7 say this kind of person gets this amount of space and
8 then they calculate the full the square footage that
9 we needed and that number has not been finished yet.

10 CHAIR DANIEL DROMM: I see. So the last
11 time around, you were looking for community space as
12 well, if I'm not mistaken.

13 AMY LOPREST: Well we.

14 CHAIR DANIEL DROMM: To have space to
15 bring in people for conferences and conference rooms.

16 AMY LOPREST: I mean our space, part of
17 the DCAS Assessment Plan allows for a certain number
18 of conference space per, per staff member because
19 it's in an open plan setting and so there needs to be
20 some place for people to have conferences to not
21 disrupt the rest of the staff.

22 CHAIR DANIEL DROMM: So that, that those
23 conference spaces would be used for staff meetings?

24 AMY LOPREST: Yes.
25

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1
2 CHAIR DANIEL DROMM: How large are those
3 conference spaces?

4 AMY LOPREST: Again the, the the
5 assessment we are using their new, they had revised
6 their, needs, assem, the way they do the needs
7 assessment and so I we haven't finalized that so I
8 don't know how many, it will be based on their
9 number, so it's, it's the way I understand it works
10 is based on the number of staff you have then you get
11 a conference room per eight, you know I don't know
12 the exact number but per staff member and then that's
13 how they assign the space.

14 CHAIR DANIEL DROMM: Uhm so do you have a
15 space for community needs or something like that. I
16 thought I heard in the last testimony by DCAS that
17 there was a need for Community Meetings.

18 AMY LOPREST: Uhm we have I guess there
19 is two, we have, we have two needs, I mean we do we
20 have a special need for a training room because the,
21 while the Law requires us to provide training, every
22 Candidate and their staff have to trained. So one of
23 the nee, the community needs I guess is what they are
24 referring to is that training room and the other is

25

1 our public board room where we hold our public board
2 meetings.
3

4 CHAIR DANIEL DROMM: Okay, okay because I
5 think that's what I think we need a little
6 clarification on. Uhm okay so uhm voter guide for
7 Charter for the Charter Commission. The Executive
8 Plan includes \$3.4 million for voter guides in Fiscal
9 2019. Is this uhm for referendum on the finding of
10 the Mayor Charter Commission?

11 AMY LOPREST: The Law requires that when
12 there is a referendum on the ballot that the CFB
13 produce a citywide voter guide uhm on that to inform
14 voters about that referendum. So anticipating that
15 the Mayor's Charter and Vision Commission would uhm
16 make recommendations for a referendum in this falls
17 Budget, uhm in this fall election, we put money in
18 the Budget to pay for that.

19 CHAIR DANIEL DROMM: That the voter
20 guide?

21 AMY LOPREST: What?

22 CHAIR DANIEL DROMM: Is that a separate
23 voter guide?

24 AMY LOPREST: Yeah it's uhm, it's a voter
25 guide that would go citywide. We would have no voter

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1
2 guide that was mailed to everyone in the city this
3 year.

4 CHAIR DANIEL DROMM: Right.

5 AMY LOPRET: Because there is no city
6 election.

7 CHAIR DANIEL DROMM: Okay and can I ask
8 how often to you provide voter guides?

9 AMY LOPREST: Uhm we provide the voter
10 guide every, the print and mail a voter guide every
11 year that there is a citywide election. Uhm also we
12 print and mail vote guides when there are uhm Charter
13 referendums uhm ballot initiatives and but we do
14 produce online voter guides for pretty much every
15 election that occurs, so there is going to be a June
16 primary, there will be an online voter guide for
17 that.

18 CHAIR DANIEL DROMM: And what about, for
19 special elections do you do that?

20 AMY LOPREST: We do the online guide for
21 special elections.

22 CHAIR DANIEL DROMM: Just the online?

23 AMY LOPREST: Uhm I meant I think that in
24 certain circumstances we have to print and mail for
25

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1 those off year elections but I would have to get back
2 to make sure that that is is you know about that.

3
4 CHAIR DANIEL DROMM: Okay that's an issue
5 that I want to actually know a little bit more about.
6 How that works.

7 AMY LOPREST: Sure.

8 CHAIR DANIEL DROMM: Uhm.

9 AMY LOPREST: We are happy to provide
10 more information about that.

11 CHAIR DANIEL DROMM: Uhm how do you make
12 sure that eligible voters know that a race is
13 imminent, are they made aware of special elections to
14 take place in their voting District. Do you pre
15 sending out a notice before you send out a voting
16 guide or how does that process work?

17 AMY LOPREST: Uhm well we do a lot of
18 different kinds of voter education and engagement
19 work surrounding uhm special elections. Uhm we do,
20 we have a list, an email list that we have collected
21 over time and people that are in that District will
22 send email alerts that the election is happening. We
23 do phone banking to tell people that the election is
24 happening. We do special media advertising to make
25 sure that people, to target people in that area to

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1 make sure that they know that there is an election
2 coming.

3
4 CHAIR DANIEL DROMM: Okay in terms of
5 referendum the Mayor is planning a referendum on the
6 findings of his Charter Commission. Uhm how else can
7 referendums be called?

8 AMY LOPREST: Uhm I'm not an expert in it
9 but I, my understanding is I mean so I'll give you my
10 understanding is that City Council can also and also
11 uhm, and also there is a provision for a citizen.

12 CHAIR DANIEL DROMM: Uhm how does that
13 work? Do you know?

14 AMY LOPREST: I mean I think it is again
15 like a petition drive but I would have to do some
16 more research on that, I don't, know.

17 CHAIR DANIEL DROMM: Does that come under
18 your purview though?

19 AMY LOPREST: Do we, uhm no I mean we
20 would send. If there was a city initiative, uhm
21 referendum that would we would produce a voter guide
22 for that but we wouldn't be involved in the process
23 other than that.

24

25

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1
2 CHAIR DANIEL DROMM: But if there was a
3 voter interest in writing a referendum would you have
4 involvement in that?

5 AMY LOPREST: In writing the referendum
6 and.

7 CHAIR DANIEL DROMM: I mean in terms of I
8 think while you have to collect a certain number of
9 petitions.

10 AMY LOPREST: Yes.

11 CHAIR DANIEL DROMM: In order for it to
12 be on the ballot and the Mayor can bump it and I was
13 wondering if it happened from the citizen initiated
14 referendum what would your role be in that.

15 AMY LOPREST: The only official role we
16 would have in that is in producing the voter guide if
17 there was a referendum on the ballot uhm.

18 CHAIR DANIEL DROMM: Okay one of my
19 favorites topics. Auditing of candidates. I must
20 say that you have made great progress. My audit
21 already came in and uhm looking good and uhm but I
22 know that there is a problem that is had and from
23 your testimony you said that you are making progress
24 and I would agree with that. So would can you
25 briefly go over the process of how you audit

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1 candidates? Is there a certain uhm threshold of you
2 know candidates or how do you decide, is it now you
3 just sits in the chains somewhat, you are doing these
4 uhm I guess monthly or not even monthly, they are
5 core, I guess, by, you divide up the system into
6 different periods where candidates have an
7 opportunity to submit preaudits and then you get back
8 to candidates. When you see that candidates are not
9 likely to have a high number of violations these do
10 those candidates first or how do you decide what to
11 do first?
12

13 AMY LOPREST: Uhm what we audit, you know
14 as you explained, we audit during the, throughout the
15 election cycle so after each disclosure statement
16 that is filed and in the, the years proceeding an
17 election those are every six months in January and
18 July and we will send, what we call state reviews but
19 are essentially preaudits, uhm identifying areas of
20 concern and both compliance and disclosure uhm to the
21 candidates and giving them an opportunity to remedy
22 those and then after the election we audit all the
23 candidates uhm and we I just said we enhanced our
24 initial documents to be more specified, uhm we've, so
25 we don't.

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1
2 CHAIR DANIEL DROMM: What, what I'm
3 trying to get at also is not even candidate gets an
4 audit like I think in, in your testimony you
5 mentioned that you have already audited a certain
6 number of candidates as of this point, so how do you
7 decide to do those candidates first, those who have
8 gotten it now and then the other ones later on.

9 AMY LOPREST: Well, the first thing we
10 did is we sent the initial document request uhm so
11 that we did first.

12 CHAIR DANIEL DROMM: Was that sent to
13 everybody?

14 AMY LOPREST: Uhm.

15 CHAIR DANIEL DROMM: I mean has every
16 candidate who ran in 2017 gotten the initial document
17 request?

18 AMY LOPREST: Uhm well we uhm, we, did
19 some rational assessments of how to provide those
20 information so not everyone got an initial document
21 request.

22 CHAIR DANIEL DROMM: So what I'm trying
23 to get at is how long would it be until they get
24 those initial document requests for other candidates
25 who have not yet received them?

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1
2 AMY LOPREST: So the process for people,
3 so some people will get an initial document request,
4 they will respond to it and then they will get a
5 draft audit and then they can respond to it. Uhm so
6 those initial document requests went out. Those
7 responses are coming in. While those responses are
8 coming in, we did the draft audits for the people who
9 didn't have the initial document request so those uhm
10 you know those, you know as I said 68 of those have
11 gone out.

12 CHAIR DANIEL DROMM: So you just choose
13 them as at random?

14 AMY LOPREST: No they are based on, on
15 certain you know factors, based on you know the
16 receipt of public funds. The uhm the participate,
17 nonparticipant need.

18 CHAIR DANIEL DROMM: So maybe you hit the
19 people who did not accept public funds first and then
20 you go to others afterwards and then sometimes they
21 are legal problems that you can't do them right away,
22 is that how?

23 AMY LOPREST: I mean there are some, yes
24 and uhm and again we did all the initial document
25 requests which are because it's the longest process,

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2 we started that first and then we did, while we were
3 waiting for this to come in.

4 CHAIR DANIEL DROMM: To come in.

5 AMY LOPREST: We did the next group of
6 people who are going to just get a draft audit so
7 that there will be kind of you know work going on so
8 as those initial document requests come in, then we
9 will start sending up their draft audits. The people
10 who have already gotten their drafts audits will be
11 responding and so we can you know leverage the leap
12 frogging of timing of people's responses.

13 CHAIR DANIEL DROMM: So do you have an
14 estimate about when you think you might get through
15 the majority or $\frac{3}{4}$ or 75% of the, of the 17
16 candidates, of the 2017 candidates?

17 AMY LOPREST: Uhm again I it's hard to
18 make an estimate but we are well in advance of where
19 we were in 2013 so I am optimistic that the process
20 will end well in advance of 2013. Uhm it has always
21 been one of our major goals is to speed up the
22 process of the audits and I think that this new
23 process will do that. Also making the documents more
24 detailed will help in this next phase because
25 candidates will have a more tailored requests, so

1 they will be able to give more tailored response
2 which will help in all down the line.

3
4 CHAIR DANIEL DROMM: Because I notice
5 this week I believe you are having a hearing on a
6 2013 candidate so that candidate is just now given
7 the opportunity to. I don't know if it was an appeal
8 or a hearing on it. But so that so you still have
9 some outstanding 2013.

10 AMY LOPREST: He is yes he is one of the
11 last uhm people and again his it's because of
12 significant complicated issues that were involved in
13 that audit.

14 CHAIR DANIEL DROMM: Okay but you were
15 pretty much done with all the others.

16 AMY LOPREST: Yes because there are like
17 a hand, I don't want to say the exact number two or
18 maybe there are three.

19 CHAIR DANIEL DROMM: Okay because you
20 know the concern is that, is that you cannot open.
21 You cannot begin to raise funds unless an audit has
22 been done?

23 AMY LOPREST: No that's not the case.

24 CHAIR DANIEL DROMM: That's not that
25 case, oh okay. So like if you ran in 2013 and the

1
2 audit wasn't completed, you could still raise funds
3 in 17 right?

4 AMY LOPREST: Yes.

5 CHAIR DANIEL DROMM: Okay. Uhm, how many
6 auditors are assigned to each candidate? Or how many
7 candidates does one auditor cover?

8 AMY LOPREST: Uhm it varies depending on
9 the time of the election cycle and what work needs to
10 be done so it's I can't give a precise number but the
11 auditors work in teams so there is a senior auditor
12 and two auditors that work in a team uhm on a body of
13 audits uhm and so they can assist each other and help
14 uhm out again, some audits are more complicated. You
15 know citywide audits or a citywide candidate will be
16 more complicated than an audit for you know a City
17 Council candidate that didn't have much activity so
18 again there has to be some balance so it's not a, a
19 necessary per capita assessment.

20 CHAIR DANIEL DROMM: And what are they
21 basically looking for, what are those auditors
22 looking for?

23 AMY LOPREST: I'm sorry?

24 CHAIR DANIEL DROMM: What are they
25 looking for?

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2 AMY LOPREST: Uhm what the main, they
3 look for compliance with the Campaign Finance Act
4 that the money that the case who receive public funds
5 that the money was raised and uhm appropriately and
6 it was spent appropriately and that the disclosure is
7 complete. And again that's important public good
8 that we do is provide the disclosure to make sure
9 that the disclosure is complete and accurate.

10 CHAIR DANIEL DROMM: I guess it's a
11 little early to know to much about the 2017 election
12 but in terms of let's say 2013, approximately how
13 many violations were issued to candidates
14 participating in the matching funds program and
15 approximately what share of candidates had a
16 violation?

17 AMY LOPREST: Uhm I don't have that
18 number but again I mean but again, I have that
19 number, I don't have it on me so I am happy to get
20 that for you.

21 CHAIR DANIEL DROMM: Okay, okay I think
22 that's it for me. Uhm I'm going to turn it over to
23 Chair Cabrera.

24 CHAIR FERNANDO CABRERA: Thank you so
25 much Director, welcome, uhm let me start with uhm

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1 Matching Funds for Fiscal 2019. Uhm we took a notice
2 that for the Fiscal 2019 Budget includes only \$1
3 million for the Matching Fund program. Uhm do you
4 believe that this is enough. Let's suppose uhm uhm
5 we have a citywide race in the city and we are going
6 to add a couple of extra uhm Council Member who might
7 decide to move on to, to other aspirations, uhm would
8 \$1 million be enough if we were in that situation.

10 AMY LOPREST: Well uhm if you know, uhm
11 we issued, we submitted our Budget in March so uhm
12 the critical landscape changes all the time so I'd
13 have to go back and analyze you know whether a
14 million dollars would be sufficient. We might, the
15 law does allow for emergency appropriation of public
16 funds if the fund that was allocated was not enough
17 but let me look at that precise question and get back
18 to you.

19 CHAIR FERNANDO CABRERA: And and you said
20 that the Law provides for emergency. What would
21 that, uhm source of funding come from?

22 AMY LOPREST: It comes from the general
23 fund.

24 CHAIR FERNANDO CABRERA: From the General
25 Fund.

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AMY LOPREST: Yes.

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CHAIR FERNANDO CABRERA: Uhm do you, do
you have an estimate if we were to have a citywide
based on past history of what it will cost to do a
citywide?

6

7

8

AMY LOPREST: Uhm well citywide
candidates can get. I'm trying to say the number
right, around \$1.5 for public advocate \$3 million for
Mayor so uhm so yes I think that's the maximum that
any one candidate can get. So.

10

11

12

CHAIR FERNANDO CABRERA: Yeah that's a
substantial amount of.

13

14

AMY LOPREST: Yeah of money.

15

16

CHAIR FERNANDO CABRERA: Yeah of money
uhm plus multiply that by you know how many people
uhm could be potentially running. I just want us to
be attentive to that. As you stated, uhm political
landscapes could change literally overnight. As we
have seen uhm recently.

17

18

19

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21

AMY LOPREST: Thank you for pointing that
out.

22

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CHAIR FERNANDO CABRERA: So uhm also I
wanted to ask you in terms of the charter tonation

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(SP?), have you been approached for your input on any potential reforms?

AMY LOPREST: So as I said in my testimony we are after re-election the Board is charged with the obligation to review how the program worked in the previous election and make recommendations so that our staff is in the process of preparing our report uhm but we of course are prepared to provide uhm suggestions and recommendations Charter Revision Commission. In general, uhm you know we've have always worked very well with the, with the Council in making enhancements and improvements to the program uhm you know if, if we were asked by the Charter Revision Commission which they have not had subject matter requests yet uhm we would say that uhm to the extent that the Commissioner is thinking about other models than the small dollar matching funds programs. We think that our program works very well. We think that it has a break from our current system would not necessarily be a wise choice for the city. We have, we do know that there is sentiment you know from across advocates and candidates and and the public that there should be lower barriers for running for

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2 office and that the public fund should more help
3 candidates and so we are very much uhm aware of that
4 and are always thinking about and our recommendations
5 about ways that we can enhance the way that the
6 public matching funds helps candidates run for
7 office.

8 CHAIR FERNANDO CABRERA: Again I with
9 your recommendation so are you leaning towards uhm
10 the max that someone could give to the lower or the
11 higher to remain the same?

12 AMY LOPREST: Uhm I think you know we
13 haven't finalized our recommendations yet but I think
14 what we would, I mean and definitely when we make our
15 recommendations they will be in the scope of,
16 adjusting the current parameters so adjusting the
17 current contribution limits or spending on the amount
18 of public matching funds that are available, uhm
19 within the same parameters at the same kind of public
20 matching funds program.

21 CHAIR FERNANDO CABRERA: Uhm and I just
22 want to make sure that I heard right, nobody from the
23 Charter Commission has approached you uhm but has
24 anybody from the Administration approached you?

25

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2 AMY LOPREST: Oh I talked to people, I'm
3 sorry. It's not that we haven't spoken to the people
4 in the Charters. I just meant that they have not
5 issued their official request for public testimony
6 from us as subject matter experts.

7 CHAIR FERNANDO CABRERA: Are you at
8 liberty to talk about any questions that they've been
9 asking regarding from the charter Commission or any
10 kind of questions in particular there.

11 AMY LOPREST: And again I think a lot of
12 it is about how can we enhance the amount of money
13 that candidates receive so that in, and the way that
14 they receive the money to make sure that the program
15 is helping as many people as they can, in particular
16 people running for citywide offices, you know make
17 sure that that is helping them as much as it possibly
18 can.

19 CHAIR FERNANDO CABRERA: Yeah I find it
20 interesting and I it really is a compliment that you
21 have other cities that other counties, Montgomery
22 County, Maryland, Washington DC uhm for 2020. Uhm we
23 saw Suffolk County in 2021 for what we have right now
24 so I'm I'm going to be looking to see if, if it is
25 working so good right now, why we would need changes,

1
2 uhm and if we need changes, why not just do it right
3 now.

4 AMY LOPREST: Uhm let me I think there
5 are some empirical and I think that is part of our
6 research and that is why we are not ready with our
7 recommendation.

8 CHAIR FERNANDO CABRERA: Some empirically
9 you know analysis to be done about whether we are
10 enhancing the, small dollar match, uhm across the
11 whole spectrum of types of candidates from citywide
12 to City Council Candidates and so that's you know
13 part of what we are analyzing. I agree yes our
14 program works very, very well. We certainly get
15 small dollar contributors throughout the city uhm you
16 know if you look at the mass of contributors compared
17 to you know other elections, you know you see that
18 there are contributing being given in every census
19 block in New York City. Uhm but again there are
20 always ways that it can be improved in particular
21 looking at how the program works in the varied kinds
22 of offices.

23 CHAIR FERNANDO CABRERA: Like in
24 principal I just want to stay publically that for
25 someone who had never been involved in politics

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1 before I or in government when I first ran 9 years
2 ago, uhm it, it definitely had an impact on me being
3 here and so I, I definitely believe it imprints just
4 looking forward to seeing your report coming out. Is
5 is September, I believe it is coming out?

7 AMY LOPREST: That's when it's due but I
8 think we will probably because of the, the enhanced
9 Charter Revision we will probably make our record,
10 really some recommended dates earlier than that.

11 CHAIR FERNANDO CABRERA: And how early do
12 you expect?

13 AMY LOPREST: I would say soon because
14 the Charter Revision Commission is meeting over the
15 summer so probably. You know.

16 CHAIR FERNANDO CABRERA: Sometime in June
17 perhaps or.

18 AMY LOPREST: Yeah.

19 CHAIR FERNANDO CABRERA: Okay early June,
20 that, okay looking forward to reading your report.
21 Last question because I know my colleagues have
22 questions as well. Uhm in terms of the matching
23 program how does, how do we compare the 2017 uhm
24 citywide elections compare to 2014? Uhm in terms of
25 let me be more specific? Uhm it's a twofold

1 question. One is in terms of the expenditure uhm
2 that we spend and also your forecasting as I recall,
3 uhm that we will have your estimating 500 candidates
4 will register for CFB for the same amount of open
5 seats uhm and yet in the 2001, we have 526 candidates
6 registered with CFB. I am curious as to, and the
7 second question, why you are expecting less people
8 for the same amount of seats open to run?
9

10 AMY LOPREST: I mean, I, I guess you know
11 500 and 526 is you know not a sizeable difference
12 when you are talking in scale. Uhm it, you know it
13 is based on that estimate of 500 again is very much
14 an estimate. Uhm and it's based on kind of the
15 experience over the course of time, that, you 2001
16 was the first year that there was term limits. Uhm
17 we had a lot of elections since then so the 500 is
18 based on you know continual estimations throughout
19 that period of time.

20 CHAIR FERNANDO CABRERA: Alright my guess
21 is that there will be more that we had last time at
22 the end of the enthusiasm for people to run for
23 office. I can tell you that in my own District uhm
24 the level of egonocity is way higher than when I
25 first ran and we had a substantial amount of people

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1 running. Well thank you so much, I'll turn it back
2 to the chair. I appreciate your comments today.

3
4 CHAIR DANIEL DROMM: Thank you and we
5 have questions from Council Member Yeger, followed by
6 Kallos and then Majority Leader Cumbo.

7 KALMAN YEGER: Thank you Mr. Chair I want
8 you to go after uhm Council Member Kallos, uhm
9 because it is usually better to follow the genius on
10 these topics. Uhm good afternoon Madam Director uhm
11 I had a question about the, to follow up on one of
12 the chairs who asked you a question about
13 contributing limits and whether they are in the right
14 place or not and you don't really yet have an
15 official position I guess because the Charter
16 Revision Commission hasn't asked you for one but I
17 anticipate whether they ask you for one or not you
18 are going to offer your expertise to either the
19 Mayor's Commission or the one that I voted against
20 here in the Council. Uhm so my question to you is in
21 2001, uhm the Contributing Limits for citywide office
22 were \$4500 for Mayor and the other two citywide
23 offices. In 2005, they went up and the other two
24 categories borough President and Council each went up
25 by more than 10%, \$4500 to \$4950, \$2500 to \$2750,

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2 \$3500 to \$3585. Uhm this year, for the first time
3 they are going up, they haven't moved from 2005 until
4 2021 cycle. They are now going up \$150 per person
5 because that is obviously less than 10% I'm just
6 curious if you can tell us a little bit about, I know
7 that they are tied to the cost of living increase or
8 the consume price index or what not and I'm curious
9 not for you to tell me about whether or not you think
10 that you complied with what the statute says but
11 whether or not you think they are high enough, too
12 low, too high, just right.

13 AMY LOPREST: Uhm I think that uhm, uhm
14 to answer the first part of the question, you are
15 exactly correct that they are, the difference, the
16 amounts that they go up is by the consumer price
17 index so that's why it's a different percentage that
18 the change from the 5 to 2000. I do not remember the
19 right years but every 4 years it changes uhm and it's
20 because of the computers.

21 KALMAN YEGER: But it has, but it has it
22 actually moved, from 5 it stopped and it stayed, it
23 stayed at the 2005 for 2009 cycle, 2013 cycle, 2017
24 cycle, it was frozen for all of those cycles. Now
25 for the first time since the 2005 cycle, it is going

1
2 up, it is going up by \$150 per contribution. My
3 question is whether or not that is a sufficient move,
4 not whether or not it is in compliance with the Law.

5 AMY LOPREST: Uhm yes I understood that I
6 just was saying that, I just explaining that you are
7 right, that's why they ch... uhm the I think that you
8 know part of the goal of the program is to encourage
9 contributions from small dollar donors. That is why
10 we have the multiple matching funds, uhm and that is
11 the general goal. That we, you know that the value
12 is that more citizens have become involved in the
13 election is a good thing. Uhm most citizens aren't
14 giving contributions at the high, at the maximum
15 level because they are unable to. And so the, the
16 always encouraging smaller contributors, encouraging
17 more participation is always a goal. So that you
18 know when we start looking at whether the
19 contribution limits are high or the right place it's
20 to look at it from that framework that they are
21 encouraging the maximum amount of participation by
22 individuals in New York City. And so I, I think that
23 you know a lot of discussion is about again the
24 impact of large contributions because even if a match
25 you know you get \$175 which is the maximum but even

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2 \$175 is a fairly large amount for a lot of people so
3 say that you give \$10 and the candidate receives \$70
4 worth of value from that. Uhm and then the, you say
5 for a City Council Candidate you know you go out at
6 get \$2750, the, the difference in value between
7 getting one large contribution or one small
8 contribution plus the matching funds, we always want
9 to try and lower that gap so that you can improve the
10 value of the public matching funds.

11 KALMAN YEGER: And the uhm over the last
12 Mr. Chair I know my bell rang but thank you, as the,
13 over the last several cycles and every single cycle
14 the, the cap for each race goes up and we've kept the
15 contribution limit at the same, limit which
16 essentially means and and again we have done that now
17 and we have raised the cap and we've raised the limit
18 a little but not they are not hitting the same place.
19 Now the public funds maximum is 55%, of the cap
20 that's what somebody can get but at the same time
21 since we are raising the cap each time, we are not
22 moving the maximum contribution limit, we are
23 essentially making candidates do more fund raising,
24 you call it raising more contributions uhm from that
25 are smaller and that would be great. If everybody in

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1 my District gave \$10 I would have \$1.8 million right,
2 that would be fan... I think that's the math. That
3 would be fantastic, that's not the way it works so
4 you have to go out there and fund raise and what we
5 are essentially doing especially because we've also
6 limited who can contribute over the last decade and a
7 half, we have taken away LLC, we've taken away
8 corporations, we've taken away those who do business
9 with the city so now we have basically asked our
10 candidates us, and those, anybody who wants to run
11 against any of us to go out there and fund raise and
12 they spend a significant amount of time fund raising
13 and I haven't gotten to the part where they also
14 spend a significant amount of time and money on
15 paying people in order to be able to comply with the
16 laws and the regulations of your agency but we are
17 not, we are not moving the numbers well enough in my
18 estimation to take away the obligation of candidates
19 to go out and fund raise for as often, for as long as
20 they have to during the course of a campaign. We
21 don't want candidates as great as \$10 contributions
22 are, we don't want candidates to have to spend the
23 entire, the entirety of their campaigns going out and
24
25

1 knocking door to door and asking people for money,
2 right.

3
4 AMY LOPREST: Well I mean a lot of this
5 small dollar fundraising is part of small dollar
6 campaigning I mean you have an and on and on event
7 where you have you know citizen, it's, it's
8 campaigning and fundraising. So I mean I don't, I
9 don't think that they are mutually exclusive. I mean
10 if you are again, you know calling for big collar
11 contributions maybe it's not the same feel as
12 campaigning uhm and again I'm not doing the
13 fundraising but I mean, again it is part of you can
14 have an event and have, you know people come and hear
15 campaign speech and give a small dollar contribution
16 and that contribution is valued, it is important so.
17 I mean, it, so the idea is, you have to look at all
18 the components. You have to look at the spending
19 limit. You have to look at the contribution limit,
20 the matching funds, the matching rate, the uhm
21 maximum you know that you can get, you know like the
22 \$175, you know the maximum, uhm the cap on what
23 public matching funds are so it's like 55% now you
24 know, so all of those things have to be looked at, to
25 again, excuse me to get the most, you know, to get

1
2 the value that we want which is trying to encourage
3 more people to be involved in the political process.

4 KALMAN YEGER: Uhm Chair Dromm uhm asked
5 earlier about the questions about the audits and the
6 and the initial documentation request and the draft
7 order reports and you've indicated in your testimony
8 that you've now done 68 draft order reports uhm which
9 is the highest number at this point in the site of
10 it's incredible work. I know that the, the staff has
11 worked hard on that uhm and I also know that you have
12 now tailored your initial documentation request in a
13 better way so that you are not trying to kill a
14 mosquito with an oozy and that, that is definitely
15 recognizable. My question is, do you believe at this
16 point that the Draft Order Reports and the process by
17 which they are issued are, is the best that it can be
18 or is it more work and as a follow up to that, do you
19 actually read the Draft Order Reports before they are
20 issued?

21 AMY LOPREST: Do I personally read every
22 Draft Order Report? No that would probably slow down
23 the process by a huge amount so no I don't.

24 KALMAN YEGER: Oh, do you read any?
25

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2 AMY LOPREST: I read some, I mean I read
3 the boiler plate, but again how, how it is presented.

4 KALMAN YEGER: They are using the same
5 boiler plate for every single campaign across the
6 board even where the boiler plate doesn't match the
7 facts of the campaign, so for example, they are
8 stating that they visited a campaign site when they
9 didn't visit a campaign site, they are saying that
10 they read complaints that were filed against the
11 candidate and the candidate was afforded the ability
12 to respond even when most candidates don't have
13 complaints falling at them. They are using the same
14 boiler plates across the board, so I, I would urge
15 you that the process by which these things are
16 approved to go out, don't stop at the Director of
17 Auditing but they go a little higher to somebody of
18 your stature who I know has been doing this for so
19 long that you actually, you get the feel for the
20 campaign you get the feel for the document and you
21 know what candidates are seeing in campaigns should
22 be seeing.

23 AMY LOPREST: I'll look into that, thank
24 you.

25

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2 KALMAN YEGER: Okay uhm but just do, we,
3 okay I don't want to take away Ben's time, I know
4 he's.

5 BEN KALLOS: I'm good.

6 KALMAN YEGER: You are good, okay,
7 alright, uhm uhm the.

8 BEN KALLOS: I look at your everywhere.

9 KALMAN YEGER: The, well, Ben and I have
10 a great relationship he feeds me the questions into
11 my head.

12 AMY LOPREST: (laughing).

13 KALMAN YEGER: Uhm the, the uhm Draft
14 Order Report Process in my estimation uhm and we have
15 discussed this off line in the past uhm with me and
16 you and your staff. Uhm, uh, sometimes to use my
17 analogy is whacking a mosquito with an oozy uhm and I
18 believe that, that, uhm there and I think you should
19 look at them but I think they are asking for things,
20 particularly with respect to campaigns that didn't
21 take public funds and I want to separate out the
22 campaigns that have public funds obligations, that
23 took public funds, they have an obligation to
24 demonstrate the use of the public funds,
25 unquestionably to have an obligation to make

1 demonstration with respect to all of their activity.

2 But with respect to campaigns that were relatively

3 simple and their activity is relatively simple and

4 their activity was disclosed and the documentations

5 throughout the course of the campaign was, was viewed

6 by the CFB and no real, red flag and my sense is

7 that, that the auditors simply have this kind of rule

8 book and say well this is what we are supposed to do

9 and we are going to do that for each campaign across

10 the board which I think is a little bit of what

11 Chairman Dromm was eluding to whether or not you are

12 making different judgment calls about different

13 campaigns and whether or not you are actually trying

14 to kill the mosquito with the oozy. Uhm in case of

15 relatively small campaigns or relatively innocuous

16 campaigns. The level of the documentation and the

17 level of inquiry that is still being asked, even

18 notwithstanding the fact that there were no public

19 funds used uhm is still tremendous and do you think

20 that that is necessarily of good use of the limited

21 resources that you have in our agency?

22
23 AMY LOPREST: Well I mean again at, you

24 know we do as we said, I mean we've look at the

25 process every single time we do it and we try and

1
2 again make sure that we are asking for rationale
3 requests. Uhm I am happy to talk to you off line
4 more about you know the specifics about this. I
5 think that we are, I mean what we are trying to do
6 you know in making the draft audits, is we are trying
7 to help people you know point out the areas where
8 there might be deficiency and compliance or
9 disclosure and uhm so it's suppose to give people you
10 know the opportunity to answer some questions in
11 advance of potential violations and so what we are
12 trying to do is trying to help people comply by
13 pointing out you know the issues where they haven't
14 complied. Again can I say that, you know, I don't
15 know what specific examples you are talking about I
16 mean we have very much tried to tailor the requests
17 to the level to the level of request to the level of
18 potential severity of the finding, uhm again you know
19 we do comply with GYGAS so there is a certain level
20 of requirement that you, you are consistent in uhm in
21 your auditing processes.

22 KALMAN YEGER: Uhm what is your extension
23 policy with regard to candidates who receive either
24 IDRs that they can't immediately answer or DARs that
25 they can't immediately answer and I know immediate

1 at, at the outset, the 30 day extension is relatively
2 simple to obtain and then one additional extension if
3 the candidate asks for a month they kind of knock
4 them down to two weeks. Is there, is there a
5 guidance of how that is determined or is it a case by
6 case basis or is it just you know sometimes yes,
7 sometimes no, or.

9 AMY LOPREST: I mean I think that you,
10 your framework what you just outlined is basically
11 the basic uhm off, you know right off the back
12 extension policy. Uhm obviously candidates have all
13 sorts of extenuating circumstances and are those
14 requests are evaluated based on their extenuating
15 depending on you know health issues, business issues,
16 you know all different, uhm issues. We are actually
17 in the process of you know making sure that we have
18 uniform extension standards but what you have just
19 described is the, is the basic policy that. It's
20 very, you know the first request gives you a 30 day
21 extension uhm and then asking, again because we are
22 under deadlines we want to also make sure that we you
23 know, keep the work.

24 KALMAN YEGER: One of the, one of the
25 things that I've noticed with regards to the

1 extension policy is that as you know when a candidate
2 submits their response to whether it's the IDR,
3 whether it's the DAR, uhm assuming the candidate does
4 it on time within the 30 days, it goes to the CSB.
5 It doesn't get opened that day by the auditor, time
6 to read what this guy submitted, let's get it done.
7 It sits and it could sit for a week, it could sit for
8 three weeks, it could sit for six months until it
9 gets looked at and we know that because the response
10 to that from the CSB comes several months later, so,
11 my question is what would the great harm be to giving
12 a candidate, giving campaigns the additional time
13 that they say they need uhm within reason. I'm not
14 saying that a campaign should ask for a year but if a
15 campaign says we need an extra 30 days, instead of
16 knocking them down to you know you can only have two
17 weeks because when the campaign submits it in two
18 weeks it's not going to get read, it's not going to
19 get read the week later, it's not going to get read
20 two weeks later, it's just going to sit there until
21 it is chewed up and the auditor is ready to read it.

22
23 AMY LOPREST: Uhm you know again I mean
24 that as we try, and as I was trying to explain to to
25 Chair Dromm. Again we are trying to do this in

1 waves, so you know as we send up the IDRs, then we
2 send up the drafts, and then we, so you know we are
3 getting the response to the IDRs and then we are
4 sending out more drafts, so I mean there is a method
5 to you know the flow but again we are, we do tend to
6 be fairly generous in our granting of extension
7 requests, uhm so but again you know, everyone, it's
8 in everyone's interest to have the audits done in a
9 timely fashion and so we do often ask for the reason
10 for the, that the extension is needed and you now we
11 have heard I mean that there are definitely very good
12 reasons for people to need six months and even at
13 times a year extension. You know could happen.

14
15 KALMAN YEGER: Okay, alright, Mr.
16 Chairman thank you very much.

17 CHAIRMAN DANIEL DROMM: Thank you uhm two
18 suggestions that I have also, while I think about it
19 in regard to the voter guides, one is that in the uhm
20 the paper guides that was sent out prior to the
21 primaries those who did not have primaries were not
22 listed in there. Is there any way that you can say
23 there is no primary in a certain District because it
24 did cause confusion in districts where there were no
25 primaries.

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2 AMY LOPREST: Uhm I think I'll look into
3 that but it is my understanding I think that the at
4 least a blanket and maybe it could be more clear
5 statement that if there is not, that if your District
6 is not listed that there is no primary in that
7 District but again making it more clear is something
8 that.

9 CHAIRMAN DANIEL DROMM: And my second
10 suggestion in terms of the video voter guide, uhm is
11 that when the video voter guide came out initially
12 uhm this time around uhm for those who did not have
13 primaries again, a statement was made, uhm on the
14 website, no information provided for those people who
15 did not have a primary. I don't know if you were
16 aware of that. Uhm and that was corrected.

17 AMY LOPREST: Okay.

18 CHAIRMAN DANIEL DROMM: But certainly we
19 wouldn't want to see that happen again that the fault
20 was placed on the candidate.

21 AMY LOPREST: No, no, that's absolutely
22 correct. There should be, it should be clear that
23 there is no primary, nothing.

24 CHAIR DANIEL DROMM: But are you aware of
25 that, right?

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AMY LOPREST: Yes.

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CHAIR DANIEL DROMM: Okay. Alright thank
you alright so next uhm Council Member Kallos and
then Cumbo.

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BEN KALLOS: Good afternoon, uhm I would
like to start by just following up. So in our
previous hearing with the New York City Board of
Elections, the current Executive Director
acknowledged that on occasion he signs for credit
cards electronically, uhm not with a pen and paper
but electronically and that that is valid for payment
purposes. Uhm and for those who are watching at home
and might have been wondering why or just in general,
it was because we are working on an online voter
registration process. Uhm we passed Legislation last
term, it was signed into Law by the Mayor and uhm
I've already built a site, @benkallos.com where folks
can actually register online and then print it out
and it doesn't actually accomplish but last piece of
transmitting the items digitally but literally we can
just print it out from my website and do so and I
think I did it in about let me guess less than hour.
Uhm and so I guess the question is, where is the CSB
in implementing this. I know at the time the Law

1
2 allows a whole two years but given the fact that it
3 only took me a hour, how, where, where are we a
4 couple of months later?

5 AMY LOPREST: Uhm so we, now we are
6 building our online site and again we and we are
7 still hopeful that we will have the cooperation of
8 the Board of Elections in providing these documents.
9 Uhm we are using our inhouse staff rather than an
10 outside vendor because we wanted to be able to
11 maintain and improve the system over the course of
12 time as needs change. Uhm the planning is well
13 underway and we hope to have our prototype uhm
14 sometime this summer. For to have a fully functional
15 site before the Board, before the deadline which is
16 in the beginning of next year.

17 BEN KALLOS: So I guess, the, the, the
18 sooner the better and are you going to be using free
19 and open source libraries and we will let you create
20 the free and open source?

21 AMY LOPREST: Uhm we've always had an,
22 I'm not a technical person. As you do, you and I have
23 discussed before.

24 BEN KALLOS: But one of the CSB members
25 is.

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2 AMY LOPREST: Uhm I would like to know
3 what you mean by open source library? Uhm I, I am
4 not certain but we have always provided our codes to
5 people who need it uhm whether in the open source
6 library venue or as you know as people ask for it.

7 BEN KALLOS: I'm going, I'm going to go
8 further with that but I guess, the key thing is with
9 the Campaign Finance Board, uhm perhaps ma... full
10 disclosure, I am a free and open software developer,
11 I was also in the druple community which is a type of
12 software that runs websites like the White House and
13 other small sites like that. And so they have
14 offered to come to the table and work with the CSB to
15 help build out the system and they could probably do
16 it in minutes not hours. Uhm so I guess would you be
17 open to meeting with the Druple Meet Up Community and
18 the folks who built the webforms module?

19 AMY LOPREST: I mean sure, we go, you
20 know we always like to talk to people who are
21 interested in helping us.

22 BEN KALLOS: Along those same lines, uhm
23 in your testimony you said "we have an online
24 candidate disclosure system that is the envy of every
25 other Campaign Finance System in the country" and you

1
2 also note in your testimony that Montgomery County,
3 Maryland has now passed this as well as Washington DC
4 which means that we have two other jurisdictions
5 modeled on our system that are in need of a new
6 system at the same time as you are. Is there an
7 opportunity to uhm collaboratively build on free and
8 open source? You can hire the same vendors, work
9 together and split the cost, and say let's say if it
10 cost \$3 million, if each municipality pays \$1 million
11 everyone saves and then each municipality might need
12 to pay an additional small amount to customize the
13 software for themselves. Uhm is there any
14 opportunity to do this collaboratively and allow
15 every other jurisdiction including Los Angeles that
16 does this, to, to share in this system?

17 AMY LOPREST: Well, I mean I have to look
18 into that. I'm not, I'm not sure. What I was
19 talking about in my testimony is that we are
20 rebuilding our back end so not, we are not, our
21 disclosure software, what we are building is the
22 infrastructure database that is over almost 30 years
23 old uhm in that we are running. We are using the
24 disclosure for all of the rest of our operations.

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2 BEN KALLOS: Would you, so would you,
3 would you be open to making both of those are you are
4 moving forward, a free and open source for other
5 jurisdictions to, to use including the state board?

6 AMY LOPREST: We've actually, I mean
7 we've actually shared the C-smart software with other
8 jurisdictions as they have asked for it uhm and also
9 including those State Board of Election. We've, met
10 with them and they came to look at our software for
11 the State Board of Elections, they did.

12 BEN KALLOS: Uhm alright, I want to thank
13 the Finance Chair for his indulgence and of my many
14 questions I'd like to just wrap on one key point, in
15 2013, amongst all Mayoral Candidates, uhm the most
16 frequent contribution was I believe \$4950
17 contributions of \$4950 which were the maximum allowed
18 under Law accounted for 49% of the money raised for
19 Mayor. In 2017, uhm that trend continued where those
20 contributions accounted for 47%. Uhm given the fact
21 that the public match is 55% of the spending limit,
22 it seemed that the amount of big money that we are
23 seeing in the system is directly correlated to the
24 public match. Uhm do your numbers show that? And do
25 you think that if there was a full public match where

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2 we matched every small dollar instead of just 55% of
3 them uhm we would actually have a system where people
4 running for citywide office or having the most
5 frequent contribution of \$175 or less instead of
6 \$4950 more than twice as much as you can give to the
7 President of the United States, not that you would
8 give this President anything.

9 AMY LOPREST: Well as I said to uhm
10 Council Member Yeger, uhm I mean again this is you
11 know the analysis is all of these things that have to
12 be thought about, the match, matching rate, the you
13 know the top, you know the amount, the maximum that
14 can be matched. The maximum amount of public funds
15 that you can receive. The contribution limits, the
16 spending limits, all of those things have to work in
17 concert to make sure that we are ensuring the best
18 program that we can have. So I think that it's a,
19 it's a confluence of all of those things. Not just
20 the contribution limit, not just the total amount of
21 public funds but all of these things uhm working
22 together.

23 CHAIR DANIEL DROMM: Okay thank you.
24 Going to move on to Majority Leader Cumbo.

25

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2 LAURIE CUMBO: Thank you Chair. Hi. So
3 I wanted to ask you in 2014, do you know how many
4 candidates received public funds?

5 AMY LOPREST: In 2014, there was no uhm.

6 LAURIE CUMBO: I mean 2013, I'm sorry.

7 AMY LOPREST: 2013, uhm I'd have to get
8 that number, I don't know it off of the top of my
9 head. I think it was, it was 106 in this past
10 election and I want to say that there was 140ish in
11 2013 but again I will have to get you the right
12 number. I'm sure.

13 LAURIE CUMBO: Do you know out of those,
14 do you know out of those how many were actually
15 fined?

16 AMY LOPREST: Again I think that was part
17 of the question that Council Member Dro... uhm Chair
18 Dromm asked about how many people were fined and we
19 are going, we will provide that information to the,
20 to the committee.

21 LAURIE CUMBO: So you will provide us
22 with a number of how many candidates ran and received
23 public funding and out of those, that ran how many
24 were actually fined?

25 AMY LOPREST: That's correct yes.

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2 LAURIE CUMBO: Because that's a very
3 important number.

4 AMY LOPREST: Yes.

5 LAURIE CUMBO: Because my follow up
6 questions were have you looked at, because I believe
7 that the Campaign Matching Fund System and correct me
8 if I am wrong was designed to help people that
9 traditionally would not be able to afford to run.
10 Uhm minorities, people from low income communities,
11 women that traditionally don't run, people with
12 disabilities, people that you typically don't see as
13 candidates, would you say that that is fair to say?

14 AMY LOPREST: Yes and I think that is the
15 experience that we have had.

16 LAURIE CUMBO: Okay now, to that end I
17 think it is also important to know and I'm going to
18 ask the question but I understand that you don't know
19 the answer, do you know if minorities, women, people
20 with disabilities are being disproportionately fined
21 as a result of how your system operates?

22 AMY LOPREST: Uhm I don't believe so but
23 again I would get you the actual numbers.

24 LAURIE CUMBO: Now you may not believe so
25 but if you don't really know how many ran, if you

1 don't know how many got fined, there could be a trend
2 where women, minorities, people of color are
3 disproportionately being fined.
4

5 AMY LOPREST: Uhm I mean I g... the thing
6 is again our whole process we try and help all of the
7 candidates run for office. We provide the Public
8 Matching Funds with the Public Matching Funds comes
9 the auditing process and people are penalized for
10 violations of the act, that's true. And so again I
11 will get you the numbers of those but I can't opine
12 on that.

13 LAURIE CUMBO: Because we want to make
14 sure that the very people that we are promo... that
15 are actually running that the program is designed for
16 doesn't actually hurt, doesn't actually hurt them.

17 AMY LOPREST: And part of the, I mean as
18 as in my testimony part of the, all the work in the,
19 preelection uhm state reviews that was provided to
20 candidates, the way that we are doing the new
21 document request uhm and doing the Draft Audits all
22 are geared to trying to make sure that people are in
23 compliance and complying given the more
24 opportunities. And the, the results of this are
25 pilot program for this new IDR are very encouraging.

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2 I mean we have done 19 audits for those special
3 election candidates and 13 of those campaigns had no
4 violations or penalties at all. So again we are
5 trying to adjust the way we do the audits uhm to make
6 sure that we are assisting the candidates as much as
7 possible.

8 LAURIE CUMBO: So in 2013, uhm so for
9 candidates that did not win, right how did they pay
10 back their fines?

11 AMY LOPREST: Uhm some of them raised
12 money.

13 LAURIE CUMBO: How did they raise money?

14 AMY LOPREST: They are allowed to raise
15 money, uhm following the same contribution limits
16 that were in effect during the election.

17 LAURIE CUMBO: So for candidates that did
18 not win, they host fundraisers for losing elections,
19 it's hard to imagine hosting a fundraiser to pay back
20 fines for a losing campaign.

21 AMY LOPREST: Uhm people do that and
22 people are running again. Uhm people paying from
23 private sources.

24 LAURIE CUMBO: Private sources? As in
25 their personal pockets.

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AMY LOPREST: Some of them, I mean, I...

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LAURIE CUMBO: Those would be interesting things that you should have to find out. Do people have to then utilize their paychecks for other employment, are they traditionally using their paychecks from whatever jobs they may have, maybe they are a teacher, maybe they are a bus driver, maybe they have to set aside a certain amount of their payroll every two weeks in order to pay back their fine. Do you think that that is perhaps happening?

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AMY LOPREST: Uhm I I would have to look into that.

15

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LAURIE CUMBO: Do you know how traditionally long it would take, or it would take some of these candidates to pay back their fines that did not win?

19

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AMY LOPREST: Again I don't have that statistic.

21

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LAURIE CUMBO: Do you have to pay back uhm all of the money that you are fined before you open up another campaign to run for office?

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AMY LOPREST: No you don't but you will, you are not, the Law provides that you are not able

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2 to receive additional public funds if you have not
3 repaid fines.

4 LAURIE CUMBO: So you can open a new
5 campaign but you can't receive additional public
6 funds? So you cannot, you cannot technically or in
7 any way you cannot receive public funds until you pay
8 back the fines from a losing campaign, that would be
9 difficult to raise the money to do so?

10 AMY LOPREST: Yeah that's in the back.
11 That provision.

12 LAURIE CUMBO: Uh-huh. My other
13 question, uhm what percentage of your Budget because
14 I can't derive that from this, what percentage of
15 your Budget comes from fines? Or where do the fines
16 go? Because it seems how you come after the fines
17 would make it seem as if you needed the money from
18 the fines in order to either function in your Agency
19 or to provide some funding back to the City. Is it
20 that you need these fines in order to function?

21 AMY LOPREST: No the fines go back to the
22 City.

23 LAURIE CUMBO: They go back to the city?
24 Are they then reallocated to your Agency in order to
25 distribute funds?

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2 AMY LOPREST: No they go back to the
3 general fund.

4 LAURIE CUMBO: How much does you? How
5 much in the 2013 did you raise in fines?

6 AMY LOPREST: I'm sorry I thought I had
7 that number here but I do not, I apologize. I will
8 have to get that for you.

9 LAURIE CUMBO: I mean these are, the
10 basic questions in terms of things that you would
11 want to know, in terms of where does the funding come
12 from? Where does it go? How much does it actually
13 raise?

14 AMY LOPREST: I had that number, I just
15 did not. We repay those fines, uhm we give the money
16 back on a quarterly basis to the city.

17 LAURIE CUMBO: But you have no idea how
18 much it is? Is it, do you raise a million dollars in
19 fines? Do you raise half a million or a quarter of a
20 million? An estimate?

21 AMY LOPREST: It's. I'm sorry I actually
22 have it in email but I didn't bring my phone with me
23 but I'll get it for you. I mean I don't want to say
24 a number and then just be wrong. I mean I looked at
25

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2 it yesterday and you'd think that I'd remember but I
3 just don't.

4 LAURIE CUMBO: How often do you find that
5 in the fines and the determination that you are
6 making in the process of those running for office
7 that's it criminal versus it's uhm it's an accounting
8 issue? Someone made a mistake? Maybe they didn't
9 get a proper signature? Uhm they took out more cash
10 than they thought that they were allotted accidentally.
11 So there are accidentally mistakes and then there are
12 criminal mistakes. So in the 2013, what percentage
13 of those or how many candidates did you actually find
14 had criminals findings versus accounting or issues
15 around how they were documenting their campaign or
16 accounting issues?

17 AMY LOPREST: Well we don't assess any,
18 well I mean have no jurisdiction over criminal
19 violations so we don't actually. None of those
20 findings of the violation by the Board were criminal.
21 Uhm all of them are civil penalties. Now if you are
22 talking about whether they are documentation or not,
23 uhm I think it's, that's again is a matter of. There
24 is as matter of degree, I mean we have again tried to
25 adjust the way we audit and the way we assess

1 penalties to allow that people make mistakes and that
2 when they are informed of those mistakes that they
3 timely remedy them, that the, you know they will not
4 be penalized but again we don't assess, we don't have
5 any criminal I mean there are, we do sometimes find
6 there have been over the course of the history of the
7 program occasions where there are candidates who have
8 been uhm, tried to commit fraud or some other
9 activity that would be.

11 LAURIE CUMBO: Do you find them to be.

12 AMY LOPREST: And we would refer that to
13 a criminal prosecutor for prosecution.

14 LAURIE CUMBO: Do you know how often that
15 happens?

16 AMY LOPREST: That, that kind of criminal
17 fraud activity is relatively rare. I mean only a
18 handful over the course of the 30 year, 10-20.

19 LAURIE CUMBO: That's interesting to know
20 because I just want to like let's say for example
21 myself, so one of the challenges, I would almost find
22 it very difficult to encourage someone to run for
23 office the way this system is currently set up
24 because anything could happen to you when you go in
25 even with the best of intentions. So as you know,

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2 with my situation right out of the gate I was fined
3 \$17,000 for a technicality. Right in terms of you
4 all assessed that uhm a consultant that we used,
5 utilized a uhm had a special interest group as a
6 client and also had me as a client and the special
7 interest group did an independent expenditure in my
8 race and because my, person who was managing the
9 campaign, the consultant group was managing me and
10 the special interest group which I had no knowledge
11 of you all fined me \$17,000, right, so then I was
12 able to then hire a lawyer who was able to bring that
13 \$17,000 down to \$7,000 and of course his fee was
14 \$10,000, right so I wind up having to pay \$17,000
15 right out of the gate as a, as a brand new candidate.
16 So what that means, is that takes time away. Because
17 now I owe, I owe \$17,000 as soon as I come in to
18 office. So now I got to start doing fundraisers, I
19 got to do a birthday party, I got to an Easter party,
20 I got to do a spring fling. I got to do all of this
21 stuff and that takes away from my ability to be an
22 effective Legislature over a technicality. So for
23 me, I don't come from a wealthy family, they had
24 given all that they could give, my friends, my, my
25 supporters now I have to pay \$17,000 and I didn't

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2 even get my audit back yet. So when I get the audit
3 that is another \$68,000 fine when I am then able to
4 hire another lawyer for \$20,000 to get the fine back
5 down to \$8,000. So it's like it's all this thing
6 where you are trying to realize your campaign
7 promises to your community but you have to deal with
8 the CFB all day long with having to raise money to
9 pay back all of these fines and as soon as I pay them
10 down I just after five years have paid all my fines
11 and everybody back and all this stuff. Now I had to
12 get ready to raise money to run for office again.
13 It's like a very vicious cycle and I, and I'll be
14 honest and I don't know an elected official that is
15 here that is not dealing with that in some way,
16 shape, form or fashion. So it's, it's you know the
17 public may say you know it's great being an elected
18 office oh it's this, it's that, they don't realize
19 the internal workings of how this system is taking
20 them away from the very work that they are looking to
21 do. So I'll just conclude on that. I would
22 appreciate a lot of those answers because I feel that
23 in my estimation we are hurting and as a woman
24 candidate it is very difficult for me to go out and
25 tell women who are mothers, who have children, who

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2 have all of these different dynamics going on, go
3 ahead and run for office but if you lose, you might
4 have to take your baby's milk money to pay back the
5 fines that you owe because that's going to be the
6 reality for you. So I'll just conclude at that and I
7 do look forward to getting the information. Thank
8 you.

9 CHAIR DANIEL DROMM: Uhm let just uhm
10 echo what our Majority Leader have expressed. I
11 think uhm that perhaps what we need to do is look at
12 some of the excessive penalties. I do agree people
13 who are doing you now criminals acts, uhm we should
14 put forth the full extent of the Law but you mention
15 that 18% of the candidates didn't participate adding
16 those who didn't qualify. I would love to see the
17 percentage there, but you are right, I mean for most
18 uhm people who have ever run, this is grueling, this
19 is very, this is a very painful experience and I have
20 from my colleagues that said I am raising money to
21 avoid going through you know CFB and I, you know it's
22 painful to hear that as well because I don't that was
23 the original intention of the Law. I have my own
24 experiences. Uhm that are you know, traumatic at
25 times. Uhm to say the least, because it takes away

1
2 your focus. I do believe that there are people out
3 there, let me just be straight up that want to cheat
4 the system. They want to cheat, trying to get the
5 way in there but most candidates as you that is not
6 their intention and sometimes because an address was
7 missing or part of the address or a little super
8 tentacle thing and it's just super annoying and you
9 have to pay a Treasurer you know some of the
10 candidates have to do that. It's just overwhelming
11 so you can see the level of frustration and uhm I
12 don't want to get into too many specifics here
13 because this is not what this hearing is about but
14 please go back, recheck how you do this penalty
15 setting, what criteria are we using for those
16 penalties? You know how do we justify those
17 penalties? Uhm it will be something that we look to
18 hear later on in the future hearing. I will turn it
19 back to the co-chair.

20 CHAIR FERNANDO CABRERA: Well thank you
21 and I'd say here here to what was both of these
22 Council Members have just stated and actually in our
23 you know I would not be in elective office if it
24 wasn't for the campaign finance system that we have
25 and I am very grateful for that but I have to tell

1
2 you. You have actually created a whole new
3 profession which is campaign finance attorneys who we
4 pay a tremendous amount of money just so we don't get
5 caught into that web of insanity that often times
6 some of the candidates have found themselves going
7 through. So I think we need to look at that more
8 thoroughly. Uhm because seriously this is an issue.
9 What is the maximum amount that a campaign can spend
10 on a compliance attorney?

11 AMY LOPREST: There is no, I mean there
12 is no, I mean the maximum is the spending limit. I
13 mean.

14 CHAIR FERNANDO CABRERA: Is where?

15 AMY LOPREST: I mean there is no, there
16 is no particular maximum that a candidate can spend
17 on any one day but they can, I mean they can, it's
18 just a spending limit.

19 CHAIR FERNANDO CABRERA: So I know
20 candidates that are spending \$35,000, \$40,000 just
21 on, on a compliance attorneys to get through a
22 campaign cycle. And uhm and so we are not
23 exaggerating in that sense, so I'm wondering do you
24 have any numbers on what people are spending for a
25 compliance attorney?

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2 AMY LOPREST: Uhm I mean we can look at
3 that. I mean it is reported in several different
4 ways by different candidates so it is a little more
5 complicated that just you know pulling a number but.

6 CHAIR FERNANDO CABRERA: I think that,
7 that would give us an idea of you know what both of
8 these Council Members are, speaking to, is this great
9 expense and this uhm idea the need to protect
10 yourself even when you are not trying to do anything
11 wrong.

12 AMY LOPREST: Again we have a full staff
13 of our candidate services and audit staff who are
14 there to help people who are new candidates, uhm to
15 navigate the program and we also do again of course
16 reserve the most serious penalties for the most
17 serious offenses. They may not be criminal offenses
18 but.

19 CHAIR FERNANDO CABRERA: Direct Lopez,
20 uhm Loprest you are absolutely right and I think the
21 system has gotten better uhm and I think that this
22 new system when you look at each disclosure period is
23 good; however, I would never go into a campaign
24 without having a compliance attorney look at
25 everything that I submit and I think that is what we

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1
2 are alluding to is that issue is a real issue for
3 anybody who is going to run for office. You have to
4 hi... factor into your campaign expenditures these,
5 these compliance attorneys. Anyway. Yeah.

6 AMY LOPREST: Okay. Thank you.

7 CHAIR FERNANDO CABRERA: Thank you,
8 alright thank you for coming and we are going to now
9 go to the next section of this hearing with uhm the
10 Law Department.

11 CHAIR DANIEL DROMM: (Gavel pounding).
12 Okay uhm we will now resume the City Council's
13 Hearing on the Mayor's Executive Budget for Fiscal
14 19. The Finance Committee is joined by the Committee
15 on Governmental Operations chaired by Council Member
16 Fernando Cabrera and uhm we are the only Council
17 Members here so I'm going to forgo my opening
18 statement. We welcome Corporation Counsel Zachary
19 Carter who is here to join us and I believe that
20 Council Member Cabrera is also going to forgo his
21 opening statement.

22 CHAIR FERNANDO CABRERA: Absolutely.

23 CHAIR DANIEL DROMM: And therefore we are
24 going to ask Counsel to swear in the panel and then
25

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1 uhm Mr. Carter, Mr. Carter you can start with your
2 testimony as soon as she swears you in.
3

4 ZACHARY CARTER: Certainly.

5 COUNSEL: Do you affirm that your
6 testimony will be truthful to the best of your
7 knowledge, information and belief?

8 ZACHARY CARTER: I do.

9 CHAIR DANIEL DROMM: Thank you.

10 ZACHARY CARTER: Good afternoon, uhm
11 Chair Dromm, Chair Cabrera and distinguished members
12 of the Finance and Government Operations Committee. I
13 am pleased to appear before you to discuss the Law
14 Departments Fiscal Year 2019 Executive Budget. Uhm
15 the Law Department consists of 16 legal and 3 support
16 divisions. Uhm we handle and extraordinary array of
17 cases and non-litigation matters from tort to tax
18 from environmental and administrative issues to
19 economic development and municipal finance. Uhm we
20 also represent the City as Plaintiff in a wide
21 variety of affirmative matters. The Executive Budget
22 contains funds to support implementation of phase 1
23 of the New York State's Raise the Age Legislation in
24 New York City. The Law increases the age of criminal
25 responsibility in New York State to 16 years old as

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1 of October 1, 2018 and to 17 years old on October 1,
2 2019. The family court system is focused on
3 rehabilitation. The Law Department through its
4 Family Court Division seeks to ensure that those
5 youth that commit delinquent acts are held
6 accountable for their misconduct and receive
7 appropriate services. In making adjudication
8 recommendations to the Family Court the Law
9 Department seeks to balance the need for protection
10 of the community with the needs and the best interest
11 of the youth. The Department is working intensely to
12 prepare for both the legal and logistical challenges
13 to the juvenile delinquency practice in the New York
14 City Family Court as well as an expected rise in case
15 volumes. It is important that during this
16 implementation our Family Court Division remains
17 focused on our current youth population as well as
18 ensuring that older youth receive rehabilitative
19 services in a manner consistent with community
20 safety. In light of the anticipated volume our
21 Family Court Division is restructuring to develop and
22 expand a stronger central management team and has
23 created new supervisory positions in specialized
24 areas of the practice including the Major Case Unit
25

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1 which handles our most serious and violent cases and
2 the Special Victims Unit which handles sex offenses.

3 In addition to internal preparations, the Family
4 Court Division has been actively participating in
5 both citywide and borough based working groups and
6 task forces focusing on various implementation issues
7 including court processes, data analytics and risk
8 assessment, programming, diversion and facilities.

9 Our Family Court Administration Team has been
10 collaborating with the five District Attorneys
11 Offices to ensure smooth transfer and removal of
12 adolescent offender cases to family court. Our
13 Director of Raise the Age Strategy and Planning
14 recently conducted training alongside the Manhattan
15 District Attorney's Office at the New York
16 Prosecutor's Training Institute Metro Conference
17 where approximately 200 local ADAs and Prosecutors
18 and we are planning joint trainings with the District
19 Attorney's Office in all counties for the fall. The
20 Executive Budget also contains funds for particular
21 case related needs which are largely electronic
22 discovery and expert services. Further, the Budget
23 for the 2018 Charter Revision resides within the Law
24 Department's Budget. In conclusion, I thank you for
25

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1
2 your support of the Law Department and look forward
3 to your, our continued working together. I would be
4 happy to answer any of your questions.

5 CHAIR DANIEL DROMM: Okay thank you Mr.
6 Carter and uhm let me just talk a little bit about
7 Raise the Age. \$32.2 million and 254 positions were
8 added to the Law Department's Fiscal 19 Budget to
9 implement the first stage of Raise the Age. Can you
10 explain what this \$32.2 million is going to pay for?

11 ZACHARY CARTER: Uhm certainly. In the
12 main it's for personnel cost. Uhm the addition of
13 both Assistant Distric... I'm sorry Assistant
14 Corporation Counsel to the Family Court Division and
15 complementary support case uhm as well as uhm uhm
16 administrative positions that have to support the new
17 infrastructure that will be necessary to take on this
18 very large additional case load. If anticipated that
19 cases that formally would have been prosecuted by the
20 five DAs of 16 and 17-year-olds will con... will
21 actually double in phase 1 and triple in phase 3 and
22 that's in general terms what the additional resources
23 will be used to, to manage.

24 CHAIR DANIEL DROMM: So what type of
25 interaction are you going to be having now uhm with

1
2 the Youth Courts in the Dis.. the Court Diversion
3 Program?

4 ZACHARY CARTER: Mal, do you want to
5 answer that?

6 MAL HIGGINS: Do you mean the adolescent
7 diversion parts that are in criminal court?

8 CHAIR DANIEL DROMM: Yes.

9 MAL HIGGINS: Uhm at this point we don't
10 know but I think we can certainly ask OCA and get
11 back to you on that point.

12 CHAIR DANIEL DROMM: I appreciate that.
13 Uhm do you believe in those diversion programs so.
14 It's important. Is there a net cost to
15 implementation of Raise the Age and uhm why is this
16 now a one to one transfer from agency to the other
17 previously doing the work so, is there a savings to
18 the other agencies that could have been transferred
19 over to you?

20 ZACHARY CARTER: That is, that is, a
21 Budget issue I think that would be better directed to
22 uhm to OMB. Uhm that is I don't think that we are in
23 the position to answer that on behalf of the City.

24 CHAIR DANIEL DROMM: Okay we are going to
25 follow up with OMB on that because that was something

1
2 that I didn't get to ask OMB in the initial hearings
3 but would really like to know and have an answer on
4 that as well. Uhm the Executive Plan adds new
5 funding of \$1.5 and 17 new positions to the head
6 count in Fiscal 19 to finance the work of the Mayor's
7 uhm Charter Commission. Of this funding \$1 million
8 is allocated for personnel services and the remaining
9 \$500,000 is allocated for other than personnel
10 services. Uhm can you briefly explain uhm or outline
11 what this funding will be spent on.

12 ZACHARY CARTER: Well generally speaking
13 this will be uhm uhm for personnel services that is
14 17 staff and other than personnel services which
15 includes stenographers and translators. The
16 Operational Control of the Charter Commission rests
17 with the Commission itself and its staff. They are
18 hosted on our Budget Platform but we do not have
19 operational control of that process.

20 CHAIR DANIEL DROMM: So what is their
21 role, the Law Departments role in terms of working
22 with the Charter Commission?

23 ZACHARY CARTER: Uhm supplying resources
24 and staff.

25

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2 CHAIR DANIEL DROMM: Okay are there any
3 other agencies that you will be working with?

4 ZACHARY CARTER: In connection with the
5 Charter Commission?

6 CHAIR DANIEL DROMM: Yeah.

7 ZACHARY CARTER: They will have access to
8 all of the Agencies of Government because in the
9 course of their inquiry they are going to need
10 information from all the Agencies of Government.

11 CHAIR DANIEL DROMM: So they will be
12 interacting with almost all of them, or with all of
13 them?

14 ZACHARY CARTER: Absolutely.

15 CHAIR DANIEL DROMM: Okay now uhm just
16 some questions on Units of Appropriation. Despite
17 being composed of 16 legal divisions and 4 support
18 divisions the Law Departments Budget has only 2 U of
19 As? Personnel services and other than personnel. In
20 the Preliminary Budget Response the Council called on
21 the Administration to create a U of A pair for the
22 Tort Division which is the Law Department's largest,
23 uhm this was not done. In previous hearings you have
24 opposed creating a U of A for each of your divisions
25 as this would constrain the transfer of resources

1
2 across divisions which you do often. Would
3 separating the Tort's Divisions Budget from the rest
4 of the Law Department impose similar constraints on
5 you?

6 ZACHARY CARTER: Uhm yes it would. Uhm
7 the uhm, cases that are brought uhm, uhm and that are
8 managed by the Tort. Are prosecuted or rather
9 defended by the Tort Division vary in size and
10 complexity uhm there could be a, a case that is a
11 class action or a, or a suit for affirmative belief
12 that would require a huge influx of resources. There
13 could be a case that involves a, a, a personal injury
14 that could have medical claims. It's very, it's hard
15 to anticipate when there will be, that kind of block
16 case that requires us to be able to flexibly shift
17 resources even across uhm the division and across
18 borough offices. I mean our Tort, our Tort Division
19 has to be the largest in the country. Any one of our
20 Tort Offices and in any of the four largest boroughs
21 would be a Corporation Counsel's office unto itself
22 uhm in some other jurisdiction but we need tremendous
23 flexibility in being able to transfer, uhm transfer
24 resources.

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2 CHAIR DANIEL DROMM: How often in general
3 do you do that transfer of resources? Is there an
4 average number of times that you need to do that?

5 ZACHARY CARTER: Well it's, it's pretty
6 constant I think that, that, Mal Higgins, uhm can may
7 perhaps explain it more precisely but I think that
8 uhm OMB in terms of responsibly managing the cash of
9 the city uhm sometimes it provides money to us on an
10 as needed basis. Uhm so that the, there are certain
11 that allocated monies that get expeditiously spent
12 and no more than necessary to meet an objective and
13 consequently the fact that we, that we have uhm, uhm,
14 this these two broad units of, of, of, uhm these two
15 broad units makes it easier for us to manage. Do you
16 have anything that you want to add Mal?

17 CHAIR DANIEL DROMM: Now which direction
18 do they usually flow, do they go from Tort to other
19 Divisions, how does that work?

20 ZACHARY CARTER: Within the, the Tort
21 Division occasionally there may be transfers uhm
22 across divisions to uhm maybe perhaps special fed on
23 occasion, uhm also with support staff which I think
24 Mal may be in a better position to... Well we have 16
25 legal divisions and those legal divisions all have

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2 different kinds of case loads and OPS needs so money
3 is falling back and forth from each of those
4 divisions from the Tort Division out to Commercial
5 Litigation to different Divisions and there is a
6 limited amount of money that we are moving on an as
7 needed basis. So we have a structural deficit that
8 we start with, so the flexibility to be able to move
9 that money on a weekly basis from one division who
10 has a particular case that has now kind of exploded
11 from another case that might have gone and been
12 dormant or moved the money over. That happens
13 weekly.

14 CHAIR DANIEL DROMM: Weekly?

15 ZACHARY CARTER: Oh yeah, absolutely.

16 CHAIR DANIEL DROMM: That often? Uhm has
17 OMB spoken to you about a little bit more
18 transparency in terms of U of As on this?

19 ZACHARY CARTER: Uhm no.

20 CHAIR DANIEL DROMM: Okay because they
21 have spoken to other agencies uhm and I'm just
22 curious why they have not spoken with you?

23 ZACHARY CARTER: Well I think that is
24 because they understand uhm that each agency is

25

1
2 unique and has unique need for flexibility in, in
3 allocation of resources.

4 CHAIR DANIEL DROMM: I'm sure, probably
5 you know it's been a priority for the Council that we
6 get more transparency in the Budget and that's what
7 we are trying to aim at here is to find out a little
8 bit more about when and why and how these transfers
9 are needed, so uhm I would still like to continue
10 that discussion about this moving forward, even
11 though you may not be prepared right now to discuss
12 that but definitely it is our role as Council Members
13 to be able to track that funding. So that's, that's
14 our objective here.

15 ZACHARY CARTER: And certainly, even
16 outside of the context of units of appropriation we
17 welcome any inquiries you have about how we deploy
18 uhm, resources because a formal unit of allocation
19 isn't necessary for us to be able to answer your,
20 your inquiries in terms of how we uhm extend out
21 resources.

22 CHAIR DANIEL DROMM: Alright let's talk a
23 little bit about judgments and claims and the pay
24 out. They have grown under the de Blasio
25 Administration from an annual average of \$584.9

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1 million between Fiscal 10 and 13 to an average of
2 \$720.5 million between 2014 and 17. Could you
3 briefly explain why this upward trend is happening?
4

5 ZACHARY CARTER: Uhm okay, the, the,
6 alright first of all and we, uhm, uhm, as stated on
7 prior occasions Judgment and Claims are going to vary
8 from year to year because these cases are so long in
9 the system. Uhm so even though you know as you
10 pointed out a certain trending uhm that you
11 characterize as having occurred in this
12 administration these are in cases that were filed
13 long before the onset of this administration and
14 cases that have been uhm ferociously litigated uhm
15 over a period of years and that only during the
16 course of this Administration were, were finally
17 resolved uhm and that's going to vary from year to
18 year and while there are cases uhm that uhm are
19 settled for 10s of millions of dollars, uhm there are
20 many more cases that are, that are being successfully
21 defended that represent equivalent uhm, uhm levels of
22 dollars. As a result in and we will talk about later
23 about verticalization. We believe that cases that
24 have not been filed as a result of it being clear to
25 the Plaintiff Bar that we are capable of mounting a

1 robust defense of any cases that we regard as
2 frivolous we have avoided the payment of some \$48
3 million in claims. Uhm but you have certain
4 categories of cases uhm that kind of create a new
5 reality for us and the and the most prominent in
6 that, of those categories is wrongful conviction.
7 Uhm for all, I, what I consider to be particularly as
8 a veteran former Prosecutor for all the best reasons,
9 all of the DA offices now have a Conviction Integrity
10 Unit or the equivalent there of uhm to entertain
11 applications to reexamine cases in which there may
12 have been a mistaken conviction and these are
13 resulting in convictions being overturned and and and
14 claims against the City uhm in connection with those
15 wrongful convictions and when you e... uhm when you
16 consider that most of these uhm claims are resolved
17 at a, I hate to say at a going rate in terms of a
18 person's life but on average about \$500,000 a year
19 uhm in connection with uhm these claims then for
20 someone who has been incarcerated for you know a
21 decade or more it adds up to a substantial uhm, uhm
22 recovery.

24 CHAIR DANIEL DROMM: Part 5 within that?

25 In that category as well right?

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2

ZACHARY CARTER: Yes.

3

4

CHAIR DANIEL DROMM: Approximately how much of the payouts are from cases defended by the Law Department versus uhm notices of claim settled by the controller?

6

7

8

ZACHARY CARTER: I don't have the percentage. We would, we would have to get that information from the Controller so that we would have the total picture.

10

11

12

13

CHAIR DANIEL DROMM: Okay what are the other uhm major sources of Judgment and Claims uhm payouts?

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ZACHARY CARTER: Held in Hospitals Corporation. Uhm in those cases the Law Department does not defend, those are, uhm, those are, uhm defended by Med Malpractice Firms.

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CHAIR DANIEL DROMM: So in the Fiscal 18 Judgment and Claims Budget grew by \$20 million in the Executive Plan from uhm \$691.6 to \$711.6 million, can you explain that growth to us?

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ZACHARY CARTER: Again there was, that was largely because of uhm a handful of very large recoveries uhm Fiscal 18 included uhm the uhm the longstanding litigation in connection with summons

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1 with a Class Action in which the recovery was \$26
2 million in which there were thousand of individual
3 claims that just added up to this uhm, uhm very large
4 sum. There was one Wrongful Conviction Case, uhm you
5 know Kings County DA Office, uhm Hatchett Lopez which
6 was settled for \$20.5 million. Uhm the uhm
7 Employment Discrimination Action in connection with
8 FDNY uhm actually, got the case.
9

10 MAL HIGGINS: That's case.

11 ZACHARY CARTER: Alright that that
12 actually was a personal injury case in connection
13 with a fire tragedy. Uhm, uhm, know as the Zalosky
14 case which was filed in 2004. Uhm and that that was
15 a \$29.5 million judgment. Uhm, Roadway Design
16 Litigation that resulted in a judgment of \$22
17 million. Uhm and then there were a, a group of uhm
18 wrongful conviction cases arising out of arrests that
19 occurred back in 1992 that uhm added up to
20 approximately \$26 million.

21 CHAIR DANIEL DROMM: Thank you uhm can
22 you explain your methodology for arising at a Budget
23 Estimate for Claims, for Judgment and Claims?

24 ZACHARY CARTER: Well actually OMB comes
25 up with the calculation because the Judgment and

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2 Claims takes into account not only Law Department
3 uhm, uhm litigated cases but again as you pointed out
4 H and H.

5 CHAIR DANIEL DROMM: Do you feed them
6 information about cases that are coming up that you
7 think that you are going to have to settled that give
8 them an estimate about what those settlements might
9 be?

10 ZACHARY CARTER: Yes we do.

11 CHAIR DANIEL DROMM: You do?

12 ZACHARY CARTER: Yes.

13 CHAIR DANIEL DROMM: So then you know
14 what is in the pike? What's coming up?

15 ZACHARY CARTER: Yes we do.

16 CHAIR DANIEL DROMM: Okay uhm in the
17 Preliminary Budget Response we call for an increase
18 in the Vertical Case Handling to help litigate this
19 growth.

20 ZACHARY CARTER: Yes.

21 CHAIR DANIEL DROMM: Yet this is not
22 included in the Executive Plan. Do you think
23 expanding vertical case handling could reduce
24 Judgment and Claim payouts in the future?

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ZACHARY CARTER: I think Vertical Handling of, of litigation cases is always the ideal. It is whether it is in criminal practice, high volume practice or in civil high volume practice, it's the way uhm that uhm that lawyers get best prepared in a case uhm because they become familiar with it from its inception until it is finally resolved. And the more knowledgeable we are about the case early on the quicker we can file a Dispositive Motion in the case for it to be dismissed or prepare ourselves sufficiently for trial quickly enough that our adversaries are impressed with our resolve and either settled on, on favorable terms or the case goes to trial.

CHAIR DANIEL DROMM: Okay thank you I'm going to go to Chair Cabrera now.

CHAIR FERNANDO CABRERA: Uhm thank you so much uhm let me go back to Raise the Age Staffing. Uhm when do you estimate these positions will start getting filled? And by and how many by October 1st?

ZACHARY CARTER: I'm going to get the Chair of our Family Coordinator.

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MAL HIGGINS: I'm sorry the dispositions?

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When do they start? I didn't understand the

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question?

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CHAIR FERNANDO CABRERA: Yeah so all of

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the Raise uhm the Raise the Age positions.

7

MAL HIGGINS: Uh-huh, oh the positions,

8

I'm sorry.

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CHAIR FERNANDO CABRERA: Yeah.

10

MAL HIGGINS: I'm sorry, we are filling

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them now, it's ongoing we are doing hiring. We have

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some we have 35 lawyers coming onboard in August for

13

the new class, we have lateral interviewing going on

14

right now, we are making offers to people. We have

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management positions posted. We are in the process

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of doing those interviews so we are hoping to get as

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many people on board for phase 1, uhm prior to

18

October 1 so that on October 1 we are very, very

19

ready.

20

CHAIR FERNANDO CABRERA: So what do you

21

estimate, how many positions will be filled by

22

October 1st?

23

MAL HIGGINS: I believe it's going to be

24

close to 200.

25

CHAIR FERNANDO CABRERA: 200?

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MAL HIGGINS: Approximately.

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CHAIR FERNANDO CABRERA: Would that be
enough?

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MAL HIGGINS: Possibly more.

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CHAIR FERNANDO CABRERA: If there is 200
would that be enough for you to be able to handle the
case loads that are coming your way? At that moment?

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MAL HIGGINS: No we need more than that
but we are aware that the hiring doesn't always work
as, as fast as we would like it to so we are in the
process of hiring now. We are doing multiple
interviews everyday, we have multiple teams of people
doing interviews. So that when I saw we will have
approximately 200, I am being realistic about the
hiring process.

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CHAIR FERNANDO CABRERA: Right.

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MAL HIGGINS: Uhm and so uhm we'd love to
have everybody on board October 1 and will certainly
shoot for that goal uhm but I do have to be realistic
and know that things do get you know slow and we may
want to hire people who aren't able to give notice or
who can't leave their current job right away and so
we may wait for those people to come on board, so we

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2 are expecting some delays but overall we are going to
3 be ready on October 1st to implement Raise the Age.

4 CHAIR FERNANDO CABRERA: You know I
5 appreciate uhm there is a lot of people to hire in a
6 very short amount of time. When I was the Chair of
7 Juvenile Justice uhm I sounded the alarm very early
8 on that uhm first of all dealing with the State you
9 know giving us the rags and uhm and you know how
10 everything was going to structure and the systems are
11 going to be put in place uhm and now you kind of been
12 put in you, you are put in a predicament that you
13 have to hire a whole lot of people very quickly. And
14 then with that it's not just hiring it comes to
15 training uhm whether establishing culture and and
16 being able to download the DNA that you have already.

17 MAL HIGGINS: Uh-huh.

18 CHAIR FERNANDO CABRERA: Uhm and so uhm
19 it my concern again her, how sympathetic I am and
20 super understanding is that we will be able to make a
21 good transition you know with October 1st I in light
22 of everything else that I, that I all the moving
23 parts that I still have in my uhm I'm a very
24 optimistic person but is a pessimistic part of me
25 that says October 1st just not everything is going to

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2 be put in place, so I appreciate all the efforts that
3 you could put forth uhm and really, and hiring as
4 many people as possible. I want to move quickly to
5 you know we, we heard earlier from the Commissioner
6 from DCAS and ask the question regarding uhm the
7 possibility of installing cameras and in the City
8 vehicles whether sanitation whether it is police cars
9 uhm because sometimes people claim that they were
10 injured by a vehicle and uhm whatever all the
11 circumstance uhm related to a vehicle that was not
12 true. Uhm it takes a vast amount of your, uhm
13 worker's power that you have, Counsel Power to
14 investigate all of that. There is nothing like video
15 cameras. I'm a firm believer in video cameras. I
16 have placed more video cameras uhm police cameras in
17 my District than any other District partly for the
18 very reason in front of us that I am bringing forth
19 this question, so my question to you is the you,
20 would you advise DCAS to have uhm vehicle cameras
21 that you know place forward in case of an accident?

22 ZACHARY CARTER: Well what I certainly
23 thing is reasonable and I, and I know that, that
24 sometimes an answer that includes the word study can
25 be misconstrued as delayed but I but I really mean

1 mean it uhm when I say that it is that the technology
2 uhm that is required would have to be and I think
3 this can be relatively expeditiously careful enough
4 studied that you know that you would be capturing the
5 kind of images that you need to capture.
6

7 CHAIR FERNANDO CABRERA: But.

8 ZACHARY CARTER: But as you asked the
9 question, I was visualizing sitting in my car, and
10 looking at the back up and uhm you know assisted
11 cameras that I have just to help me part.

12 CHAIR FERNANDO CABRERA: Right.

13 ZACHARY CARTER: And just thinking about
14 what that would look like if it were being recorded
15 and would it show me everything that I would need to
16 show if there was a collision. If there was a
17 collision maybe if I am turning left, there may be
18 blind spots but even with body worn cameras there was
19 a tremendous amount of testing to determine where the
20 cameras should be placed on an officers uniform in
21 order to capture most of the action in front of them.
22 So it's, I think it is a great suggestion, anything
23 that can help provide a neutral objective evidentiary
24 record is good for us, is good for us, is good for
25 citizens if it turns out that they have a valid claim

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2 against the city, it is good for the City when it
3 turns out that it is not a valid claims. So it's,
4 it's definitely worth investigating but I think we
5 need to get a handle on what the technology is
6 available and uhm and how and what's the best
7 technology to accomplish would you suggest?

8 CHAIR FERNANDO CABRERA: Well anything
9 that we could be of help to that end please uhm we
10 will be more than glad to be helpful. I mean that
11 might be something that should be included and in
12 this go around in the Budget to, to have, to fund a
13 study uhm so we can do it right. We want to do it
14 right the first time around so we are not buying you
15 know the wrong kind of equipment and I know there is
16 a storage issue, there are other expenses that come
17 with this. A lot of cameras. You can set it to
18 record for the entire month. If you have no use for
19 them they, they should start rerecording again but
20 again, but again that would be for the professionals
21 to analyze. I wanted to move on quickly to lawsuits,
22 the lawsuits that you have against the big
23 pharmaceuticals and big oil. Any update uhm from the
24 last time that we had a hearing?

25 ZACHARY CARTER: I don't think there.

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CHAIR FERNANDO CABRERA: Any changes?

ZACHARY CARTER: There hasn't been any significant litigation event.

CHAIR FERNANDO CABRERA: Okay.

ZACHARY CARTER: Uhm since the last time, we uhm we said anything publically about the case.

CHAIR FERNANDO CABRERA: And uhm the Executive Plan I'm going to focus now on my last question on Case Specific new needs includes an additional \$8.5 million for Case Specific New Needs for Fiscal 2018 on top of the \$14.5 million in Case Specific New Needs added to your Fiscal 2018 Budget in November in Preliminary Plans. Uhm so can you give us uhm some more details as to what this new funding is allocated for? Would this \$8.5 million be sufficient or should we expect there to be additional case specific new needs funding added to the Budget before adoption? Uhm why does the funding grow across the Fiscal year and attached to that, just putting it all together here for you in the Fiscal 2017 you had an end of year surplus of \$3.9 million. Was this an OPTF or OPS surplus?

ZACHARY CARTER: Okay. I'm just going to give you a low.

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2 CHAIR FERNANDO CABRERA: Sure. You are a
3 lawyer, you guys are used to getting multiple
4 questions.

5 ZACHARY CARTER: The largest, right, sure
6 the largest component of the \$8.5 million is in uhm
7 the area of E Discovery and Experts. Uhm and as you
8 may know the probably the most expensive uhm
9 component of meeting our discovery obligations
10 involves E Discovery, uhm particularly since the
11 predominant mode of communication within businesses
12 and in government is email. Uhm in compiling
13 electronic communication, sorting them for relevant
14 material uhm is expensive. Uhm and and so gearing up
15 for that uhm along with engaging experts is one of
16 the largest litigation costs that we uhm that we
17 bare.

18 CHAIR FERNANDO CABRERA: So alongside
19 with that if we consistently need to add new funding
20 in the middle of the Fiscal year should we not just
21 budget for this every year adoption? Why don't we
22 just do it now instead of just coming in the middle
23 of the year and then on top of that, uhm that the
24 surplus of \$3.9, are we, are we using that? Towards
25

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2 this end or how we come in the middle of the year, we
3 do more, why not just ask for it now?

4 ZACHARY CARTER: Go. The, the bulk of
5 the accrual that occurs is from vacant positions and
6 that accrues as you go so if you look at the end of
7 the year, June 30th and you have \$4 million in
8 accruals that was generated. That was generated in
9 April, May, June and in most cases we will take
10 money, monies like that and attempt to roll them over
11 into the next year to pay for specific case related
12 tasks.

13 CHAIR FERNANDO CABRERA: Is this
14 something that happens every year? Has this been a
15 pattern?

16 ZACHARY CARTER: Well there is, there is
17 usually accruals from vacancies, it is exacerbated
18 now because we have a lot of vacancies at the moment.
19 Uhm but typically it's not that, it's not that much
20 money.

21 CHAIR FERNANDO CABRERA: Okay, that's all
22 Mr. Chair I know it's been a long day uhm but we know
23 we have more questions.

24 CHAIR DANIEL DROMM: Uhm Kalman Yeger.
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2 KALMAN YEGER: Chair, I will be very
3 brief, uhm Mr. Carter. You indicated in the
4 Executive Budget is going to increase the Law
5 Department's Budget for spending on uhm, uhm hiring
6 for uhm for the Raise the Age Plan or implementation
7 thereof, and so given that the process for this is
8 essentially that Corp Counsel is not going to be
9 prosecuting, not prosecut... we don't call it
10 prosecuting but the petitioner in cases that the
11 people were formerly prosecuting. Do you envision a
12 corresponding? I know you can't speak for District
13 Attorney's Offices but could you envision a
14 corresponding uhm les, less of a need for resources
15 in the five District or the six District Attorneys
16 Offices and if so are you able to speak uhm with
17 specificity whether they need less people, whether
18 they need less funds than they would have since you
19 are now picking up the tab essentially for a lot of
20 those cases?

21 ZACHARY CARTER: Right. I, I, I
22 understand but it's it's a question that I think is
23 better posed to OMB uhm because in terms of uhm the
24 Budgeting Process, I don't know whether or not
25 looking at it on a one to one uhm personnel resource

1 basis tells the entire story. Uhm I don't know that
2 uhm given Economies and Scale for instance, uhm being
3 relieved of a certain amount of case load burden uhm
4 is a benefit but that benefit is limited uhm so I, I
5 don't know whether or not uhm, uhm in Budgetary terms
6 that it is just a dollar for dollar transfer issue
7 and that, I think that a representative for OMB would
8 probably be in a better position to, to explain.

9
10 KALMAN YEGER: Are you able to give a
11 guesstimate of how many new cases Corp Counsel will
12 bring of the result of now prosecuting Raise the Age
13 cases?

14 ZACHARY CARTER: I, we expect in phase 1,
15 uhm beginning October 1st, uhm we can expect a
16 doubling in our case load with just 16 year olds and
17 then a tripling of our case load.

18 KALMAN YEGER: What, what would that
19 number be? In terms of how many cases? I'm sorry.

20 MAL HIGGINS: We are talking about 3,000
21 approximately to approximately 6,000.

22 KALMAN YEGER: And then phase 2 you said
23 would be a triple?

24 ZACHARY CARTER: And increase to 9,000.

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2 KALMAN YEGER: So it is fair to without
3 putting a dollar number on it, is it fair to say that
4 in a case like that, uhm if the numbers would be,
5 would turn out to be correct that over the, that
6 throughout the City the District Attorneys would see
7 a corresponding reduction in 3,000 cases a year?

8 ZACHARY CARTER: You would, you would
9 expect that if you just look at uhm 16 and 17 year
10 olds alone. That uhm does not uhm take into account
11 whether or not there will be any changes in police
12 behavior, and, and and enforcement. Uhm you know
13 when they I don't, it's, it's hard for me to just
14 give an accurate assessment.

15 KALMAN YEGER: And I understand that
16 these are estimates but are you able to do and I
17 don't expect to have it on hand but are you able to
18 do borough by borough estimates of how those 3,000
19 new case load uhm new cases on your caseload would
20 divide out throughout the six?

21 ZACHARY CARTER: I think we would be in a
22 position to do that. I don't know. Do you have the
23 numbers now?

24 MAL HIGGINS: I don't have the exact
25 numbers in front of me but we are expecting that

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2 Bronx and Brooklyn are going to be the highest volume
3 boroughs followed by Manhattan and Queens which are
4 generally around the same number and then followed by
5 Staten Island but.

6 KALMAN YEGER: And Special Narcotics at
7 the tail end? Or is that not even come into play?

8 MAL HIGGINS: For that it doesn't come
9 into place in any drug cases would just uhm I'm not
10 sure how that would come in to place but I think the
11 drug numbers are probably relatively low compared to
12 assault, robbery and larceny.

13 KALMAN YEGER: Okay and a quick question
14 uhm I just, I just you know I want to say at the
15 outset as I said uhm at my at the last hearing, uhm
16 Mr. Carter that and I trust you and how you run the
17 Corporation Counsel's Office explicatively, you've
18 done this for a long time. You've run offices of
19 greater stature but, but we.

20 ZACHARY CARTER: Not greater.

21 KALMAN YEGER: No of course not.

22 ZACHARY CARTER: No, no I mean that, no I
23 mean that. It's uhm I thought I had my last great
24 act as US Attorney, this tops that.

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KALMAN YEGER: Alright well then, then
uhm this will, this should be an easy one for you and
and I again I defer to your judgment but I'm just
curious to your thinking and how you came about this,
uhm we, we had a little banter about vertical case
handling and whether or not uhm you know increasing
how you do that uhm would result in some kind of a
savings and I trust you that you came to the
conclusion that it wouldn't and I'm not questioning
that at all I'm just asking how you came to the
conclusion that it wouldn't.

ZACHARY CARTER: That it would not?

KALMAN YEGER: That it would not result
in a savings necessary for you to include in the
Executive Budget, because you, the Executive Budget
doesn't result in an additional savings to vertical
case handling as suggested by the Council and the
Council's response to the Preliminary?

ZACHARY CARTER: Well I, uhm that may be
a misunderstanding. Uhm we don't, we don't want to
uhm attribute savings to uhm verticalization that we
are not fully confident in. Bt we do know that as a
result of vertical handling in court and judicial
vertical handling in uhm in Special Fed that there

1 have been cases in which we have avoided uhm
2 judgments that we approximate in the range of \$48
3 million so that's, that's real dollars. Now the
4 calculation of that is based on the demands that were
5 made. We try to take into account only demands that
6 we regard to be reasonable in terms of damages, not
7 the extravagant demands that are in the clause of
8 every new complaint uhm but uhm but taking into
9 account those reasonable demands we believe that as a
10 result of the reduced filing uhm that because uhm I
11 think there's, there's in an awareness in the
12 Plaintiff's Bar that we are probably more capable
13 than we ever have been uhm to fend off uhm clearly
14 frivolous cases uhm that those cases that aren't
15 brought are resources that we don't have to expend
16 and judgment that we avoid.

18 KALMAN YEGER: Yeah well I believe that
19 you are capable more than the office's ever been
20 before. Uhm is it fair to, is to fair to say uhm
21 that you are not able to recognize the savings, the
22 purposes of the Executive Budget until you actually
23 implement the verticalization as you call it. So
24 it's just something that you would have to do before
25 you are able to put a dollar number on it?

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ZACHARY CARTER: That's correct.

KALMAN YEGER: So, so, it's not so much that necessarily that the, the OMB or Corp Counsel's Office declined to to take our numbers into a Budget it's just that you can't put a price tag on it?

ZACHARY CARTER: That's correct.

KALMAN YEGER: Alright, okay, alright thank you Mr. Carter, thank you Mr. Chair.

CHAIR DANIEL DROMM: Alright thank you very much. I think that's it for this hearing. Thank you very much for coming in and I appreciate your testimony.

ZACHARY CARTER: Our pleasure.

CHAIR DANIEL DROMM: I'm going to close this out by saying that this concludes our hearing for today. The Finance Committee will resume Executive Budget Hearings for Fiscal 201, for Fiscal 2019 tomorrow Friday May 18 at 8 at 10:00 a.m. uhm in the Chambers, in the chambers. Tomorrow the Finance Committee will hear from the Department of Health and Mental Hygiene, the three Library Systems and the Department of Cultural Affairs. As a reminder the public be invited to testify on Thursday May 24 on the last day of Budget Hearings at approximately 4

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p.m. in this room or actually in the Chamber. For
any member of the public who wishes to testify but
cannot make it to the hearing you can email your
testimony to the Finance Division at
financetestimony@council.nyc.gov and the staff will
make it a part of the official record and this
shearing is now officially adjourned.

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C E R T I F I C A T E

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



Date _____ <INSERT TRANSCRIPTION DATE>