

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON GOVERNMENTAL OPERATIONS

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October 16, 2008

Start: 1:00pm

Recess: 11:30pm

HELD AT: Council Chambers
City Hall

B E F O R E:
SIMCHA FELDER
Chairperson

COUNCIL MEMBERS:
Joseph P. Addabbo, Jr.
Inez E. Dickens
Erik Martin Dilan
Domenic M. Recchia, Jr.
Larry B. Seabrook
Peter F. Vallone, Jr.

A P P E A R A N C E S

COUNCIL MEMBERS:

Tony Avella
Charles Barron
Gale A. Brewer
Lewis A. Fidler
Daniel R. Garodnick
Alan J. Gerson
Vincent Ignizio
Robert Jackson
Letitia James
Melinda R. Katz
G. Oliver Koppell
Jessica S. Lappin
John C. Liu
James S. Oddo
Annabel Palma
Diana Reyna
Helen Sears
Kendall Stewart
Albert Vann
David I. Weprin

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

Governor Mario Cuomo
Former Governor of New York State

Anthony Crowell
Counselor to Mayor Michael Bloomberg
New York City Mayor's Administration

Michael Cardozo
New York City Corporation Counsel
New York City Mayor's Administration

Mayor Koch
Former Mayor of New York City

Dick Datey
Executive Director
Citizen's Union of New York City

Mark Green
Citizen

Rafael Martinez
Citizen

Eric Jacobs
Citizen

Simon Belsky
Citizen

Gene Rushinof
NYPIRG

Chris Keeley
Associate Director
Common Cause New York

Greg Labarbera
President
Teamsters Local 282

Edward J. Malloy

President
Building Construction Trades Councils of New York City
and New York State

Michael Paladino
President
New York City Detectives Endowment Association

Joseph G. Garber
Director
Civil Service Merit Council

Carol Maholsky
Citizen

Eric Snyder
Citizen

Eric Lane
Professor
Hofstra Law School

Fritz Schwartz
Citizen

Victor Covner

Emily Respass

Andre Soleil

Rachel Trackman

Steve Kramer

Dan Canter

Richard Emory

Ed Wallis

Henry Stern

Arthur Chelliotis

Howard Urol

George McDonald

Jeff Canada

Kelly Conlan

Susan Freedman

Cheryl Robertson

George Espinol

Deloris Lozuponi

Bob Friedrich

President

Glen Oaks Village

Robert Royal

Reverend

St. Paul Baptist Church

Bo Samajopoulos

Andy Torres

Reverend

Iglesia Hispana de la Comunidad

Miguel Rivera

President

National Coalition of Latino Clergy and Christian
Leaders

Lynne Serpe

Agnes Rivera

Peter Colapietro

Reverend

Holy Cross Church

Delois Blakely
Community Mayor of Harlem

Jean Rice
Board Member
Picture the Homeless

Fred Lemoine
Business Agent
Metallic Lathers and Reinforcing Iron Workers Union of
New York, Local 46

Yetta Kurland
Candidate
City Council, Third District

Chanina Sperling
Executive Vice President
Crown Heights Jewish Community Council

James Caldwell

Jimmy McMillan
Founding Chairman
Rent Is Too Damn High Party

Omowall Clay
Member
December 12th Movement

John Rozankowski
Friends of Poe Park in the Bronx

Philippe-Edouard Drice

Maria Passanate-Derr
Member
Community Board of Greenwich Village

Richard Steiger

Rajiv Gowda
President
Education Council

Faith Steinberg

Justin Yu
President
Chinese Consolidated Benevolent Association of New
York

Allan Bortnick

Dairen Ann McMichaels

Paul Saryian
Retired
New York City Police Department

Marie Louis

Dolores Quintero
Leader
Community Voices Heard

Trina Semorile

Jennifer Pinto

Ariel Weinstock

Ben O'Sickey

Audrey L. Smaltz

Amy Chin

Ronnie Colangelo

Eloise Greenberg
President
Brooklyn Vision

2 CHAIRPERSON FELDER: Before I get
3 started, I'd like to welcome all of you to City
4 Hall, and I hope that you'll be able to stay as
5 long as necessary to hear testimony. I'm going to
6 let, just set down some rules in a few minutes,
7 but before that, I'd like to take the opportunity
8 to introduce some of my colleagues that have
9 joined us. And I'll start from the front, from my
10 left, Councilmember Melinda Katz, Oliver Koppell,
11 Jessica Lappin, Domenic Recchia, John Liu, Tony
12 Avella, and now from my left here on this row, Dan
13 Garodnick, Gale Brewer, Robert Jackson, David
14 Weprin, Peter Vallone, and Charles Baron. Who's
15 sitting there, you? Titia James, and our minority
16 leader, James Oddo. [pause] Can we close the
17 door in the back? Unless you want it open for
18 some reason. Okay. You're here? Are you ready?
19 [pause] Alright, listen, before I say anything
20 else, I want to say good afternoon, and welcome to
21 the hearing of the Committee on Government
22 Operations. My name is Simcha Felder, I'm the
23 chair of this committee, and I introduced my
24 colleagues. I would also like to acknowledge the
25 staff from the committee that prepared for today's

1 hearing. On my right, Matt Gewolb, council to the
2 committee. Where's Israel? Rodriguez. Israel
3 Rodriguez who's sitting right under the American
4 flag, the policy analyst to the committee, and
5 also my legislative director, Michael Kasutano
6 [phonetic], who's here on my left. [pause] Do we
7 have to remove somebody immediately? We also are
8 assisted today by Lisette Camilo, our legislative
9 council, who's sitting second to my right, right
10 near, Councilmember Barron, on his left. [pause]
11 I don't know, I hear noise. Alright, today, the
12 committee will hear legislation regarding term
13 limits, including proposed introductions 845(a),
14 850(a), resolution 1640 and a pre-considered
15 introduction. Proposed introduction 845(a),
16 introduced by request of the mayor, would amend
17 the charter to allow three terms for elected
18 officials in New York City. Proposed intro
19 850(a), introduced by council members Weprin, De
20 Blasio, Gioia, Liu, James, Mark-Viverito, and the
21 public advocate Ms. Gotbaum, would amend the
22 charter to require any changes to the charter
23 regarding term limits be submitted for the
24 approval by the electors. Resolution 1640,

1 introduced by council members Avella, Palma, James
2 and Weprin, calls on the state legislature to
3 amend the municipal home rule, to give the city
4 authority to provide in its charter that any
5 changes to the term limit law be subject to voter
6 referendum. Finally, the pre-considered
7 introduced to be introduced by Councilmember
8 James, De Blasio and Weprin would establish a
9 charter revision commission to hold a voter
10 referendum at a special or a general election on
11 amending the charter, particularly with regard to
12 term limits. Before we begin today's formal
13 hearing, I'd like to make note that it is the
14 intent of the committee to hear testimony from
15 everyone who wishes to speak publicly. We will
16 hold this hearing open as long as is necessary, to
17 hear all who wish to address the committee. We
18 will also hold another hearing tomorrow morning,
19 at 10:00 a.m., to hear additional testimony.
20 Normally, the committee follows a rule, that
21 anyone wishing to testify must register to do so
22 within the first 15 minutes of the start of the
23 hearing. However, given that it is our intention
24 to hold the hearing in two hours, this evening,
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2 when working New Yorkers can come to City Hall and
3 not have to take off from work or other
4 obligations, and testify, that rule is suspended
5 for this hearing. Those wishing to speak must
6 sign up by 8:00 p.m. this evening. So if you know
7 of anyone that plans on coming at 1:00 in the
8 morning to sign up, tell them not to bother. They
9 can come tomorrow morning, and sign up and speak
10 tomorrow. But if they sign up any time today
11 before 8:00 p.m., we will stay here as late as
12 necessary to hear those testimony. I' like to
13 stress that the committee will remain [pause] in
14 order, in this chambers. Let me repeat that
15 again. This is not a rally, this is not a
16 concert, I don't know what other description to
17 make other than this is a formal hearing. What?
18 A formal hearing. And that's what we're going to
19 do. There are many people who are very passionate
20 about their opinions on this matter, and we're
21 going to make sure that everyone has a chance to
22 speak. I'm not going to tolerate any clapping,
23 I'm not going to tolerate any booing, or whistling
24 or anything, even if you're doing it in my favor,
25 I will take care of that when I come home,

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2 hopefully, at some time this evening, or early
3 morning. But we're not going to tolerate any of
4 it. So please, if you feel the necessity to do
5 something outrageous, or get some attention, go
6 outside and do so now, and come back when you feel
7 better. [laughter] I'd like to, so that's one.
8 We're not going to tolerate any cheering, booing
9 or otherwise disruptive outbursts. Further, this
10 committee will provide a respectful audience to
11 all witnesses wishing to testify before it. And
12 there will be zero tolerance for anyone who
13 engages in behavior to disrupt, disturb or
14 intimidate witnesses in these chambers. I'll ask
15 the sergeant-at-arms at that point to remove
16 anyone in violation of these rules. Today, we
17 expect to hear from hundreds of witnesses, from
18 various perspectives on the legislation before
19 this committee. To the degree possible, I ask the
20 witnesses to try to refrain from repeating points
21 made by previous witnesses. It is okay to come up
22 and say that "My name is so-and-so, I agree with
23 whatever so-and-so said," or disagree, but to just
24 keep on repeating the same things over and over, I
25 don't think serves any point to anyone here. If

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2 someone has already made that point that you wish
3 to make, you may note your agreement or
4 disagreement. It is my hope that this hearing
5 focuses on what's best for the City. The City
6 faces many difficult challenges ahead, and it is
7 my job to help ensure that our governmental
8 structures are up to addressing the needs of our
9 city. Now [pause] there are some who have tried
10 using scare tactics to distract attention from the
11 focus of what's best for the city. In fact, it's
12 been said that I and the rest of my colleagues
13 considering amendments to term limits could be
14 involved in criminal conduct. I feel obligated at
15 the outset of this hearing to share with you the
16 opinion of the City's Conflict of Interest Board,
17 that was issued just last night, that shot down a
18 frivolous complaint alleging that the mere
19 consideration of term limits legislation by this
20 committee and the council would violate the City's
21 conflict of interest laws. The Board found that,
22 and I quote, "It is squarely within the proper
23 discharge of council members' official duties as
24 legislators, for them to participate in the
25 legislative process regarding a bill lawfully

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2 pending before the council." And that any other
3 ruling would, "Bring democratic government to a
4 halt." So let's stop the nonsense, and get on
5 with the City's business. And make today a
6 productive, and honest, and open discussion of the
7 merit's of these various pieces of legislation.
8 Before we hear from the first panel, I'd like to
9 open the floor up to the primary sponsors of the
10 legislation that is up for consideration today.
11 We'll first allow Councilman Avella to speak on
12 his legislation. Oh, let me just say that I'm
13 asking everyone, including my colleagues to please
14 limit your remarks, you see that there are a lot
15 of people who want to speak, and try to be
16 concise. Thank you.

17 COUNCIL MEMBER AVELLA: Thank you
18 Mr. Chair, and I sort of want to thank you in
19 advance, because I know you're going to be here
20 late into the evening and probably later than most
21 of us will still be around. So I want to
22 congratulate you for holding this hearing, and
23 those initial remarks I think were very important.
24 Having said that, I just want to talk for a moment
25 about my Reso 1640, which calls upon the state

1 legislature to amend the state municipal Home Rule
2 Law, to give the City the authority to amend its
3 charter to require that any change in term limits
4 be subject to voter referendum. And I introduced
5 this bill for a number of very specific reasons.
6 One, the state legislature at this point in time,
7 has no vested interest, unlike this body and the
8 mayor, in extending the term limits law. They
9 would be outside of this argument, and they have
10 nothing to benefit by extending term limits, or
11 not extending term limits. Even if the state
12 legislator passed the change in the municipal Home
13 Rule Law, it would then trump anything that the
14 City would do. So even if the City did not
15 exercise its option to change the charter in this
16 respect, the City would still have to follow the
17 state's municipal Home Rule Law. I am rather
18 dubious as to whether or not we can rely these
19 days on city government to do the right thing.
20 Clearly the fact that the mayor and the speaker
21 have come out in favor of overturning what the
22 people have voted for twice, I find to be a total
23 disgrace. That's why I introduced this bill and I
24 hope my colleagues will support it, and the
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2 members of the public will support it. We need
3 the state legislature to get involved, and
4 literally tell the city, "You cannot do this." I
5 would urge my colleagues to support this
6 legislation.

7 CHAIRPERSON FELDER: Thank you very
8 much, Councilmember Avella, and thank you very
9 much for your consideration of the people who are
10 here to testify. I just want to mention, we've
11 been joined by council--all the way in the front,
12 on the left, almost on the left, yes, on the left,
13 Councilmember Palma, Councilmember Stewart,
14 Councilmember Dickens, Councilmember Helen Sears
15 right in front of me, Councilmember Diana Reyna,
16 and Councilmember Lew Fidler. I think that's it.
17 Did I miss somebody else? I'm sorry,
18 Councilmember Al Vann, who's sitting over here,
19 right to my right, on the--The next member I'd ask
20 to speak on legislation is councilmember Tisch
21 James. I'm going in alphabetical order for those
22 of you who haven't figured out yet why I'm
23 choosing that order.

24 COUNCIL MEMBER JAMES: Thank you,
25 Mr. Chair. And thank you for this opportunity.

1 Edward R. Morrow at one point said, stated "A
2 nation of sheep will beget a government of
3 wolves." And clearly we are before a government
4 of wolves. The question isn't whether the city
5 council has the authority to extend term limits,
6 or whether you agree with term limits, or whether
7 you approve of the mayor's performance, but
8 whether the city council should legislatively
9 extend term limits or respect the will of the
10 people. This is not a public policy debate,
11 particularly when this decision was crafted, was
12 engineered, by billionaires. The argument that
13 the mayor, we now require the mayor's steady hand
14 at the time of this crisis is also unacceptable,
15 particularly when the president of these United
16 States, his steady hand did not affect the
17 markets; when the leaders of all industrial
18 nations in the world did not steady the markets,
19 I accept this notion that he is the only person,
20 the only individual, who can lead this city at
21 this hour of need. I think it would be an
22 absolute disgrace to go around the public will.
23 Those are not my words, those are the words of
24 Mayor Bloomberg in 2005. I believe that
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2 overruling the will of the New Yorkers who have
3 voted twice in favor of term limits would be
4 antidemocratic and anti-reform, those are not my
5 words, those are the words of my very good friend,
6 Speaker Christine Quinn. People, even elected
7 officials, are allowed to change their minds. But
8 doing so on a momentous, constitutional change,
9 deserves full, deliberate consideration, and
10 should involve the people of this great city. And
11 that is why I'm urging my colleagues, who I know
12 are self-interested, to vote in support of the
13 legislation that Councilmember De Blasio and I
14 have crafted in support of a referendum. Thank
15 you.

16 CHAIRPERSON FELDER: Thank you
17 Councilmember Tisch James. If, I know it's pretty
18 crowded at the doorway, but if you can try to make
19 at least a little bit of an entranceway, so that
20 there's fire safety. Councilmember De Blasio?
21 Where--

22 COUNCIL MEMBER DE BLASIO: Right
23 here. Thank you, very much, Chair Felder.

24 CHAIRPERSON FELDER: Here have a
25 seat.

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2 COUNCIL MEMBER DE BLASIO: No, no,
3 it's fine, it's fine. Thank you.

4 CHAIRPERSON FELDER: Well, then,
5 other people are going to want to stand.

6 COUNCIL MEMBER DE BLASIO: It's a
7 crowded room. Chair Felder, thank you very much
8 for holding this hearing. And I know you will,
9 you are, as a person, committed to hearing all
10 sides, and I appreciate that. I want to amplify
11 what Councilmember James said. We are
12 cosponsoring legislation to let the people be
13 heard. And to me, it's a very simple matter. We
14 have a situation where there's been two referenda.
15 And I remind you that they were passed by
16 overwhelming margins. So, there's an additional
17 burden on this council as it deliberates, to
18 recognize that this is a matter the people have
19 spoken on twice. This is not a new matter that
20 has never been considered before. This is not a
21 small matter. This is a fundamental change in how
22 we govern our city. This is the effective
23 equivalent of amending our constitution, our
24 charter. And therefore, it is even more crucial
25 that we go back to the people. What Councilmember

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2 James and I have proposed, after having consulted
3 with the leading experts on the charter of New
4 York City, and some of the people who actually
5 helped to bring about this current charter, is
6 that we have immediately a charter revision
7 commission to put this matter before the people.
8 Now, that commission, by definition, would have to
9 deliberate. It would have to bring the matter to
10 all five boroughs for hearings. It would have to
11 come up with a final language that would be put on
12 the ballot, and then there would be 60 more days
13 of public debate; not a steamrolled legislative
14 process, a full public debate. And then that
15 election could be held, the results could be
16 certified, all other actions necessary could be
17 taken, so that whatever the will of the people
18 was, the 2009 elections would then reflect the
19 decision of the people and the candidacies the
20 move forward. I want to emphasize that we are
21 living in a time when it is our, I think, sacred
22 responsibility to protect the people's faith in
23 democracy, to not give them reason to doubt.
24 There's so many good and positive things happening
25 in our nation right now, in terms of people

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2 getting involved, and there's also tremendous
3 threats. But we have to keep giving the people
4 faith, we have to show the people that government
5 actually does work for them. We cannot fall into
6 a cynical ploy that destroys that faith. We have
7 a better way to have a referendum and this
8 legislation would achieve it. Thank you very much
9 Chair Felder.

10 CHAIRPERSON FELDER: Thank you.

11 And again I ask that my colleagues to try to keep
12 it concise. Councilmember David Weprin.

13 COUNCIL MEMBER WEPRIN: Thank you,
14 Chairman Felder. Good afternoon, members of the
15 Governmental Operations Committee, fellow
16 colleagues, and fellow New Yorkers. Since the
17 mayor announced his proposal to extend term limits
18 by an additional term, via the legislative
19 process, the debate has grown even more
20 contentious than congestion pricing. The issue of
21 extending term limits so city elected officials
22 can serve an additional four years in office is an
23 issue that should be left up to the people of the
24 City of New York to decide. Whether we as duly
25 elected representatives of the people want to

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2 serve another term, should not be a topic of
3 discussion in legislative circles. A public
4 referendum, two public referendums, were held, and
5 the people have spoken, not once but twice. I
6 have had the honor and distinct privilege of
7 serving as the councilmember from the 23rd District
8 in Northeastern Queens for the last seven years.
9 Nothing that I've done has been as fulfilling to
10 me or as important as a career in public service.
11 These principals that I hold dearly have prompted
12 me to introduce Intro 850(a) which would require
13 the extension of term limits to be done
14 exclusively by public referendum, which could be
15 done either at a general election or a special
16 election. A bill that this committee is
17 considering simultaneously with the mayor's bill,
18 and other bills by my colleagues, councilmember De
19 Blasio, James and Avella. I will be the first to
20 tell you that I am not a fan of term limits. They
21 severely hinder our ability to complete long term
22 capital projects, and they limit the amount of
23 time we have to make an impact in our communities.
24 However, whether or not you are for or against
25 term limits is not the issue. The dynamic of a

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2 term limit conversation should be whether you feel
3 that the decision making process should be left up
4 to the voters, since that is how term limits came
5 into existence in the first place. The good,
6 hardworking tax paying citizens of New York City
7 have stated their support for two four-year terms
8 in office for elected officials. It would behoove
9 us to take it upon ourselves to legislatively
10 change a matter where the people have spoken
11 twice. The next two days should not be about the
12 mayor or even the city council. It should be
13 about the institution as a whole and what this
14 institution does with this issue. The issue is
15 not term limits, but rather the process. The
16 people have spoken and it should remain in the
17 hands of the people. In order to instill public
18 confidence in its representatives, the proper way
19 to settle the term limits debate is via
20 referendum. There is still time, I urge you to
21 support my bill, 850(a) and not 845(a). Thank
22 you.

23 CHAIRPERSON FELDER: Thank you very
24 much. [pause] This is, we're giving people a
25 minute to meditate before the testimony starts.

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[laughter] [pause]

COUNCIL MEMBER BARRON: Just a point of information, Mr. Chair.

CHAIRPERSON FELDER: Yes.

COUNCIL MEMBER BARRON: I just wanted to know if the position of those of us who may not agree with any of these bills were to get a chance to be heard. Because some of us don't even want to see it go to referendum. And I know I don't have a bill, and I'm not supposed to be talking now, but--

CHAIRPERSON FELDER: I don't know what everyone--I don't know if everyone will get a chance to be heard, but Councilman Charles Barron will be heard.

COUNCIL MEMBER BARRON: Okay, thank you very much. [laughter] I just wanted to check.

CHAIRPERSON FELDER: If he's-- [pause] What do we call it? [pause] Okay, ladies and gentlemen, as a courtesy we have a distinguished guest who has served the people of this city and state honorably for many, many years, Governor Mario Cuomo, who will be given the

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2 special dispensation to go first. We're delighted
3 and honored to have you. [pause]

4 GOVERNOR MARIO CUOMO: It's been a
5 long time since I had to push a button, so.
6 [laughter] Thank you for--I appreciate very much
7 the invitation. I'm delighted to be able to
8 respond to it. I hope I don't disappoint anyone
9 because my position is extraordinarily simple.
10 And it won't take me long to explain it to you.
11 My position is that term limits don't make any
12 sense. I've been against them for my entire
13 political career. I've written arguments against
14 them in books. Spoken against them in debates,
15 speeches, in discussions with the media, and
16 against them, I was against them, of course, in
17 1993 and in 1996. And I'm just as much against
18 them today, for specific and apparent reasons I
19 think. Term limits are actually a desperate
20 attempt to improve governance on two separate
21 assumptions. The one assumption is that after
22 four or eight years or so, usually, public
23 officials will somehow automatically lose their
24 efficacy. And the second assumption is that the
25 newcomer, whoever it is, will be better. Now both

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2 of those assumptions are neither provable nor
3 intelligent. It's more likely, particularly,
4 especially I think with respect to legislators,
5 that the incumbents may just have reached a level
6 of expertise that will make them especially
7 effective at just that moment when they are
8 automatically eliminated. There was no strong
9 precedent or precedential base for the New York
10 City term limits in 1993. If you think about it,
11 certainly to the best of my knowledge, our city
12 had been governed for 200 years before 1993,
13 without the benefit of term limits. And without
14 term limits, we became one of the greatest cities
15 in world history. Indeed, term limits might have
16 denied Fiorello LaGuardia, Ed Koch and hundreds of
17 effective and dedicated legislators who with the
18 approval of the voters served for long periods of
19 time and served well. And now, term limits
20 threaten arbitrarily to end the career, among
21 others, because there are many involved, of a
22 mayor who's thought of by millions of voters, as
23 recorded by polls and other expressions of public
24 approval, to be well equipped to deal with the
25 severe economic and fiscal crises facing the city.

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2 That is not a shocking conclusion, given the state
3 of the record. So, there's a much more
4 intelligent way, and a much more obvious way to
5 remove officeholders whom the voters believe
6 should be replaced. You let the voters make the
7 decision in what's called an election. I know it
8 works. It made me a private citizen in 1994.

9 [laughter] No one should be surprised that for
10 200 years, and until the aberration in 1993, there
11 was no strong move for term limits in this city.

12 Indeed, were it not for the extraordinary
13 generosity of a single, and I'm sure sincere,
14 activist citizen who paid \$4 million for a virtual
15 last minute effort that caught potential opponents
16 by surprise, it might never have occurred at all
17 in this city. The somewhat arcane technicalities
18 of the laws that control the democratic processes
19 in this city have apparently created a number of
20 choices for you, a series of legal questions. But
21 I'm sure that with the help of the excellent
22 lawyers on the staff of the city council,
23 particularly Gary Altman, the legislative counsel,
24 and our fine corporation counsel, Michael Cardozo
25 [phonetic], you're going to find your way through

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2 the morass. But to me, again, it's simple. The
3 most important issue is whether or not to keep any
4 term limits. My position is that term limits are
5 proven not to work well in the few places where
6 they've been tried, and it was a mistake to adopt
7 them in 1993. I believe you should find a way to
8 get rid of them in whatever legal manner you can
9 do so. Thank you for the opportunity to make this
10 statement.

11 CHAIRPERSON FELDER: Thank you very
12 much, Governor. Would you entertain some
13 questions from my colleagues?

14 GOVERNOR MARIO CUMO: Entertain
15 them, I might not answer them, but I'll entertain
16 them. [laughter]

17 CHAIRPERSON FELDER: Okay.
18 Councilmember John Liu?

19 COUNCIL MEMBER LIU: Thank you very
20 much, Mr. Chairman, and thank you for your
21 fairness in holding this hearing and the way you
22 will conduct it. And it's a tremendous honor to
23 have you, Mr. Governor, before our body here.

24 GOVERNOR MARIO CUMO: Thank you,
25 sir.

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2 COUNCIL MEMBER LIU: And it's an
3 added honor for me to be able to talk a little bit
4 about your comments and ask you a question about
5 it. I wholeheartedly agree with you on two of
6 your major points. First point being that term
7 limits don't do democracy well. And in fact as a
8 private citizen, I voted against term limits in
9 1993, and in 1996. I don't think that they are
10 good for the people in the long term, and I think
11 that they should be changed, if not abolished
12 altogether. But term limits is not the issue
13 here. And I also agree with you, Mr. Governor,
14 that Mayor Bloomberg has been a steady hand in the
15 years after September 11th, and could continue to
16 be a steady hand for our city, guiding us through
17 probably the worst fiscal crisis in decades,
18 certainly in my lifetime. But Mayor Bloomberg is
19 not the issue here either. The issue is what do
20 we do with a law that had been put on the books,
21 not by the normal legislative process, but by a
22 referendum, and then reaffirmed with another
23 referendum, a vote of the people at large? And
24 it's important that we understand that legislators
25 through the normal legislative process would never

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2 have imposed a term limit on themselves. That the
3 only way that could've been achieved was by
4 referendum, which itself is a safety valve, a
5 check on the process, of the normal legislative
6 process. So, it would be so unseemly, to put it
7 nicely, to negate the results of two referenda
8 through the normal legislative process, when the
9 referendums are a check on the normal legislative
10 process itself. And I think a lots been said
11 about how the term limits, and again I voted
12 against them, thought I was in the minority of New
13 Yorkers at the time; term limits, the campaign for
14 term limits have been almost entirely funded by a
15 very rich guy.

16 CHAIRPERSON FELDER: Excuse me,
17 the, do you have--

18 COUNCIL MEMBER LIU: My question
19 is, my question is, isn't it still possible, Mr.
20 Governor, to put this question before the voters?
21 I am a sponsor of a bill that had been introduced
22 by Councilmember De Blasio and Councilmember
23 James, that would create the Charter Revision
24 Commission and put the question before the voters
25 in the early part of 2009, so that there would

1
2 still be enough time for all those people who
3 would want to run for election or reelection, to
4 prepare for the September and November 2009
5 elections.

6 GOVERNOR MARIO CUMO: Yeah, I guess
7 it's possible to do that. The--but if, I want to
8 understand you fully, especially as to the
9 fairness to voters. You're saying that voters
10 voted for term limits, and you want to be sure
11 that voters have the opportunity to exercise their
12 preferences again. But if you were to get rid of
13 the term limits, it would mean everybody'd have to
14 run, right? And when they ran, then the voters
15 would be voting for them or against them. And
16 isn't that a perfect way to give them their
17 democratic options. But the argument that says,
18 "Well, if you go through these maneuvers then
19 you're behaving badly toward the voters," I don't
20 see that. In the end, what happens, if you do
21 what I'm suggesting, which is get rid of the darn
22 things, they don't make any sense, they really
23 don't, I don't know what the rationale for them
24 is, I don't know how you explain it, that we're
25 automatically going to say that after eight years

1
2 or twelve years this person will not be able to
3 function well.

4 COUNCIL MEMBER LIU: Mr. Chair--

5 GOVERNOR MARIO CUMO: You can't
6 point to a record that says that. And so, the way
7 it was done, in my case, was perfect, they didn't
8 need term limits. They thought that this governor
9 had run out of whatever, and so they voted me out.
10 Now that's perfectly fair and intelligent. You
11 can do it again.

12 COUNCIL MEMBER LIU: Mr. Chairman,
13 I will just close with, by saying this, oh by the
14 way, Mr. Governor, I did vote for you. [laughter]
15 Although in 1994, I was in the minority that year,
16 as well.

17 GOVERNOR MARIO CUMO: Not in '94.
18 That's when I needed you. [laughter]

19 COUNCIL MEMBER LIU: You know, I
20 guess I, the point here is that there is still--

21 CHAIRPERSON FELDER: Hold on a
22 minute. [bangs gavel] I know that you voted for
23 him, but you're not getting another question in
24 or a statement. Councilmember Charles Barron?

25 COUNCIL MEMBER LIU: Thank you.

2 COUNCIL MEMBER BARRON: Thank you
3 very much, Mr. Chair.

4 CHAIRPERSON FELDER: Now, I don't
5 know if I made it clear, we're taking one question
6 per colleague.

7 COUNCIL MEMBER BARRON: Right.

8 CHAIRPERSON FELDER: And if you can
9 ask a question and then give the Governor the
10 compliments later, I hope you forgive me, then
11 we'd like that.

12 COUNCIL MEMBER BARRON: Well, I
13 wasn't prepared to give compliments [laughter] so
14 you don't have to worry about that.

15 GOVERNOR MARIO CUMO: I wasn't
16 prepared to receive them, either. [laughter]

17 COUNCIL MEMBER BARRON: You
18 mentioned the word "intelligence." You mentioned
19 the word "intelligence" a few times. That's a
20 few. And don't interrupt me, I didn't interrupt
21 you.

22 GOVERNOR MARIO CUMO: I'm sorry.
23 [laughter]

24 COUNCIL MEMBER BARON: You got a
25 lot of nerve. [laughter] You come before this

1
2 body, my question to you is, how dare you come
3 before this body and say term limits didn't work?
4 That's an insult to every one of us sitting here
5 that came in through term limits. And secondly,
6 you say, "Oh, let the voters do it, elections is
7 term limits." Well, to be honest with you, former
8 Governor, I would have rather seen you out in
9 eight years instead of twelve, but it's hard to
10 get an incumbent out because of the power of the
11 incumbency. So don't come before people talking
12 about "You have term limits, you have elections."
13 That's a bunch of nonsense, and you know that.
14 90-some odd percent of the incumbents win. Term
15 limits is necessary, this is, with all of my
16 criticism of this council, it is the most
17 progressive council that we've had in the history
18 of this city, and it's because of term limits.

19 GOVERNOR MARIO CUMO: Well--

20 COUNCIL MEMBER BARRON: And then I
21 have another question--

22 CHAIRPERSON FELDER: No, no, no,
23 no.

24 COUNCIL MEMBER BARRON: I mean - -
25 I just wanted to.

2 CHAIRPERSON FELDER: No, no, no,
3 no, no.

4 COUNCIL MEMBER BARRON: I'm
5 wrapping it up.

6 CHAIRPERSON FELDER: No, no,
7 Councilman Barron--

8 COUNCIL MEMBER BARRON: I'm going
9 to talk some, I'm going to talk, 'cause every
10 peop--everybody else talked, when it comes to me,
11 then it's a force--

12 CHAIRPERSON FELDER: No, you get
13 one question, the same as everybody else.

14 COUNCIL MEMBER BARRON: I'm going
15 to say what I have to say. I'm going to say what
16 I have to say, just like John Liu did, I'm going
17 to say it Simcha, so why don't we not waste time,
18 'cause I'm not going to stop talking.

19 CHAIRPERSON FELDER: Go ahead.

20 COUNCIL MEMBER BARRON: Thank you.
21 Thank you.

22 CHAIRPERSON FELDER: Finish talking
23 and then I will instruct the Governor not to
24 respond to your question.

25 COUNCIL MEMBER BARRON: Well, fine,

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he doesn't have to.

CHAIRPERSON FELDER: Go ahead.

COUNCIL MEMBER BARRON: He could leave. But the bottom line, the bottom line, another thing that you say, Mayor Bloomberg did so well, and you're very sharp, very intelligent, you know economics. It's under Mayor Bloomberg that we have, and he was, under his watch, Wall Street collapsed. He came in worth \$5 billion, he's worth \$15 billion, and it's under his watch, and if he's so sharp, big time businessman, why didn't he foresee this? Why didn't he foresee it and lay out a plan to try to prevent it, or at least ease the pain. Not only did he not foresee--

CHAIRPERSON FELDER: Alright.

COUNCIL MEMBER BARRON: --what he did is came in and he cut this budget, he cut senior citizen centers, he closed down youth centers, it was reverse--

CHAIRPERSON FELDER: Councilmember-

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COUNCIL MEMBER BARRON: --Robin Hood, he robbed the poor to give to the rich, and you going to sit here and push Bloomberg on us.

1 [cheering] Bloomberg on us. I'll stop, Simcha,
2 and I'll say to you--
3

4 CHAIRPERSON FELDER: Alright.

5 COUNCIL MEMBER BARRON: --I think
6 that Billy Thompson would be a better mayor and a
7 Adolfo Carrion would be a better controller to
8 take us through the next years, not Mayor
9 Bloomberg.

10 GOVERNOR MARIO CUMO: May I--

11 [cheering]

12 CHAIRPERSON FELDER: Just one
13 minute. Alright.

14 GOVERNOR MARIO CUMO: Or may I, may
15 I--

16 CHAIRPERSON FELDER: Listen to me
17 very carefully. We're not going to have any
18 outbursts. Anybody who wants to scream and clap
19 has ten seconds to do whatever you want. You can
20 pick your nose, drool down at the guy near you,
21 whatever you want, this is your ten seconds.
22 After that, we're going to remove anybody who
23 disobeys the rule of these chambers. And in terms
24 of my colleague, Councilmember Barron, with all
25 due respect, you're not showing respect to the

1
2 people who are here to speak. We want to give
3 them a chance to speak.

4 COUNCIL MEMBER BARRON: With all
5 due respect, I don't see the people, I don't see
6 the people complaining.

7 CHAIRPERSON FELDER: Okay, okay.

8 COUNCIL MEMBER BARRON: You're
9 complaining, I don't see them complaining about
10 hearing what we have to say. You're the one, and
11 it's alright if they laugh at your little corny
12 jokes, you don't kick nobody out for that. But
13 when they respond to our remarks, all of the
14 sudden rules have to apply.

15 CHAIRPERSON FELDER: Okay, are you
16 finished now?

17 GOVERNOR MARIO CUMO: Mr.--

18 CHAIRPERSON FELDER: No, because I
19 don't want to interrupt you.

20 GOVERNOR MARIO CUMO: Councilman
21 Barron--

22 CHAIRPERSON FELDER: Hold on a
23 minute. [bangs gavel] So listen, listen to me
24 carefully, I don't care whether you clap, I don't
25 care whether you boo, I don't care whether you

1
2 cheer, whether you like my corny jokes or don't
3 like my corny jokes, and I happen to like and
4 respect Councilman Barron and all my colleagues,
5 as well. But no one here is going to be treated
6 any differently. In any way. We're going to run
7 a hearing and we're not going to run some kind of
8 show. This is a very serious matter, I'm going to
9 instruct you Governor to only answer the first
10 question. Period.

11 GOVERNOR MARIO CUMO: Well, I'm not
12 sure I can divide them. But on the point you
13 made, which his an intelligent one, I think, about
14 the longevity of certain people in public office,
15 and it's very hard to get incumbents out. I think
16 that's obviously true. The record shows that.
17 But wouldn't it be better to figure out what it is
18 that's imperfect about the system, that allows
19 that to happen. How is it that they're able to
20 stay for such long periods, instead of accepting a
21 system which you, I think, a man of your acuity,
22 and intelligence, would have to admit, there's not
23 a whole lot of logic to saying, "We're going to
24 assume in advance that everybody after four years
25 or eight years, reaches that point, is no longer

1
2 worth having. And that the person who, we're
3 going to elect, is going to be better." And the
4 second point I'd like to make is about Mayor
5 Bloomberg. I didn't come here to argue for Mayor
6 Bloomberg; I didn't support him in either of the
7 mayoral elections, for your information, for
8 whatever that is worth. What I said was, it is
9 now clear, after his two years, and after the
10 developments in our economy recently, that he is
11 spectacularly well-suited to the task. I didn't
12 say he was the only one who's suited to it. And
13 the way I would do it, Councilman Barron, would
14 give you and all the people who would prefer to
15 vote for someone else, an opportunity to do it.
16 But they'd give people an opportunity to vote for
17 him as well. So, my position is, you want to take
18 him on, take him in an election. Get rid of--You
19 know, the idea of making the decision
20 automatically, without reference to the specifics
21 of the reality, is simply not intelligent. As to
22 Mayor Bloomberg's failure to foresee what happened
23 here, like the rest of the world, he failed to see
24 it, did the progressive council people who you
25 claim were produced by term limits, did they

1
2 foresee it? Oh, they did. Oh, I see, then I
3 missed that. But thank you, councilman.

4 CHAIRPERSON FELDER: Councilman.
5 [bangs gavel] Councilmember Domenic Recchia.
6 Pass? Who's next? Councilmember Vallone.

7 COUNCIL MEMBER VALLONE: Thank you,
8 governor. As usual, Charles Barron has
9 embarrassed the entire city council. Why should
10 today be any different than any other day.
11 [moans, hissing] You know, there are rules for
12 everyone in a democratic society; otherwise, it's
13 mob rule. And we got to see a little bit of that
14 today. I for one am not insulted, Governor, I
15 understand exactly what you meant by term limits
16 have not worked. That's why most of us up here
17 agree that eight year term limits are not in the
18 best interests of the city, that they hurt
19 government, that they hurt our ability to be a
20 substantive check on the mayor, that they hurt our
21 ability to do long term planning. Capital
22 projects take five or six years, but many of us,
23 and that's why I've never supported term limits,
24 but many of us also have a serious problem with
25 the way this is being done. I want to thank you

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2 for coming down here and sharing your opinions
3 with us. I've come into this hearing objective,
4 I've taken a lot of grief for being undecided, but
5 I think as a member of the Governmental Operations
6 Committee, it's my job to come in here and try to
7 listen objectively to testimony from everyone who
8 wishes to be heard, and I will be here until late
9 in the evening, unlike others who will make
10 speeches and leave. So, again, I thank you for
11 your testimony. My question to you is, how would
12 you respond to people who say that the council,
13 who is charged with making this decision at this
14 point, through no fault of our own, we did not
15 decide to do this, is self-interested and
16 shouldn't be deciding this issue?

17 GOVERNOR MARIO CUMO: I'm sorry, I
18 missed the last phrases.

19 COUNCIL MEMBER VALLONE: How would
20 you respond to people, again the council did not
21 decide to put this issue on there.

22 GOVERNOR MARIO CUMO: Right.

23 COUNCIL MEMBER VALLONE: Myself, I
24 would much rather be deciding this issue. However
25 I decide it, a lot of people are going to be

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2 upset. I would've been very happy moving on in my
3 political service, but that's not the situation I
4 find myself in. So how would you respond to
5 people who argue that the council should not be
6 voting on this because they are self-interested?

7 GOVERNOR MARIO CUMO: Well, you
8 vote on a lot of things that you're self-
9 interested about. You're capable of voting on
10 your salaries aren't you? And campaign financing.
11 I mean, there are a lot of things that,
12 theoretically, I would trust the council people to
13 vote objectively on these issues. I wouldn't
14 doubt it. Now, I don't have any recommendations
15 to make for you, because my position is, I'm
16 against term limits. And whatever you're going to
17 as proposed here is going to perpetuate term
18 limits. And so, I'm not for that. Though I can't
19 help you construct this situation where you're
20 going to perpetuate term limits when I think they
21 don't work and shouldn't work. I want to add
22 something. Thank you for making a statement that
23 seeks to console me about Councilman Barron's
24 statements. I was pleased to hear from the
25 councilman. I've heard you before, you're

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2 intelligent, you have a strong point of view, and
3 I was pleased you did address me, because it gave
4 me a chance to make some points that I had missed
5 the first time around. So, I appreciate it, thank
6 you very much, Mr. Councilman.

7 CHAIRPERSON FELDER: Councilmember
8 Weprin.

9 COUNCIL MEMBER WEPRIN: Thank you,
10 Mr. Chair, and it's a great pleasure to be here
11 with you, Governor. I'll state for the record, I
12 voted for you five times, because I also voted for
13 you for mayor in 1977.

14 GOVERNOR MARIO CUMO: I hope that
15 was in five elections. [laughter]

16 COUNCIL MEMBER WEPRIN: We'll have
17 to--

18 CHAIRPERSON FELDER: Do you have a
19 question?

20 COUNCIL MEMBER WEPRIN: The statute
21 of limitations has expired.

22 GOVERNOR MARIO CUMO: [laughs]

23 CHAIRPERSON FELDER: Do you have a
24 question?

25 COUNCIL MEMBER WEPRIN: Yeah, my

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2 question is, you know, I agree with you
3 philosophically, Governor, on term limits. The
4 problem with the way this came about and the way
5 the arrangement is, so to speak, and it's not
6 officially part of this legislation, but it's
7 ironically going to be part of this legislation
8 through an agreement, and that is that this is
9 going to be a one time deal for twelve years,
10 because there's an unsung agreement, or an
11 agreement to put it back on the ballot in 2010
12 with Ron Lauder committed to going back to eight
13 years, and I'm not convinced, if you believe as I
14 do, that twelve years is better than eight years,
15 and even no limits is better than twelve years, I
16 think what's going to happen in this process,
17 ironically, is that you're going to see a
18 permanent eight years after the twelve year
19 extension.

20 CHAIRPERSON FELDER: Do you have a
21 question?

22 COUNCIL MEMBER WEPRIN: Yeah, what
23 do you think about that potential irony, and how
24 would you feel about that?

25 GOVERNOR MARIO CUMO: I feel

1
2 anything that perpetuates term limits is not a
3 good thing.

4 [pause]

5 CHAIRPERSON FELDER: --anyone else
6 that has a question for the Governor?
7 Councilmember Lew Fidler, I'm sorry.

8 COUNCIL MEMBER FIDLER: Thank you,
9 and thank you for joining us today, Governor. As
10 usual, it's my frequent pleasure to disagree with
11 Councilmember Barron. And so I want to ask you,
12 'cause I have a great regard having read some of
13 your books, for your comments about ethics in
14 government amongst elected officials.
15 Councilmember makes the argument that it is, what
16 we are doing here is principally wrong, as a
17 matter of process, and additionally that
18 incumbents win because the playing field is not
19 level, and I assume that both of those, you know,
20 issues, are relevant to Councilmember Barron who
21 is, as is I, term limited. What would you say is
22 the ethical and moral responsibility of a
23 councilmember who feels that way, and feels that
24 he has an unfair advantage in running for
25 reelection, if this bill passes, he shouldn't as a

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2 matter of principle. What is their ethical and
3 moral responsibility, regarding running for
4 reelection?

5 GOVERNOR MARIO CUMO: You know, I
6 have never, I've been a lawyer for a long, long
7 time, and I'm very pleased about that part of my
8 career, and I'm comfortable with it. And so when
9 people ask me opinions on the law, I'm quick, I
10 think, to get involved and I appreciate the
11 opportunity to deal with the law. I feel
12 differently about ethics and morality. That's
13 basically a personal issue. It's a matter of
14 conscience, it's a matter of what your heart tells
15 you, it's a matter of whether or not you have been
16 prudent enough and responsible enough to study the
17 issue. And if you come to a conclusion that this
18 is the best thing for the people I represent, then
19 as far as I'm concerned, and I'm not the person
20 that'll make the judgment, that's moral. If you
21 see it that way, and you sincerely see it that
22 way, that's your business and that's the end of
23 the moral issue for me. I don't, I'm not good at
24 describing morality for other people. I have my
25 hands busy trying to do it sufficiently for

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myself.

COUNCIL MEMBER FIDLER: Thank you.

CHAIRPERSON FELDER: Thank you very much. Thank you very much, Governor Cuomo for taking out time--

GOVERNOR MARIO CUMO: Okay.

CHAIRPERSON FELDER: --to come and testify here today.

GOVERNOR MARIO CUMO: My pleasure. Thank you again.

[pause] [background noise]

CHAIRPERSON FELDER: I'd like to call the next panel from the administration.

[pauses] [background noise]

CHAIRPERSON FELDER: Whenever you're ready, please.

ANTHONY CROWELL: Alright, thank you. [pause] Good afternoon, Chair Felder, and members of the committee. I'm Anthony Crowell [phonetic], counselor to Mayor Michael Bloomberg, and I'm here on behalf of the administration to testify in support of Intro 845(a). This bill would amend the City charter's provisions regarding term limits by changing the number of

1 full consecutive terms of office that may be
2 served by a city elected official from two to
3 three terms. Joining me today is New York City
4 Corporation Counsel Michael Cardozo, who will
5 deliver testimony focused on the legal issues tied
6 to this bill and others being considered by the
7 council. The issue of term limits is an important
8 one for the council to consider, and we would
9 encourage you to begin by thinking about where our
10 city is today, and how we got here. Looking back
11 over the past six-and-three-quarter years since
12 the mayor was first sworn into office, along with
13 many of you, the City has made gains that no one
14 thought possible. I'm sure all of you know the
15 key stats: crime has been cut to a 40 year low,
16 graduation rates have climbed 20 percent, record
17 budget deficits were turned into record surpluses,
18 unemployment dropped to all time lows, 165,000
19 units of affordable housing are being built or
20 preserved, the largest such program undertaken by
21 any city ever. Lower Manhattan has been
22 transformed from a 9-to-5 business district into a
23 vibrant, 24/7 community. Smoking rates among
24 teens have been cut by more than half. New York's
25

1 public hospitals have never been healthier or
2 higher rated. And carbon emissions are being
3 reduced, thanks to the mayor's visionary PLANYC
4 agenda. All of this and more has not happened by
5 accident. It has been achieved by the mayor and
6 the city council, working together in partnership.
7 The great progress we have made, however, is now
8 threatened by the turmoil on Wall Street, and bank
9 panics that carry echoes of the 1930s. In just a
10 few short months, some of New York's largest and
11 most important financial institutions have
12 collapsed, victims of a financial crisis that is
13 rocking the global marketplace and shaking the
14 very foundation we've worked so hard to build.
15 Under these crisis conditions, everything has
16 changed. Whereas a year ago we could think of
17 term limits in theoretical terms, crisis has a way
18 of clearing the mind and forcing us to put
19 pragmatism first. As Ben Bernanke, the Chairman
20 of the Federal Reserve has noted, there are no
21 atheists in foxholes, and no ideologues in
22 financial crises. In Washington, free market
23 ideologues have now become proponents of a rescue
24 plan in which government will take an ownership
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2 interest in banks. The economic crisis has made
3 everyone stop and think, and reassess. That is
4 healthy, and it is necessary, because when
5 conditions change, all of us have the
6 responsibility to factor them into our thinking.
7 To do otherwise would be to allow stubbornness to
8 get in the way of rational and clearheaded
9 decisions. Here in New York, as the Mayor has
10 said, the financial crisis threatens many of the
11 gains we have made as a city. In light of this,
12 many people have paused to reconsider the issue of
13 term limits, and how they are structured. After
14 listening to many different people with many
15 different opinions, the mayor has come to believe
16 that it is in the city's best interests to give
17 voters more options, not fewer, and let them
18 decide who they want in office. In addition, he
19 attends to appoint a charter revision commission
20 to study the issue and consider whether to put
21 before voters in 2010, among other potential
22 issues, a proposal on term limits. There has been
23 a great deal of support for the merits of
24 extending term limits, while much of the
25 opposition has concentrated on the process by

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2 which it would occur. So let me address the
3 process briefly, and let me begin with a
4 historical precedent. In 1966, voters approved a
5 citizen driven referendum, by a margin of 63
6 percent to 37 percent. That effectively repealed
7 Mayor Lindsay's Civilian Complaint Review Board by
8 requiring that all members of any complaint review
9 board be full time members of the NYPD. But 20
10 years later, in 1986, the city council
11 reconsidered the issue, and passed a law itself
12 requiring that half the members of the board be
13 civilians. Council members did not put the issue
14 to a referendum, because they had no legal
15 obligation to do so. And because they believed
16 they were acting in the best interests of the
17 city. And in our opinion, they were right. The
18 revised structure of the CCRB has served the city
19 well. Today the circumstances are not so
20 different. Twelve years ago, voters upheld the
21 two term limit in a referendum, by a far narrower
22 margin than in the 1966 referendum was decided by.
23 The courts have upheld the council's authority to
24 amend charter provisions originally adopted by
25 referenda, including the 1966 referendum, and so

1 the question today for the council is a
2 straightforward one: Is extending term limits
3 from two to three terms in the best interests of
4 the City? If you believe the answer is yes, as we
5 do, we urge you to vote for this legislation and
6 not hold it hostage to process concerns that have
7 no legal basis. In addition, we urge you to
8 consider that the alternative process, a special
9 election in the winter or spring of 2009, is
10 fraught with difficulties. First, it could leave
11 candidates in limbo for at least another four
12 months, making fundraising and organizing
13 exceptionally difficult. Second, it would feature
14 low voter turnout, perhaps as low as ten or
15 fifteen percent. In such elections, special
16 interests often have a disproportionately large
17 voice, creating a result that does not reflect the
18 broad popular will. Third, the time requirement
19 proposed by a Charter Revision Commission and the
20 Voting Rights Act preclearance process, could
21 conceivably delay a special election into well
22 into the spring, leaving candidates under a cloud
23 of uncertainty until then. And fourth, it bears
24 noting that holding a citywide special election
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1 would cost taxpayers upwards of \$15 million at a
2 time when all city agencies are being asked to
3 reduce spending and the possibility exists of
4 rescinding the seven percent property tax, which
5 is being discussed. For all these reasons, we
6 believe a special election to decide this question
7 is far more problematic, and far less
8 representative than a vote by the 51 member
9 council, each member representing 160,000 New
10 Yorkers. In addition, it is worthwhile to note
11 how public opinion on this issue has shifted, just
12 as it did with the CCRB in the two decades
13 following the 1966 vote. A referendum reflects
14 public opinion at a particular point in time.
15 Current polls show public opinion now supports an
16 extension to three terms. The Mayor has never
17 believed that any decisions should be made based
18 on polls. That's not leadership. But the recent
19 polls do show the times have changed, and people's
20 opinions have changed, too. Finally, the
21 administration understands that this is a
22 difficult issue, and one that requires thoughtful
23 consideration. As you deliberate, we urge you to
24 put policy above process, and leave the rest to
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2 voters. If the bill is passed, they will be
3 empowered to render the ultimate verdict on
4 whether we were right or wrong. Thank you for the
5 opportunity to testify today, and I will now ask
6 Corporation Counsel Michael Cardozo to offer his
7 guidance on the legal ramifications of the bill
8 before us.

9 CHAIRPERSON FELDER: Thank you.

10 MICHAEL CARDOZO: Thank you.

11 CHAIRPERSON FELDER: Before you go
12 on, I'm sorry, please forgive me, would it be okay
13 if you joined each other at the same table. And
14 I'd like to ask the sergeant-at-arms, we have some
15 colleagues sitting behind us, Councilmember
16 Darlene Mealy and Councilmember Vann,
17 Councilmember Tom White, can you turn the table
18 around so that they can have a table to sit at. I
19 apologize.

20 SERGEANT-AT-ARMS: Sure.

21 CHAIRPERSON FELDER: Do you need
22 help? Can somebody help him?

23 [background noise] [pauses]

24 CHAIRPERSON FELDER: You have, you
25 have chairs? Yeah? Councilmember Leroy Comrie,

1
2 as well. Anyone else, Councilmember Martinez. Is
3 that alright? You have a seat? Oh, I'm sorry.
4 Councilmember Melissa Mark-Viverito, as well. If
5 we have another table, we'd like to, if that's
6 possible, if not, not. Okay, Mr. Cardozo, if you
7 can, I don't want to make you work for the
8 council, but if you can move the table down a
9 little so that everyone can see, I'd really
10 appreciate it. Thank you very much. Whenever
11 you're ready.

12 MICHAEL CARDOZO: Thank you.

13 Chairperson Felder and members of the Governmental
14 Operations Committee, good afternoon. Thank you
15 for giving me the opportunity to testify here
16 today. I'm Michael Cardozo, the City's
17 corporation counsel. And I'm here to stress to
18 you and to the public at large, that the City's
19 representative legislative body, the City Council,
20 has clear legislative authority to enact Intro 845
21 to amend the term limit provisions of the charter,
22 from two to three terms. In the interests of time
23 I'm going to paraphrase some of my prepared
24 testimony, but I would ask Mr. Chairman for my
25 formal remarks to be part of the record. The law

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2 is crystal clear. The city can enact, amend or
3 repeal the term limit provisions of the city
4 charter in three different ways: by petition
5 initiative approved by the voters, by action of a
6 charter commission subject to approval of the
7 voters, or by the action of the City Council.
8 It's important, I think, to stress, that no one of
9 the means of amending the charter is somehow
10 better or more appropriate. Section Ten, Article
11 Three of the Municipal Home Rule Law, state law,
12 makes clear that as the City Council does, it
13 regularly may and does amend the city charter.
14 Indeed amendments to both the charter and the
15 City's administrative code are carried out in the
16 normal course by the City Council, acting on
17 behalf of City residents. The only remaining
18 issue was whether the City Council, which normally
19 has the authority to amend the charter, lacks the
20 authority to change provisions that were initially
21 enacted as the result of a referendum. The courts
22 have answered this question, and answered the
23 question clearly. The Council has authority to
24 enact charter amendments regardless of whether a
25 prior local law enacted those provisions, or

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2 whether such provisions were enacted by
3 referendum. This was the precise issue in the
4 Golden case in 2002, which I personally argued in
5 the Appellate Division on behalf of the City,
6 which concerned the City Council's authority to
7 change the City's term limit provisions. The
8 Appellate Court ruled that state law did not
9 require that the change be put to a referendum.
10 Perhaps more importantly, for purposes of our
11 discussion today, the court held that because,
12 that the Council could amend a charter provision,
13 even if it had been first enacted by referendum,
14 because, and I quote, "Laws proposed and enacted
15 by the people under initiative, are subject to the
16 same constitutional statutory and charter
17 limitations as those passed by the legislature."
18 That decision interpreted Section 23 of the State
19 Municipal Home Rule Law, and relied primarily on
20 two decisions from the state's highest court,
21 which are instructive. In the earlier case, the
22 Court of Appeals had upheld the actions of the
23 City Council of Buffalo when it abolished a one
24 term limit on the mayor of Buffalo, even though
25 the original term limit had been enacted by

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2 referendum. Mr. Crowell has already discussed the
3 second decision the court relied upon in 2002, the
4 CCRB decision, which held that the City Council
5 could amend by local law without a referendum,
6 provisions of the charter relating to the CCRB
7 that had originally been adopted by petition in
8 1966. Now given these precedents, it is not at
9 all surprising that the City Council has on a
10 number of different occasions amended provisions
11 of the charter that were originally enacted by
12 referenda, including many provisions adopted by
13 the voters upon the recommendations of the 1988
14 and 1989 charter commissions. Thus, longstanding
15 legal authority, as reaffirmed in the 2002 Golden
16 case, remove any possible legal doubt that the
17 City Council has the authority to enact the
18 changes proposed by Intro 845, even though term
19 limits were originally enacted by referendum. I
20 would like to just briefly address Intro 850,
21 which was not covered in Mr. Crowell's testimony,
22 because I do believe that that raises some serious
23 legal issues. That bill would amend the
24 provisions of the City Charter by making any
25 change to term limits provisions subject to a

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2 mandatory referendum. However, Section 23 of the
3 State Municipal Home Rule Law already specifies
4 the types of local laws that are subject to
5 mandatory referenda. And the City's ability to
6 augment that list by local action is, as a long
7 line of cases and attorney general opinions
8 suggest, at best highly doubtful. Finally, if
9 Intro 845, the administration's proposed bill, is
10 enacted into law, the city will submit the bill to
11 the Department of Justice for a process known as
12 "preclearance," during which the Justice
13 Department would review the bill to ensure that it
14 would not adversely affect the voting rights
15 opportunities of racial or ethnic groups.
16 Specifically, if the relevant provisions of the
17 Voting Rights Act are deemed applicable to this
18 bill, the Justice Department would be asked to
19 determine whether the proposed change in term
20 limits would have an adverse affect on the voting
21 right opportunities of racial or ethnic minorities
22 in New York. The original enactment of term
23 limits was cleared by the Justice Department, the
24 2000 amendment of term limits that was the subject
25 of the Golden case was cleared by the Justice

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2 Department as well. Based on these precedents,
3 and the federal law governing preclearance
4 questions, I am confident that the Justice
5 Department will find nothing objectionable about
6 the amendment proposed in Intro 845. In short,
7 the proposed term limits change will not be seen
8 to diminish the opportunities the City's diverse
9 racial and ethnic groups currently have, to
10 nominate and elect candidates of their choice,
11 whether or not such candidates are incumbents.
12 Thank you for your time. Mr. Crowell and I would
13 be happy to answer any questions.

14 CHAIRPERSON FELDER: Thank you very
15 much. Before we take questions, I want to remind
16 my colleagues ask one question, and to please ask
17 a question without going into a longwinded
18 discussion. And that's something that I'm guilty
19 of, most of the time, so I'm an expert at it.
20 Please ask a question if you have one. I'd like
21 to ask one question before we go to some of my
22 colleagues. The mayor came into office during a
23 serious crisis, indeed the biggest crisis the City
24 ever faced, just months after 9/11's terrorist
25 attacks. If term limits had been extended at that

1
2 time, the mayor might never have been elected.

3 Now, I'm going to ask two questions, I'm going to
4 allow myself two questions as the chair.

5 [background noise] [laughter] Okay, you're
6 absolutely right, one question. You're right,
7 you're right, you're right. No, no, no, when
8 they're right, they're right. I tried getting
9 away with it, it didn't work. Okay, one question.
10 Shh, please. Why does this crisis necessitate a
11 change when the 9/11 attacks did not? Either one
12 of you can answer it. Or both of you.

13 MICHAEL CARDOZO: I'm happy to
14 answer that question. The circumstances before us
15 are very different, as the mayor stated. There's
16 a deep fiscal economic crisis that is hitting us
17 in New York and globally. The situation on 9/11
18 was that the attacks actually happened on the day
19 of a primary, and there was an election process
20 underway. In order to change anything at that
21 point in time would've required a tremendous
22 upheaval in legal issues, both state election and
23 constitutional issues would've arisen, as well as
24 the need to change the charter, so we were in the
25 middle of a process. Right now, what you have is

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2 a year, a little more than a year before the
3 citywide general election in which we are able to
4 extend term limits, give voters a choice, as to
5 who to elect or not, based on whether they
6 would've been in office or subject to limitations,
7 and ultimately make the choice. So there's a
8 significant difference in the time. And 9/11, I
9 may add was a very difficult time, but again it
10 was in the middle of that election crisis, I mean,
11 election cycle, so it's significantly different.

12 CHAIRPERSON FELDER: Yeah, some
13 would argue that, or many candidates that have
14 been involved in elections, you know, in the
15 upcoming elections for a while, and that it's sort
16 of in process as well. But Councilmember Oddo?

17 COUNCIL MEMBER ODDO: Mr. Chairman,
18 as the only republican in the room, and the only
19 one who apparently didn't vote for Mario Cuomo in
20 any race, I would like to ask two questions.

21 [laughter] Never mind, I rescind the offer. Mr.
22 Crowell, in your testimony, you recounted for us
23 many of the achievements of the Bloomberg
24 administration, I couldn't help but note the
25 penultimate bullet that said New York public

1 hospitals have been healthier, never been
2 healthier and higher rated. I wouldn't know that
3 because we don't have a public hospital on Staten
4 Island, nor do we have the HHC presence. But
5 that's a rant for another day. I want to focus on
6 your testimony, and my question relates to your
7 testimony on pages four and five, relating to the
8 problems that you articulated about having a
9 special election. And you make the statement that
10 it would be far more representative for 51 council
11 members to vote on this, than the amount of people
12 that would come out in a special election. And I
13 was wondering, and this is not my question, then
14 if I had introduced a bill that mandated that the
15 council members, all 51, get to vote on who the
16 next mayor is in the November 2009 election, would
17 the administration be supportive of that? Of
18 course you're not, and you try to make the
19 distinction between the general election and a
20 special election, but I find that statement that
21 whether it's 10,000 New Yorkers, 100,000 New
22 Yorkers or a million New Yorkers voting in a
23 special election, it is far more representative
24 for 51 members to vote for it. I think that's a
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2 problematic statement. But what I'm really
3 intrigued by is your comment that in special
4 election, point number two, that there are special
5 interests who have a disproportionately large
6 voice. So, my question is, can you define for me
7 what those special interests are, who they are
8 exactly, and what is it that they bring to the
9 table that allows them to have a
10 "disproportionately large voice"?

11 ANTHONY CROWELL: Yeah, certainly.
12 Well, the issue is that when you have an off cycle
13 election, and people aren't accustomed to coming
14 out to the polls as they would in a primary or
15 general election, you have, and there's a ballot
16 referendum, it would be that there are forces
17 mobilized to defeat a proposition or for a
18 proposition rather, than there being a full and
19 fair discourse in the public. So there tends to
20 be extreme and overwhelming force one way or
21 another, rather than a full representation of the
22 citywide electorate coming out. When you have a
23 general election, of course, and there are major
24 officeholders that are on the ballot,
25 participation is far greater. And then people

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2 have a better opportunity to come out. And I
3 think the numbers have shown significantly, when
4 there is a ballot proposition on the ballot
5 without muddy--without any other questions or few
6 elected officials on the ballot, that there's an
7 extremely low number in terms of turnout and an
8 insufficient amount of people participating.

9 MICHAEL CARDOZO: If I could just
10 add some statistics on that. In 1993, when term
11 limits were originally adopted, which was the year
12 that Mayor Giuliani was, the election that Mayor
13 Giuliani was first elected, while 60 percent of
14 the electorate voted for Giuliani or Dinkins, when
15 they got down to the bottom of the ballot, and
16 this was in a November election, only 30 percent
17 of the electorate voted; 1996, which was the
18 second Clinton administration, when the ballot,
19 when the issue was on the ballot, you saw the same
20 phenomenon. So, although all those in City Hall
21 are very interested and would hope that the public
22 is very interested, there is always a concern,
23 even when it's a general election, that you're
24 going to have a relatively small turnout on these
25 kinds of issues. If you add to that that you

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2 would then be having, as proposed by Councilman's
3 De Blasio's bill, a potential special election in
4 the spring of 2009, you have even greater
5 likelihood of a very small voter turnout. And I
6 think that, therefore, that it would be pretty
7 clear that a small voter turnout on the issue,
8 motivated perhaps in part either for or against
9 those special interest groups, does not
10 necessarily mean that whatever the result may be,
11 is representative of the people's will, as
12 distinct from the votes of the 51 members of this
13 council, each of whom represent roughly 150-
14 160,000 people, and who obviously would be voting
15 on the issue.

16 COUNCIL MEMBER ODDO: Mr. Chairman,
17 I appreciate the responses of the two learned
18 colleagues, but I'd still like an answer to my
19 question: Who are the special interests that
20 they're concerned about, and what exactly do they
21 bring to the table that gives them a
22 disproportionately large voice? Are we talking
23 about boots on the ground, are we talking about
24 money? What is it that we're talking about?

25 ANTHONY CROWELL: Well, I think

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2 Governor Cuomo actually spoke to this issue about
3 initiatives and people who may fund initiatives
4 and be a driving force behind them. That's a
5 clear example. Back in the 1993 term limits
6 referendum.

7 CHAIRPERSON FELDER: --member
8 Brewer. And if anyone would like to help
9 Councilmember Oddo out with his question later
10 that's wonderful. Councilmember Brewer?

11 COUNCIL MEMBER BREWER: Thank you
12 very much. First of all I think all of us who
13 have been in government for a while feel very
14 strongly that twelve years is important. The
15 question is, how do we get there? So when you
16 talked on the issue of the process, I don't really
17 understand the process other than the council
18 process, which I think is perfectly legal. That's
19 not the issue. The issue is what exactly is the
20 referendum vote, Justice Department, lawsuit, if
21 such? Can you be specific about that process, as
22 you see it?

23 MICHAEL CARDOZO: Yes, as you said,
24 and as my testimony reflects, we believe that the
25 Council acting here would be perfectly

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appropriate.

COUNCIL MEMBER BREWER: I think most people agree with that.

MICHAEL CARDOZO: If there is a charter commission as one of the pieces of, if this Council were to adopt a provision authorizing a Council created charter commission, that is assuming that the provisions in that legislation are otherwise lawful, that is a process that is permitted under the relevant governing documents. The question though can't end at that. And this is the process that would follow. The City charter, the charter commission, assuming the Council passed the legislation, would have to, would be created. The commission would then meet, the members would obviously deliberate, and under the relevant law, while certainly an issue, particular issue can be called to the charter's commission, charter commission's attention, obviously they're supposed to look at the whole charter. They have to hold hearings, and they would then come to the, whatever the recommendations are. And they can, under the law, say that, "Okay, we've come up with our

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2 recommendations and we will put this on the ballot
3 for a particular date." The date under the law
4 must be at least 60 days after their
5 recommendations are made public. Then comes the
6 question of the Justice Department and Voting
7 Rights Act clearance.

8 COUNCIL MEMBER BREWER: Tony, can
9 you move forward, I can't see him. Thank you. Go
10 ahead. Thank you.

11 MICHAEL CARDOZO: And there, under
12 the Voting Rights Act, there are two issues that
13 would have to be addressed. First, they may be
14 combined, but that would be up to the Justice
15 Department. The first issue that would have to be
16 addressed, though, is the actual date of the
17 election. When, for a variety of--When a City,
18 for example, when a City Council special election
19 is held because there's a vacancy, usually it's a
20 particular date in February, the mayor under the
21 charter has a discretion to move that date a day
22 or two for, you know, for some reason. Even that
23 rather, what would seem to be a modest act of
24 moving the date a day or two, requires Justice
25 Department approval. So, the first thing that

1 would have to be obtained is approval by the
2 Justice Department of the actual date. The
3 substantive issue that the Justice Department
4 would also have to pass upon, is whether or not
5 this change in term limits would have an adverse
6 effect on minorities. Now, when you put those two
7 questions together, along with the small voter
8 turnout point that I made a moment ago, I am not
9 as sanguine that this is going to sale through the
10 Justice Department. I'm not saying it won't; I'm
11 saying it is raising a significant additional
12 legal hurdle. In addition, and by the process I
13 described thus far is a process described under, a
14 call for under Section Five of the Voting Rights
15 Act. There's also an ability to bring a lawsuit
16 under Section Two of the Voting Rights Act, which
17 basically would be a claim that the particular
18 Act, which would include the date, could--has an
19 adverse effect on minorities. Again, I'm not
20 suggesting that we would lose that case. I am
21 suggesting that we are going off a well-traveled
22 road, we are going into untrammeled territory, we
23 are going into an area where we all know that,
24 unlike the 30 percent of the voters who voted on
25

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2 term limits in 1993, a very significant smaller
3 percentage of voters would be voting. I should
4 add that in 1999, I think it was, when certain
5 amendment, charter amendments were on the ballot
6 and basically no other amendments were on the
7 ballot, we had, and that was on a general
8 election, we had a ten percent turnout. So, what
9 I'm saying is that the special election, first
10 because of the timing of the, of needing to have
11 hearings, setting it on the ballot, 60 days, then
12 Justice Department approval, guaranteed relatively
13 low turnout compared to any other way, I think
14 will raise questions. Now if the Justice
15 Department takes a while to answer those
16 questions, or litigation takes a while to answer
17 those questions, we're not talking about the
18 spring of 2010, we're talking about a great deal
19 longer than the spring of 2010. And the
20 consequences of uncertainty would become that much
21 greater.

22 COUNCIL MEMBER BREWER: I think you
23 mean 2009 spring.

24 MICHAEL CARDOZO: 2009, excuse me.

25 COUNCIL MEMBER BREWER: Okay.

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2 Thank you, Mr. Chair.

3 [pause]

4 CHAIRPERSON FELDER: Councilmember
5 Jackson, please.

6 COUNCIL MEMBER JACKSON: Mr. Chair,
7 let me thank you for holding this hearing, on
8 behalf of all of the people of New York City. My
9 question for the representative, I believe we have
10 the corp counsel and also Mr. Crowell, the counsel
11 to the mayor. My understanding is that if we pass
12 Intro 845(a), it would move the term limits law
13 from two terms to three terms, and there is no one
14 time only, it's a continuous cycle where it would
15 be a permanent extension. And reading the
16 newspapers, and reading the blogs, it seems as
17 though, and I'm asking the question, whether or
18 not a deal was cut between Mayor Bloomberg and Ron
19 Lauder. And that's what people are saying. My
20 question to you is this, this will put the City
21 Council in a risky position if in fact that is
22 true, and there are opinions on both sides of the
23 coin whether people believe it or don't believe
24 it. Is there any chance that you would be asking
25 this, asking us to support this, only to turn

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2 around and encourage a charter commission to undo
3 the term limits? Knowing that, that's the
4 question, but knowing that, many of my colleagues,
5 especially freshman colleagues, that if in fact
6 this law was undo by charter commission, would be
7 un--they would be harmed in that they would not be
8 able to run again. That's a major issue of
9 concern that was raised by them, as per the
10 newspapers and what have you and so forth.

11 MICHAEL CARDOZO: Why don't I first
12 restate the law and then let Mr. Crowell answer
13 the question. - -

14 COUNCIL MEMBER JACKSON:
15 [interposing] That sounds great.

16 MICHAEL CARDOZO: As I said in my
17 testimony, the charter can be amended three
18 different ways. If you passed 845 and changed two
19 term limit, two terms to three tomorrow, there are
20 still two ways under the law that that rule could
21 someday be changed. It could be changed if
22 there's a petition gathering the requisite
23 signatures, which is then placed on the ballot,
24 that's how we got to term limits originally. And
25 it could be changed by the charter commission.

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2 That's what the, just want to make sure that,
3 before we answer the alleged deal point, which
4 does not exist, I want to make sure we understand
5 that that is the law.

6 ANTHONY CROWELL: Right. What the
7 Mayor has said is that he's, he came to the
8 decision after the collapse of the market two
9 weeks ago, that to ask the Council to look at a
10 bill, and adopt a bill, and that he would sign it
11 into law, and that bill would extend term limits
12 from two to three, as we've been discussing today.
13 He also said, though, he recognized that the
14 voters had first spoken on this issue, and that,
15 I'm having trouble seeing you, I'm sorry.

16 COUNCIL MEMBER JACKSON: Yeah, I'm
17 trying to look around heads also, to see you also.

18 ANTHONY CROWELL: [laughs] And
19 also, because of the practical limitations that we
20 are unable to have, for the reasons corporation
21 counsel Cardozo explained, a referendum on this
22 issue in a timely manner, that he would, in the
23 future, if he were reelected, appoint a charter
24 commission, or he would appoint a charter
25 commission even sooner, but he would appoint a

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2 charter commission that would, among looking at
3 the entire charter, review the issue of term
4 limits and put to the people the question of
5 whether, what is the right approach in the long
6 term after this economic crisis. For instance,
7 there would be hearings on the matter, they would
8 have to decide whether to even put a question on
9 the ballot. So, it's a formal process of charter
10 revision. And requires the appointment of a
11 commission, deliberations, and an independent
12 decision as to whether and how a question goes on
13 the ballot.

14 CHAIRPERSON FELDER: Excuse me, I
15 would just ask the witnesses to please answer the
16 questions. It's not the first time, you don't
17 have to, if you don't want to answer the question,
18 you could say, "I don't want to answer the
19 question."

20 COUNCIL MEMBER JACKSON: Could I
21 just--

22 CHAIRPERSON FELDER: Yeah.

23 COUNCIL MEMBER JACKSON: Seek
24 clarification. So, if we pass 845, extending it
25 to three terms forever, it depends on what comes

1
2 out of the charter commission. It is not a given
3 that a question will be on the ballot in the
4 future, is that correct?

5 ANTHONY CROWELL: Right, right.
6 It's up to, it's an independent commission's
7 decision whether to put something on the ballot.

8 COUNCIL MEMBER JACKSON: Okay,
9 yeah. Okay. Thank you.

10 CHAIRPERSON FELDER: Councilmember
11 De Blasio. You're welcome.

12 COUNCIL MEMBER DE BLASIO: Thank
13 you very much, Chair Felder. Mr. Crowell, with
14 all due respect, a lot of us were here in this
15 building and around the City Hall area after 9/11,
16 and months and months of challenges and
17 difficulties and chaos facing this City, and I
18 think it was objectively a much greater crisis.
19 And the people of the City decided that they were
20 comfortable with the process moving forward, they
21 did not want to change our system, even in a
22 moment of crisis. The same could be said of the
23 fiscal crisis in the '70s when the City literally
24 faced bankruptcy, a situation we do not face
25 today. And Mr. Cardozo, on the question of

1 turnout in the special election, look at this room
2 and there's over 100 people waiting outside. I
3 assure you, after months and months of debate
4 ahead, a special election referendum would have a
5 very substantial turnout and the people would get
6 a chance to express themselves in large number.
7 My question, as I understand it, Mr. Cardozo, you
8 are deeply involved in the discussions with Ron
9 Lauder, at least according to the media. That Ron
10 Lauder insisted to you and other members of the
11 Mayor's team that there, that he be a member of
12 any charter revision commission, and that he
13 insisted that the opportunity would exist to put a
14 two-term limit referendum on the ballot. And I
15 assume that is why you amended 845, which is now
16 845(a), and there's additional language making it
17 abundantly clear that a two-term limit referendum
18 would supersede 845. So, just to be clear, if
19 such a referendum were put on the ballot in 2010,
20 can you confirm if it were a two-term limit
21 referendum, that it would nullify Intro 845 and
22 the two-term limit referendum would supersede it?

24 MICHAEL CARDOZO: Assuming that the
25 provisions of the charter commission proposal are

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2 otherwise lawful, as I said in our response to the
3 earlier question, it is always possible for a
4 provision of, proposed by a charter commission, to
5 amend the term limit provisions. I think I said
6 that previously. So if in fact a charter
7 commission is appointed, decides in its wisdom
8 that it should put on the ballot a two-term
9 proposal, then if the voters approve that
10 proposal, that would become the law. I can't,
11 however, Mr. De Blasio, let go the beginning of
12 your comments. I had on, one conversation with
13 Mr. Lauder, which dealt with the legal issues that
14 I've discussed here before the Council, and
15 basically said to Mr. Lauder exactly what I've
16 said to the Council as far as my view of what the
17 law is. That was one conversation I had, and that
18 was the extent of the conversation I had with him.

19 COUNCIL MEMBER DE BLASIO: Mr.
20 Cardozo I'll finish by saying obviously Mr.
21 Lauder's been offered some kind of guarantee about
22 a seat on a charter revision commission. And he
23 obviously, or somehow the additional wording was
24 added to the bill. The bill was amended, and I
25 assume that--just to finish, if I may--the bill

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2 was amended, 845(a) now, with explicit mention of
3 a two-term limit referendum, I assume that was not
4 an accident, it had something to do with the
5 discussion with Mr. Lauder.

6 MICHAEL CARDOZO: Let me, I think
7 you're making two separate points, the Mayor
8 announced that he was going to appoint, that
9 assuming this legislation passed, as Mr. Crowell
10 said, he was going to appoint a charter commission
11 to look at, among other things, the term limit
12 issue. He said that he would appoint a cross-
13 section of New Yorkers with differing views. He
14 said that given Mr. Lauder's obvious knowledge and
15 views on this issue, that he was, that one of the
16 people he would appoint would be Mr. Lauder, and
17 that's what the Mayor said publicly in a number of
18 occasions. With respect to the amendment point
19 that you just made, all the amendment point does
20 is make clear exactly what I've just said, which
21 is the law, which is that if in fact there is a
22 lawful referendum, either by, as a result of a
23 charter commission or a petition, that changes the
24 term limits law, it's obviously that would be what
25 the law is.

2 CHAIRPERSON FELDER: Councilmember
3 Garodnick.

4 COUNCIL MEMBER GARODNICK: Thank
5 you, Mr. Chairman, and Mr. Cardozo, I just wanted
6 to follow up on a point that you made before.
7 First, I completely agree with you that the
8 legislative authority is present in the Council to
9 do what is being proposed, and I think that we
10 need to be very cautious as legislators to not
11 take steps which inhibit or limit our ability to
12 act. And so I just wanted to say that. As to the
13 point about the Voting Rights Act, you mentioned
14 that if this were to be considered in a
15 referendum, there would be two points that the
16 Department of Justice would have to consider. One
17 was the date of the election, the second was
18 adverse effect on minorities, potential adverse
19 effect on minorities. My question for you was
20 related to your comment that you were not so
21 sanguine that it would necessarily pass. What I
22 wanted to understand was the standard for the
23 Justice Department in making that determination,
24 whether we are able to ask for an advisory opinion
25 in advance, and whether the Department of Justice

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2 would have to rule on any legislative action that
3 we were to take as to the bill proposed by the
4 Mayor. Thank you.

5 MICHAEL CARDOZO: If I can just
6 take that in the opposite order, whatever law,
7 assuming some law evolves from this discussion
8 over the next few weeks, if term limits are
9 changed, if they are changed by legislation, they
10 cannot take effect until the Justice Department
11 has "pre-cleared" them. On, if a charter
12 commission is appointed, there's nothing for the
13 Justice Department to pass on yet, until there is
14 a proposal made coming out of the charter
15 commission. At that point in time, we can then
16 ask the Justice Department to approve. They don't
17 give advisory opinions, there's a lot of law that
18 one can look at as to what they've done before.
19 What I said, and the question before the Justice
20 Department is whether the proposed change would
21 have, be viewed to have technically retrogressive,
22 adverse effect on minorities in the three of the
23 boroughs that are covered by the Voting Rights Act
24 in New York City, which are Manhattan, Brooklyn
25 and The Bronx. And what I'm, what I said was,

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2 that because of the, I know Mr. De Blasio
3 disagrees with me, I think history would suggest
4 I'm right, because of the far lower turnout than
5 usual than one would expect in a regular election,
6 because of the small, relatively small turnout,
7 it's another wild card factor that the Justice
8 Department would have to be taking into account as
9 it determines whether or not the date and the
10 substance of the proposal would have an adverse
11 affect on minorities.

12 COUNCIL MEMBER GARODNICK: Thank
13 you.

14 CHAIRPERSON FELDER: Councilmember
15 Koppell, please.

16 COUNCIL MEMBER KOPPELL: Thank you.
17 Mr. Cardozo, I'm going to, because I can only ask
18 one question, I'm going to state something that I
19 think you won't disagree with, but if you do, you
20 can disagree with my preface. The section of the
21 bill, Section Three, which states that the action
22 of the Council will have no further effect if a
23 charter commission recommends a change and it's
24 voted for by the electors of the people, that this
25 Section Three is totally unnecessary because

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2 that's the law. So my question then is, why was
3 this, sort of a two-part question I guess, why was
4 this put into the law, and why commitments were
5 made with respect to a charter provision put on
6 the ballot by Mayor Bloomberg to Mr. Lauder?

7 Because it seems to me that some commitment was
8 made based upon putting this unnecessary section
9 three to this bill, which wasn't there initially.

10 MICHAEL CARDOZO: Mr. Koppell, the
11 preface, your preface is correct, it is a
12 statement of the law as I think I've said twice
13 before. It was to make the point clear. I think
14 I've also said, as Mr. Bloomberg has been quoted
15 on a number of occasions, that he said he was
16 going to appoint a charter commission, he was
17 going to ask that they look at, as the charter
18 requires, all issues, particularly term limits,
19 report back in 2010 and on that issue, and that
20 among, that he would appoint a cross-section of
21 New Yorkers with diverse views, and that one of
22 the people he would be appointing to the
23 commission is someone whom he knew to have thought
24 through this issue very hard, who has thought it
25 through ha great deal, and that was Mr. Lauder.

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2 CHAIRPERSON FELDER: Councilmember
3 James.

4 COUNCIL MEMBER JAMES: Thank you.

5 In regards to the performance of the Mayor and the
6 statements of Mr. Crowell about how well this City
7 has done under the leadership of the Mayor of the
8 City of New York, I would like to read to you a
9 letter, just one paragraph of a letter of a
10 constituent. And this letter, the comments of
11 this constituent were reflected in a number of
12 emails that I've received. As of this morning,
13 they totaled around 800. And it basically says
14 the following, "Mr. Mayor, Mr. Bloomberg isn't
15 such a great mayor, particularly as to his
16 gargantuan disconnect with the working class and
17 lower income voters of this city, as evidenced by
18 the dismal lack of affordable housing, contrasted
19 with the stark, amazing, overabundance of new
20 luxury condos springing up everywhere as a result
21 of overdevelopment. This move towards eradicating
22 term limits is indicative of how the Bloomberg
23 administration bullies its way through an
24 unfortunately compliant, and all too often lapdog
25 City Council, and what usually appears to the

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2 city, the people of this city to be the result of
3 more backroom quid pro quo politics." I promised
4 the constituent that I would read this. There are
5 three counties, Brooklyn, Bronx and New York,
6 which are covered under the Section Five requiring
7 pre-clearance of all election changes. But Bronx
8 and Brooklyn are also covered under Section Four.
9 Section Four, Section F4, of the Voting Rights
10 Act, which also requires pre-clearance for certain
11 language minorities in the City of New York. And
12 New York is unique in the way that the Voting
13 Rights Act operates on multiple levels and on such
14 a large scale. We are about to embark upon, in
15 the next year or two, a census, where we do
16 configuration of all of the people in the City of
17 New York. Recent data has indicated to me that in
18 fact we have increasing numbers of people of
19 color, particularly Latinos in the City of New
20 York, and as a result of that all of the districts
21 in this City Council will change to reflect the
22 demographic shift in the City of New York. And
23 therefore, to do this change right now, in my
24 opinion, in my humble opinion, is a flagrant and
25 egregious disregard of the--

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2 CHAIRPERSON FELDER: Do you have a
3 question, councilmember?

4 COUNCIL MEMBER JAMES: --burgeoning
5 black and Latino voting strength in the City of
6 New York. [applause] And so, my question is, and
7 I'm not, have not endorsed anyone, do you, are you
8 of the opinion, that the controller of the City of
9 New York, who sits, who is responsible for the
10 budget of the City of New York, who sits on a
11 number of boards on Wall Street, and who has been
12 responsible for leading us through this time of
13 crisis, is it of your opinion that he is not
14 qualified? Does he not have a steady hand that
15 can lead this city during this time? And is the
16 Mayor of the City of New York the only one? Is he
17 indispensable in this, to lead this city forward?
18 Can not the controller of the City of New York,
19 and I just saw the congress member, and let me
20 again, I have not endorsed anyone, is not
21 Congressman Weiner also uniquely qualified to lead
22 this city forward at this time? Or Tony Avella?
23 [cheering] Are they not uniquely qualified [gavel
24 banging] to lead this city forward? Is the Mayor
25 the only one who is indispensable in the City of

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New York to lead this city forward?

CHAIRPERSON FELDER: Can we have an answer to the question, please? Can you please answer the question?

ANTHONY CROWELL: I think--in all due respect, we're to discuss proposed legislation, not particular individual personalities. I have great respect for our Congressman Weiner and Mr. Thompson.

CHAIRPERSON FELDER: [bangs gavel]
Alright, since [off mic]

MICHAEL CARDOZO: I would add that--

CHAIRPERSON FELDER: Please.

MICHAEL CARDOZO: I would add that the proposal to extend term limits is about one thing, it's about an economic crisis, it's about a reassessment of the needs of the City, of what's in the best interests of the City, and giving voters the ultimate choice in the November 2009 citywide election, as to who they think will be best to represent them. And if they think that there is need for stability and continuity in the current leadership structure of the City, they

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2 should have that ability. If they think there
3 needs to be a shift on how that structure looks,
4 they should have that choice. That is why this
5 bill has been introduced, and that is the premise
6 that it, that this hearing's being undertaken.

7 CHAIRPERSON FELDER: Counsel, thank
8 you, Councilmember Lappin.

9 COUNCIL MEMBER LAPPIN: Thank you,
10 Mr. Chair. My question is for Mr. Crowell. On
11 page three of your testimony, you stated that
12 there's been a great deal of support for the
13 merits of extending term limits, while much of the
14 opposition has concentrated on the process. Which
15 I couldn't agree more with, I personally am
16 philosophically opposed to term limits, I think
17 they're essentially undemocratic. But the issue
18 here is process, and there's a sense that this
19 would be self-serving. And you gave an example of
20 a referendum that overturned a CCRB requirement.
21 Are there any precedents of the City Council
22 overturning referendums that deal particularly to
23 this body or to other elected officials?

24 ANTHONY CROWELL: Well, sure, most
25 recently we made campaign finance amendments.

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2 Just this, just I guess the past year we did that,
3 that amended administrative provisions of the
4 charter that were enacted by referendum. That's
5 one example. And there are other provisions of he
6 charter that have been adopted by referendum, and
7 that have been modified by simple council action,
8 yes.

9 COUNCIL MEMBER LAPPIN: That dealt
10 specifically with this body?

11 ANTHONY CROWELL: Well, campaign
12 finance is the one that dealt specifically with
13 this body.

14 CHAIRPERSON LAPPIN: Thank you.

15 CHAIRPERSON FELDER: Councilmember
16 Stewart.

17 COUNCIL MEMBER STEWART: Thank you,
18 Mr. Chair. I have a question for Mr. Cardozo.
19 You know, most leaders and most legal scholars
20 feel that term limits adversely affects minorities
21 and New Yorkers as a whole. Why not a bill to
22 eliminate the term limits instead of extending
23 term limits?

24 MICHAEL CARDOZO: I'll be happy to
25 answer that, I think that's the policy issue that

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2 Mr. Crowell was dealing with. The Mayor has said
3 on a number of occasions that it is his view,
4 after studying this issue, he still believes in
5 term limits, but he believes that the right answer
6 is three terms not two.

7 CHAIRPERSON FELDER: Councilmember
8 Katz.

9 COUNCIL MEMBER KATZ: Thank you,
10 gentlemen. And just quickly to follow up in a way
11 on Councilman Koppell's question about the
12 referendums. There seems to be some sort of
13 disagreement or controversy as to which charter
14 commission referendum would take precedence in
15 general. So if the Council did a charter and
16 ended up with a referendum, and the Mayor did a
17 charter commission and ended up with a referendum,
18 and let's just say they were in conflict, how
19 would you analyze the law to come out on that?

20 ANTHONY CROWELL: Well, the, it's
21 really a question of timing. Under state law, if
22 the Mayor appoints a charter commission and it
23 makes a proposal for a particular ballot cycle,
24 that, to use the vernacular, would bump any other
25 proposal, be it a proposal by a charter, another

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2 charter commission, or a petition initiative. It
3 would bump it for a year, whatever that other
4 proposal was, assuming it is otherwise lawful,
5 would go on the ballot the following year.

6 [crosstalk] Right.

7 COUNCIL MEMBER KATZ: So if the
8 Mayor, the Mayor has a referendum, the Council has
9 a referendum, both by charter, the Mayor's, in
10 your analysis, is that I would bump us, would bump
11 the Council's?

12 ANTHONY CROWELL: If the Mayor's
13 proposal was to put something on the ballot in
14 2009, 2010, excuse me.

15 COUNCIL MEMBER KATZ: '10, let's
16 just say.

17 ANTHONY CROWELL: And the Council's
18 proposal was to put something on the ballot in
19 2010, the Mayor's proposal would "bump" the
20 Council proposal.

21 COUNCIL MEMBER KATZ: And that, I
22 assu--only if they're in conflict, right? I
23 assume same topic--

24 ANTHONY CROWELL: No, no, no.

25 COUNCIL MEMBER KATZ: Or is it just

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in general?

ANTHONY CROWELL: In general.

COUNCIL MEMBER KATZ: Thank you.

CHAIRPERSON FELDER: Councilmember
Avella?

COUNCIL MEMBER AVELLA: Thank you,
Mr. Chair. Mr. Cardozo, I have one question. I
mean, in response to one of my colleagues
questions, you mention that the Mayor thinks it's
better, three terms are better than two. If he
really believes that, then why not make this a
referendum for the next class of elected
officials? So that nobody in office gets to
benefit by the change. If he really believes it's
in the best interest of city government, that
there should be three terms instead of two, as
opposed to ego, that he's the only one that could
bring the city through the financial crisis.

ANTHONY CROWELL: Well, I think you
have to go beyond just the theoretical questions
to the practical questions. And what has spurred
this, again, is the economic crisis that we're
facing globally, and especially here at the City,
the financial capital of the world, and the issue,

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2 the Mayor's had many, many people speak to him.
3 People have asked for a choice, people have
4 expressed an interest in being able to choose who
5 they want in the next election, rather than to be
6 limited in their options, rather it be for their
7 council members or any other city elected
8 officers. The idea is that an extension from two
9 to three would allow the voters ultimately to have
10 the say as to who stays in office in the November
11 2009 citywide general election. There isn't a
12 time, as corporation counsel Cardozo said, to have
13 a referendum, certainly not for this general
14 election, and not in the special election. And
15 therefore, the Council has it within its authority
16 to enact, and the voters ultimately have a say,
17 whether who gets to stay or go.

18 COUNCIL MEMBER AVELLA: Could I get
19 a follow up question to his answer?

20 CHAIRPERSON FELDER: As long as
21 they don't boo you.

22 COUNCIL MEMBER AVELLA: Okay.

23 [laughs]

24 CHAIRPERSON FELDER: Go ahead.

25 COUNCIL MEMBER AVELLA: Well, my

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2 response back to what you just said, then why
3 didn't the Mayor move earlier this year, so that
4 we could've had something on for the November
5 election? Why did it wait 'til now to do it, so
6 you can only do it legislatively?

7 ANTHONY CROWELL: Well, I don't
8 think anyone foresaw the plunge of the market two
9 weeks ago by 777 points [moaning] which was the
10 [jeering] which was, which when the economic
11 crisis reached that critical mass, the Mayor made
12 a decision that voters needed a choice in terms
13 of, to express their desire, whether or not to
14 keep the City's management team in place for
15 stability purposes, to ensure continuity, and
16 that's the reason why.

17 CHAIRPERSON FELDER: Councilmember-

18 -

19 COUNCIL MEMBER AVELLA: Well, we
20 disagree.

21 CHAIRPERSON FELDER: Okay. I'm
22 sorry. Councilmember Vallone.

23 COUNCIL MEMBER VALLONE: Thank you,
24 Mr. Chair. You both testified that we have the
25 ethical right to do this based on the Conflict of

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2 Interest Board, that we have the legal right to do
3 this based on the law. The question remains
4 should we do it? And you've just said to Mr.
5 Avella that we will have an election for Mayor,
6 and that will actually be the people's chance to
7 be heard on this issue. Many people coming after
8 you will argue, probably well into the evening,
9 that that election will be skewed by the Mayor's
10 financial resources, and therefore would not be a
11 fair referendum on term limits. I'd like them to
12 address, actually, 'cause I haven't heard why, if
13 that refer--if that election will be a valid one
14 because of money, why we should be bound by two
15 referenda that were similarly skewed by a huge
16 influx of money. I'd like that to be addressed
17 later. But, that being said, that being said, why
18 are you going to make the argument now that
19 Council action is preferable to a hopefully fair
20 referendum in say March?

21 ANTHONY CROWELL: Well, the policy
22 on legal answer is quite simply a Council
23 referendum, I'm sorry, a Council vote now is the
24 only practical ability the City has to put, to go
25 from a two term limit to a three term limit, and

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2 to give the voters the option as to who to elect
3 in the November 2009 election. It's our view that
4 a referendum is not available. The Mayor did say,
5 however, that he would appoint a charter
6 commission that, as we previously stated, would
7 look at the issue again and perhaps give the
8 voters another opportunity to speak on the matter.

9 COUNCIL MEMBER VALLONE: Let me get
10 this straight, this is the first I'm hearing on
11 that. Are you saying that it's impossible to get
12 a referendum on the ballot, if we started to do
13 that today?

14 ANTHONY CROWELL: We're saying that
15 there are legal challe--there are legal problems,
16 legal hurdles, I believe was the phrase, the
17 corporation counsel used, with putting a
18 referendum on the ballot as early as this spring.
19 As he stated there is a charter revision process
20 that needs to occur. That takes a period of time,
21 from the appointment of a commission, the study of
22 the entire charter, deliberation, hearings and a
23 decision as to what if anything to put on the
24 charter. Or, if they put the question on the
25 charter, then you need a 60 day period for

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2 preclearance of the date, and to establish the
3 date. And then, if it is, if whatever is on the
4 ballot is passed, then you need a period of time
5 for preclearance of the substance. That could be
6 well into the spring, all at a time when
7 candidates currently are trying to figure out what
8 offices that would be running for, there's
9 organizing issues, they would be running up
10 potentially against petitioning. So, as a
11 practical matter--

12 COUNCIL MEMBER VALLONE: Okay.

13 ANTHONY CROWELL: --and both, and
14 there are many legal issues tied to this, it is
15 not preferable to do it by way of the special
16 election.

17 COUNCIL MEMBER VALLONE: I get it
18 now, it's not that it's not possible, it's the
19 other argument you just made. Very quickly, how
20 much would that cost, do you believe, to put this
21 referendum on the ballot?

22 ANTHONY CROWELL: I think the, the
23 estimate was \$15 million.

24 CHAIRPERSON FELDER: Alright, we
25 have the following, I just want to mention for the

1 audience that we've been trying to give people who
2 hadn't asked a question the preference to ask a
3 question. We have the final, we have
4 Councilmember Liu, Councilmember Ba--Reyna, and
5 Councilmember, I'm sorry, Councilmember Weprin,
6 Councilmember Reyna and Councilmember Barron. And
7 that's, and Councilmember Sears. And then we're
8 going to take the next witness. Go ahead,
9 Councilmember Liu.

11 COUNCIL MEMBER LIU: Thank you very
12 much, Mr. Chairman. I really want to thank you
13 gentlemen, Mr. Crowell and Mr. Cardozo, I know
14 over the years you've demonstrated that you are
15 master attorneys, and the City is well served by
16 you. I have to say, though, I did not realize
17 that you were master spinmeisters as well.
18 Because here, you're sitting here offering us
19 legal opinions, and yet you're introducing a great
20 deal of political spin talk into your testimony.
21 I mean, you look at your own testimony, Mr.
22 Crowell, you spent a great deal of it touting the
23 record of the Mayor, and that very well may be
24 true, but then in the next breath Mr. Cardozo
25 talks about how this is not about one person, but

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2 it is about what's best for the entire City, in
3 terms of a legislative change going forward. Your
4 playing a sleight of hand with the public, it's a
5 three card monte trick on the public. And that's
6 what's happening here, because in, as you say that
7 there are, there is not enough time for a
8 referendum this November, or that a special
9 referendum in the early part of 2009 is very
10 impractical, you don't really address why is it
11 that it, that the question wasn't even put forth
12 in time for the general, for this year's general
13 election referendum. It very well could have been
14 done because it's clear, and this is a question
15 that I would ask you, Mr. Cardozo.

16 CHAIRPERSON FELDER: Yes, please.

17 COUNCIL MEMBER LIU: When did your
18 office, did anybody in corp counsel begin looking
19 at the question, which you state here, the
20 question of whether the City Council has the
21 legislative and legal authority to make this
22 change on its own? And a secondary question is,
23 you talk about how the Mayor has committed to
24 putting a referendum to the public in 2010.
25 Hello, it's 2008. What about a referendum next

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2 year? Why couldn't the referendum that the
3 Mayor's already talked about and struck a deal
4 with Ron Lauder, take place in 2009, as opposed to
5 2010? If you could answer those two quick
6 questions, I'd really appreciate it.

7 MICHAEL CARDOZO: As long as I've
8 been corporation counsel, which began in early
9 2002, I have become familiar with the issues
10 surrounding term limits because this counsel in
11 2002 passed legislation affecting term limits.
12 And therefore, the answer to your first question
13 is shortly after I became corporation counsel did
14 I begin dealing with this issue. The answer to
15 the second question, simply is, as I think Mr.
16 Crowell has said on a number of occasions, that
17 with the economic crisis where we found it, the
18 Mayor made the decision that he felt that three
19 terms were better than two. He had a discussion,
20 as I think I've said on a number of occasions, he
21 said that he would appoint a charter commission in
22 2010 and he said it would be, appoint a charter
23 commission to report back on this issue in 2010,
24 because he didn't, it would be confusing,
25 obviously, if you're going to be voting on mayoral

1 candidates and city council candidates in 2009, be
2 obviously very confusing to at the same time be
3 asking voters whether or not extend terms from two
4 terms to three.
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6 COUNCIL MEMBER LIU: So voters
7 would be confused. Voters would not be smart
8 enough to make the distinction.

9 CHAIRPERSON FELDER: Okay, excuse
10 me.

11 COUNCIL MEMBER LIU: There's no
12 reason whatsoever--

13 CHAIRPERSON FELDER: Councilmember
14 Liu.

15 COUNCIL MEMBER LIU: --that the
16 referendum could not take place in 2009.

17 CHAIRPERSON FELDER: I'm asking you
18 to please--

19 COUNCIL MEMBER LIU: Thank you.

20 CHAIRPERSON FELDER: --let, okay.
21 Councilmember Weprin.

22 CHAIRPERSON WEPRIN: I actually had
23 the second part of Councilman Liu's question. The
24 question I have is, is there legally enough time
25 for a charter revision commission to report and

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2 have hearings and put it on the ballot in November
3 2009? Is there enough time to do that legally?

4 MICHAEL CARDOZO: Assuming it got
5 through the Voting Rights Act issues, yes.

6 COUNCIL MEMBER WEPRIN: Okay, so
7 you don't see a reason why--

8 MICHAEL CARDOZO: The, but, but,
9 Mr. Weprin, you'd have to then look at the
10 substance of the proposal. Because if you were
11 putting the substance of a proposal on the ballot
12 in November 2009, and it would lay, it would
13 create a question, if it passed, what happens to
14 the people who were elected in 2009, that might
15 make the proposal unlawful. I'd have to look,
16 obviously, at the specific language before I could
17 answer your precise question.

18 COUNCIL MEMBER WEPRIN: Oh, very
19 good point, so it actually would be the same
20 situation if there was a referendum in 2010, and
21 people had just gotten elected to a four year term
22 in 2009, there would be a question whether they
23 could legally serve the rest of their term, then.

24 MICHAEL CARDOZO: No.

25 COUNCIL MEMBER WEPRIN: Well,

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that's what you just said.

MICHAEL CARDOZO: No, I'm simply, I don't know exactly what you're suggesting we've got on the ballot in 2009, but if the question was should we change two terms to three terms in November 2009, I don't know who's running in 2009, it would be the people who would be subject to the two term limit ,I don't know how you're phrasing the question. I mean--

COUNCIL MEMBER WEPRIN: But wouldn't a lot of people--

CHAIRPERSON FELDER: No, no, no, that's it, excuse me.

COUNCIL MEMBER WEPRIN: --if there was a referendum that passed in 2010--

CHAIRPERSON FELDER: Excuse me, excuse me.

COUNCIL MEMBER WEPRIN: No, I mean--
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CHAIRPERSON FELDER: Excuse me, please, no, no, no. That's it. Councilmember Barron?

COUNCIL MEMBER WEPRIN: I'm responding to what he said.

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2 COUNCIL MEMBER BARRON: Well, you
3 know, but--

4 CHAIRPERSON FELDER: But we're not
5 having a debate.

6 COUNCIL MEMBER WEPRIN: No, but--

7 CHAIRPERSON FELDER: You asked him
8 a question--

9 COUNCIL MEMBER WEPRIN: I want a
10 clarification on a legal issue that he just made.

11 CHAIRPERSON FELDER: Okay, so we're
12 going to get the clarification. You can ask him
13 that, as soon as he's about to leave.

14 Councilmember Barron?

15 COUNCIL MEMBER BARRON: First, I
16 just want to say that, you know, you might be
17 trying to rush to the Justice Department while
18 Bush is still in office, but Barack Obama is going
19 to be head of the Justice Department [cheering] so
20 you're not going to be successful there. But, my
21 concern is that, and thank god that George Bush
22 didn't get this idea and try to extend his term
23 [cheering] but what about the, what about the
24 fresh persons who are in the City Council now,
25 some may even be supportive of this measure,

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2 aren't you throwing them under the bus by, and the
3 train, by considering a referendum in 2009, which
4 could possibly throw it back to eight years.

5 MICHAEL CARDOZO: 2010.

6 COUNCIL MEMBER BARRON: That could
7 even impact some of the freshmen, fresh persons,
8 who are supporting your measure now, it's kind of
9 like throwing them under the bus and the train and
10 out the airplane.

11 MICHAEL CARDOZO: Well, I think
12 that's a good question, I think those are exactly
13 the kind of question that a charter revision
14 commission, that would look at the issue has to
15 consider, they'd have to consider, you know,
16 staggering terms. They'd have to consider a range
17 of issues, that's what commission do like that.
18 They explore a full range of governance issues,
19 and decide how to structure something if they were
20 to choose to put something on the ballot.

21 COUNCIL MEMBER BARRON: But why
22 would you do this to some of the loyal supporters
23 of your bill, who are fresh persons right now?
24 Why would you put their future up in the air like
25 that when they're sitting here trying to support

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2 you? And my question to them is why would they
3 continue to support you?

4 CHAIRPERSON FELDER: Councilmember
5 Reyna?

6 COUNCIL MEMBER REYNA: Thank you,
7 Mr. Chair. I just needed to ask, the Mayor
8 earlier this year had announced a charter revision
9 commission. What happened to this enactment of
10 the commission?

11 ANTHONY CROWELL: Right, well, the
12 Mayor, in this State of the City speech, where he
13 outlines a variety of proposals, things he would
14 seek to achieve during the year, mentioned that he
15 would seek to appoint a charter revision
16 commission. He hasn't yet appointed one. It was,
17 at that time there was no discussion of term
18 limits in relation to that charter commission, and
19 that charter commission had absolutely obviously
20 nothing to do with the market conditions that we
21 are facing today, and would ultimately cause the
22 mayor to decide to ask the council to consider a
23 bill concerning the extension of term limits.

24 COUNCIL MEMBER REYNA: So what was
25 the purpose?

2 ANTHONY CROWELL: The purpose?

3 COUNCIL MEMBER REYNA: Of the
4 announcement for the charter revision commission.

5 ANTHONY CROWELL: Back then? I
6 think the mayor stated that he wanted to do a
7 retrospective of the reforms of the '89 charter
8 revision commission and I would assume that once a
9 commission was appointed it would do that as well,
10 look at the term limits issue and a whole range of
11 other charter issues.

12 CHAIRPERSON FELDER: Councilmember
13 Sears?

14 COUNCIL MEMBER SEARS: Thank you,
15 Mr. Chair, and my question is very, very brief
16 because there's been a lot going on for hours—

17 CHAIRPERSON FELDER: [interposing]
18 Just a minute. Can I please ask people who want
19 to have a conversation to step out into the hall.
20 It's not fair to the people asking the questions
21 or trying to answer them.

22 COUNCIL MEMBER SEARS: Okay. My
23 question is actually—I'm reducing it to a very
24 simple level—it seems that we're faced with, and
25 I've heard a lot of discussion on it, does the

1
2 council have the right to do this legally? And I
3 think that basically you answered that question.

4 ANTHONY CROWELL: The answer's a
5 loud yes.

6 COUNCIL MEMBER SEARS: Okay.
7 Secondly, that there is a precedent that
8 referendums have been overturned with a civilian
9 review board, 1966 and then council restored it in
10 19-

11 ANTHONY CROWELL: [interposing]
12 There's that precedent. There's the precedent of
13 term limits. There's a precedent of campaign
14 finance. There's a number of precedents.

15 COUNCIL MEMBER SEARS: So then what
16 faces this council, this committee, in voting
17 something out of office, I would think, and you
18 can clarify that, is that we vote something on
19 what we have the legal right to do and then couple
20 that with a moral issue as to what and how we
21 weigh everything. In your opinion, is that what
22 it comes down to?

23 ANTHONY CROWELL: The moral issue-

24 COUNCIL MEMBER SEARS:
25 [interposing] I'm not asking you to judge the

1
2 morals of the council but what I am saying is
3 asking the one issue is that we have a legal right
4 to do this and I think one that's clarified. If
5 there's anybody that says we don't then I think
6 that should come forth so that that can be cleared
7 up. It seems that we do have that right. It's
8 been done before and we can amend and extend term
9 limits for another term.

10 What this council does and how we
11 vote on that after we hear everyone, and going
12 into tomorrow, is for this committee and the
13 council to weigh many other factors that are
14 separate and apart from the legal issue. Am I
15 correct with that?

16 ANTHONY CROWELL: Well I think that
17 this council's job is to do what's in the best
18 interests of the city and if individual council
19 members choose to let morality be a factor that's
20 considered, so be it. There are many, many, many
21 factors that you must consider to determine what's
22 in the best interests of the city. In the mayor's
23 mind, as he has stated publicly, he believes
24 giving the voters a choice as to whether to elect
25 current city office holders who may be term

1
2 limited to run for a third term is in the best
3 interests of the city and I think that is the
4 question this council needs to at least ask
5 itself.

6 [bangs gavel]

7 CHAIRPERSON FELDER: Thank you very
8 much.

9 COUNCIL MEMBER SEARS: Thank you,
10 thank you.

11 CHAIRPERSON FELDER: I've been
12 asked by the Sergeant at Arms, thank you for the
13 witnesses, you are now asked to please be excused.
14 Two minutes, there are people coming in and
15 leaving to allow an easy transition and to ask our
16 next witness to come up. So we're giving the
17 Sergeant at Arms two minutes to allow more people
18 to come in and to leave. We'll start promptly at
19 3:10.

20 [pause]

21 CHAIRPERSON FELDER: Can everybody
22 have a seat please, and those that do not want to
23 sit please leave. Can everyone have a seat
24 please? We are about to begin. Sir, have a seat.
25 Thank you.

1
2 All right, we are delighted to have
3 the honor of having Mayor Koch with us today and
4 we are eagerly awaiting your testimony whenever
5 you're ready. [off mic]

6 MAYOR KOCH: Okay, I have a very
7 brief statement so with your permission I'll read
8 it. I'm here this afternoon to testify in support
9 of legislation that would amend the existing term
10 limit legislation currently in effect. The change
11 I support would allow those who are term limited
12 to serve for three terms, twelve years, rather
13 than the current permissible two terms, eight
14 years. I have from the very inception of the term
15 limits proposal supported the concept, however I
16 have always supported twelve years or three terms
17 as opposed to eight years and two terms. My
18 belief in the need for three terms was and is
19 predicated on the experience of my own service as
20 mayor of New York City from 1978 through 1989.
21 The job of the mayor is a daunting one. The mayor
22 initiates policies and legislation and I concluded
23 that it often takes as much as twelve years of
24 effort and support to place in a position for a
25 lasting effect those policies and those laws. I

1
2 do not concede, as some have suggested, that the
3 amend the existing law is to, in effect, gut it.
4 I believe that the proposed amendment would
5 strengthen and improve the existing law.

6 Much has been made of the fact that
7 the existing law was enacted as a result of
8 referenda and to change it in any way, except by
9 referendum, would be to violate the people's
10 mandate. I do not believe that amending a law
11 adopted by referendum by legislative action of the
12 city council violates the spirit of what the
13 people of this city did by their voting for the
14 law using referendum as a the vehicle. I believe
15 as I listened a moment ago to the Corporation
16 Counsel and to others to comment in detail on the
17 legality of the city council's authority to enact,
18 in effect, an amendment to the law to strengthen
19 and improve it. I believe it is legal.

20 I believe that the laws governing
21 the city and the State of New York allow three
22 ways to effectuate laws and amendments applying to
23 the legislation before you: state legislation,
24 city council legislation, and by referendum. None
25 of the options, so far as I know, are treated

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2 under our governing documents, the State
3 Constitution and the City Charter, as superior to
4 any of the options allowed. Thank you.

5 CHAIRPERSON FELDER: Thank you very
6 much. Some of my colleagues have some questions
7 for you. Is that okay?

8 MAYOR KOCH: Of course.

9 CHAIRPERSON FELDER: Council member
10 Vallone? Oh, I apologize. Council member
11 Jackson. I apologize.

12 COUNCIL MEMBER JACKSON: That's
13 okay. Always I allow my colleague to go first if
14 he would like to. But let me just, Mayor Koch,
15 let me thank you for being here and you have
16 served our great city for many decades and let me
17 just say that as a constituent and as a member of
18 the city council we thank you for the service that
19 you have done on behalf of all of the people of
20 New York City. And I know that I have listened to
21 you for several years as a commentator on New York
22 One and I remember approximately four years ago,
23 before this issue really became hot, you said that
24 you supported term limits but you felt that it
25 really should be three terms or twelve years.

2 MAYOR KOCH: That is correct.

3 COUNCIL MEMBER JACKSON: So you
4 have not ever wavered, in my opinion, based on the
5 information that I have on this particular issue.

6 MAYOR KOCH: That is correct.

7 COUNCIL MEMBER JACKSON: Now, my
8 question to you is this. Because you have served
9 our city for so many years and you know the people
10 of New York City as well as almost anyone, what's
11 your advice for how the members of the City
12 Council of New York should approach this very
13 sensitive issue?

14 MAYOR KOCH: Well, they should vote
15 their conscience, and secondly, I believe that
16 they should conclude, but it's my opinion, that it
17 is in the best interest of the City of New York to
18 allow for three terms. I, without hesitation,
19 have always supported term limits. I believe they
20 should apply to the state legislature. But the
21 fact is that this city, as a result of being the
22 city that it is, is always in the vanguard, and
23 you have term limits. I believe in making it the
24 best term limit legislation and that would include
25 three terms.

2 CHAIRPERSON FELDER: Council member
3 Vallone?

4 COUNCIL MEMBER VALLONE: Thank you,
5 Mr. Chair. Mr. Mayor, thank you for your
6 testimony. I greatly respect your opinion but on
7 this issue I'm undecided and I know that I'm not
8 undecided about too much.

9 MAYOR KOCH: Talk to your father.
10 [laughter]

11 COUNCIL MEMBER VALLONE: Oh boy,
12 whatever I do on this I'm going to make some, a
13 lot of people very, very angry, or very, very
14 happy. But on this issue I happen to believe that
15 there are good people and good arguments on both
16 sides and you happen to be one of them. So if you
17 could please address for me, to help me make up my
18 mind, I don't think you mentioned this, why-- I
19 understand you think it's fine for us to do this
20 now but why is this better than a referendum in,
21 let's say, May?

22 MAYOR KOCH: I didn't say it was
23 better. What I said is that there are three ways
24 within which to accomplish it and each is equal to
25 the other two. And therefore I believe that there

1
2 is no reason not to do what would be required to
3 amend the charter in this regard.

4 COUNCIL MEMBER VALLONE: Thank you,
5 Mr. Mayor.

6 CHAIRPERSON FELDER: Council member
7 Liu, do you have a question?

8 COUNCIL MEMBER LIU: No I don't
9 have a question.

10 CHAIRPERSON FELDER: Okay, thank
11 you. Council member Yassky?

12 COUNCIL MEMBER YASSKY: Well my
13 question was really Peter Vallone's question but I
14 guess maybe I'll just ask it again because I am
15 quite genuinely interested in your opinion on
16 this. I share your belief that a twelve year
17 limit is better policy for the city. I share your
18 belief that what's best for the city is for voters
19 to have the choice of continuing the present
20 leadership in the crisis. But I am not just
21 deeply, I am gravely concerned by the potential
22 for a corrosive effect on people's trust in
23 government for politicians to undo a referendum.
24 I guess my question is if you're not troubled by
25 that, why not, or why isn't a referendum a better

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way to do it? That's my simple question.

MAYOR KOCH: Well I believe the Corporation Counsel—I sat here during his testimony—explored that with the council members and the basic premise is that the charter allows you to do this. That's what it means. And when doing it you are performing your duties. This is a representative democracy that we live in. You are the representatives of the people of the City of New York. Why you would think that your vote, when the Charter and the State Constitution permit you to do what it is that is being asked of you, why you would think that your vote is less than a referendum boggles my mind. Did you take that position, as the Corporation Counsel pointed out, when there were changes made by the council to the law that governed the examination of police action? I doubt it. If you were on the council at that time I don't know.

COUNCIL MEMBER YASSKY: Okay, I won't go back and forth. Thank you. Thank you, Mayor.

CHAIRPERSON FELDER: Council member Oddo?

2 COUNCIL MEMBER ODDO: Thank you,
3 Mr. Chairman. Mr. Mayor, I am one of the 17 or 18
4 members that the blogs are reporting as undecided
5 and I have been burning through seven seasons of
6 DVDs of the West Wing, hoping that art can give me
7 a little insight into life. [laughter] You made
8 a comment just now and you said that members
9 should vote their conscience, and this is maybe a
10 question that frankly I should ask you in private,
11 but you've always been a blunt individual and I've
12 always respected that so I'm going to ask you a
13 very real politic, a raw political question. What
14 happens when a legislator, and maybe you should
15 put your hat on as congressman not mayor, but what
16 happens when a legislator has a choice before him
17 and it's a choice between what his conscience
18 tells him to do and what might put him in a better
19 position to deliver for his district? Have you
20 ever found yourself in your days in Congress or
21 maybe it translates to the days when you were
22 mayor, that's a Hobson's choice. You have core
23 convictions on one hand and then there's the real
24 life that you have to deliver for your district.
25 How do you choose between the two?

2 MAYOR KOCH: Now if I understood
3 the question you're saying if you have to choose
4 between exercising your conscience and doing what
5 your constituents see in your mind wants you to
6 do, which should you do?

7 COUNCIL MEMBER ODDO: Well I'm not
8 sure if I would frame it what my constituency
9 wants me to do but you and I understand that you
10 need relationships to deliver for a district and
11 relationships can get damaged when members take
12 individual votes.

13 MAYOR KOCH: Then let me rephrase
14 it so that I understand it. If you are faced with
15 an issue where you perceive it to be a matter of
16 conscience but if you were to vote in a different
17 way you might secure things for your district. Is
18 that--?

19 COUNCIL MEMBER ODDO: Something
20 like that, yes.

21 MAYOR KOCH: Okay. The answer is,
22 I mean, it doesn't require discussion. A matter
23 of conscience, which is the way you posed it, can
24 never be argued against or traded against some
25 other action because it would enrich the district.

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A matter of conscience.

COUNCIL MEMBER ODDO: Thank you,
Mr. Mayor.

CHAIRPERSON FELDER: Thank you.
Council member Martinez?

COUNCIL MEMBER MARTINEZ: Thank
you, Mr. Chair. Mr. Mayor, I want to thank you
for being here and also I want to echo the
sentiment of my colleague in terms of-- [off-mic
comments]. I was saying I also want to echo the
sentiment of my colleagues in terms of thanking
you for your services. You make reference in your
testimony that you've always been in support - -
and have in fact heard you on TV advocating for
twelve year rather than eight year. But as a
mayor of the City of New York and going through
the motions and the process, you somewhat describe
the motions and the bureaucracy that takes place
in government in initiating policy, implementing
policy, and so forth. Can you just give me or
give us for the benefit of the committee a brief
description as to the benefit of a twelve year
rather than eight year term-

MAYOR KOCH: Sure, right.

1
2 COUNCIL MEMBER MARTINEZ: -for
3 legislators and as the mayor as well. I think
4 that needs to be heard from both sides of the
5 aisle.

6 MAYOR KOCH: Let me just say I do
7 not believe we should distinguish between any of
8 the office holders in the City of New York with
9 respect to the existing terms. So what you would
10 do for the mayor I believe it's absolutely
11 appropriate to do for the council. Now an
12 illustration of what I was trying to convey about
13 policy, initiatives, and seeing it through, and
14 making it permanent, the best illustration I can
15 give you is my housing program. The housing
16 program, and it's one of the things that I'm
17 proudest of, of all the things that I'm proud of
18 in my service, was a program that took ten years.
19 It spent \$5 billion and it built or rehabilitated,
20 at the very minimum, 150,000 housing units. At
21 the very outside, 250,000 housing units if you
22 include the smaller units where we only put in 5
23 or \$10,000 to rehabilitate it. That would be the
24 best illustration of a program that was successful
25 because, frankly, I was there and the

1
2 administration, the commissioners that I
3 appointed, were also there to see it through.

4 CHAIRPERSON FELDER: Thank you very
5 much, Mayor Koch. We appreciate very much your
6 coming down to testify today. We will now call,
7 from this point and on, I appreciate your
8 patience, as you very well may know that we must
9 give time to the sponsors of the bill to talk
10 about their bills. That's why we have the
11 sponsors in the council and the sponsors
12 administration come first. We also gave some
13 respect, at least a minimal amount of respect to
14 two of our elder statesmen, and now we're going to
15 go to panels that will include people representing
16 good government groups as well as people, voters
17 in the city, and we will alternate panels for and
18 against, or against and for, and we're going to be
19 calling people in the public based on the times
20 that they signed in to testify.

21 So for the first panel we have from
22 the public Eric Jacobs, Simon Belsky [phonetic],
23 and Rafael Martinez. And from the good government
24 groups we have Dick Datey [phonetic] of Citizen's
25 Union, Gene Rushinof [phonetic] of NYPIRG

1 [phonetic]. If I can please ask, okay thank you
 2 very much Sergeant at Arms, to put up some more
 3 chairs. Dick Datey, Gene Rushinof, if you can
 4 please come up. [pauses] ...you a piece of table.
 5 All right, Chris Keeley [phonetic] from Common
 6 Cause and Honorary Mark Green, please come up as
 7 well.
 8

9 [pauses] [off-mic comments]

10 Can we give Mr. Green a seat by the
 11 table please. There's room for you right over
 12 there.

13 In order to make sure that more of
 14 the public has an opportunity to testify we're
 15 going to be running the clock at two minutes as I
 16 said at the outset of the hearing. I'd ask you to
 17 please make sure to be concise. If somebody's
 18 repeated the point and you agree that's great and
 19 if you don't agree that's fine, just state so. So
 20 we'll just start from the right, Mr. Datey? My
 21 right, I'm sorry. Whenever you're ready.

22 DICK DATEY: Thank you, Mr. Chair
 23 and members of the Government Operations
 24 Committee, and members of the council. My name is
 25 Dick Datey. I'm the executive director of

1
2 Citizen's Union of the City of New York, an
3 independent, non-partisan, civic organization of
4 New Yorkers who promote good government and
5 advance political reform in our city and state.

6 Citizen's Union has historically
7 opposed the establishment of term limits since the
8 1990's because we believe then and continue to
9 believe now that term limits restrict voter choice
10 and that the current law of two four-year terms
11 should either be amended or ended altogether. We
12 also believe that the battles over term limits of
13 the 1990's were not fair fights as one citizen
14 with a lot of money was able to influence the view
15 of enough New Yorkers to enact term limits in the
16 absence of equally well qualified and visible
17 opposition. Despite our opposition to terms
18 limits as a general principle, Citizen's Union is
19 open to the idea of extending the current term
20 limits to three four-year terms but we have
21 consistently opposed any effort by the mayor or
22 the city council to change term limits without
23 putting the question before the voters of New York
24 via referendum. We believe that it is imperative
25 that the voters are consulted again and have their

1 voice heard on this critically important issue.
2
3 In this time of economic turmoil, Citizen's Union
4 acknowledges that many New Yorkers may desire
5 stable political leadership and may want the
6 opportunity to consider returning to office the
7 mayor, the speaker, and members of the city
8 council. However the form of our democracy and
9 the function of our government should not be
10 changed hastily to respond to a crisis no matter
11 how severe it is thought to be or how feared it
12 might be. We didn't do it after the most tragic
13 day in the history of our city, 9/11, and we
14 shouldn't be doing it now. Not this way at least.

15 Citizen's Union agrees with what
16 our vice-chair Richard Brefaltz [phonetic] said
17 the other night, that a council change to the term
18 limits law will say that circumstances and talent
19 are more important than the general rules designed
20 to limit power and promote rotation in office.
21 There will be more talented people and there will
22 be more unusual times but should the council and
23 the mayor act alone to change how elected
24 officials can serve in office? I appreciate the
25 difficulty of your decision and that we strongly

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2 disagree without being disagreeable with each
3 other, but I ask you is this really the right way
4 to make this change? We urge the mayor and the
5 council to slow down this hasty process. This is
6 a conversation that must take place in and around
7 all five boroughs, not just those who happen to be
8 here today in this hearing who have come down to
9 testify during their lunch hour. We acknowledge
10 that the council is likely within its power and
11 authority to act on its own to change the term
12 limits law—

13 CHAIRPERSON FELDER: [interposing]

14 Are you almost done, Mr. Datey?

15 DICK DATEY: Almost.

16 CHAIRPERSON FELDER: Thank you.

17 DICK DATEY: Just like we believe
18 that state legislators should not draw their own
19 district lines we also believe that the city
20 council should not determine the length of terms
21 in office. In fact, the lines for the city
22 council are drawn by an independent commission so
23 as not to have council members involved in any
24 activity in which they have a self-interest. The
25 same view should be applied to the term limits

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2 law. [pause]

3 I closing let me just say that
4 Citizen's Union is mindful that whatever action is
5 taken, either by the council itself or the voters
6 in a referendum, it will be the subject of legal
7 action. I would not that what is interesting
8 about this discussion, and the increasingly heated
9 debate, and the consensus that seems to exist
10 around term limits, that they need to be changed
11 to improve city government and that the council
12 has the authority to ask. So the question really
13 before you today, as democratically elected
14 members of the New York City Council, charged with
15 representing the views of your constituents as you
16 enact local laws and pass city budgets, is not so
17 much should term limits be changed or can you act
18 on your own to make that change, but rather and
19 whether you should. As New York Times columnist
20 Tom Friedman pointed out yesterday, our country in
21 recent years has been consumed by making money and
22 paid little attention to how that money was being
23 made. The failure of us not to pay attention to
24 how money was being made has now come back to
25 haunt us and cause us terrible harm because we

1
2 didn't value the process and ignored how we were
3 doing it. How we do things in our city matters,
4 especially in our democracy-

5 CHAIRPERSON FELDER: [interposing]
6 I have to. I have-

7 DICK DATEY: -they should matter to
8 you as well. Thank you.

9 CHAIRPERSON FELDER: Okay, I'd like
10 to ask again for the witnesses to please keep to
11 the two minutes. There are a lot of people who
12 have been waiting for a long time to testify and
13 we want to make sure that they are able to do so.
14 Mr. Green?

15 [off-mic comments]

16 MARK GREEN: Thank you, Mr.
17 Chairman and members of the committee. I have a
18 prepared statement I'd like to submit for the
19 record, read the first line and then extemporize
20 based on what I heard previously. In my view Mike
21 Bloomberg is a good mayor and a good man who's
22 subverting democracy by ignoring the will of
23 voters due to personal ambition. Let me say,
24 having heard comments back and forth about
25 Governor Cuomo and who voted for who, I did vote

1
2 for Governor Cuomo in 1994. I did not vote for
3 Mayor Bloomberg in 2001. [laughter] I just want
4 that on the record.

5 Mr. Crowell [phonetic], the
6 attorney who testified on behalf of Mayor
7 Bloomberg, was incredible. I mean, literally
8 incredible. Point one, gee, if we have a low
9 turnout late referendum in '09 that won't work.
10 The reason that a low turnout late referendum
11 might have to happen is because Mike Bloomberg for
12 nine months stalled creating the Charter
13 Commission he promised to create. In the law we
14 call this, you have unclean hands when you benefit
15 from your own inaction or own unethical conduct,
16 and to get perhaps a little hot, there's a great
17 Yiddish analysis that chutzpah is defined by a
18 child who kills his parents and then begs for
19 mercy from the court because he's an orphan. He
20 can't claim that it's too late when he willfully
21 made it too late.

22 Point number two for Mr. Crowell,
23 he said that my God, the fiscal crisis, Chicken
24 Little, the sky is falling. He said repeatedly in
25 response to Council member Avella and Liu, I

1 believe, that the reason we're doing it now is
2 this fiscal crisis. That's untrue. They were not
3 under oath. Mr. Chairman, that's untrue. I
4 remember being in Denver at the Democratic
5 Convention and that's when the mayor first said,
6 you know, after seven years of saying I'm not
7 going to overturn term limits, I will not consider
8 overturning term limits. That was before Lehman
9 Brothers went bankrupt and that was the day it
10 started. Third, Mr. Crowell said in response to
11 Council member Avella, look—I'm sorry, no, it was
12 Mr. Oddo—who are the special interests that could
13 control a low turnout referendum? Well, err, um,
14 Mr. Lauder [phonetic] because of his money.

15 [laughter] Let me give him some advice. The
16 mayor's representative probably doesn't want to
17 cite a big-spending interested party for a reason
18 that could corrupt an election. Fritz Schwartz is
19 here and he and I separately came up with an idea.
20 If the mayor gets on the ballot next year he
21 should have the courage of his convictions and run
22 based on his accurately substantial record rather
23 than his substantial bank account. If he runs he
24 should opt into public financing because to say
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2 that it's okay for voters to vote next year but
3 not on a referendum because an election's an
4 election willfully disregards the effect of \$80
5 million on the scale of judgment. Regrettably I'm
6 an expert on that subject.

7 To conclude, we have legal rules
8 based on principles not people. In 1947 the
9 Congress passed a law, became the 22nd Amendment,
10 that two terms for presidents. It explicitly
11 exempted Harry Truman because you can't change the
12 rules in the middle of an election or an election
13 cycle because it would be personal rather than
14 principled. If Bill Clinton in 2000 and his
15 supporters, I was one, had said you know, this
16 guy's a great president, he should stay because
17 he's provably better than George W. Bush. We
18 would have been laughed out of the room. Frankly,
19 I don't believe the mayor's proposal, with all due
20 respect to the members who support it, passes the
21 laugh test or the smell test. [laughter]

22 Finally, the mayor's people said
23 this is all about more choice. They're right.
24 This council and this city has a choice. It
25 either can choose democracy and the existing rules

1
2 or it can choose Bloomberg. It can't have both.

3 CHAIRPERSON FELDER: Okay, I'm
4 going to ask again. I'm going to ask please--
5 [applause] Excuse me. I'm going to ask the
6 witnesses again to have mercy on the people of New
7 York City who have come to testify. They are
8 waiting here for a very long time and I think we
9 should give them a chance to testify. Next?

10 RAFAEL MARTINEZ: I am surprised
11 that I'm here to day. [off-mic comments] Oh, I
12 am Rafael Martinez - - and I'm a resident of New
13 York, and I vote every year in every election.

14 I am surprised to be here as I say.
15 I have been around this building for almost 25
16 years but today this is a very important issue to
17 this City of New York and my question is why 52
18 persons know better than 8 million plus people in
19 New York that they vote in 1993 in a referendum
20 for term limits. Yes I do believe that term
21 limits should be only for the executive like it's
22 done in the federal government and thank God Bush
23 cannot run again, but not for the legislature. I
24 would think about a person on death row, can he
25 commute his own sentence? No. Why 35 members of

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2 this city council, the speaker - -, the mayor, are
3 they commuting their own sentence because they are
4 term limited? And I urge this vote to vote to
5 have a referendum and let the people of New York
6 decide it again. Thank you.

7 CHAIRPERSON FELDER: Thank you.

8 RAFAEL MARTINEZ: Can I say it in
9 Spanish?

10 CHAIRPERSON FELDER: Thank you very
11 much. Next?

12 RAFAEL MARTINEZ: I'd like to say
13 it in Spanish.

14 CHAIRPERSON FELDER: Yea, no, we
15 are going to go to the next witnesses.

16 RAFAEL MARTINEZ: No, I urge, the
17 Spanish members-

18 CHAIRPERSON FELDER: If you want to
19 use the remaining time, that's fine.

20 RAFAEL MARTINEZ: I urge the
21 members of the Spanish council as well as the-

22 MALE VOICE: Speak Spanish.

23 RAFAEL MARTINEZ: Oh, verdad.

24 MALE VOICE: Habla Español, por
25 favor.

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2 RAFAEL MARTINEZ: [Spanish
3 language]

4 CHAIRPERSON FELDER: How do you say
5 time is up in Spanish?

6 MALE VOICE: Se acabo.

7 CHAIRPERSON FELDER: Okay, next
8 witness.

9 MALE VOICE: Finito.

10 ERIC JACOBS: Thank you, council
11 members, for allowing me to testify, a time-
12 honored democratic tradition. I am Eric Jacobs,
13 born and raised on the West Side of Manhattan, I
14 attended Columbia College and graduate school, and
15 I went to New York Law School, and I oppose this
16 Bill 845. Not since the Klan was given permission
17 to have a protest here in Lower Manhattan have I
18 felt so hot about an issue that I've come down
19 here to City Hall to express my opinions.

20 After I finished law school in
21 1992, Republican Ron Lauder got the term limit
22 referendum on the ballot. I voted against it both
23 times but the majority voted for it and we got
24 term limits. Even Rudy Giuliani respected those
25 term limits. If there was ever an emergency to

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2 suspend our laws, that was it. But we didn't and
3 we all survived. If you council members were
4 elected in 2001, which most of you were, you
5 remember that beautiful primary day in 2001 when
6 the election was cancelled and then rescheduled.
7 Since you are here on the council you knew on 9-
8 11-2001 that the office you were seeking came with
9 two terms, eight years, and so did Mayor Richey
10 Rich. Eight years. Why didn't this bill get
11 proposed some time during the past six or seven
12 years? The mayor could have started this in
13 January and we could have had a referendum during
14 this presidential election, but he didn't. We
15 know Bloomberg's been working on this all summer.
16 He lined up the newspaper publishers and fellow
17 billionaires. And then he got lucky, Mr. Midas.
18 All of a sudden there's a worldwide financial
19 crisis, not quite a 9/11 but big and bad, and he's
20 using that as a pretext to postpone his term.

21 I could live with another
22 referendum. Put it to the people. I still oppose
23 term limits although now, based on what I'm seeing
24 here, I think that legislatures, the city council,
25 should not have term limits but chief executives,

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2 presidents, and mayors should have them. It is
3 the power of the king that must be checked. But
4 whatever we do it should be the will of the
5 people.

6 One final though, an irony: Ron
7 Lauder proposed and got these term limits to dis-
8 entrench the democrats. Oddly, the first mayoral
9 victim was Rudy, a republican. Now, if a
10 democratic controlled city council, with all due
11 respect to the three republican city council
12 members who may oppose this, if a democratic city
13 council gives a republican mayor another term,
14 well, republicans like Ron Lauder must be giddy at
15 that thought. Thank you. [applause]

16 CHAIRPERSON FELDER: Thank you.
17 Next please.

18 SIMON BELSKY: My name is Simon
19 Belsky. I thank you for allowing me to address
20 the council. First, I'd like to thank Councilman
21 Liu for his direct points with the Corporation
22 Counsel and for Councilman Oddo, always vote your
23 conscience. Get rid of the people that won't let
24 you.

25 I have something I'd like to read.

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2 Oh, one other thing as far as the mayor's comment
3 about it should be the same—Mayor Koch—it should
4 be the same for the mayor as the council members,
5 I totally disagree. In a bank, the failure of
6 banks, or mortgage companies, or what have you,
7 the CEO gets terminated. You don't set the same
8 limits for both, to everybody for no reason at
9 all. So I've got something I'm going to read as
10 fast as I can folks.

11 It appears that some politicians
12 have made up their minds to extend term limits and
13 are just playing the public for suckers as they
14 usually do. The only chance the people of New
15 York City have is to get rid of the old that has
16 been in place for eight years and bring in new
17 blood for a breath of fresh air, hopefully leaving
18 more money in the taxpayer's pockets.

19 Let's review quickly the past eight
20 years, see if anything has changed from the
21 previous. Department of Buildings, scandal after
22 scandal, indictments, and jail time, to the point
23 where it is now costing lives in crane accidents,
24 scaffold failures, and fires. New York City
25 Housing Authority, always one of the richest

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2 agencies in New York is crying poverty when the
3 problems with the elevators in the projects should
4 have been repaired and maintained. It appears
5 that the inept management and mismanagement of the
6 agency's monies are now causing fatal accidents.
7 Department of Finance and the Parking Violations
8 Bureau, I don't go into the details but you might
9 be aware that 50 percent of parking tickets are
10 dismissed in this city. That means there
11 fraudulent summonses being written and is a
12 blatant abuse on the public and your constituents.

13 CHAIRPERSON FELDER: Can you please
14 wrap up? [pause] Yeah, I'm talking to you, Sir.
15 [laughter]

16 SIMON BELSKY: Okay. Sadly I
17 equate the management of New York City to the head
18 of Medusa. No matter how many times you cut off
19 the snakes and politicians, they keep coming back
20 until you cut off the head of Medusa: Mayor
21 Bloomberg, his staff, and all his appointees. It
22 is said that 85 percent or more of the voting
23 public has no clue why they are voting for a
24 specific individual. They tend to pick a pretty
25 face, a nice speaking voice, their appearance,

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 2 their past knowledge of business, or some other
 3 ridiculous attribute. In Mayor Bloomberg's case
 4 he has done an excellent job at his own company
 5 but he has failed miserably at managing the
 6 agencies and departments of New York City. New
 7 Yorkers must wake up and vote for people that will
 8 end the employment of inept or unqualified
 9 personnel, focus on eliminating the fraud and
 10 corruption which is rampant across—address the
 11 quality of life issues of all the people, stop the
 12 waste of billions of dollars and bring this city
 13 back to a balanced budget with accountability for
 14 failure.

15 CHAIRPERSON FELDER: Okay.

16 SIMON BELSKY: Part of those
 17 billions are the School Construction Authority.

18 CHAIRPERSON FELDER: Okay.

19 SIMON BELSKY: I know the council
 20 people really don't want to hear that because the
 21 one thing I find is that the council people don't
 22 bring up these issues—

23 CHAIRPERSON FELDER: Excuse me,
 24 Sir.

25 SIMON BELSKY: -to their

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constituents.

CHAIRPERSON FELDER: Sir, you're welcome to come. We have hearings here all the time in a variety of committees and we'd be delighted to hear your testimony. [off-mic comments] Yes, if you want. You can even go onto the council web site-- [off-mic comments] Yeah, absolutely. Absolutely, you're welcome. Next?

GENE RUSHINOF: Good afternoon, Mr. Chairman, council members, and staff. I'm Gene Rushinof with the New York Public Interest Research Group. NYPIRG, just like every good government group in New York City, opposed Intro 845 and its legislative extension to term limits. Action by the council here, without going back to the voters, will greatly harm its reputation, undermine its authority as a check and balance on the mayor, and sadly reinforce the cynicism of the public.

I am here today as someone who for more than a quarter of a century has fought very hard on behalf of increasing the council's power. We are in a very strong mayor form of government, and we consider the council an important check and

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2 balance, and there have been up and downs to that
3 fight but it's always been a march forward. I
4 think if you take action here it will be a very
5 big step backward. New Yorkers twice voted for
6 the current two term limit law, both in '93 and
7 '96. A legislative extension would send a
8 terrible message to New Yorkers that their vote
9 doesn't count. It would widely be seen as an act
10 of self-dealing.

11 I should say you should have a copy
12 of my written statement in front of you. Mayor
13 Bloomberg and the supporters of Intro 845 say that
14 the nation's financial turmoil justifies
15 legislation allowing them to run for a third term.
16 This basic same argument was made in 2001 in the
17 wake of 9/11 by former mayor Rudolph Giuliani but
18 he was denied an extended term and new leadership,
19 which includes many of the people who are here
20 today performed admirably and stepped up to the
21 plate to do what had to be done. There is a fair
22 alternative to Intro 845 that respects past votes
23 of New Yorkers and that would be to hold a special
24 election on the issue before the municipal
25 election cycle in 2009. And to - - my testimony I

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2 say what I think should be plain to most people,
3 this is too quick a process, that it really should
4 be slowed down so there's a fair consideration of
5 the alternatives and it just not be two days of
6 hearings and a vote a week later. That's going to
7 add to the very bad feeling the public is going to
8 give you. Thank you.

9 CHAIRPERSON FELDER: Thank you very
10 much. Next please? Is there another witness
11 there?

12 MALE VOICE: Yes.

13 CHAIRPERSON FELDER: Great. I owe
14 you five seconds.

15 CHRIS KEELEY: Good afternoon. My
16 name is Chris Keeley and I'm associate director of
17 Common Cause New York. Common Cause New York is a
18 non-partisan, non-profit citizen's lobby dedicated
19 to achieving honest and accountable government at
20 all levels. First of all, Chairman Felder, thank
21 you for holding this hearing.

22 Common Cause New York believes that
23 because the voters have both established and
24 defended term limits by public referenda in the
25 past the appropriate way to make changes in New

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2 York City's term limit law is to put it squarely
3 back to the voters. Some members of the council
4 and the general public have suggested that the
5 public sentiment on this issue may have shifted in
6 the last 12 years. Perhaps that is the case.
7 Perhaps council action would reflect that change
8 in sentiment. Let's put it to the voters and
9 let's find out.

10 To be clear, Common Cause believes
11 the city's democratic tools and procedures are
12 larger than any individual's or organization's.
13 It is these democratic tools that are intended to
14 protect against abuses of power at exactly moments
15 like this, moments of great political or economic
16 strain. Revision of the current term limits law
17 is too important, too nuanced to be rushed
18 through. A cynic might say that the mayor let the
19 clock run out on term limits proposals so it
20 couldn't be on this November's ballot. A cynic
21 might say that the current action undertaken on
22 both sides of City Hall shows contempt for voters,
23 disrespect for the city's democratic procedures
24 and protections, and the Intro 845 represents back
25 room politicking at its worst.

2 We're not cynics at Common Cause.
3 That's why we do the work we do. We believe that
4 our elected officials can and will rise to the
5 challenge of acting in the public interest not
6 their self-interest. Nevertheless, the action
7 that is being proposed and the way in which it has
8 been introduced undercuts the public confidence in
9 the institution of the council and fuels public
10 cynicism of their local government. This is a
11 tide-turning moment and Common Cause urges you to
12 take this opportunity to provide the leadership
13 the people of New York City deserve, even if some
14 may think that many of the city's citizens have
15 grown too cynical to expect it. Be the leaders
16 New York deserves by engaging the public, giving
17 them time to consider various alternatives and to
18 join with you in crafting the strongest and most
19 effective city government for New York City.

20 CHAIRPERSON FELDER: Thank you very
21 much. We've been joined by Council member
22 Ignizio, Council member Alan Gerson, and we have
23 now a question from Councilman Domenic Recchia.

24 [off-mic comments]

25 COUNCIL MEMBER RECCHIA: Hello,

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2 yes. My question is directed towards Mark Green.
3 You came here today and you made some statements
4 that I find some of them offensive but I just want
5 to ask you this question, and that is you sat here
6 and you heard Michael Cardozo, Corporation
7 Counsel, testify that the council has the legal
8 right to pass this legislation and it's within our
9 power to pass this. You were here for that,
10 correct?

11 MARK GREEN: Yes.

12 COUNCIL MEMBER RECCHIA: And
13 wouldn't you agree that it's within our power to
14 pass this legislation and we have the authority to
15 do this under the law?

16 MARK GREEN: If you go forward with
17 the law change that will probably be challenged.
18 My point however, Council member, was while even
19 if you have the legal right to do it, is it right
20 to do it, because voters twice in a referendum
21 recently have voted to the contrary and since,
22 honorable as each of you individually is, it's
23 self-dealing when you have to vote on your own
24 career, job, and paycheck.

25 COUNCIL MEMBER RECCHIA: But it is

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2 within our power, okay? And we were elected by
3 the people. The people elected us to lead. So
4 for you to come in here and say that this is
5 unethical conduct is offensive to this body. We
6 got elected to lead. People put us into office to
7 lead. Our constituents want us to lead and make
8 hard decisions for the best interests of this
9 city, okay? So when you come in here and say that
10 it's unethical conduct, okay, you're wrong. This
11 is within our power and we have the authority to
12 do this for the best interests of this city.

13 MARK GREEN: Let the voters decide.

14 COUNCIL MEMBER RECCHIA: And they
15 will decide. If they don't like it they'll decide
16 in September in a primary and some in the general
17 election in November. Why don't you face the
18 fact? We are bringing choice to the people of
19 this city. We're giving people an opportunity to
20 vote for everyone.

21 [general uproar; gavels]

22 CHAIRPERSON FELDER: Domenic.
23 Domenic. Excuse me. Sssh. Council member, I
24 want to apologize. I neglected to acknowledge
25 Council member Gonzalez who has been here a while

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2 and Council member Mealey [phonetic]. I
3 apologize. Council member Alan Gerson.

4 [off-mic comments]

5 COUNCIL MEMBER GERSON: Hello,
6 thank you. I want to ask anyone on the panel,
7 does anyone feel that in our deliberations--
8 Pardon me? [off-mic comments] I was told to
9 direct the question to an individual on the panel
10 so since Mr. Datey, since you went first, but feel
11 free to defer as the procedure allows. The
12 question is this: does anyone feel that in our
13 deliberations it is legitimate for us, or let me
14 rephrase it, does anyone feel that we should
15 consider and weigh in as a factor, not necessarily
16 the dispositive factor but as a factor, the cost?
17 The cost to the City of New York of a special
18 election, which is--let me finish--which is
19 estimated to be between 10 and \$20 million. And
20 while you ponder that just for a moment, let me
21 just present some human context, very recent. And
22 let me also say I agree fully with Mark Green's
23 point that anyone running for office should opt
24 into the public finance system and I agree with
25 Mr. Jacobs' point, as I've said for years, that it

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2 should have been on the ballot this November. But
3 we have to choose now between less than perfect
4 alternatives and this morning I was at a public
5 housing project where last night three people were
6 shot, one 13 year old. Thank God they survived.
7 Two nights ago the same housing project, two other
8 people were shot.

9 CHAIRPERSON FELDER: Council.
10 Council.

11 COUNCIL MEMBER GERSON: I'm going
12 to wrap up.

13 CHAIRPERSON FELDER: No, you don't
14 have to wrap up. All you have to do is ask a
15 question.

16 COUNCIL MEMBER GERSON: And here's
17 the question, but the human context is all
18 important because we're in a year of budget
19 cutbacks and the people I met with this morning
20 were pleading with me to provide security cameras
21 and other matters that have been delayed because
22 of the budget. So therefore should we not, as we
23 weigh all the factors, consider the cost of an
24 election that is, in any event, an intermediate
25 step? A referendum as to whether or not to allow

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2 certain individuals to run or not run, or should
3 we consider the savings of just allowing the
4 individuals to run directly?

5 MALE VOICE: No, because the cost
6 of citizens participating in our democracy and
7 being part of the decision of who they are
8 governed by is priceless. I also want to add
9 [applause] that what is unfortunate and troubling
10 about this question that's being asked today is
11 that we are being asked two questions: whether or
12 not city council term limits should be amended to
13 go to a third term and whether those that are
14 currently in office should be allowed to stand for
15 a third term, and whether or not we would choose
16 to elect those.

17 COUNCIL MEMBER GERSON: [crosstalk]
18 Well I'm not asking that question at all.

19 MALE VOICE: [crosstalk] The
20 voters are being asked two different questions yet
21 being given only one opportunity, an election next
22 fall, to answer those two separate and distinct
23 questions. That's the problem.

24 CHAIRPERSON FELDER: Council member
25 Comrie?

2 COUNCIL MEMBER COMRIE: May I
3 address that issue just very briefly?

4 CHAIRPERSON FELDER: Yes, please.

5 MALE VOICE: The one comment I'd
6 like to make is that if you council members, if
7 your conscience is that a third term is needed for
8 the executive or for the council, then pass that
9 law for the next council and for the next mayor.

10 CHAIRPERSON FELDER: Council member
11 Comrie?

12 COUNCIL MEMBER COMRIE: Thank you,
13 Mr. Chair. This question is for Mr. Datey. In
14 your testimony you alluded to the fact that the
15 term limits referendum in both '93 and '96 were
16 not fair. Do you want to espouse on what was not
17 fair in your opinion? And how do you think that
18 it could be ever a fair referendum if there were
19 one held?

20 DICK DATEY: I think they were seen
21 as not being a fair fight because of the amount of
22 money that was poured into the campaign, somewhat
23 surprisingly by one citizen. And many of the
24 elected officials in 1993 chose not to have a
25 clear position on that because of the fear that

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2 they had of inciting voter revolt against them.
3 And so the opposition was very muted and in many
4 ways invisible, and again so in 1996. And so I
5 think that the discussion was not a full and broad
6 discussion and a fair one, and I think that if a
7 special election were to be held on this issue now
8 I think we'd have a much different and more
9 expansive discussion on this.

10 CHAIRPERSON FELDER: Council member
11 Jackson?

12 MALE VOICE: [interposing] If I
13 could just—I just want to add something—

14 CHAIRPERSON FELDER: Yes, please.

15 MALE VOICE: --about the '93
16 elections. The council at that time was very
17 arrogant about their ability to keep anyone off
18 the ballot and so the case dragged on and on until
19 mid-October and then the council lost. And then
20 the council said we just don't have enough time to
21 deal with this issue when they put themselves in
22 that position in the first place. So it wasn't a
23 perfect election but if you look at any election
24 there are things that you could say about the
25 voter participation, or the money, or the message.

It was the vote of the public.

COUNCIL MEMBER COMRIE: Mr. Chair,
 I would say that they didn't answer the question
 as far as how do they think it would be fair this
 time if there's going to be the issues of money,
 influence, and power? How do you feel you're
 going to get to a fair referendum? If Mr. Datey
 and Mr. Rushinof are allowing the money put
 politicians to sleep or scared them into reticence
 how do you feel that it's going to happen this
 time? I mean, I think there's a lot of hypocrisy
 going on, on that end. Clearly in '93 and '96
 people were pushed away from expressing their
 opinion, or not able to have the funds to express
 their opinion, and the referendums were not fair.
 And as Dick Datey said, it was not fair fights.
 How do you get to a fair fight on a referendum?

GENE RUSHINOF: We supported
 legislation that would provide some degree of
 public funding in—

COUNCIL MEMBER COMRIE:
 [interposing] Let me be more specific. How do
 you get to a fair fight in a referendum in 2009 as
 you both are espousing to do so? How do you get

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2 to a fair fight on a referendum in 2009 if both of
3 you are saying that the other referendums were not
4 done as a fair fight?

5 GENE RUSHINOF: Well again, we had
6 proposed legislation. It's an issue in referenda.
7 You go look out in California and of course it's
8 an issue.

9 COUNCIL MEMBER COMRIE: [crosstalk]
10 Let's not go to California, let's not go to other
11 states because we could go to that argument that
12 most of the states that are run by referendum are
13 bankrupt.

14 GENE RUSHINOF: Well you know, I'll
15 give you one other example. In 2003 Mayor
16 Bloomberg placed on the ballot a proposal which
17 most of you did not like to have non-partisan
18 elections for mayor. He spent 8-1/2 million
19 dollars and his opponents spent, which I was one,
20 maybe 100,000 bucks. And it lost 70/30 at the
21 polls, which may be the reason why Mayor Bloomberg
22 is so unwilling to put this up to a referendum
23 with the voters, because he tried to buy one
24 before and did not succeed.

25 MALE VOICE: Council member Comrie,

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2 your point is well taken. There's no perfect
3 election.

4 COUNCIL MEMBER COMRIE: Right.

5 MALE VOICE: I would maintain that
6 a referendum in early 2009 is more likely to be a
7 fair fight than a general election in 2009 with a
8 mayor who threatened current candidates with
9 spending \$80 million to the New York Times as a
10 way to bully them out of the race. I doubt anyone
11 will spend \$80 million in the referendum that
12 you're asking about.

13 COUNCIL MEMBER COMRIE: I think
14 that with all due respect to the panel, that you
15 have already said that the referendums are not a
16 fair fight, however the monies are spent. That
17 you will have a better opportunity to have a fair
18 fight in a general election in 2009. And I think
19 that clearly the people are aware of this issue,
20 they've been aware of this issue for many years
21 now, and the best to do it would be at an
22 opportunity where you'd have maximum turnout in a
23 general election. Thank you, Mr. Chairman.

24 CHAIRPERSON FELDER: Council member
25 Jackson?

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2 COUNCIL MEMBER JACKSON: Thank you,
3 Mr. Chair, and good afternoon to the panel. Let
4 me just say a few words before I ask my question
5 and I'm timing myself here also. I want you to
6 know that I have always, always been against the
7 term limits. Even before my predecessor, Stanley
8 Michaels, ended his 24 year career, God rest his
9 soul, I was against it then and I'm against it
10 now. Because the true election is when the people
11 of our district have an opportunity to elect or
12 re-elect the people that they wish. That is true
13 democracy.

14 Now, are you aware specifically, in
15 the County of New York, that when the people of
16 New York County voiced their opinion in 1993 that
17 they were against term limits? In essence, the
18 vote was not in favor of term limits in New York
19 County and the Borough of Manhattan. And in 1996,
20 when the question of extending term limits to
21 three terms, the people of New York County,
22 Manhattan, voted in favor of extending it to three
23 terms. Are you aware of that? And my second part
24 of the question is, knowing that the people of
25 Manhattan, where I'm from, were in favor of

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2 extending term limits, why should I then vote
3 contrary to what the people have voted in New York
4 County twice before?

5 MALE VOICE: Because you shouldn't
6 vote when you're at issue. If you want to vote
7 that way for the next city council that may be a
8 little bit different. But to enrich yourselves,
9 to have it effect yourselves, that doesn't smell
10 right.

11 COUNCIL MEMBER JACKSON: Anybody
12 else respond to my question?

13 [off-mic comments]

14 RAFAEL MARTINEZ: Yes Councilman,
15 let me be blunt.

16 COUNCIL MEMBER JACKSON: I'm sorry,
17 say that again?

18 RAFAEL MARTINEZ: Let me be blunt.

19 COUNCIL MEMBER JACKSON: Please be
20 very blunt.

21 RAFAEL MARTINEZ: The reason that
22 many of you that are term limited are voting to
23 extend for three terms is because you don't want
24 to be out of a job, and you're looking for a job,
25 and you are not looking for the well being of the

1
2 people. [applause; cheering]

3 COUNCIL MEMBER JACKSON: Let me
4 respond to you. I had a job before I was elected
5 to the city council and I will have a job when I
6 leave the city council, whenever that may be.

7 CHAIRPERSON FELDER: Council member
8 Vallone? [gavels]

9 COUNCIL MEMBER VALLONE: Thank you,
10 Mr. Chair. Insults by anyone, the next panel,
11 this panel, are not helpful and demean the
12 process. And in the red shirt, with the exception
13 of the women up here, I think it's pretty clear
14 nobody in the public votes for their council
15 members based on pretty faces. Just so you know,
16 okay? [laughter] And Leroy Comrie. Leroy Comrie
17 is very pretty he claims. But let me get back to
18 the issue. [gavels] Rafael, I don't want to be
19 here. I don't want to be voting on this. I would
20 much rather, much rather have continued my planned
21 run for borough president and not have to be
22 voting on this. I am not voting in my own self-
23 interest if I voted for this, okay, because I
24 won't be able to do that. I had plans to continue
25 to serve the public and I can't do that anymore.

1 So I, for one, am not voting in my own interest.

2 I am looking to do what is right for this city and
3 only that, and I'm sure most of my colleagues are
4 doing exactly the same thing.
5

6 And Mr. Green, Bloomberg is not the
7 issue here. Whether he stalled or did not stall,
8 that's not before us. We are now in a position we
9 did not ask to be in and we have to do what's
10 right for the city. We're not here to demagogue,
11 we're not here to take a political position, we're
12 here to do what's right for the city and we have
13 two options: vote this or put it to referendum.
14 Those are our two options. And what happened in
15 the past doesn't concern me. I need to choose
16 between one of those two things and do what I
17 think is best for the city.

18 Now let me play devil's advocate
19 with you, Mr. Green, because I did it for the
20 other side too. I asked them to explain positions
21 and I want to ask you to explain a position. You
22 have accused this mayor many times of buying the
23 last election and he will buy the next election.
24 You've basically said that the people's will was
25 not expressed because they were influence by money

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2 and will not be expressed because they'll be
3 influenced by money. You've said that many times.
4 Now, why then should we be bound by two referenda
5 which were similarly influenced by money? When
6 they were outspent--what did Lauder spend?
7 Millions of dollars against zero money, so it was
8 actually millions to zero as opposed to 80 million
9 to 10 million or whatever it winds up being in a
10 mayoral race. So why should we be bound by two
11 referenda where the will of the people was not
12 expressed or was unduly influenced? You can't
13 have it both ways so I'd like you to explain that
14 one to me.

15 MARK GREEN: Thank you, Council
16 member. Actually I've almost never publicly said,
17 Peter, that Mike Bloomberg bought the 2001
18 election.

19 COUNCIL MEMBER VALLONE: Almost
20 never?

21 MARK GREEN: I actually--no, no. I
22 don't remember ever saying it. By the way, if Pat
23 Buchanan had spent \$74 million running for mayor
24 in 2001 he would not have won. Mike Bloomberg did
25 not win in 2001 merely because he spent that

1
2 money. He would tell you that he couldn't have
3 won if he hadn't spent the money to say who he
4 was. So let me stipulate, we all agree with that,
5 and I've almost, Peter, never spoken about it
6 because you don't talk about an election where
7 you've lost. Today what I said was that the
8 mayor's allies told the New York Times in a piece
9 last week, let Wiener run. We're going to bury
10 him with negative ads and \$80 million. Peter,
11 that's offensive.

12 COUNCIL MEMBER VALLONE:

13 [crosstalk] That's not the issue.

14 MARK GREEN: [crosstalk] Let me
15 answer your question.

16 COUNCIL MEMBER VALLONE: That's not
17 the issue today.

18 CHAIRPERSON FELDER: Well, excuse
19 me,

20 COUNCIL MEMBER VALLONE: That's
21 campaign rhetoric.

22 CHAIRPERSON FELDER: [crosstalk]
23 Just for a minute. Just for a minute. Excuse me
24 for a minute. The way the hearing works is that
25 the members of the council ask questions and the

1
2 panel, the witnesses, answer the questions or
3 choose not to. Whatever you want to do. But it's
4 not a debate so if you—if in any way please keep
5 it to those rules.

6 MARK GREEN: Peter's asked a very—
7 beyond stipulating that I have said this many
8 times, which I haven't, let's talk about the
9 merits. Peter's father opposed, of course, the
10 '93 and 6 referenda and that position, which I
11 shared, I was against term limits, was outspent by
12 Ron Lauder. That's absolutely true. Anyone know
13 the numbers? It may have been 4 million to a few
14 hundred thousand. That's flawed, imperfect, and
15 undesirable. If you want to only look forward,
16 Peter, my guess is that a referendum according to
17 the James de Blasio bill in early '09 will be a
18 more fair fight politically and financially than
19 an \$80 million to a few million dollar general
20 election next fall.

21 COUNCIL MEMBER VALLONE: I think it
22 would be much more fair than the former referendum
23 would. I actually agree with you on that. I
24 just—the question was though, you ask us to be
25 bound by this and claim that this next election

1
2 wouldn't be fair. But I understand your point and
3 this—my father actually will be testifying
4 tomorrow in favor of this. I'm undecided, which
5 means I can't go home for a while. [laughter]
6 But thank you. Thank you for that.

7 CHAIRPERSON FELDER: Council member
8 Lappin.

9 COUNCIL MEMBER LAPPIN: Thank you,
10 Mr. Chair. My question is for Mr. Datey. You
11 seem to be popular this afternoon and I believe
12 you were here, I think I saw you when I was
13 questioning Mr. Crowell. And my question for him
14 is sort of a similar question that I have for you
15 about the process and my question for him was has
16 the council done anything—because there is this
17 concept that this process is self-serving—has the
18 council voted on a change to an issue that had
19 been voted by referendum that impacted this body?
20 And he mentioned the campaign finance bill, which
21 I know you and Citizen's Union were very strong
22 supporters of. So my question would be in terms
23 of process, how do you view them as being
24 different?

25 DICK DATEY: On the campaign

1
2 finance issue I think that the council has made
3 improvements and amendments to it and not gone in
4 the exact opposite direction of anything that the
5 voters may have spoken on in terms of a voter
6 referendum on the issue. And my colleague, Gene
7 Rushinof, may be also able to add to that. I
8 would just emphasize something I said earlier,
9 that the city in its infinite wisdom actually
10 created an independent redistricting commission to
11 draw the lines of the city council districts that
12 you represent. Because they didn't want to place
13 you in the position of having to draw the lines
14 like they do in the state legislature. So when
15 there is a vested self-interest the city has a
16 practice of taking that away from you and allowing
17 someone else to do that. Same thing with the pay
18 raise issue. Even though you ultimately vote on a
19 pay raise for yourself there is some level of
20 independence and inoculation away from having to
21 directly make that decision by reacting to and
22 voting upon a recommendation. But I am not really
23 sure if there has been a clear example in the
24 history of our city where the city council
25 overturned completely and went in the opposite

1
2 direction of what the voters wanted to have
3 happen. Gene?

4 GENE RUSHINOF: --case a situation
5 is very instructive. There's a - - commission
6 that looks at the pay compensation in other
7 legislatures around the country and makes a
8 recommendation to you. And while that doesn't
9 take away your final vote it certainly constrains
10 you in a way that creates more public confidence
11 about your decision.

12 CHAIRPERSON FELDER: Council member
13 Fidler.

14 COUNCIL MEMBER FIDLER: Thank you
15 and I'm most tempted to ask my friend, Mark Green,
16 who he voted for in 2005 since he kind of admitted
17 that, but I'll pass on that. And Mark, you-

18 MARK GREEN: Ferrer. [laughter]

19 COUNCIL MEMBER FIDLER: Are you
20 under oath? It's good to hear. But you did say,
21 Mark, that we're being asked to choose Mike
22 Bloomberg in this vote and I don't know if this
23 will get me in trouble with both sides but I'm
24 certainly not choosing Mike Bloomberg. Anyone who
25 has been in this room and who has listened to me

1
2 over the last six years knows I'm not a toadie for
3 Mike Bloomberg. Quite frankly, I'm a little
4 unhappy with the manner in which this question has
5 come before us and I hope Tom Galisano [phonetic]
6 comes down and decides to fund the other side.
7 Then everyone will have a billionaire that I don't
8 give a damn about. All right? [mixed voices]
9 Because I don't-- Tish, please. You know, when
10 you have your turn you'll have your turn. Please
11 be respectful. [off-mic comments] All right,
12 because I frankly don't care what Mike Bloomberg,
13 Ron Lauder, or Tom Galisano have to say
14 whatsoever. All right? And I have no intention,
15 Mark, of supporting Mike Bloomberg for re-election
16 next year as I didn't in the last two elections,
17 as you know. So I don't think that's the choice
18 before us and that probably makes both sides in
19 the room unhappy.

20 As far as, Gene, your comment about
21 the end of Giuliani's administration, we didn't
22 make the change, what was being asked at that time
23 was that we extend the term of Mayor Giuliani for
24 a period of time without holding an election. I
25 see a distinction there. I see a huge distinction

1
2 there and a huge-- I would tend to think that
3 there would be no legal possible way that that
4 could have been done or should have been done.

5 Council member Comrie kind of
6 touched on the area I wanted to go to. He touched
7 on it very, very well so I'm not going to go into
8 it at length, but Dick, you did say that the term
9 limit fight in the 1990s were not fair fights as
10 one citizen with a lot of money was able to
11 influence the view of enough New Yorkers. I just
12 kind of wonder what makes you think that won't
13 happen again. And I heard the answers to Council
14 member Comrie's questions, that there will be
15 extensive discussion yet in order to be fair to
16 the electoral process next year we'd have to do it
17 quickly, right? No question. Well what's going
18 to offset the money and Gene said well, in his
19 world we would have public financing of
20 referendum. Well that's not going to happen
21 between now and then. It's certainly not going to
22 happen when I would have to choose between
23 spending \$20 million on that or keeping NYCHA
24 centers open. That's not going to happen.
25 [background noise] Stunning huh?

I don't understand why anyone would think that a quick referendum in the spring without a full blown charter revision process, a full public hearing-

CHAIRPERSON FELDER: [interposing]
Do you have a question?

COUNCIL MEMBER FIDLER: --would be a fair fight this time when it wasn't the last time.

DICK DATEY: [crosstalk] I'd be happy to answer that question. I think the most fair way to address the issue of changing term limits in this city is to have a charter revision commission appointed in a way that allows full public debate and hearings throughout the city and to place that question on the ballot during a regularly scheduled election. That's the most fair way to do it. Unfortunately that's not going to happen because time ran out this year for that to happen and everyone has been asking the question why. Because we feel like we missed the opportunity to do it, even though Citizen's Union has been calling for this to be addressed over the last couple years through a charter revision

1
2 commission.

3 When the 1993 fight took place it
4 was not through a charter revision commission but
5 rather through a citizen initiated process that
6 happened very quickly, caught a lot of people off
7 guard, and limited public debate because of the
8 financing of the fight. Given the volatility of
9 this issue and the high public profile we would
10 have a much more informed discussion. The other
11 thing about this, Stu, is that we now have a body
12 of experience against which to judge the impact of
13 term limits on city government. It was a theory
14 in 1993. What we have lacked in this discussion,
15 and this discussion has been unfortunate because
16 it is about the process of how it's going to get
17 done, and who's going to do it, and who is going
18 to benefit, and what's been sorely lacking is how
19 term limits have impacted city government. Has it
20 been good? Has it been bad? We've missed that
21 conversation and we should have had that earlier
22 this year.

23 MARK GREEN: I misspoke—this is
24 Mark Green—I misspoke earlier when I said to
25 Council member Comrie that we are faced with a

1
2 series of imperfect alternatives. I have, I
3 think, the perfect alternative, Council member
4 Fidler. It's the Liu alternative.

5 MALE VOICE: John Fidler.

6 [laughter]

7 MARK GREEN: Council member Liu
8 proposed this earlier: a charter commission where
9 there's a full debate without a couple of days
10 like this but in every borough where people can
11 reflect and think about it, where instead of
12 publishers being met privately before Lehman
13 Brothers fell to rig the result, is a big
14 democracy. And then you vote in the fall of '09
15 when turnout is at its height prospectively. That
16 means that Mike Bloomberg, as he's known for seven
17 years, won't be able to run for a third term.
18 It's the Harry Truman, Jonathan Liu alternative.
19 You don't change the rules affecting the occupant
20 of the chief executive office while he's sitting
21 in the office. [applause] Those of you—

22 CHAIRPERSON FELDER: [interposing]

23 Excuse me. Excuse me. For those of you who
24 weren't here earlier let me remind you that
25 there's no clapping, no booing, whether you agree

1
2 or disagree this is a hearing and that's what it's
3 going to remain. I don't want to have to ask
4 anybody to leave.

5 MALE VOICE: With all due respect I
6 am glad to hear and continue to hear from our good
7 government groups that they agree that the policy
8 that term limits are bad government, a position
9 that I have held since I was in college as a
10 political science major long before I was a
11 council member, that we all agree on that.
12 Unfortunately, I left my-

13 CHAIRPERSON FELDER: [interposing]
14 We're going to go-- Counc-

15 COUNCIL MEMBER FIDLER: Let me just
16 one last sentence. I left my time machine home
17 and I can't go back and make Mike Bloomberg do
18 what he should have done earlier in the year. And
19 so I'm faced with a policy choice now and I'm not
20 going to let the fact that some billionaires have
21 gotten together in a distasteful way, and they
22 happen to agree with me, to stop me from voting
23 for the policy of good government that I think is
24 right.

25 CHAIRPERSON FELDER: Council

1
2 member--

3 MALE VOICE: [interposing] I just
4 want to say. It's not just distasteful. I think
5 the wide perception of New Yorkers is that you
6 have a mayor who has deliberately avoided a public
7 vote on this important issue to extend his own
8 term in office. He polled on term limits with the
9 public in April, and there are many other steps
10 along the way, and I think the public is
11 transfixed by the image of the mayor sitting down
12 for tea and cookies at Gracie Mansion with another
13 billionaire to carve up the political future of
14 this city and that's the environment that you're
15 in. [applause]

16 [off-mic comments]

17 CHAIRPERSON FELDER: Okay, Council
18 member Martinez.

19 COUNCIL MEMBER MARTINEZ: Thank
20 you, Mr. Chair. I am somewhat disturbed with a
21 lot of what I hear, particularly from the good
22 government group in terms of the perception that
23 is created, and it goes to my question, that the
24 process here that we're going through and the
25 jurisdiction of the council to examine and make a

1
2 decision on this issue, as if it was an
3 illegitimate process or an illegitimate function
4 of the city council. And as a member of the
5 council for the last seven years I have voted on
6 numerous items that have to do with the amendment
7 of the city charter. As well as I heard the
8 Corporation Counsel speak of and give us specific
9 examples of other items that were voted by
10 referendum in which the council made amendment to,
11 and that including campaign finance in which the
12 voters of the City of New York voted that the cap
13 of how much an elected official could spend in
14 addition to the amount of public dollars that the
15 voters of the City of New York wanted to be
16 issued, in terms of matching funds, to these
17 individuals.

18 CHAIRPERSON FELDER: [interposing]
19 Question? Can you please ask a question?

20 COUNCIL MEMBER MARTINEZ: I was
21 shorter than everybody else. [laughter] Sorry,
22 I-

23 CHAIRPERSON FELDER: Hold on a
24 minute. We're going to allow you to ask a very
25 long question.

2 COUNCIL MEMBER MARTINEZ: I will go
3 to the question. So in terms of campaign finance,
4 the same example: we increased the amount of
5 public dollars, we increased the capital
6 expenditures, and so forth. What makes this
7 process so illegitimate, different to the other
8 ones, from the examples that I gave you? And the
9 second question is, is this process, yes or no,
10 that's all you have to say, is this process
11 legitimate or illegitimate?

12 MALE VOICE: Can I answer that
13 question? I think, as I said in my testimony that
14 I wasn't able to deliver the entire prepared
15 remarks, this is not an illegal or illegitimate
16 act by the city council. It is not a preferred
17 action that we would like to see the council take,
18 particularly since the voters have already weighed
19 in on this. We think that it is incumbent upon--
20 It's not a question of whether you can, it's a
21 question of whether you should. That's the
22 question. [applause]

23 CHAIRPERSON FELDER: Council member
24 Liu?

25 GENE RUSHINOF: I just wanted to

1
2 say that I don't want to get into a big fight
3 about the legal issues. I believe there are
4 grounds for challenging the council if they take
5 action here and-

6 COUNCIL MEMBER MARTINEZ:

7 [interposing] With all due respect, everything
8 the council does is challenged in court. The
9 majority of the laws we pass.

10 GENE RUSHINOF: Well all I can say
11 is in '93 the council was absolutely certain that
12 they could keep a term limits proposal off the
13 ballot, very arrogant about it, and they lost. I
14 think there are grounds for challenging but I
15 think the issue is as Dick stated it which is, is
16 this something that you should do, putting aside
17 the question of whether you have the legal right
18 to do it, which I think there's a question about.

19 CHAIRPERSON FELDER: Council member
20 Liu?

21 COUNCIL MEMBER LIU: Thank you, Mr.
22 Chairman. My question is directed to our
23 distinguished good government groups here, NYPIRG,
24 and Common Cause, and Citizen's Union. And these
25 are all organizations that I have a great deal of

1
2 respect for. I'm relatively new to politics. I
3 was in private sector finance up to the date
4 before I was sworn in. I have a degree in
5 mathematical physics so I don't really know a
6 whole lot about the history or politics of all of
7 this so I have relied on your safe advice over the
8 years. And one thing that fellow elected
9 officials over the years and advisors have said to
10 me is whatever you do just don't mess with people
11 who buy ink in bulk quantities. And unfortunately
12 I haven't followed that advice all that carefully
13 over the years and unfortunately I'm going to have
14 to break from that advice again here. Because as
15 much as this is a council decision and that we are
16 going to vote on this, the fact is we are
17 affected. We are affected by the mayor, we are
18 affected by editorial boards of this city, and I
19 have to give a good shout out to the editorial
20 board at Newsday, New York Newsday, because
21 they've done the right thing here.

22 CHAIRPERSON FELDER: [crosstalk] Do
23 you have a question?

24 COUNCIL MEMBER LIU: But our Fourth
25 Estate has rolled. They've rolled on us, they've

1
2 done a flip flop, and the timing of their flip
3 flop was so coincident with the mayor's
4 announcement in late August. So my question to
5 you is, as much as your organizations always hold
6 our feet to the fire, and call us on the votes
7 that we take, and tell us that we have to vote our
8 conscience, what are you going to do? Can you do
9 anything, please, to hold the Fourth Estate
10 accountable, and to implore. Join me in imploring
11 our editors and editorialists in writing their
12 conscience on this issue. Because I don't think
13 they have written their conscience.

14 [off-mic comments]

15 MALE VOICE: What I was going to
16 say is that it is very depressing to see the New
17 York Times and the Daily News do a 180 degree flip
18 flop with not very much rationale offered for
19 their position except that they like Mike
20 Bloomberg. The good news is that I think that the
21 news pages of those papers, the News, the Times,
22 the Post, Newsday, thoroughly covered this issue
23 in a very fair and very tough way. And this has
24 become front page news and I think it's to the
25 credit of those papers. Today the Wall Street

1
2 Journal—I don't often cite them—but they came out
3 with a very strong editorial calling for a
4 referendum to deal with term limits and raising
5 questions about the Times' coverage. Not the
6 coverage but their editorials.

7 CHAIRPERSON FELDER: Council member
8 de Blasio?

9 COUNCIL MEMBER DE BLASIO: Thank
10 you very much, Mr. Chair. I just want to say a
11 quick statement and then a question. The quick
12 statement is I thank the good government groups.
13 I think long before this debate became as intense
14 as it is now in this city a lot of the groups
15 represented here were trying to tell us that there
16 was something we had to look at here, and they
17 were our consciences, and I want to thank them
18 because this debate has now become truly city wide
19 in every neighborhood and you cannot, literally
20 for me, go anywhere now without having people come
21 forward and express their very strong opinions.
22 And I assure you the vast majority of those people
23 are saying no.

24 But that being said, the question:
25 a referendum, a special election referendum. Some

1
2 of the groups here were the first to put forward
3 this idea. It's since been validated by a number
4 of lawyers who are charter experts. Can you just
5 affirm to us specifically that there is the time
6 and the appropriate process to have a referendum
7 by special election after a full charter revision
8 commission process, including the public hearings
9 in each borough, and for that to be certified, and
10 for justice department sign off, before anyone has
11 to petition for office in the summer of 2009? Can
12 you just confirm that from your knowledge and your
13 experience? And I direct that to Mr. Rushinof and
14 Mr. Datey.

15 GENE RUSHINOF: My answer would be
16 yes.

17 COUNCIL MEMBER DE BLASIO: Mr.
18 Datey?

19 DICK DATEY: And my answer would be
20 yes as well.

21 COUNCIL MEMBER DE BLASIO: Thank
22 you.

23 DICK DATEY: Can I just answer Mr.
24 Liu's previous question?

25 CHAIRPERSON FELDER: No, but thank

1
2 you anyway. [laughter] Council member Oddo, the
3 last question.

4 COUNCIL MEMBER ODDO: Mathematical
5 physics, John Liu? [laughter] Mathematical
6 physics? How the heck did you end up here?
7 [laughter] I want to go back to the line of
8 questioning and the stream of thought that Council
9 member Comrie raised about the fair fight to which
10 Mark Green responded and then Council member
11 Fidler kind of followed up on it. And I guess my
12 question is either for Mr. Datey or Mr. Green. Am
13 I missing something? If we suppose that there's a
14 2009 or spring 2009 referendum on 12 versus 8, am
15 I wrong to anticipate Mr. Lauder getting involved,
16 spending his money, the mayor getting involved
17 spending his money? And if that's yes, does the
18 combined amount of money result in an increase in
19 voter participation? And if you believe that can
20 you tell me, can you venture a guess, to what
21 percent would we expect more of a public
22 participation?

23 MARK GREEN: I don't know anybody
24 who can give a good numerical answer to that,
25 Council Member Oddo. My guess, and it's only

1
2 that, is that when people of the wealth of Lauder
3 or Bloomberg spend a lot of money it does not
4 necessarily increase turnout but it obviously,
5 since advertising is a \$6 billion a year industry
6 in America, can shift sentiment if not votes. Now
7 what we do know is that it's more likely that tens
8 of millions of dollars could influence a close
9 election than a referendum. In 1999 I got
10 involved as the then public advocate in a fight
11 with Mayor Giuliani. He wanted to change the line
12 of succession when he was then thinking about
13 running for the U.S. Senate and leaving being
14 mayor. And in a fight where there was not one
15 side outspending the other considerably, although
16 the mayor was had a famous bully pulpit, he lost
17 in a referendum, 76 percent to 24 percent. He
18 never would have lost a head to head election 76 /
19 24 but he lost that. In 2000 was it three, Dick?
20 That the mayor had a referendum on non-partisan
21 elections. Before the vote the mayor said he was
22 going to spend a million dollars and then months
23 after the vote it was disclosed that he had spent
24 \$8 million. He lost 70 / 30.

25 Conclusion, and this may go to what

1
2 Council member Comrie was asking about, it's
3 harder to rig a referendum than it is an election
4 by the weight of money. It's just harder. And I
5 just hope some journalist here, since I can't do
6 it and I'm guessing even Fritz Schwartz who's here
7 can't do it, would ask the mayor if you say let
8 the voters decide in '09 is sufficient democracy?
9 Okay, would you then, since now everybody knows
10 you aren't like in 2001, do what almost every
11 member that I'm speaking to now has done. Opt in
12 the public finance system so it's a fair fight and
13 then you run on what is the considerable record of
14 the mayor rather than his extremely considerable
15 bank account.

16 CHAIRPERSON FELDER: Council member
17 Barron, last question.

18 COUNCIL MEMBER BARRON: Thank you
19 very much. I just wanted to ask some of the good
20 government groups, you know, we always talk about
21 the people need to have their voice, the people
22 need to speak. Well they did. They spoke in 1996
23 and they said no. And it's not like there's an
24 upswell, an uprising of the people asking for a
25 referendum. It seems like elected officials are

1 saying, some the mayor, let's do it through
 2 legislation, and some on the council say no, let's
 3 do it through referendum. But the people didn't
 4 ask to go back to referendum again. They already
 5 spoke in '96. So why wouldn't you support what
 6 the people already said? It's in place, they said
 7 eight and out. That's what they said. So it
 8 seems to me that you're giving the mayor two
 9 chances. If he doesn't get it through the
 10 legislative process, which is going to be an
 11 uphill battle for us, that's why I sat a little
 12 closer to Peter Vallone on this side [laughter],
 13 it's an uphill battle, but if it doesn't happen
 14 then you've got another shot at referendum. Why
 15 not take the strong position and say the people
 16 spoke, vote it down, and that's it? [applause]

18 CHAIRPERSON FELDER: Can you please
 19 answer the question? [gavels]

20 [off-mic comments]

21 DICK DATEY: You want to go, Gene?

22 GENE RUSHINOF: That's a very fair
 23 point. We did and do want some charter revision
 24 commission to look at this issue seriously because
 25 I think most of the good government groups, apart

1
2 from what the public says, share the sentiment of
3 many council members that three terms is fairer
4 and better working for the—better for the City of
5 New York. And a charter revision commission would
6 allow you the time, and the hearings, and the
7 public outreach, and the process to do that. So
8 it's not like we—

9 COUNCIL MEMBER BARRON: But Gene,
10 if I just say real quick. In all due fairness you
11 said you've decided you like 12 years. You're not
12 the people. See, the people said—

13 GENE RUSHINOF: I just want to—

14 COUNCIL MEMBER BARRON: The people
15 said no to that.

16 DICK DATEY: Can I answer that
17 question?

18 COUNCIL MEMBER BARRON: They said
19 no to that. So now you come along and you're
20 saying even though the people said no and you like
21 to speak on behalf of the people, but they said
22 no.

23 [crosstalk]

24 CHAIRPERSON FELDER: Okay.

25 GENE RUSHINOF: We're not like you,

2 Councilman. Sometimes we take positions that are
3 popular, and sometimes we take positions that are
4 unpopular, and we have our reasons and our
5 analysis for it.

6 COUNCIL MEMBER BARRON: You're not
7 like me. What does that mean? [laughter] You
8 don't even know who I am.

9 [crosstalk]

10 CHAIRPERSON FELDER: Okay.

11 GENE RUSHINOF: Not unlike--
12 [mixed voices; gavels] I said the position--

13 CHAIRPERSON FELDER: Please.

14 GENE RUSHINOF: I said not unlike
15 you.

16 COUNCIL MEMBER BARRON: Oh, not
17 unlike...

18 CHAIRPERSON FELDER: Mr. Datey?

19 DICK DATEY: The position of
20 Citizen's—I want to be clear about the position of
21 Citizen's Union on this issue and that is we have
22 not taken a position on whether three four year
23 terms, a third four year term is the right answer.
24 We haven't taken a position yet on whether we
25 should undo it entirely. But what we are arguing

1
2 for is that, you know, it was 12 and 15 years ago
3 that an entirely different electorate voted on
4 this issue without the benefit of experience. The
5 city now has a body of experience as to the impact
6 of term limits. Let's have a robust public debate
7 under the provision of a charter revision
8 commission to evaluate-

9 COUNCIL MEMBER BARRON:

10 [interposing] So we should change every law
11 that's 15, 20 years old because there's a new
12 electorate? No.

13 CHAIRPERSON FELDER: Okay.

14 COUNCIL MEMBER BARRON: Some laws
15 are on the books for a long length of time because
16 they're good and we can't change it every time a
17 new electorate comes in. People have voted on
18 that. Why wouldn't you take the strong principled
19 position and say no, and no referendum. Let's
20 vote it down.

21 DICK DATEY: We opposed the 1993
22 and '96 referendums to begin with and still do.

23 CHAIRPERSON FELDER: Okay, I
24 [crosstalk] want to thank this panel. The next
25 panel is-

2 MALE VOICE: Excuse me, excuse me.

3 I just have one question.

4 CHAIRPERSON FELDER: But that's not
5 the way it works. I'm going to get you the
6 information that you asked for—

7 MALE VOICE: Just one question.

8 CHAIRPERSON FELDER: -but we ask
9 you the questions. I'm sorry. [crosstalk] Pat
10 Singer, Joseph B. Garber, Carol, I am sorry if I
11 don't pronounce this correctly, Macholsky? Did I
12 get...? [off mic] William P. Lyons, Greg
13 Labarbera, Mike Paladino, Ed Malloy. Please come
14 up now. People are waiting. I'll repeat it one
15 more time, please come up and have a seat.
16 William P. Lyons, Pat Singer, Joseph G. Garber,
17 Carol Macholsky. [off mic] She's here? I'm
18 sorry, how is it pronounced? I'm sorry, Maholsky.
19 Gary Labarbera, Mike Paladino, and Ed Malloy.
20 [off-mic comments] All right? Can you please
21 have a seat? We'd like to begin. Can you mention
22 your names, those of you that are sitting down?
23 Mr. Garber?

24 JOSEPH G. GARBER: Yeah.

25 CHAIRPERSON FELDER: And Carol

2 Maholsky. Right?

3 MS. MAHOLSKY: Yes.

4 CHAIRPERSON FELDER: Is Pat Singer
5 here? Pat Singer? Is William P. Lyons here?
6 Give me two more please. [off mic] [pause]
7 We'll start on the right again if that's okay.
8 Please make sure to identify yourself for the
9 record. And again, we time you, two minutes.

10 CLERK: Please don't start that.

11 GREG LABARBERA: Good afternoon,
12 Council member Felder and members of the Committee
13 on Government Operations.

14 CLERK: Mr. Chair, can you hold it
15 up for a second, there's a lot of commotion in the
16 front.

17 CHAIRPERSON FELDER: Yes. Let me
18 call another witness, P. Marshall Morder, Sr., are
19 you here? Again, Marshall Morder, Sr.? Eric
20 Snyder. Please come up. Susan Stetzer, are you
21 here? Susan Stetzer. Please raise your hand?
22 All right. Okay, please begin and I'm sorry.

23 GREG LABARBERA: That's all right.
24 Good afternoon Council member Felder and members
25 of the Committee on Government Operation. My name

1
2 is Gary Labarbera, President of the Teamsters
3 Local 282 International Brotherhood of Teamsters.

4 [bangs gavels]

5 CLERK: Quiet please.

6 CHAIRPERSON FELDER: Please close
7 the door in the back. Thank you.

8 GREG LABARBERA: Thank you. I am
9 here on behalf of the members of Teamsters Local
10 282 and I'm here to support the administration's
11 proposed bill to the city council that would
12 extend term limits from two to three terms. This
13 bill would alter the current term limits law for
14 the mayor, comptroller, public advocate, borough
15 presidents, and city council. Under the proposed
16 legislation all city elected officials would be
17 able to serve three consecutive four year terms.
18 Our workers have been one of the hardest hit in
19 the financial collapse over the past couple of
20 weeks with the construction sector taking an
21 immediate blow. The credit market has tightened,
22 banks have refused to extend loans, and every day
23 more projects have simply stopped. This
24 administration working with the New York City
25 Council has revitalized neighborhoods with the

1
2 foresighted economic development initiatives that
3 have driven much needed capital into our city.
4 There is more that needs to be done. Our city
5 needs continued leadership that understands that
6 capital investment creates good paying jobs,
7 builds schools, generates needed houses, and
8 creates and strengthens communities. For example,
9 the current proposal for Willits Point would
10 create thousands of jobs and transform a blighted
11 area into a world class neighborhood that would
12 attract business and residents alike. It would
13 also ensure that these types of jobs that would be
14 created would use skilled workforce who will be
15 paid a prevailing wage or a living wage. These
16 are the types of jobs that will forcefully pull us
17 up quickly and create financial stability for
18 working families rather than have us stumble and
19 fight our way slowly out of a recession.

20 As we all face the economic crisis
21 together it bodes well to give New Yorkers simply
22 the option of supporting the same elected
23 officials that have been so successful in making
24 our city a great place to work, live, and visit.
25 Your support of this bill is not an endorsement of

1
2 any single candidate. It will simply give voters
3 more choices including the option of keeping Mayor
4 Bloomberg, the city council, and other elected
5 officials in office. I've always been opposed to
6 term limits and there is no question that
7 continued leadership in this economic crisis is
8 best for New York City and the New York City
9 workforce. Thank you for your time and
10 consideration.

11 CHAIRPERSON FELDER: I'm going to
12 ask people in the back of the room to please
13 either remain silent or go out into the lobby so
14 that people can hear those that are testifying.
15 And I want to remind the witnesses to please limit
16 your testimony to two minutes. Thank you.

17 EDWARD J. MALLOY: Thank you, Mr.
18 Chairman, members of the council. My name is
19 Edward J. Malloy. I am president of Building
20 Construction Trades Councils of New York City and
21 New York State. I am a lifelong resident of the
22 Borough of Manhattan. As a labor leader I have
23 been through four mayoral administrations: Koch,
24 Dinkins, Giuliani, and Bloomberg. I have seen
25 many changes. The past seven years have been the

1
2 most exceptional and exciting years of my life as
3 a New Yorker. As we meet today there are
4 unexpected challenges and it is our considered
5 opinion that the people of New York City will best
6 be served by allowing the public to re-elect a
7 mayor, a comptroller, public advocate, borough
8 presidents, and members of the council—people who
9 possess the experience to manage this city's
10 fiscal affairs, deliver government services
11 efficiently, and work with the private sector to
12 promote economic change and job creation.

13 As long as the parameters
14 established by the city charter are adhered to,
15 which will plainly be the case in Intro 845, the
16 voters ultimately maintain their rights and
17 ability to elect their leaders and
18 representatives. The democratic principles
19 underlying our local government will remain
20 strong. We look forward as an organization to
21 working with the administration and the council to
22 advance this legislation, to work collaboratively
23 to assure New York City's best days continue to
24 lay ahead. Thank you.

25 CHAIRPERSON FELDER: Next witness

1
2 please?

3 MICHAEL PALADINO: Thank you to
4 members of the council for allowing me to appear
5 before you. My name is Michael Paladino and I'm
6 the president of the New York City Detectives
7 Endowment Association. And let me preface my
8 comments simply by saying that I haven't been
9 coerced or intimidated into coming here to support
10 an extension to term limits. [off mic] Okay, I'm
11 not a fan of term limits, I've never been a fan of
12 term limits, and I would support an extension of
13 the term limits by the council. My personal
14 feelings is that the term limits simply limits the
15 choices available to the voters and I think it
16 takes the power out of the voters' hands. I think
17 the council is acting, if they choose to vote on
18 this legislation to extend, is acting within the
19 framework of the city charter. And if you were
20 acting outside of that framework or if you were
21 violating the city charter, well then I can see
22 the reason for concern. I've heard some
23 opposition both here at the table and outside, you
24 know, opposition against term limits—opposition to
25 the extension. But the extension simply allows

1
2 the incumbents to run. It does not preclude those
3 with the ambitions to run. I think the problem
4 with those with the ambitions is that they're
5 afraid of losing going forward and I think that's
6 a very important piece of the puzzle.

7 As a labor leader in this city,
8 someone who represents people, represents the
9 employees, in fact 50 percent or better of my
10 membership is represented by the council here, and
11 I can tell you what they're looking for and what
12 I'm looking for in this city and that's continuity
13 of leadership and continuity of good government.

14 I find a lot of flaws in the
15 current term limits law and I'll tell you what
16 they are. First of all in 2009—

17 CHAIRPERSON FELDER: Can you please
18 wrap up?

19 MICHAEL PALADINO: I will. We will
20 lose the CEOs, so to speak, of the company here,
21 New York City, and we will lose better than 50
22 percent of you, probably 60 percent of you. So
23 all the talent and all the experience that you
24 gained from the city and on the city's taxpayers,
25 you will be out of office and have to go give that

1
2 talent and give that experience and the money we
3 spent to somewhere else. And therefore I think
4 you should stay. I think we should extend.

5 CHAIRPERSON FELDER: Next witness.

6 JOSEPH G. GARBER: Good afternoon,
7 Chair Fidler, member of the council, members of
8 the public. My name is Joseph Garber-- Uh,
9 Felder. My name is Joseph Garber, I'm a director
10 of the Civil Service Merit Council. My testimony
11 today will be partially the position of the Civil
12 Service Merit Council and my own knowledge of city
13 government with a masters in public
14 administration. As far as Resolution 1640, I
15 agree that voter referendum is the best way. When
16 the courts have recently upheld the power of the
17 council to amend term limit provisions without
18 voter referendum, what level of court made that
19 decision and was there an appeal process? 850a, I
20 agree that the electorate should determine, and I
21 would like to remind everybody that the ballot box
22 is the best term limits, and an election as was
23 recently the case with State Senator Martin
24 Connor, a 30 year veteran incumbent of the 25th
25 Senatorial District, who lost on September 9th,

1
2 2008. 845a, I agree with sections 1137 of the
3 charter, that it's most appropriate to increase
4 the term of all the elected officials from two
5 terms to three terms.

6 I will discuss now pre-
7 consideration, the introduction of a charter
8 revision commission. I was never aware that the
9 city council had a right to introduce a charter
10 revision commission. When I was present in the
11 January 2008 speech by the mayor of the state of
12 the city, the mayor announced he was going to
13 appoint a charter revision commission. Regardless
14 of who appoints the charter revision commission
15 I'd like you to be aware that as of this morning
16 at the City Store, which sells a copy of the city
17 charter, please be advised that the 335 page
18 charter is amended only as of July 2004. So how
19 could you study a charter if you can't get an up
20 to date book? I would hope that all of you call
21 Commissioner Martha Hurst, the commissioner of
22 DCAS [phonetic] and tell her to have the City
23 Store prepare an up to date charter for sale. If
24 I'd be on the charter revision commission,
25 irrespective of-

2 CHAIRPERSON FELDER: [interposing]

3 Excuse me. Do you have a final sentence?

4 JOSEPH G. GARBER: Yes I do.

5 CHAIRPERSON FELDER: Thank you.

6 JOSEPH G. GARBER: Irrespective of
7 the term limits there are broader issues. The
8 charter has to be put in sync with the functions
9 in the Green Book, with the Mayor's Management
10 Report, and the City Record. You look at these
11 four documents and you see different functions.
12 I'll continue tomorrow morning, God willing, and
13 finish it up. Thank you.

14 CHAIRPERSON FELDER: Okay. I just
15 wanted to mention for the public that despite the
16 fact that we've been here for almost four hours
17 the panels, I don't know if most of you realize,
18 but what we've been trying to do is bring up
19 panels that are split between those that represent
20 large organizations, good government groups, and
21 unions, and individual New York City residents.
22 The panel right now is comprised of three people
23 who represent groups and three individuals who
24 signed up earlier. As time goes on we're going to
25 increase the number of people who comprise these

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panels. Next please?

CAROL MAHOLSKY: My name is Carol Maholsky. I've been a resident of New York City since I was born and I am currently a registered voter in Ms. Sears' district.

As a citizen of New York City it is my duty to obey the laws as propounded by the council and I expect that the council's duty to me, as a citizen, is to give me good management of the city without corruption and to obey the interests of the citizens of the city. Twice the citizens have voted to have term limits. Now you're proposing to overthrow that. I do not wish to see that happen. I am against Introduction 845a and 850 because they don't serve the needs of the city. They are self-serving laws for the elected officials and will lead to corruption. The citizens of the city need to reassert the position on term limits proposed-- I'm sorry, let me start over again. The citizens of the city need to reassert their position on term limits. I support Resolution 1640.

CHAIRPERSON FELDER: Next witness please.

1
2 ERIC SNYDER: Yes, thank you
3 Councilman. My name is Eric Snyder and I'm a
4 citizen who was just eaten up over the past couple
5 of weeks at what the mayor has done, and woke up
6 this morning, walked through two metal detectors,
7 walked right in here, and I'm glad to have the
8 opportunity to speak. I've been transfixed for
9 the last five hours over the emblem over the
10 council's head: a government of the people, by
11 the people, for the people. What was the purpose
12 of the two term limit referendums? I assume it
13 was to let the people decide. The mayor is going
14 to ignore these results. What does that tell you
15 about how seriously he takes the democratic
16 process?

17 The mayor wants to stay in power.
18 Well ladies and gentlemen, all important people
19 do. But if he wanted that privilege he should
20 have asked the voters to extend the term limits a
21 long time ago so that the issue could appear on
22 the November ballot. Instead he announced his
23 intention to run again in September, not giving
24 any of us enough time to allow him to appear on
25 the ballot. He then laments to the press that a

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2 special election might not satisfy the Civil
3 Rights Act, but the mayor has no one but himself
4 to blame for that. If the mayor wants to run
5 again only the people of this city should make
6 that decision, the same people who made the
7 decision the first times around. Not all of you,
8 respectfully, the 51 self-interested people who
9 are conflicted from making this decision because
10 it allows you to stay in place also.

11 In crises, the rights of the people
12 must be preserved and strengthened not
13 circumvented by back room deals with wealthy
14 private citizens. This is 2008, not 1908. The
15 mayor's campaign motto was good government but in
16 reality his actions resemble that of greedy
17 government. Thank you.

18 CHAIRPERSON FELDER: Thank you very
19 much. [applause] I want to thank the witnesses
20 and let me announce the next panel. Oh I'm sorry,
21 I'm sorry. Can you have a seat? [off mic] Oh
22 okay.

23 COUNCIL MEMBER VALLONE: No
24 questions.

25 CHAIRPERSON FELDER: Councilman

2 Vallone passed up on the question. The next panel
3 of witnesses?

4 [pause]

5 CHAIRPERSON FELDER: Rachel
6 Trachtenberg if you can please raise your hand.
7 Thank you. Delores d'Agostino? Delores L.
8 d'Agostino are you here? Please raise your hand.
9 [pause] Emily Respass [phonetic] are you here?
10 Emily Respass, are you coming up to testify? One
11 more? Andre Ramone Sale, are you here? I don't
12 know if I pronounced that correctly. Andre Ramone
13 Sale, are you here? Raise your hand. [off mic]
14 Yes? Wonderful. Eric Lane, are you here? Fritz
15 Schwartz? And Victor Kavner.

16 I just want to remind those that
17 are interested in speaking, you must submit a
18 signed request before 8:00 o'clock tonight.

19 [off mic]

20 CHAIRPERSON FELDER: Okay, are we
21 ready to start? We'll start from the left this
22 time. You don't want that? No problem, we'll
23 start from the right. [laughter] Whatever you
24 want. I know you've been here for a long time.
25 You deserve to get-

2 FEMALE VOICE: Oh wait, can I go
3 last?

4 CHAIRPERSON FELDER: You can go
5 last if you want.

6 FEMALE VOICE: Okay, thank you.

7 CHAIRPERSON FELDER: Is that what
8 you want? Okay, Mr. Lane?

9 ERIC LANE: So I want to thank you
10 for-

11 CHAIRPERSON FELDER: [interposing]
12 -closer to the fancy mikes we're appreciate it.

13 ERIC LANE: So I want to thank you-

14 CHAIRPERSON FELDER: [interposing]
15 Okay. Sssh. [gavels] Please.

16 ERIC LANE: --for having me and I
17 know that this is-

18 CHAIRPERSON FELDER: [interposing]
19 Identify yourself for the record, please. If you
20 could identify-

21 ERIC LANE: Eric Lane. I'm a
22 professor at Hofstra Law School, formerly special
23 counsel to the New York City Council, formerly
24 executive director and counsel, the New York City
25 Charter Revision Commission, and many other

1
2 similar roles. And I thank you for the
3 opportunity to speak today and I know that a lot
4 of people have been concerned about how late this
5 bill is being considered. Not in the day but in
6 the season. And I'm sorry also that it's being
7 considered so late because a number of people that
8 I know and actually have supported will be more
9 challenged if the bill is passed but nevertheless
10 I come here to support the extension of term
11 limits from two to three terms. I see the
12 lateness as a reality of the problems with term
13 limits because what happened is that the speaker
14 and the mayor finally awoke one day to realize a
15 very important notion of politics, that experience
16 actually matters. And so I'm happy for that, late
17 as it is.

18 Now I heard a lot of people on a
19 panel earlier worrying about the integrity of the
20 council if they were to act on this bill,
21 notwithstanding a referendum, but I can assure you
22 that I don't think anybody is more concerned about
23 the integrity of the council than I am because I,
24 along with Fritz Schwartz, labored many, many
25 months and I many years to make this 51 member

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2 council independent of abortive estimate and to
3 make it one of the free-standing, independent,
4 representative democracies. Part of it. So I
5 care greatly about your integrity and I think your
6 integrity is better served by actually acting on
7 this bill, notwithstanding the fact that it was
8 passed originally by referendum. And I'm also
9 worried because I'm worried very much about how
10 term limits have undermined—

11 CHAIRPERSON FELDER: [interposing]
12 Can I-- [bangs gavel] Can I ask you to please be
13 quiet and I'm going to have to ask you to wrap it
14 up, please.

15 ERIC LANE: Okay. I'll finish one
16 other point.

17 CHAIRPERSON FELDER: Yes, please.

18 ERIC LANE: I've given you my
19 testimony on why I think it undermines the
20 integrity. I want to address one question though
21 and that is this question of whether you were to
22 overturn a referendum of the people. So let me
23 ask you the following: Mr. Lauder created a
24 referendum that says that council can only raise
25 taxes with three-quarters of the members voting in

1
2 favor of the taxes. Public comes in, \$4 million
3 campaign, vote against taxes, vote against taxes,
4 vote against taxes, vote against taxes, referendum
5 passes. Next year council's stuck with the
6 problem. The problem is how are you going to
7 raise taxes or you're going to have to cut
8 programs. So what does the council then do? A
9 council's going to do what it ought to do, act
10 responsibly and actually change that rule,
11 assuming they could, so they could respond to the
12 needs of the people of the City of New York.

13 Now you think this makes a
14 difference because you think this is-

15 CHAIRPERSON FELDER: [interposing]
16 I'm going to have to-I apologize with due respect.
17 I just have to make sure that everybody has a
18 chance.

19 ERIC LANE: Well I'll finish the
20 point if anybody has a question about it.

21 CHAIRPERSON FELDER: Okay. Next
22 witness please.

23 FRITZ SCHWARTZ: Hi, I'm Fritz
24 Schwartz. I have my written statement I hope you
25 attach to the record. On page five I give a

1
2 number of reasons why it's okay for the council to
3 act by legislation but I have two points where I
4 think you should not act unless clarifications are
5 made by the mayor. I think you should insist on
6 those clarifications and if you don't get them you
7 shouldn't pass the legislation. Clarification
8 number one arises out of the deal that the mayor
9 made with Mr. Lauder and the circumstances
10 surrounding that deal, the unusual addition of the
11 language in 845a, all of which make it look as if
12 there's a plan to have a charter commission which
13 will next year bring you back to two terms. That
14 would be the most irresponsible and unprincipled
15 result one could possibly could have. So you
16 should insist before you vote on this bill that
17 the mayor commits to support before that charter
18 commission keeping free terms. That's something
19 within your power to assist on you should. The
20 second thing is the main argument made by the
21 major and more instantly by Mr. Crowell as he
22 testified before you in favor of going against
23 what the voters have done before was well, they'll
24 always be an election in '09 and the voters could
25 throw you out of office if you vote for the bill

1
2 or throw the mayor out of office if he signs the
3 bill. So that is a fine argument except it's not
4 principled when made in a situation where the
5 mayor says or his staff has said, "We can spend up
6 to \$100 million in an election. So again you
7 should insist before you consider passing this
8 bill that the major commit to abide by the same
9 rules as everybody else. Now, I end up in the—
10 with the view that if those two commitments are
11 made the better course is for you to pass the bill
12 and I can give you reasons for that, but you
13 should insist on those two conditions.

14 CHAIRPERSON FELDER: Thank you very
15 much. Next witness please.

16 VICTOR A. COVNER: Yes, my name is
17 Victor A. Covner. I'm very pleased to appear
18 before this counsel once again. I practice law
19 here in New York with a firm Davis, Wright,
20 Trumain, and in 1990 and 1991, I served as
21 Corporation Counsel of the City of New York in the
22 Administration of Mayor David M. Dinkins, and it
23 failed to me to construe and implement the charter
24 that was written by the commission chair by my
25 colleague FRITZ Schwartz, who's just spoken and

1
2 who contributed so much too by Eric Lane, and it's
3 a fine charter. I had to defend it in court a
4 number of times. It provided no term limits.

5 I've always opposed term limits, and I should say
6 that I still resent bitterly Mr. Lauder using his
7 millions to impose term limits on this city, but
8 I'm not here to address how many terms there

9 should be. I have no special knowledge that's

10 greater than any of you or the public, but I'd

11 like to address the controversial issue; namely,

12 the process of how you do it. The last time the

13 people of the city of New York have spoken up on

14 how you amend the charter was in 1989 when they

15 voted on the existing charter as written by Fritz

16 and Eric and it provided a number of ways to amend

17 the charter including by action of the council and

18 the mayor. That's a perfectly valid method and I

19 recommend that you do it under these unusual

20 circumstances. That they adopt—the voters adopted

21 terms limits thereafter doesn't—they did not

22 address the issue of your amendment power and the

23 charter revision commission or you may wish to

24 address that in the future. I have no position on

25 it except that it's clearly lawful and

1
2 appropriate. What I am troubled by, by those who
3 advocate you're not acting now and placing this to
4 a charter commission in the coming months is that
5 that process will take too long and will skew and
6 distort the municipal elections of 2009, and I
7 think that would be most unfortunate. You'd need
8 a charter commission. It would have to review the
9 entire charter and hold public hearings, and then
10 you go to a referendum if it's passed then it goes
11 to the Justice Department. That takes 90 days.
12 You won't know who's running for what office until
13 the spring of next year. I think that would
14 seriously distort the municipal elections. I
15 think each of you and each of us and those who
16 hold borough and city wide office are entitled to
17 know as soon as possible who under these
18 extraordinary circumstance where we face truly
19 fiscal and financial emergencies next year, who's
20 going to be running for which office and that
21 should be determined as early as possible, so I do
22 urge. I wish this came up earlier in the year. I
23 would prefer to do it by referendum, but at this
24 point, I think you have no choice except to pass
25 this bill.

2 CHAIRPERSON FELDER: Thank you.

3 Next witness please.

4 EMILY RESPASS: Yes.

5 CHAIRPERSON FELDER: If you could
6 just make sure to identify yourself before you
7 speak.

8 EMILY RESPASS: My name is Emily
9 Respasp [phonetic]. I'm not here as a lawyer.
10 I'm not here as someone that's educated as far as
11 this panel's concerned or yourself. I'm here as a
12 citizen. And from what I see that Mayor Bloomberg
13 wants to move in and do what he wants to do as far
14 as his agenda. His special interest agenda. I
15 don't see him using this as a legitimate way to
16 help all of New York, not only his special
17 interests. He hasn't come out in eight years to
18 Far Rockaway. It's deteriorating. I don't care
19 if they're building \$900 million homes over there.
20 \$900,000 homes over there. We have grassroots as
21 I'm a grassroots. I don't see him in my
22 community, so letting him come in the backdoor
23 with a legislation late at this time is absolutely
24 a disgust, and it should not happen on any of you
25 guys' watch. Don't let him back in. He needs to

1
2 leave now. He needs to just bow out gracefully
3 and get out of office and let somebody else. He
4 made his billions. He's not helping Far Rockaway
5 meet a little citizen in poverty. He's not
6 helping me make millions. Tell him to please bow
7 out gracefully and let some new people in that
8 want to come in with the community and work with
9 them, not by himself. Not with his own agenda,
10 just get out Mayor Bloomberg, get out.

11 CHAIRPERSON FELDER: Thank you.

12 Next witness please. Stay there, ma'am please.

13 If you could just stay because somebody may have a
14 question for you.

15 ANDRE SOLEIL: Thank you members of
16 the City Council. My name is Andre Soleil
17 [phonetic]. I'm a lawyer, a Brooklyn lawyer. I
18 have served in this hall not as a council member,
19 but working for the mayor, and I remember the
20 first day I walked in here. I looked up and I saw
21 that--those words of Abraham Lincoln that talked
22 about the Republican principle of government as
23 opposed to just the Democratic principle of
24 government. And I'm not talking about political
25 parties. I'm talking about the fact that you are

1 sitting here right now as a representative of the
2 will of the People. Indeed you are not just
3 servants, but you are stewards of our sovereign
4 will that we in this democracy have a modicum of
5 self-control and that you respect the will as we
6 have expressed it. So I can only assumed that
7 this room's builders intended that these words
8 above the people's representatives in this hall
9 were meant to remind you of whom you serve to
10 inspire you to persevere in its moral and to give
11 you a Republican ethic to which I hope that you
12 would aspire to. You our council man and woman
13 are not merely our servants as I've already said,
14 but you are stewards of our political will. So
15 I'm not here to advocate for preserving term
16 limits as they stand. Nor do I advocate for the
17 extension of them. No, I advocate for the
18 Republican ethic. That is that you represent the
19 will of the people and that respect us. I stress
20 the urge to selfishness is only natural. It is
21 common and it's also to be expected. You the City
22 Council members are also after all human. Yet we
23 trust you to rise above our based human instincts
24 and aspire to a higher ethic your duties. We

1
2 expect you to be faithful stewards of our will.
3 This expectation was clearly expressed in the
4 introduction of local law 94 of 1993, the original
5 term limits law. It says in Section 1137 that it
6 is hereby declared to be the public policy of the
7 city of New York to limit to not more than eight
8 consecutive years the time elected officials can
9 serve. So that—

10 CHAIRPERSON FELDER: Excuse me.

11 ANDRE SOLEIL: Yes.

12 CHAIRPERSON FELDER: I'm sorry. Do
13 you have the last sentence or two to wrap it up?

14 ANDRE SOLEIL: I will sum it up.

15 CHAIRPERSON FELDER: Please. Thank
16 you very much.

17 ANDRE SOLEIL: So that elected
18 representatives are citizens representatives who
19 are responsive to the needs of the people and not
20 career politicians. Intro 845 flies directly
21 against this ethic to assume that there's no one
22 else out there who can manage the city, but you
23 and this mayor is a wrong assumption. We have
24 eight and half million people in this city. I'm
25 sure someone is qualified who can also run. Also

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2 Intro 50 and Prop 1640, they don't go far enough.
3 They only speak to term limits, but the City
4 Council should change the charter to say that no
5 law made by referendum should be changed by other
6 than referendum.

7 CHAIRPERSON FELDER: Thank you.

8 Next witness please. Whenever you're ready.

9 RACHEL TRACKMAN: Hi, I'm Rachel
10 Trackman [phonetic] and I'm 14 years old. My
11 family just moved to Bushwick—thank you—because we
12 were priced out of our apartment in the east
13 village. Our apartment was broken into in the
14 first month and several of our friends had been
15 mugged at gunpoint in Bushwick. I don't
16 understand why Mayor Bloomberg does not have to
17 obey the laws when people are arrested for
18 peaceful demonstrations. I think Mayor Bloomberg
19 is the worst mayor ever. He gave tons of money to
20 the Bush family and Republicans, so he deserves
21 some claim for Iraq and other problems in the NYC
22 and the whole country. Also out taxes, rents and
23 bills have gone way up since Bloomberg became
24 mayor. Any monkey can raise taxes, no offense to
25 monkeys, but that does not make you a great mayor.

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2 Bloomberg has wasted so much of our money on
3 stupid things like moving the Washington Square
4 Park Fountain ten feet over or giving a billion to
5 the Yankees who don't need out money. I think
6 Mayor Bloomberg is the worst mayor ever and I must
7 not be the only one because he had to spend a \$100
8 million to cheat and buy his first two elections.
9 And he will spend another \$80 billion-million to
10 steal the next one. I hope you will choose
11 honesty of bribery and keep the term limits as
12 they are.

13 CHAIRPERSON FELDER: All right. I
14 know that it may be getting late, but my
15 determination into keeping this as a hearing and
16 not a rally. This is last warning. The next time
17 that there's an outbreak I'm going to ask the
18 sergeant at arms to remove people, and I don't
19 want to do that. Some of you have been waiting to
20 speak, and some of you who would like to testify.
21 I'd like to hear what you have to say, but we're
22 not going to spend time here listening to people
23 cheer or boo or anything. The only exception was
24 the young lady that just spoke 'cause she's been
25 here, and she's 14 years old. She deserves a

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2 round of applause from all of you. Question by
3 Council Member Vallone Jr.

4 COUNCIL MEMBER VALLONE: Rachel, I
5 just want to say. I have a 14-year-old daughter
6 too, and I don't agree with her all the time, but
7 I do love the fact that you came down here and
8 testified. It really sets a great example
9 especially for younger kids, so thanks for coming
10 down here.

11 RACHEL TRACKMAN: Thank you.

12 COUNCIL MEMBER VALLONE: And your
13 testimony made me forget my question, so I'm
14 passing.

15 CHAIRPERSON FELDER: Council Member
16 Garson, did you forget your question.

17 COUNCIL MEMBER GARSON: No. We
18 have one microphone out of order up here, Mr.
19 Chair, but I too want to congratulate. I think we
20 have the possibility of a future council member or
21 mayor in our last witness, and that's actually a
22 good reason for lifting term limits, so you can
23 serve for as long. With that being said, I do
24 want-congratulations and thank you for being here.
25 I want to follow-up though with Mr. Schwartz

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2 first. On this issue of the charter commission
3 which will be created probably one way or the
4 other, and 'cause I am concerned about the
5 commission and I think the underlying points
6 you've raised. So my question other than an
7 assurance from the mayor or any elected official
8 is there any way you could recommend that we the
9 Council could structure a chart commission so as
10 in terms of who serves on it in terms of it's
11 mission recognizing the charter has certain
12 requirements, but can we take any action to
13 structure it so it rises to the level of—or it's
14 close to the level as we can reasonably expect of
15 non-partisanship of independence especially and to
16 be assured of a lack of preordained conclusion
17 especially on the issues of term limits going
18 forward and the structure of the Council?

19 FRITZ SCHWARTZ: I think there's
20 one additional thing you do, but I do think if the
21 mayor is forced in order to get the bill passed to
22 say he commits to support three terms in his
23 testimony before the charter commission that would
24 help, but the other thing you could do is to
25 follow the practice that Mayor Koch had when he

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2 first appointed the--what became the 1989 charter,
3 which was he said he would give to other elected
4 officials seven of the appointments, half of the
5 appointments on the charter commission. Now, I
6 don't think you can require that by law, but I
7 think again it's something that if the Council is
8 the strong body that we intended it to be, you can
9 say that unless things are done, which clear up
10 the risk that this charter commission is going to
11 make what you do this year just a laughing stock
12 saying it's good for one term and one terms only.
13 You've got the power to say we insist on certain
14 commitments being made a second one would be to
15 follow Mayor Koch's practice of letting half the
16 charter commission members be proposed by other
17 elected officials and he said unless I think
18 they're crazy people, I will appoint them.

19 CHAIRPERSON FELDER: Council Member
20 Martinez.

21 COUNCIL MEMBER GERSON: Mr. Chair,
22 could I just--'cause I think this--

23 CHAIRPERSON FELDER: Did you call
24 me, Mr. Chair?

25 COUNCIL MEMBER GERSON: One brief

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2 follow up which other Council Member have
3 exercised.

4 CHAIRPERSON FELDER: Well, why
5 don't we wait?

6 COUNCIL MEMBER GERSON: Well, I
7 defer with the option of returning.

8 CHAIRPERSON FELDER: Please.

9 COUNCIL MEMBER GERSON: Thank you,
10 Mr. Chair.

11 COUNCIL MEMBER MARTINEZ: I'm
12 actually going to follow up on your question.

13 COUNCIL MEMBER GERSON: I'm always
14 happy to defer to Council Member Martinez anyway.

15 COUNCIL MEMBER MARTINEZ: Thank
16 you, sir. You bring up a very interesting and
17 important point. I'm one of the members who
18 support the extension, but I've always said that I
19 would not support a temporary extension. So I
20 want to be careful in making my decision as you
21 bring up this point 'cause it was mentioned
22 earlier if you were here that the bill was amended
23 so that it could explicitly say that there will be
24 a chart commission established in 2010 to look at
25 or going back to two years. Now, my question is

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2 should this bill have this wording and if it does
3 have this wording, are we committed as a city to
4 having a charter commission with the purposes of
5 going back to two years?

6 FRITZ SCHWARTZ: Well, you
7 certainly are not. You can strike that out
8 language from the bill. That's appropriate
9 action—

10 COUNCIL MEMBER MARTINEZ: No, my
11 question is if we vote on the bill as it's worded
12 now. In other words, your recommendation should
13 the bill have this wording?

14 FRITZ SCHWARTZ: No, it should not
15 because the addition of the wording indicates that
16 the—it suggests that there's an understanding
17 between Mr. Lauder and the Mayor and what's going
18 to happen and what will happen will be the most
19 unprincipled result, which would be go out as you
20 said at the beginning to go back to two terms
21 after four years makes what you do now look
22 terrible. It's unprincipled. You should insist
23 that that not happen, and I think the most
24 important thing about that language is it's
25 consistent with their having been an understanding

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2 with Mr. Lauder. I hope there wasn't, but you
3 should require commitments from the mayor of the
4 kind I mentioned.

5 COUNCIL MEMBER MARTINEZ: Thank
6 you.

7 CHAIRPERSON FELDER: We've been
8 joined by Council Member Larry Seabrook again.
9 Council Member Kendall Stewart.

10 COUNCIL MEMBER STEWART: Thank you.
11 I'm addressing this question to Mr. Andre.

12 ANDRE SOLEIL: Yes, sir.

13 COUNCIL MEMBER STEWART: We have
14 heard legal scholars and leaders, and they all say
15 that term limits rarely adversely affect
16 minorities and New Yorkers in general. We were
17 elected to make decisions and make tough decisions
18 and quite a number of decisions were made for
19 example we avoided and also like to change, adjust
20 CCRB, the campaign, finance, congestion, pricing,
21 real estate taxes, residency bill, et cetera, et
22 cetera. We never went back to the people to ask
23 them if we should do this or we shouldn't do this.
24 Why you think that we are not capable at this time
25 to make that decision?

FRITZ SCHWARTZ: Who is the question to?

COUNCIL MEMBER STEWART: Asking the question to Mr. Andre, the lawyer.

ANDRE SOLEIL: It was to Mr. Andre Soleil—Mr. Soleil actually. Maybe you should have gone back to the people as I said the ethic is that I propose and advocate for is that any law made by a referendum of the people should be altered by a referendum of the people. So maybe you should have gone back in that regard. Because the ethic is that the people's will is paramount, and that you are stewards of that people's will. That doesn't mean that you just change what the people want for self-serving interests. Now, we tend to forget and I haven't heard anybody mention the reason why we went for term limits in the first place. This wasn't a just something that popped out of no where. We were in the middle of fiscal trouble then, and as a matter of fact, we had council members and other city officials particularly Donald Manis [phonetic] who committed suicide because he was indicted by Mayor Rudolf Giuliani for stealing public funds. And the

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2 people were so enraged by this, and Ron Lauder got
3 on the horse and they limited terms because there
4 was a lack of trust. There was a crisis of trust
5 in the City Council and into public elected
6 officials generally. And that is why the people
7 overwhelmingly supported limiting the terms
8 because there was a lack of trust. Isn't it
9 interesting then that right now, our same City
10 Council is having that same lack of trust. There
11 are numerous members, offices and personnel within
12 the members that are currently under investigation
13 and indictment.

14 CHAIRPERSON FELDER: All right.

15 Okay. Did he answer your question?

16 ANDRE SOLEIL: That's why I don't
17 trust you.

18 COUNCIL MEMBER STEWART: The
19 question wasn't answered.

20 CHAIRPERSON FELDER: I understand.
21 I understand. Okay. Well, we want to have a
22 constructive dialog, but this is not going to be
23 Councilman de Blasio—I'm sorry. Excuse me.
24 Councilman Seabrook didn't ask a question yet. Is
25 that okay?

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2 COUNCIL MEMBER SEABROOK: Thank
3 you. I'll just stick to one question. There was
4 a comment in reference to a referendum should only
5 be changed by referendum and therefore it should
6 not exist. Perhaps, Eric Lane this question
7 because that comment was raised. If you can kind
8 of talk about a referendum should only changed by
9 a referendum, then perhaps enlighten people of
10 some situations where referendums have passed in
11 this state and has been changed legislatively as
12 well.

13 ERIC LANE: I'd like to say two
14 things about it. One is and that's what I was
15 trying to talk about when my two minutes ran out.
16 I certainly think that you have the power and you
17 have the moral, I actually think you have an
18 obligation to do this in your representative
19 function, so the example I was using for you was
20 if someone like Lauder had made this change in the
21 charter that said you could only increase taxes
22 with three-quarters vote like in Proposition 13 in
23 California. The next year you were going to be
24 forced in the cutting programs and people were
25 screaming at you because they didn't understand

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2 the relationship between cutting taxes and
3 programs. So you would obviously change that law
4 and you wouldn't go back to a referendum. So the
5 difference here is that many of you think that
6 you're self interest is being served as if
7 something terrible about that, but I think that's
8 up to the voters to decide whether your self
9 interest is being served because if you look at—

10 CHAIRPERSON FELDER: One minute.

11 For those of you that want to talk. I'm asking
12 you to please go out in the lobby and give the
13 witnesses the respect they deserve.

14 ERIC LANE: So if you look, for
15 example, every one of you know the old every poll
16 shows, every legislator, every voter doesn't like
17 any other legislator than their own. And I assure
18 you or I assume that if any of you vote for this
19 bill and you go out and make the case about the
20 overall good you've brought to your district, that
21 they will view all of this together as they ought
22 to. So it seems to me that you have both a right
23 and an obligation to do this as representatives in
24 a representative form of government, which this
25 is. There have been many cases of this. I mean

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2 the changes that many of you voted for that were
3 here in 2002 to the term limit bill that of course
4 was a change in the same bill we're talking about
5 now. We voted on it. We litigated it. We won
6 the litigation. Everybody's still--nobody lost
7 their election for it. And the biggest one that I
8 think Council Member Seabrook is referring to and
9 this was not the greatest idea we ever had, but
10 we--they defeated a referendum in the state to
11 build prisons, and the next year we changed the
12 state legislature changed the law to allow the UCC
13 to build prisons, and we built prisons. And the
14 reason that happened was because both didn't want
15 to spend the money to have prisons and wanted to
16 send people to jail. That's what happened. And
17 that's what happens on these referendums when
18 somebody comes in and they spend \$4 million and
19 say throw the bums out, throw the bums out, throw
20 the bums out, and then you're going to say I have
21 to go back to that same issue. I think you should
22 act on this on your own.

23 COUNCIL MEMBER SEABROOK: Thank
24 you.

25 CHAIRPERSON FELDER: Councilman--

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2 ERIC LANE: By the way, one point I
3 do join Fritz Schwartz's concerns about making
4 this a sham. I'm not saying it is, but I do share
5 his concerns. I'm concerned about the cynicism and
6 I do think that the mayor ought to make an effort
7 and you guys have the power to make them make an
8 effort with respect to making sure that any
9 charter commission is well balanced neutral to
10 begin, et cetera. And one final point, I don't—I
11 would take that out of the law myself, but I don't
12 think it affects the law to have it in there.

13 CHAIRPERSON FELDER: Council Member
14 de Blasio.

15 COUNCIL MEMBER DE BLASIO: Thank
16 you, Mr. Chair. First of all, I think this is an
17 all star panel. Every one has acquitted yourself
18 very well and captured everyone's attention. I
19 appreciate that. Even if there's differences of
20 opinion. I want to say to the three gentlemen on
21 the right. I've had the honor of working with
22 each of you, and I don't think there's very many
23 people in the city that know more about this
24 topic. Particularly Mr. Schwartz, and again you
25 are the ultimate voice on the charter having been

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2 present at the creation. I want to perhaps do a
3 little score card on the two conditions that
4 you've raised here today 'cause I think they're
5 very powerful. I think you're not only
6 experienced voice, but you're saying you could see
7 a way to support the legislation. I don't happen
8 to personally agree with you by respect to your
9 opinion. You could see a way to support the
10 legislation. If the mayor clear his support for
11 three terms so that he's have an independent
12 charter commission and if the mayor agreed to
13 abide by the spending limit of all other
14 candidates for mayor. I think on that second one,
15 you and Mr. Green talk about that idea some days
16 ago. Have you had any response from the mayor or
17 his staff that they would accept the idea of
18 agreeing to abide by the spending limit?

19 FRITZ SCHWARTZ: I think it was a
20 week ago on the Sam Roberts show I made that point
21 and it was in the New York Times. No, I've not
22 had any response on it. I think it's probably
23 something nobody likes to give something up. I'm
24 sure he wouldn't like to give something up, but if
25 you say that you don't see this being a fair fight

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2 in the election for mayor in 2009 unless he agrees
3 to the same limits as everyone else, he's going to
4 agree 'cause he wants this legislation to pass.

5 COUNCIL MEMBER DE BLASIO: And on
6 the second item I have not heard a formal answer—
7 same question. I have not heard a formal answer
8 from the mayor or his staff on the question of the
9 future composition of the commission or of what
10 number of terms they support. The only thing I
11 can go by is the amendment to the mayors
12 legislation that seemed to respond to Mr. Lauder's
13 concern where they amplified the idea of a two
14 term limit via referendum, except for the
15 indicator have you heard anything else that
16 answers your concern?

17 FRITZ SCHWARTZ: I think that
18 amendment is a sign that supports the conclusion
19 that there's an agreement to go back to two terms.
20 It doesn't prove it, but it supports that
21 conclusion.

22 COUNCIL MEMBER DE BLASIO: Thank
23 you. Thank you, Mr. Chair.

24 CHAIRPERSON FELDER: Sure. Council
25 Member Fidler.

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2 COUNCIL MEMBER FIDLER: Thank you,
3 Mr. Chairman, and I would direct on the same topic
4 again to Mr. Schwartz and to Professor Lane. On
5 the additional language that you just referred to
6 there is nothing in that language which is other
7 than a statement of current legal fact. There's
8 nothing in that language that would say there must
9 be a charter revision commission result that will
10 return us to a two term limit. In fact, the
11 charter revision commission after a great deal of
12 thought may decide to eliminate term limits,
13 change term limits for the executive versus the
14 legislative. All of those things under the law as
15 you've read it. On the four pages because I know
16 I'm not privy to any conversations with Mike
17 Bloomberg and Ron Lauder and don't ever expect to
18 be, so I'm certainly not party to any - - . All
19 right. There will be nothing in the law that will
20 preclude any of those results or force any of
21 those results; is that correct?

22 FRITZ SCHWARTZ: That one thing I
23 would say it is correct nothing forces the result.
24 One thing I would say though that also should give
25 you concern is when the mayor talked about the

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2 charter revision commission, he said it will put
3 on the ballot the question of term limits. Well,
4 that's just wrong. It would only put on the
5 ballot the question of term limits if it decided
6 to disagree--assuming the Council passes going to
7 three terms. It would only put on the ballot the
8 question in term limits if it disagreed with that
9 decision, so again the way the mayor expressed him
10 self should make you concerned. I think he's a
11 person of good faith, and if you put him to the
12 test which is will you commit in testifying to
13 this future charter commission to support as a
14 matter of policy the change to three terms, you
15 put him to the test.

16 COUNCIL MEMBER FIDLER: Mr.
17 Schwartz, the way the mayor expresses himself
18 frequently concerns me, but I am voting on the
19 four pages of the law, and there's nothing in the
20 law that would compel the result that concerns
21 you, am I correct?

22 FRITZ SCHWARTZ: No, that's true,
23 but I think in deciding how to vote, it would be
24 proven for this Council which has the power to
25 say--let's assume you're someone who's in favor of

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2 the law, but you're bothered by the concerns that
3 I've put forward. You have the power to say to
4 the mayor I'm not going to support this law unless
5 you make clear that this charter commission is not
6 designed to produce the most unprincipled result.

7 COUNCIL MEMBER FIDLER: Would you
8 be satisfied-

9 CHAIRPERSON FELDER: Council Member
10 Fidler?

11 COUNCIL MEMBER FIDLER: -if you
12 knew that the Council had representation on the
13 charter commission.

14 FRITZ SCHWARTZ: I think if you
15 knew the Council was going to get half the member
16 it would help.

17 COUNCIL MEMBER FIDLER: Okay.
18 Half, awful a lot.

19 FRITZ SCHWARTZ: That's what Ed
20 Koch agreed to in 1989.

21 CHAIRPERSON FELDER: Council
22 Member, we have two more questions. One from
23 Council Member Brewer and then Council Member
24 Sears.

25 COUNCIL MEMBER BREWER: Thank you

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2 very much for Mr. Covner. My question is I asked
3 this earlier and then I had to go down for a
4 meeting, but I asked it of the Corporation
5 Counsel. My question is what is the timing of any
6 kind of a charter vote Justice Department?
7 Because when I asked the Corporation Counsel, they
8 had a scenario. When I asked others who opposed
9 the City Council voting they say it can be a very
10 short time period. So I just wanted to know your
11 opinion on this process?

12 VICTOR COVNER: Thank you, Council
13 Member. First I just want to say I do agree with
14 the point of Fritz and Eric have made regarding
15 the composition of the new-of a future charter
16 revision commission and you should keep in mind
17 that any charter revision commission isn't going
18 to be limited to term limits by charter. It can
19 review everything, so it's—and they can do and put
20 on the ballot whatever they want. You should be
21 mindful of that and it's troublesome that they
22 should be somehow limited. I think that's a
23 mistake. In terms of the timing, once if you pass
24 this law or if sometime next spring the public
25 approves a referendum in either event. The change

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2 has to be submitted to the Justice Department
3 under the Civil Rights Act under Section 5 we're
4 covered as everybody knows and that it takes a
5 minimum of 60 days. The usual process has evokes
6 some questions from the Justice Department. I'm
7 not going to say that I think it's unlikely that
8 they're going to approve it. I think either event
9 the likelihood is that they would approve it, but
10 it will take probably 90 days, perhaps more,
11 perhaps a little less, and that's why I think it
12 is so unfortunate if one ops for the referendum
13 route because it places uncertainty into the
14 municipal election process until well into next
15 year and that we deserve a municipal election in
16 which at least everybody has a chance to find out
17 who's running, raise money, make their case in
18 their various districts or boroughs or city wide
19 for a full year. These are serious elections and
20 to try to skew that and most of them are
21 determined in the primaries to a few months. I
22 think does the city great disservice. I think we
23 have an effective counsel. I think it's an
24 effective diverse wisely drawn 51 districts. It
25 works well, and I have—and we deserve a serious

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2 full municipal election every four years and
3 shouldn't be shortcut in any material way.

4 ERIC LANE: Can I just add one
5 point to that. If you did a—I think that there is
6 a risk if the charter commission has already
7 prejudged an issue or it looks like it's loaded.
8 I actually think there are legal risks there
9 because one of the requirements for any kind of
10 Justice Department consideration either under
11 Section 5 or Section 2 is—did people really get a
12 chance to be heard, so if in fact, people's minds
13 are made up ahead of time. I could see that there
14 really would be a problem, so I want to underscore
15 this notion that any charter commission that has
16 to come in with independent people taking an
17 independent look at things. And one final point,
18 it's funny to be here arguing. I really don't
19 care if the mayor gets reelected one way or the
20 other. My view is that people should have a
21 chance to vote for him, but my real concern here
22 is that I want the Council to be able to be
23 reelected and so that people like yourselves can
24 form a more cohesive unit. So my entire concern
25 about this goes to the Council, so it's in a funny

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2 having an argument with members of the Council
3 about whether or not I'm thinking you're really
4 good and you ought to stay and you're arguing
5 maybe we shouldn't. So that's my take on it.

6 CHAIRPERSON FELDER: Council Member
7 Sears.

8 COUNCIL MEMBER SEARS: Thank you,
9 Mr. Chair. My question is for—if you can move
10 over just a little bit is for Mr. Covner. We
11 passed over it very lightly about in 1966 when the
12 referendum was for the Civilian Review Board, and
13 then my understanding unless I misunderstood that
14 in the chamber 1986 the Council overturned that
15 and reinstated the Civilian Review Board. My
16 question is was there a furor over that or was
17 that received after all it was over 60% of the
18 voters that voted to do away with the Civilian
19 Review Board? Can you explain the difference
20 between that and the Council taking the initiative
21 in what is put before us today?

22 VICTOR COVNER: I think that's a
23 very good question, and perhaps Fritz and I and a
24 couple of other are the only people that are old
25 enough to remember those.

2 COUNCIL MEMBER SEARS: All of you
3 remember.

4 VICTOR COVNER: Eric says he's old
5 enough too.

6 COUNCIL MEMBER SEARS: So then the
7 question is for Eric as well.

8 VICTOR COVNER: I think you make a
9 good point. It was a very unfortunate referendum
10 in '66, and the counsel had the power and did
11 exercise the power to rectify that misjudgment in
12 my view and perhaps yours as well.

13 COUNCIL MEMBER SEARS: Right.

14 VICTOR COVNER: in 1986, and it
15 wasn't a furor or question over the validity of
16 this duly elected body with the approval of the
17 mayor and it is my recollection that Mayor Koch
18 signed that and supported it. There wasn't a
19 questions raised, and therefore, it is a fair
20 inference that there shouldn't be a serious
21 question raised if you choose to exercise the
22 powers, the charter, which we've sworn to uphold
23 as vested in you as passed by the people in 1989.

24 COUNCIL MEMBER SEARS: Thank you.
25 Just I know I'm stretching this, but we in the

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2 stated meetings we deal with the charter all the
3 time. It's our responsibility I believe to
4 correct the wrongs within the charter as a
5 reference to Civilian Review Board and to sustain
6 that which is right. That is the responsibility
7 of government. That is what is the stability of
8 the charter. So maybe you can explain to me why
9 at 51 members, and I do not know I'm saying
10 clinically. I'm not talking about who's
11 supporting what all sides 'cause when I sit in
12 this deep and in the committee, I come in to hear
13 both sides, and I don't come in predetermined. So
14 the fact is if we are obligated to do that and we
15 represent eight and a half million people and have
16 been put there because everybody here has been
17 elected by people who believed in the commitment
18 to government, who believe that they could
19 represent them well, and who believe that they
20 could sustain a Democratic process. By the city
21 charter, which is our piece to operate within. So
22 the fact is I think we've gotten off track here
23 because I've heard so much about one individual.
24 The one individual isn't the charter. I think
25 what's here is what is the power of the City

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Council.

CHAIRPERSON FELDER: Do you have a question?

COUNCIL MEMBER SEARS: Yeah, I did. I asked what that was and he answered it, so I'm fine. Thank you very much.

CHAIRPERSON FELDER: I'm sorry.

VICTOR COVNER: I agree, Council Member. I think you've put excellent context to the question before you.

FRITZ SCHWARTZ: However, Your Honor, I'd like to also respond.

CHAIRPERSON FELDER: Excuse me. Yeah, but she didn't ask you the question.

ANDRE SOLEIL: She actually said everybody on the panel can respond.

CHAIRPERSON FELDER: Is that what you said, Helen? No, the next panel. I want to thank this panel.

ANDRE SOLEIL: The difference is itself serving.

CHAIRPERSON FELDER: I understand.

ANDRE SOLEIL: That's the difference. The CCRB does not make the laws of

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23
24
25

this city.

CHAIRPERSON FELDER: Okay. The next—excuse me. Okay.

ANDRE SOLEIL: The City Council makes the laws of this city.

CHAIRPERSON FELDER: Steve Kramer.

ANDRE SOLEIL: The assembly cannot raise their own salaries.

CHAIRPERSON FELDER: Dan Canter.

ANDRE SOLEIL: But the City Council can change their own limits. That is unfair.

CHAIRPERSON FELDER: Okay. Dan Canter. Arthur Chelliotis. I'm sorry, Richard Emery. Edward C. Wallis—former Councilman Wallis. Henry Stern. Howard—can I please ask this panel to please leave the room or sit down so that we can start the next panel. What does this say? Kenneth D. Cohen. Can you please have a seat? Please. Have a seat. Can everyone have a seat or leave the room? If the sergeant at arms could add one more chair. I think we're missing a chair or two. You can take one from here. Here's another chair. Okay. Does everyone have a chair? Okay. We'll begin on the left this time. Excuse me,

1
2 sir. You start. No, there's the mic. No, excuse
3 me. Listen, you're going to sit down or I'm going
4 to ask them to remove you. I know it's been hard
5 sitting here, but I've been sitting here since
6 1:00 as well. Now, there's a microphone, turn it
7 on.

8 STEVE KRAMER: Can everybody hear
9 me okay?

10 CHAIRPERSON FELDER: Yes.

11 STEVE KRAMER: Because sometimes
12 you got to yell to get the City Council to listen
13 to you.

14 CHAIRPERSON FELDER: Okay.

15 STEVE KRAMER: There are many
16 people in this room how are clients of mine.

17 CHAIRPERSON FELDER: Can you
18 identify—you have to identify yourself first as a
19 witness.

20 STEVE KRAMER: Okay. My name is
21 Steve Kramer and I represent the Democratic
22 consultants in this town. James, we did a poll on
23 your precincts last night. Letitia, we've done
24 stuff for you in the past as well on the election
25 side. Simcha, we've recently done stuff for you

1
2 during your campaign. I know that Miguel and
3 Robert Jackson up in Washington Heights came in
4 during the term limits during the last wave of
5 people to come in because of term limits that have
6 recently lost their elections. Dominique, we've
7 done calls for you in the past and I know that Dr.
8 Reed when he was with us was paying for some of
9 the calls that we were doing for Kendal Stewart.
10 All of you have something at risk here today, and
11 I have tell you, you really do have something at
12 risk. If you vote to extend this term limits
13 today or within the next few weeks. We are
14 absolutely going to come after you. You're going
15 to - - in your synagogue. You're going to have
16 absentee ballot mail. Go out on a repeated basis
17 in your district, and if you think that your
18 elections were hard the first time, which is
19 typically your hardest time to run. I can
20 absolutely guarantee you that the next year will
21 be the hardest year of your legislative life. Mr.
22 Chair, is that a threat.

23 CHAIRPERSON FELDER: Excuse me.

24 Hold on a minute.

25 STEVE KRAMER: Simcha, I promise

1

2 not-

3 CHAIRPERSON FELDER: Excuse me.

4 Excuse me.

5 STEVE KRAMER: -to interrupt them
6 if they don't interrupt me.

7 CHAIRPERSON FELDER: Excuse me.

8 Excuse me. I may not like what he's saying and I
9 don't know what he's talking about frankly, but he
10 has a right to say whatever he wants to say as
11 long as he's not doing, saying something that
12 would endanger people who are sitting here to the
13 testimony. So you may continue threatening
14 whoever you want. Go ahead.

15 STEVE KRAMER: it's very funny-

16 CHAIRPERSON FELDER: You have
17 another 30 seconds to threaten.

18 STEVE KRAMER: It's very funny to
19 see that the people who are going to suffer the
20 most are the people who are sitting in front of us
21 today, the Council because we are going to - -
22 your reputations. We're going to hit you in your
23 districts, and the people who can give the money,
24 the John Liu's let's say who have access money
25 from their campaigns to give to an anti-campaign

1
2 are going to be able to use that. But the people
3 who have raised money like Christine Quinn formal
4 election are not really allowed to spend that on a
5 Council race. So when we the Democratic
6 consultants, your own Democratic consultants,
7 except for Mr. Auto who had Republican
8 consultants. When we come after you during the
9 campaign, know where it's coming from. It's
10 coming from you. It's not coming from us. We're
11 just doing our job. We're just doing our moral
12 right to get the people elected that we have as
13 clients. Thank you.

14 CHAIRPERSON FELDER: Thank you very
15 much.

16 STEVE KRAMER: If there's any
17 questions, please keep them under two minutes.

18 CHAIRPERSON FELDER: I hope
19 everyone feels better now. Next witness.

20 DAN CANTER: My name's Dan Canter
21 from the Working Families party. Thank you, Tish.
22 In words of the late great Mars Judo everything's
23 been said, but not everyone's had a chance to say
24 it. So now, it's my turn. This is not about the
25 mayor. It's not about term limits. Term limits

1
2 as Councilwoman Lappin said hours ago probably are
3 anti-Democratic, fairly stupid in many respects,
4 and we can stipulate to the Council's right to
5 make the change legally, but if you're going to
6 apply to yourselves as Councilman Liu pointed out.
7 It needs to be for the next class, and it needs to
8 be put before the people. If you're going to do
9 it for the next class, I'll doubt you'll hear much
10 opposition. But common sense and common decency
11 would suggest that if you're going to change it
12 and have it apply to yourselves it really requires
13 the validation of the people. And I feel you
14 should just trust the people. There's a decent
15 chance it will pass, but people don't like self
16 dealing. They are willing to consider sensible
17 revisions, but self dealing I think is unbecoming,
18 and I'm sure there are various legal questions
19 that have to be gotten to. And there's a lot of
20 lawyers in these rooms to help us solve them, so
21 that we can get it on the ballot. This is the
22 only way the freshman class—the so-called freshman
23 class is not discriminated against 'cause if you
24 do it the way Mr. Schwartz and other pointed out
25 three for one group, two for the next doesn't seem

1
2 quit fair. Final comment 'cause I know it's
3 getting late. The mayor and others have pointed
4 out that it's the mess on Wall Street that is
5 animating this financial instability means we need
6 stability here. We should pause and remember why
7 Wall Street is such a mess. The masters of the
8 universe decided they needed deregulation. That
9 is another word for rules. They did not rule.
10 Rules are good. Rules are essential and precious
11 to democracy, and we should not trample the rules.
12 We should not mimic Wall Street in their we-know-
13 better-than-everybody-else approach, and you as a
14 Council should look for the consent of the
15 government. That is what makes democracy,
16 democracy. If you want to change it, and you
17 given your rights to do so, you should do so in a
18 way that gives you the consent. That makes
19 democracy valid which requires that it good to the
20 people. Thank you.

21 CHAIRPERSON FELDER: Thank you.

22 Next witness please. Please.

23 HENRY STERN: Yeah, my name is
24 Henry Sternum, former member of the City Council.

25 CHAIRPERSON FELDER: Former

1
2 commissioner can you just pull the mic a little
3 close to yourself is that possible.

4 HENRY STERN: Yeah. Okay. Thank
5 you.

6 CHAIRPERSON FELDER: Thank you.

7 HENRY STERN: Thank you, Mr.
8 Chairman. I've been here for seven hours, and I'm
9 not complaining because it's been quit
10 instructive. I sort of lost touch with the
11 Council while I was in the parks and my first six
12 years of a Blogger, and I'm glad to be remembering
13 what we had. It is interesting. I've been
14 watching city government closely for I'd say 50
15 years. It's amazing considering how young I look,
16 but the 50 years included a 40 on the payroll
17 which put me in tier one. Four as President of
18 Citizen's Union, and six as a Blogger, and I must
19 say that this current action shocks me more than
20 most of things that happened over the years. We
21 fought about gay rights. We fought about the
22 throughway, the congestion pricing, the stadiums
23 where they should be. There were all kinds of
24 disputes over the years, the rent control, J 51
25 and so on, but they've all been differences over

1
2 merits values. There's never been the kind of
3 integrity and ethical question that this issue
4 prevents and the issue is whether you can overturn
5 the popular referendum on the very subject that it
6 is when it deals directly with you. Now, in all
7 our Civics classes, they do these charts of
8 democracy and the people are always on top. The
9 very word democracy means the people the most
10 rule, and here you are represented legislative
11 bodies providing the service of the public
12 directly in doing what they had done. Now, it's
13 maybe we would hear Lauder paid for it, the this
14 or that. There are all kinds of things that you -
15 - the real judgment is to present, but they
16 didn't. And then you had seven years to undo it,
17 The Council. You tried in 2002, and Bloomberg
18 vetoed it. You had all the other years to setup a
19 charter revision commission and take the thing
20 through a process through a referendum. There's a
21 very good argument for three terms instead of two
22 for legislators. I'm not saying I agree, but it's
23 certainly totally credible and totally sensible.
24 So why ruin it by attempting to do it like a - - .
25 The last year even this-now, I know it's the mayor

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2 that didn't bring this up this year until the 60
3 day deadline had passed in putting items on the
4 ballot, but the only reason the mayor is putting
5 up this year, you know it, 'cause he wants it for
6 himself. If he didn't want to run for a third
7 term, he could all go down the drain. He'd be
8 perfectly satisfied with that. This is no charity
9 fund. This is political judgment. You want it to
10 go through the Council; you're the trolls over the
11 bridge. You charge the toll.

12 CHAIRPERSON FELDER: Please wrap up
13 please.

14 HENRY STERN: Yeah, I'll wrap up.

15 CHAIRPERSON FELDER: Thank you.

16 HENRY STERN: So what I'm trying to
17 tell you is to be honorable whether you're legally
18 required to do it or not, can't tell. The Court
19 of Appeals will tell the Justice Department will
20 tell. It depends on how they feel, but why
21 disgrace yourselves by trying to do it in this
22 sleazy way. Everyone's against this except people
23 who are paid to be on the other side. I've got to
24 tell you. I've been in meeting after meeting.
25 This is not a 50/50 issue, 60/40.

2 CHAIRPERSON FELDER: Okay.

3 HENRY STERN: Nobody is for this
4 except for the handful that would directly
5 benefit.

6 CHAIRPERSON FELDER: Okay. Can you
7 please?

8 HENRY STERN: Okay. I'm done.

9 CHAIRPERSON FELDER: Sorry, I just
10 want to be consistent.

11 HENRY STERN: Yes, consistency is a
12 virtue.

13 CHAIRPERSON FELDER: It's like a
14 rule.

15 HENRY STERN: It's like a rule.

16 CHAIRPERSON FELDER: It's like a
17 rule.

18 HENRY STERN: And I came on time.
19 I came an hour and a quarter early. - - .

20 CHAIRPERSON FELDER: Okay. Next
21 witness.

22 ED WALLIS: Thank you, my name is
23 Ed Wallis. I'm here to speak in favor of
24 Modifying term limits by adding the third term. I
25 too was a former member of the Council. I had the

1
2 privilege and honor of serving with the Council
3 Member Stern and then we rarely disagreed. Today
4 we vehemently disagree. Let me get to the heart
5 of the matter quickly. Council modification of a
6 charter amendment adopted by public referendum is
7 not only appropriate, but urgent. And it's urgent
8 in order to protect the constitutional liberty.
9 The constitutional liberty of voters to choose
10 qualified candidates. I want to be clear and
11 contrary to what Council Member Stern said, I'm
12 not being paid by anybody. I sat in this very
13 chair next to Mr. Emory. How many years ago?
14 Urging the exactly same thing. This Council
15 should have the courage and it is political
16 courage to stand up and do what is right even
17 though people who favor process over substance
18 will say the kind of things that Henry said.

19 HENRY STERN: I want to exempt Mr.
20 Wallis from my remarks. He's here on his own.

21 ED WALLIS: It's fine, Henry.

22 CHAIRPERSON FELDER: Excuse me. I
23 think you're out of order even if consistency is a
24 virtue.

25 ED WALLIS: Let me be clear and

1
2 Eric Lane said a version of this. If the public
3 adopted the law that said that some classification
4 of people shall not be allowed to vote based on
5 some invidious classification, no one would say
6 let's send that back to the public again. The
7 Council would say we're doing it now. We're going
8 to correct the law. We're going to make it right.
9 So if you believe on substance that term limits
10 are wrong because they deprive voters of their
11 rights to choose and experienced candidate, then
12 don't get hung up on the process of public versus
13 Council. Exercise your duty and obligation under
14 the charter. Let me just quickly say that the
15 terms limit referendum is the perfect case a mega-
16 millionaire poured millions of dollars into
17 putting the term limit question on the ballot in
18 promoting it. Of the 1.9 million voters that
19 showed up that day 30% pulled a lever either way
20 on the term limits, so anyone that says the people
21 spoke is wrong. The people never spoke. A few
22 people spoke and that's the problem with public
23 referendum. It's why we elect you to spend the
24 time effort energy to deliberate to think to study
25 and to come back with answers. If the public

1
2 doesn't like those answers, we vote you out. I
3 have often—

4 CHAIRPERSON FELDER: I think you're
5 over time. Unless you have one sentence.

6 ED WALLIS: I got five seconds. If
7 the—let me conclude.

8 CHAIRPERSON FELDER: Go ahead.

9 ED WALLIS: I hope you'll recognize
10 the voters in 2009 to choose the next Council not
11 the voters of 1993. Those who disagree with me
12 will have a say here today, but most important if
13 you'll modify term limits all of us will have our
14 say at the polls. That's what democracy demands.

15 CHAIRPERSON FELDER: Thank you.
16 Next witness please.

17 RICHARD EMORY: Yes, my name is
18 Richard Emory. In 1988 I marched down to
19 Washington with Peter Vallone's father, and we
20 argued in the Supreme Court and won. And the
21 purpose of the argument was to elevate this body
22 to the stature which I believe it is attained, and
23 the day when we argued that case the terminology
24 for this body was that it left less of an
25 impression than a rubber stamp because at least a

1
2 rubber stamp left an impression.

3 ED WALLIS: You're quoting Henry.

4 RICHARD EMORY: I understand that.

5 HENRY STERN: 1965.

6 RICHARD EMORY: It was quoted
7 often. The fact is that I am in favor of Mayor
8 Bloomberg. I think he's been a terrific mayor.
9 I'm against term limits for the same reasons that
10 Ed and I were here many years ago, and I believe
11 the City Council has the power, the legal
12 authority to do what's being proposed here. But
13 like Richard Nixon said we can do it, but it would
14 be wrong. And it is wrong. It's simply wrong for
15 the same reasons that Peter Vallone and I went
16 down to Washington to argue this case to create
17 this body as a legitimate legislative body, which
18 it had never been in the face of the Board of
19 Estimate. What this body was is what I can become
20 again. If this kind of moral corrosiveness and
21 the self interest predominates as it always had in
22 the past. This body has clawed itself up the wall
23 of respectability where it's eyes and the eyes of
24 the body politic are just leaning over right over
25 the top of the wall. You do this in the face of

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2 this kind of self interest in the fact of what
3 everybody here identifies as blatant self interest
4 and sitting in the lap of the mayor as the process
5 goes forward, and you'll be kicked right off that
6 wall. You'll never see over the top of the edge
7 again. You're integrity as a body is at stake
8 here. It's hanging in the balance. Either you
9 opt for the principled position which is to go
10 back to the people even though you don't have to
11 or you take the self interested road and put
12 yourself in the place in ignominy where this
13 Council has been in the past.

14 CHAIRPERSON FELDER: Thank you.

15 Next witness please.

16 ARTHUR CHELLIOTIS: That's a tough
17 one to follow. My name is Chelliotis. I am
18 president of CWA Local 1180, represent New York
19 City Administrative governmental employees, some
20 10,000, and we're city residents. When I went to
21 school at PS170 in Queens, which no longer exists
22 democracy meant ruled by the people and for the
23 people, and it seems to us that if the people have
24 spoken on this issue, you may have a legal right
25 to overturn them. Jim Crow was legal, but the

1 fact of the matter is there's a moral right to
2 consider here. There is the issue of what are the
3 principles that we want to leave with the people
4 of the city and with the children of the city.
5 What is the legacy that you want to leave? Is it
6 one that was so eloquently spoken about just
7 before of making this the legislative body that it
8 should be and it can be. That you've attempted to
9 make or to just be remembered for what you passed
10 here today or will in the future if you allow a
11 425--what is it--825A pass. I think you have a
12 duty to yourselves to history to make this the
13 true legislature of the city of New York. To make
14 it a body that can stand up and say we will go to
15 the people and we will make our case that we
16 deserve to be in office for as long as you will
17 keep electing us because we carry out what's
18 important for all the people of the city of New
19 York. I have a great respect for many of you. I
20 have met with many of you and worked with many of
21 you. You do excellent work. Don't flush that
22 down the toilet. I urge to setup a commission and
23 put it before the people before the next election.
24 It's the right thing to do. Maybe not the legal
25

1
2 thing to do, but it's the right thing to do, and
3 we'd appreciate it.

4 CHAIRPERSON FELDER: Thank you.

5 Next witness.

6 HOWARD UROL: Thank you, Mr.
7 Chairman. My name is Dr. Howard Urol. I live up
8 in Riverdale in the Bronx, and I'm here as a
9 concerned citizen and I've found Randy Mastos
10 third times the hard which was in the Op Ed page
11 of the times on October 8th to be excellent
12 synthesis in favor of referendum. I wanted to
13 just read a few relevant paragraphs. The mayor
14 should support the immediate appointment of a
15 charter revision commission that submit a term
16 limits proposition directly to the voters in a
17 city wide special election that could be held
18 early next year. That would leave plenty of time
19 for him to run for third term if the voters
20 approved such a change. State lives gives to the
21 mayor and the City Council clear authority to
22 pursue this course. Under the states municipal
23 home rule law, the charter revision commission may
24 be created either directly by the mayor through
25 the local legislation as two Council Members have

1
2 now proposed. Such a commission is then
3 authorized to put proposals before the voters at a
4 general or special election held not earlier than
5 60 days after the commission issues it's final
6 recommendations, so why instead is Mr. Bloomberg
7 now working with the City Council's leaders to
8 lengthen all of their terms by legislation an
9 approach he previously said would be disgusting.
10 The answer comes down to politics. Most Council
11 member will do this bidding because they now have
12 to cover to legislate the same change for
13 themselves. From an ethical perspective the mayor
14 is setting a troubling precedent for our
15 democracy. He's also setting himself up for more
16 practical challenges. As someone who has spent
17 time in City government, led two charter revision
18 commission and litigated against efforts to loosen
19 term limits. I believe there are significant
20 legal issues that could derail the mayors effort
21 altogether. First while state law surprisingly
22 seems to permit term limits to be changed by
23 legislation, even after voter ratification, local
24 law is arguably more protective. Indeed the city
25 charter expressly provides that is the public

1
2 policy of the city of New York to limit to not
3 more than eight consecutive years at the time
4 elected officials can serve. I'll just take a few
5 more seconds. Moreover, it would be a conflict of
6 interest under local law for Council Member to
7 vote themselves the opportunity.

8 CHAIRPERSON FELDER: All right.
9 Can you wrap it up please or can you just tell
10 people where the article, so they can read it
11 themselves.

12 HOWARD UROL: Yes, it's on the Op
13 Ed page on October 8th, Times.

14 CHAIRPERSON FELDER: Okay.

15 HOWARD UROL: If I may just one
16 more second.

17 CHAIRPERSON FELDER: No, no, no.

18 HOWARD UROL: Sorry, thank you very
19 much.

20 CHAIRPERSON FELDER: Thank you
21 very much. Some questions for the panel? Council
22 Member Jackson.

23 COUNCIL MEMBER JACKSON: Thank you,
24 Mr. Chair, and let me say to the panel, I
25 appreciate everyone coming in and expressing their

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2 views on this very important matter and very
3 sensitive matter. And just like you have your
4 opinions in representing the groups that you
5 represent, and I have the City Council Member. I
6 have my opinion. If you don't know, let me tell
7 you about it. I've said all along from the
8 beginning even before I was elected before I even
9 ran for the City Council in 2001, I was not in
10 favor of term limits and I supported my Council
11 Member Stanley Michaels, who's now deceased. Even
12 during the campaign process in 2001, in 2003, in
13 2005, when citizens commissioned and others asked
14 me whether or not I was in favor of term limits.
15 I said no. I have never changed my position on a
16 particular matter, and I don't intend on changing
17 it now. And let me just say to anyone that think
18 they can intimidate me, you must be crazy. Anyone
19 who thinks you can intimidate me, must be insane,
20 and quite frankly you're not threatening me, Steve
21 Kramer. If you're ready to rumble, come on with
22 it let's go. Okay.

23 CHAIRPERSON FELDER: No, no, no.

24 COUNCIL MEMBER JACKSON: Because
25 let me tell you-

2 CHAIRPERSON FELDER: No, no-

3 COUNCIL MEMBER JACKSON: -you don't
4 intimidate no one in this City Council, and if you
5 do, they're not one of the 51 leaders in which
6 they are.

7 CHAIRPERSON FELDER: Can you ask-

8 COUNCIL MEMBER JACKSON: So let me
9 just say that to you right now.

10 CHAIRPERSON FELDER: Can we have a
11 question?

12 COUNCIL MEMBER JACKSON: The
13 question I have is if you truly believe in
14 democracy, should the people of my district not
15 have the opportunity to vote for me again if they
16 want to?

17 CHAIRPERSON FELDER: Excuse me.
18 Who are you posing-

19 COUNCIL MEMBER JACKSON: That's a
20 term I have for anyone.

21 CHAIRPERSON FELDER: Can you pose
22 it to somebody please.

23 COUNCIL MEMBER JACKSON: I'll give
24 it to Ed and Dan.

25 ED WALLIS: I think you've made the

1
2 essential point that it's the voters in your
3 district who should have the right and let me
4 point out one of the anomalies and it plays out
5 across the city in different ways. If I live in
6 district A and Henry lives in district B, he may
7 be able to elect an experienced Council Member
8 who's a one term member, but who've had a
9 successful two term member am deprived of that
10 opportunity. That's why I keep saying it's not
11 about you. It's about the voters. It's the
12 voters' right that's at stake here, and I would
13 point out for the record given all that's been
14 said. Council Member Michaels as you may know are
15 ardently in favor of the repeal of term limits,
16 but he announced that he would not run for office.
17 So while I think you should all run and take your
18 chances with the voters. Addressing Mr. Emory's
19 point is simple, anybody's who troubled by that
20 issue, can vote out the term limits now and they
21 can elect individually because that's their
22 conscience not to run, but the opportunity is for
23 the voters. It's not for the Councilmen.

24 DAN CANTER: Councilman Jackson, no
25 one's denying your right to have your opinion and

1
2 to run reelection if that's what the rules are.
3 The question is appearances do matter, and it's
4 our view that changing this law is best done by
5 returning to the voters at large because otherwise
6 it looks like self dealing. It's not much more
7 complicated than that from our point of view. I'm
8 not asking you to necessarily agree to that, but
9 that's the way it looks to, I think, the vast
10 majority of voters.

11 CHAIRPERSON FELDER: Councilman
12 Vallone, Jr.

13 COUNCIL MEMBER VALLONE JR.: Thank
14 you. First of all, Mr. Emory, I respect your work
15 greatly. I'm well aware of it, but I happen to
16 know Peter Vallone, and he will be the first
17 person here in the morning tomorrow testifying in
18 favor of this term limits extension, so I guess
19 that means he's lost all of his ethics and his
20 principles as well as Ed Koch, Meredith Como and
21 the rest. Simply not true, and there's no place
22 for those sort of allegations from any of you,
23 from anyone in this room, and Mr. Stern, again
24 respect greatly, ready your blog, but you got to
25 get out more. I've been out in my district and

1
2 you can call the Jackson Heights Home Owner
3 Association. You can call it's - - club. I have
4 polled every location I've been to in my district
5 in the last two weeks, and everyone of them as has
6 supported extending term limits to Council action.
7 - - Democratic club, 48 to 2. The Home Owners'
8 Association, 30 to 20. So yes, if you only listen
9 to your emails and your phone calls, you're going
10 to thank public opinions against this because
11 those can be manipulated very easily with drives,
12 but if you get out in your district, you'll see
13 that people are in favor of this and they want
14 they're voice heard too.

15 CHAIRPERSON FELDER: Question?

16 COUNCIL MEMBER VALLONE: My
17 question I've already forgotten it, but this has
18 happened. I'm getting old.

19 CHAIRPERSON FELDER: Second time.

20 COUNCIL MEMBER VALLONE: The
21 question is—I guess the question becomes Mr.
22 Covner said this very eloquently before and I've
23 asked both sides to answer this for me. A
24 referendum, which I'm seriously still considering
25 doing despite Mr. Kramer's threats whom none of

1
2 the Democrats you mentioned have ever heard of
3 you, so it's interesting Democratic consultant job
4 you're in, but despite the threats, I'm still
5 considering loading that way. So the referendum,
6 Mr. Covner said to that now during this financial
7 crisis to throw the elections system in the 2009
8 into disarray, to have no one sitting up here know
9 what they're running for throughout this whole
10 process to divert the attention of the people
11 during this financial crisis. Why is it that the
12 best way, and I'm seriously considering it still
13 despite that because the will of the people, but
14 why is that better than elected officials doing
15 the job that they've been elected to do? Mr.
16 Stern.

17 CHAIRPERSON FELDER: Push the
18 button please.

19 HENRY STERN: I think—Peter I thank
20 you for calling me, but I think if the - - club
21 voted 48 to 2 as I'm certain it did, they were
22 also perhaps subject to the influence of people
23 who may have high regard over the generations who
24 spoke to them. A find club, one of the few clubs
25 still with an Indian name, Native American name I

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should say.

CHAIRPERSON FELDER: Can you—would you mind please answering his question?

HENRY STERN: I was paying respect to his organization.

CHAIRPERSON FELDER: We don't care about paying respect to his organization. We're talking about answering the question if you'd like to. If you don't want to answer it, you're entitled not to.

HENRY STERN: I think the issue is best stated by Mr. Emory who really said—you can change most provisions in the city charter and no one would mind. The Civilian Review Board, you're right any nine-tenths of them were nobody, but you cannot by law reduce the powers of the mayor. There's a list of little things that you can't do, and added to that list in my opinion should have been the length of tariffs to Council Members, but they didn't think of it because obviously if you restrict people from doing things that directly effect them, this would be the thing that most directly effect them. That wasn't heard of in 1989 when Fritz Schwartz put through the charter.

2 COUNCIL MEMBER VALLONE: Mr. Stern,
3 this is not repeat the arguments. The question is
4 why—I understand all the arguments each side has
5 made, and there are as I said many times good
6 people, good arguments on both sides of this
7 issues, but why is it better to do the referendum
8 and put the city through that as we are about to
9 debate some of the toughest, finest we ever
10 debated.

11 HENRY STERN: You're not going to
12 debate the very short—and before I get to that.

13 COUNCIL MEMBER VALLONE: The
14 correct name of the club I went to the night North
15 Queens Home Owners Civic Associations, so feel
16 free to give them a call, and I've took pains to
17 try to present both sides because I really wanted
18 to know what they felt like.

19 HENRY STERN: You said that was
20 30:20, you said; right?

21 COUNCIL MEMBER VALLONE: That was
22 the 30:20.

23 CHAIRPERSON FELDER: All right. I
24 think North East Queens got enough attention for
25 this day. The next question Councilman Garodnick?

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2 COUNCIL MEMBER GARODNICK: Thank
3 you, Mr. Chairman. I wanted to address my
4 question to Mr. Emory and then perhaps Mr. Canter
5 had anything to add. Wanted to throw back to you
6 something that was said earlier today from the
7 representatives of the mayor. Mr. Crowell and Mr.
8 Cardozo came in and talked about the challenges of
9 created a charter revision commission. Helen,
10 would you mind just scooching up just a little.
11 There perfect. Thank you. And the issue was—the
12 issue was what would need to happen in order for a
13 referendum to go forward, and they pointed to
14 appointing the charter revision commission. They
15 talked about having the meeting, setting the 60-
16 day timeframe, and then of course, the ultimate
17 weigh in from the Justice Department. And the
18 Corp. Council concluded that he was not sanguine
19 about the success of this passing muster from the
20 Justice Department. What I wanted to ask you was
21 do you agree? Why is that wrong? Any light you
22 might be able to shed on the argument?

23 RICHARD EMORY: Yes, I don't think
24 there's much doubt with the kind of participation
25 and high profile that such a referendum would

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2 engender in the city that there would be very
3 little voting rights act questions that could be
4 raised because the participation would be so
5 great. The hard question I think in this process,
6 but I think there is an answer to it is the one
7 that Peter Vallone raised as to—and Victor Covner
8 raised is the question of dislocation in the
9 process. When important elections have to be
10 prepared for, and I grant you that is a problem,
11 but there's a balancing test here. It's not only
12 about the elections and who gets elected and the
13 capable people get elected in 2009. It's about
14 the cynicism that will be engendered and in the
15 voters if this process doesn't take place through
16 referendum and it takes place here in the next
17 week or two. And I think you have to balance
18 those things because as Dan said appearances
19 really do matter. People really care about not
20 thinking that they're elected representatives are
21 completely cynical and self interested. In terms
22 of the process, you'll remember 60 days there were
23 chart revisions that did work within 60 days. You
24 can do this quickly, but I would suggest that the
25 right way to do this would not be to do it too

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2 quickly. If you voted out a charter revision
3 commission in this Council in the next two weeks
4 and you have 60-day minimum, you'd still have—you
5 could easily by February have a full and fair
6 process, an open process have a voting rights act
7 pre-clearanced by March and there's plenty of
8 time. I mean elections in Europe are running 30
9 days, 60 days. We don't need year long elections,
10 but I do think we need six months. And there's
11 plenty of time to have six months between the
12 final position, so the voters know what position—
13 who the candidates and the election. So I think
14 it's completely doable. It's not something you
15 can do lackadaisically, but it is doable if this
16 Council gets behind a referendum process.

17 CHAIRPERSON FELDER: Thank you.

18 Council Member Garson.

19 COUNCIL MEMBER GERSON: Thank you,
20 Mr. Chair. I've heard that Dan Canter talk about
21 the principles of democracy and Henry Stern remind
22 us of the supremacy of the people and other
23 witnesses along those lines, and I think that's
24 important. I thank you and applaud you for
25 reminding us about basic principles, so want to

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2 ask you about basic principles because I agree it
3 should have been ballot this November, but it's
4 not and it can't be. So I'm grappling with what
5 is the next best less than perfect alternative.
6 So to any of you on the principle of the principle
7 of democracy—

8 CHAIRPERSON FELDER: Can you please
9 pose the question—

10 COUNCIL MEMBER GERSON: To Mr.
11 Stern. I've known him the longest. We go way
12 back when.

13 CHAIRPERSON FELDER: That doesn't
14 preclude any of you if you feel you have something
15 to add. I just want order for me.

16 COUNCIL MEMBER GERSON: He can tell
17 you how far back we go, but any way you have seen
18 the already seen the questions.

19 CHAIRPERSON FELDER: - - .

20 COUNCIL MEMBER GERSON: Now, I'm in
21 trouble, but the question is this. From the
22 principle of basic democracy, we know no one
23 should dispute this. There's a significant number
24 of people out there in the city of New York in
25 each of our districts who want the option of being

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2 able to vote for the incumbents whether they're a
3 majority minority, that's what elections are for
4 We don't know, but we know there's a significant
5 number who want that option that opportunity. So
6 from the principles of basic democracy, isn't it
7 more democratic rather than limit a choice which
8 many people want on the basis of an elect twelve
9 years ago when the city was very different. And
10 rather than getting into the issues of a low turn
11 our, high turn out, \$20 million less than Justice
12 Department preclearance, issues of a special
13 elections, shouldn't we just let the people have
14 maximum democracy and let the incumbents run and
15 the people decide from a standpoint of basic
16 principles?

17 HENRY STERN: I believe the maximum
18 democracy depends on following the previous
19 decisions of the people. I don't think the city
20 is that different as regards to this issue between
21 1996 and 2008, no great turn around. I think that
22 it's—if you want people to respect you as elected
23 officials, you should respect them when they make
24 their decisions. Now, sure it should have been
25 done earlier this year, and the mayor didn't do it

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2 earlier this year because in his own political
3 calculus, he didn't need it. Now, he feels he
4 needs it. He wants it, but you could have done it
5 earlier this year. You could have set up a
6 charter revision commission. You didn't have to
7 wait. Now, I know your leadership or your
8 speaker may have been waiting for the mayor, but
9 there are 51 of you. You could have taken that
10 initiative and sent it to the people and solved.
11 You didn't. I didn't hear you. It wasn't even
12 introduced, so now don't—

13 COUNCIL MEMBER GERSON: Many of us
14 have been propounding that for quite a while, but
15 given where we are now—I see Mr. Canter.

16 DAN CANTER: Yeah, given where we
17 are now, it's the Emory plan. It would have been
18 better to do it in November than next best thing
19 is to do it as soon as you can, which I thought
20 was persuasively argued it could be several months
21 from now, but with leaving enough time to then
22 have ample campaign season.

23 CHAIRPERSON FELDER: Council Member
24 Auto.

25 COUNCIL MEMBER GERSON: Mr. Chair,

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one of the other witnesses wanted to respond.

CHAIRPERSON FELDER: I'm sorry.

RICHARD EMORY: Mr. Chair, may I make a quick point.

CHAIRPERSON FELDER: Yes.

RICHARD EMORY: I think Councilman Garson raised a very important point. There's been a theme throughout the entire discussion today that does not distinguish between what we might call normal legislation and special action. Referenda on basic structural and process issues. Like the one we're facing, I think are different from—have a different rank than what we might call normal substantive legislation. I think Mayor Koch raised that issue, but I think we need to perhaps separate a special case like this.

CHAIRPERSON FELDER: Okay.

RICHARD EMORY: A referendum case from the normal shall we say mill of substantive legislation.

CHAIRPERSON FELDER: Thank you.

Yes.

ED WALLIS: Can I just—Mayor Koch I thought made a very good point that the ways of

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2 changing the charter are equal, none superior to
3 the other and I think for Mr. Emory to suggest
4 that a special election in the middle of the
5 winter time would somehow do better than Mr.
6 Lauder's highly touted one where only 30% of the
7 people who went it into the booth pulled a lever
8 either way to suggest that there's some virtue or
9 superior good in that or that's it more democratic
10 I think it magical thinking.

11 RICHARD EMORY: Let me just quickly
12 respond to that and say that the virtue of it
13 whatever the participation which I highly expect
14 would be quite high given the issue is that it
15 wouldn't be you voting for your own pocketbook and
16 your own pension and your own job. And that—don't
17 minimize—don't minimize for a second the cynicism
18 that this will create. It will erode this
19 Council's well-being and its future. It will
20 corrode everything that you've worked so hard for,
21 for the last 20 years.

22 CHAIRPERSON FELDER: Thank you.
23 The next question is Council Member Auto. I'd
24 like to ask the sergeant at arms and the police to
25 ask anyone who's standing in the back to either

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2 have a seat, go into the room next door, or leave.
3 The witnesses are not able to testify
4 appropriately 'cause there's too many
5 conversations going on. Either have a seat. We
6 have some seats up on the balcony. We have a room
7 that's almost all empty right near by or go out to
8 the balcony. It's not—it's just not nice. I
9 can't say it any other way. Council Member Auto.
10 It's not consistent. Okay.

11 COUNCIL MEMBER ODDO: Mr. Chairman,
12 I ask that you direct the sergeant at arms to buy
13 75 pizzas for the good people of New York and to
14 send the bill to Ron Lauder, so we can continue
15 this tonight. That's one. Two is the northeast
16 Queens Democratic Club seems to be the Joe the
17 plumber of this. It's got entirely too many shout
18 outs. I have question for my good friend Ed
19 Wallis. Mr. Wallis, you echoed a sentiment that
20 we have heard time and again at that table that a
21 special election/referendum is flawed because of
22 the limited turn out, and you very eloquently and
23 passionately said the pure democratic process.
24 The better democratic process is to leave it to
25 the 51 Council Members. I find that just a little

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2 bit ironic in that many of the 51 Council Members
3 were in fact elected via a special election. In
4 fact, the leader of this Council, Council Member
5 Quinn was elected in a special election as was
6 Council Member Nelson, Council Member Ignizio,
7 Council Member Eugene, Council Member—

8 CHAIRPERSON FELDER: Do you have a
9 question?

10 COUNCIL MEMBER ODDO: Yes, I do.
11 Yes, I do. My question for you—and by the way, I
12 was elected in a special election where my
13 democratic opponent thought he could win if he got
14 3500 votes. He got his 3500 votes, thankfully I
15 got 5,000. 8500 votes determine who the Council
16 Member from the 50th district. Do I have an
17 asterisk next to my name? Am I less of a Council
18 Member? So I find it ironic and I ask for you to
19 explain if you say that special elections are less
20 democratic and you'd rather—how do you reconcile
21 that with the fact that many of us got here. And
22 I think they're valid elections and I think
23 they're valid Council Members via the special
24 election process. Thank you, Mr. Chairman.

25 ED WALLIS: First I have to tell

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2 you there's a couple asterisks next to my name
3 'cause I got here by virtue of a county committee
4 procedure, and I left here by virtue of the
5 Supreme Court of the United States decision, so
6 what I'm saying is of course who special elections
7 have the validity that they have which is the only
8 means available to fill the seat and I believe
9 each of you who you cited has stood for a general
10 election and succeeded in that. And frankly, I
11 think it makes my argument that you want to
12 process where experience where exposure to the
13 voters where continuity can exist and where as you
14 pointed out a democrat for 3500 votes he could
15 take the seat away. That's not a good open
16 process. It's the best available at the time.
17 The best available at the time right now is for
18 every member of this body to take the risk to take
19 the risk that their electorate will throw them out
20 for doing the right thing. I don't think they
21 will by the way, but that is courage to me, to
22 throw it over and say there's some virtue in these
23 Ron Lauder supported or whether it was Mayor
24 Bloomberg supported, public referendum. I'll make
25 another confession to you, when I was sat on this

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2 body and I believed that going to the polls on
3 every single voting day. Primaries were in my
4 district. There wasn't much contest, but whatever
5 was on the ballot I went until I decided I will
6 not go to a school board election because I cannot
7 inform myself well enough in the month of May as
8 to who these candidates are, so the idea that
9 direct democracy that I'm supposed to know every
10 single thing there is and read every proposition
11 ballot is a falsehood in my mind. You're elected
12 to do this job and to throw it over and say a
13 referendum more virtuous the facts don't bare it
14 out.

15 CHAIRPERSON FELDER: Council Member
16 Brewer.

17 COUNCIL MEMBER BREWER: Thank you
18 very much. I have two quick questions. One is
19 earlier Lew Fidler made I thought a good point
20 which was that if you vote for the proposition
21 that speaker's pushing—if you don't vote for that
22 and you—and it passes and you run, then that is a
23 little bit having your cake and eat it too, and
24 I'm just wondering if you think that's any kind of
25 a conscious issue—conscientious issue that we

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2 should be thinking about. That's for Mr. Canter
3 and Mr. Emory. And the other question I have is I
4 guess for either Ed Wallis or Richard Emory is
5 there—I don't understand. I've asked everyone
6 picking up on what Dan Garodnick asked is how does
7 it work with the Justice Department? Do they look
8 at something before an election or as someone said
9 earlier they will take up to 90 days after before
10 the process is actually completed 'cause that
11 would extend the time period tremendously.

12 CHAIRPERSON FELDER: Can we answer
13 the first question even though there's only one
14 question.

15 RICHARD EMORY: Obviously if a
16 person votes against this and then runs for
17 election because it passed the appearance is for
18 that individual are far better than if he or she
19 voted for it and runs for election. I mean it is
20 certainly a way to hold your head a lot higher
21 when you run for election under those
22 circumstances it seems to me. The—of course,
23 there are all kinds of—the cynicism among the
24 people who look at this body and read the
25 newspapers and are out there is so deep and so

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2 profound that many people will believe that some
3 people will vote against it just to be able to do
4 that knowing that it will pass. And so don't
5 think you can hide behind a no vote in the end
6 because people will believe that you engineered
7 that. And that's just the way the public is these
8 days because we're so disappointed with our
9 leadership. The thing that's so nasty about this
10 or so sad actually--nasty is the wrong word--it's so
11 sad about this is that over the past eight years
12 in particular the mayor has done an excellent job
13 of elevating the notion of nonpartisan principled
14 government and so has this body. It's been a very
15 good partnership to achieve a kind of
16 creditability in the public that has not existed
17 in New York certainly in my lifetime and probably
18 not even in Henry's. So that's what I worry
19 about. That we're going back to the pre--to the
20 period before that, and I talked to Peter Vallone
21 many, many, many times about changing term limits
22 and getting rid of term limits because it's the
23 right thing to do to get rid of term limits, but
24 the way you do it is critical.

25 CHAIRPERSON FELDER: Mr. Canter, I

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2 think you asked and then we'll go to the next
3 question.

4 DAN CANTER: I can't see inside
5 people's hearts, Councilwoman. Everyone seems
6 genuine that I've spoken to. Some people are for,
7 some are against. A lot are undecided. We're
8 hoping that undecided are listening carefully
9 today to these arguments. I don't believe that
10 people are going to try to gain this system like
11 that. This is a touch vote, but the people have
12 spoken and all were saying yet again is there time
13 to do this and thus that's the least bad option.
14 It should have been done earlier. Wasn't, so
15 let's go with the least bad, which is doing it
16 with dispatch.

17 CHAIRPERSON FELDER: Council Member
18 Gentile.

19 RICHARD EMORY: Gale, you wanted me
20 to answer the issue about timing

21 COUNCIL MEMBER BREWER: And the
22 Justice Department.

23 RICHARD EMORY: Yeah, I just
24 quickly they do it a number of different ways, 60
25 days is the usual time when they come back with a

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2 ruling. They sometimes do it much quicker and I
3 tend to think that this would be—there would be
4 very few arguments that would carry any water on
5 this. Either as a referendum or quite frankly as
6 legislation that you pass, and they do it quickly.
7 Now, sometimes rarely they do it before once it's
8 a law, but if there were referendum they do it
9 before the referendum. Generally speaking they
10 wait until the law goes into effect by virtue of
11 the action of the referendum 'cause they can avoid
12 doing the work if the referendum doesn't pass.
13 So—but I can be done very quickly and the
14 corporation counsel's office has an extremely
15 sophisticated operation of putting these
16 applications before the Justice Department. It
17 can be done in a matter of a day after the
18 referendum passed and it can be answered with in
19 30 to 60 days easily.

20 CHAIRPERSON FELDER: We've been
21 joined by Council Member Gentile. Council Member
22 de Blasio next question. Sorry Gale.

23 COUNCIL MEMBER DE BLASIO: Same
24 vein though 'cause I really want to nail that
25 question too and I think it's been a little hard

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2 to follow the different comments on it. I think I
3 hear you saying Mr. Emory that—and I preface by
4 saying I don't think anyone—you're another one of
5 the people I don't think anyone knows more than
6 considering you are really one of the people that
7 brought us the current charter. Justice
8 Department does not make a decision before the act
9 of a referendum or vote takes place. I think
10 that's what I'm hearing you say; right?

11 RICHARD EMORY: They have. They
12 can.

13 COUNCIL MEMBER DE BLASIO: They
14 can.

15 RICHARD EMORY: But they usually
16 don't.

17 COUNCIL MEMBER DE BLASIO: Okay. So
18 the first question at hand, Mr. Chairman, just
19 indulge me one second on this. I'm trying to get
20 this fine-tuned to understand it. The first
21 question at hand is do they choose to do it before
22 or after whatever action might happen here via the
23 referendum and the legislation or whatever, then
24 the second question if they do decide to wait for
25 the action itself and there's a referendum say and

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2 it's whatever day in February or whatever day in
3 March, they would initiate the process the next
4 day, let's say. What is--what's the range? When
5 Mr. Covner spoke it seemed like he thought it would
6 be 60 days minimum, but you're saying something
7 different. Is there any definitive range like
8 minimum, maximum anything?

9 RICHARD EMORY: It's a very
10 informal process.

11 COUNCIL MEMBER DE BLASIO: Formal or
12 informal?

13 RICHARD EMORY: Informal and it
14 can go very quickly. We've had them come back in
15 a week. We've had them come back in 60 days.
16 Rarely does it go over 60 days especially when
17 it's not very controversial. Because the voting
18 rights--if I can frame this for you, it seems to me
19 the voting rights act issue in this case would be
20 whether term limits as they played out over the
21 last ten years or twelve years have increased
22 minority representation and whether there's a
23 point of diminishing returns because we have 25
24 out of the 51 in the Council now as I understand
25 it. And when you get to the level of virtually

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2 50% close to 50% and the population of the city is
3 fairly closely reflective of that percentage has
4 the point of diminishing returns been reached.

5 Now, there might be some discrepancies, and there
6 might be some statistical arguments that would be
7 made, but it seems to me that it's so close to a
8 representative body of the body politic in terms
9 of it's minority representation that it's almost a
10 no-brainer for the Justice Department to approve
11 this. Now, I haven't thought of every argument
12 and I could be very well be wrong, but I don't
13 think this is a very complicated heavy lift of
14 them. They do it informally. They do it quickly,
15 and also they're not particularly motivated at
16 this point to say no, since they're all probably
17 going to be--the leaderships certainly is going to
18 be out of there as of January.

19 COUNCIL MEMBER DE BLASIO: I'm sorry
20 just one more, Mr. Chairman, but it's the same
21 question.

22 CHAIRPERSON FELDER: No, no, no,
23 Council Member
24 Lappin.

25 COUNCIL MEMBER LAPPIN: Thank you,

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2 Mr. Chairman, so my question is for Mr. Canter and
3 Mr. Emory. My questions today have been about the
4 process as Mr. Canter indicated when he spoke and
5 so my question is this because if we're talking
6 about the process and the possibility of having a
7 referendum a couple of my colleagues who are
8 colleagues of color have said that they concerned
9 about that as a process because typically in
10 special elections minority turn out is much lower,
11 and that would potentially disenfranchise those
12 communities if it's done in that manner. What
13 would your response be to that?

14 DAN CANTER: My would be that
15 this issue has gotten so much notice and will
16 continue to get notice that that seems
17 unwarranted, that fear. I have a feeling there's
18 going to be a huge amount relatively speaking for
19 special election a huge amount of interest in
20 this. So it seems unlikely to me that that will
21 manifest itself. Plus we'll door knock a lot.

22 RICHARD EMORY: And I would
23 agree completely with that and add only one thing
24 and that is that the Justice Department might not
25 preclear it if that did actually happen, but the

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2 likelihood of that it seems to me that processes
3 which led up to the election were fair and even
4 handed throughout the communities of the city that
5 the chances of that being a factor in preclearance
6 are very small.

7 CHAIRPERSON FELDER: Excuse me.

8 There is no point of order. The only point of
9 order is having an orderly hearing. I'd ask you
10 to please sit down, and we will be delighted to
11 hear you testify hopefully before Sunday. Okay.
12 Have a seat. Council Member Seabrook. Council
13 Member Seabrook passes. Council Member Martha
14 Viverito.

15 COUNCIL MEMBER VIVERITO: So Mr.
16 Emory, thank you very much. Just for one last
17 question do you believe then with regards to at
18 least following up with what my Council Member or
19 colleague Council Member de Blasio mentioned that
20 including the Department of Justice ruling if we
21 were to engage in a process of a referendum that
22 that could be done and completed well in advance
23 of the petitioning for next years elections?

24 RICHARD EMORY: Well, in advance.
25 At least I think it could easily be done two

months in advance to the petition.

COUNCIL MEMBER VIVERITO: Thank you very much.

CHAIRPERSON FELDER: I want to think this panel and—I'm sorry. I'm sorry. Council Member Fidler.

COUNCIL MEMBER FIDLER: I'm not easy to miss.

CHAIRPERSON FELDER: No, I'm just annoyed because somebody identified you as Chair of the committee.

COUNCIL MEMBER FIDLER: Well, first I want to—I stepped out for a moment and I missed some of your opening statements. I meant no disrespect and I apologize, but I'd like to just continue along the lines of the last question with Mr. Emory with whom I respectfully differ, but I hold in high regard. I think I understood Mr. Cardozo's testimony factually differently than you appear to be representing and I'm really asking whether or not I understood him correctly or not. Is it in fact that once the charter revision commission certifies it's question for the voters, that there must be at least 60 days from that time

1
2 before the referendum can be held?

3 RICHARD EMORY: I don't know the
4 answer to that. I don't know the answer to that.
5 We can certainly—I can get back to you about that
6 point, but I know there have been charter revision
7 commissions that have come up I believe well
8 within 60 days of a general election before they
9 certified the questions.

10 COUNCIL MEMBER FIDLER: But if I
11 understood the corporation counsel correctly and I
12 think I did, that might effect some of your
13 answers about the timing that you have just laid
14 out so certainly because let's assume that we
15 passed the charter revision commission
16 authorization at the next stated meeting of the
17 Council, gave it an opportunity to form, hopefully
18 do it all what all of you have said should happen,
19 which is a proper deliberation with multiple
20 hearings and multiple boroughs and a full
21 consideration of all the possible permutations of
22 this issue and then have to wait 60 days for it to
23 be put before the voters and then and you do know
24 the Justice Department can take up to 90 days to
25 clear. The Obama administration will be in the

1 middle of forming a new Justice Department at that
 2 time, so I mean it really might not necessitate
 3 some of that time. I mean might that not bring us
 4 a little close to June and then raise the issues
 5 that Mr. Covner so eloquently articulated.
 6

7 RICHARD EMORY: It very well may,
 8 but it wouldn't have to if this Council acted
 9 efficiently and with that the time with the
 10 possibilities to the time slippage that you've
 11 identified because it seems to me tat if you
 12 passed it this week. You can do the hearings one
 13 week at a time per borough very quickly and you
 14 can—we're talking about in all likelihood yes.
 15 It's true there an obligation to look at the whole
 16 charter, but everyone knows what this charter
 17 revision commission is going to be about and you
 18 could actually have a certified question before
 19 the end of the year, and then you would have a
 20 schedule which would easily get you well before
 21 June.

22 COUNCIL MEMBER FIDLER: But even
 23 with that math though that would still take us to
 24 May.

25 CHAIRPERSON FELDER: I think—Council

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2 Member, I want to thank this panel very, very
3 informative. The next panel I'd ask you to please
4 just sit down or go out whatever you intend to do.
5 Next panel if Jeffery Canada. I think George
6 McDonald. Kelly Conlan. Susan Freedman. Is
7 anyone here? Oh wonderful, excellent. Excellent.
8 All right. In addition to that Victor Rosario.
9 Is Victor Rosario here? Please raise your hand
10 that would be helpful. He's not here? George
11 Espinol. Alice F. Lebree. Alice F. Lebree, are
12 you here? Please raise your hand. Alice F.
13 Lebree, are you here? Justin Ew, I think. Justin
14 Ew, are you—is there a Justin, I think, it's Ew?
15 Justin Ew. How many seats do we have left? One?
16 Cheryl D. Robertson. Cheryl D. Robertson is here.
17 Please come to the front. Deloris Lozuponi. Can
18 you please come up? Okay. We're ready to start
19 from the right, sir. From my right, the young man
20 who's sitting right next to—you go ahead. Just
21 please again I want to remind you we have a lot of
22 people who've signed up to speak and we are
23 delighted, but we want to make sure that they
24 remain as you see that as a result of a taking so
25 long people are leaving, which is unfortunate, so

1
2 if you can please make sure to limit your comments
3 to two minutes. If you having nothing new to say
4 just say whatever you want to say instead of
5 repeating was said. Thank you. Go ahead.

6 GEORGE ESPINOL: Good evening.
7 Thank you, Mr. Chairman. I'm a community board
8 twelve member in Manhattan. My name is George
9 Espinol. I'm sorry. I'm a community board twelve
10 member. I'm also the president of the 34th
11 precinct community council and I'm also the
12 chairman of a small grassroots organization in
13 Northern Manhattan, and I'm also a college
14 student. I'm 21 years old at John J. College of
15 Criminal Justice getting my masters in Public
16 administration. As you all know next year 60% of
17 the City Council will be phased out, and we have
18 to realize is that a lot of the Council Members
19 are veterans. They've been here for awhile.
20 They've been through the rough times. They've
21 been through the easy times, and next years 60% of
22 them will be leaving. Mayor Bloomberg came out
23 and said well you know what? We should get term
24 limits and I myself I'm for the extension of the
25 term limits. Let me tell you why--this is the

1
2 reasons why. Because next year we will have
3 rookies sitting in these seats telling us what to
4 do, passing laws that they do not have prior
5 experience of; however, the City Council members
6 before you do have the experience, have fought in
7 their districts. Are on a continuously fighting
8 for the rights of all citizens on New York City,
9 so that's why I am for the term limit extension
10 for the City Council and for the mayor. I mean
11 when I came here before I was like maybe the City
12 Council should go next year. Maybe it's time for
13 them to go. It's like a mother, you can't tell
14 the mother. You can only be mother eight years
15 with your child and then let your child go. It's
16 impossible. You need to nurture and care of your
17 mother. The City Council's the city's mother. We
18 need them there to make sure that they take us out
19 of this financial crisis and also to make sure
20 that we extend their term limits for 12 years.
21 And we need to be respectful—

22 CHAIRPERSON FELDER: One minute, one
23 minute, one minute please.

24 GEORGE ESPINOL: We need to be
25 respectful—

1
2 CHAIRPERSON FELDER: I'm going to
3 ask again and anyone that's standing please have a
4 seat, either here, upstairs, next room or please
5 go outside—don't worry I'll give you the few
6 second. Allow the witnesses to testify. It's
7 very, very, very disturbing when witnesses are
8 distracted by the noise. That includes you, sir,
9 who are standing bending down talking to somebody
10 in the middle of the room. So I'm going to ask
11 you to please either sit down or leave. We'll
12 wait. Go ahead.

13 GEORGE ESPINOL: Boy, I lost what I
14 was going to say, but I know many of you may
15 disagree with me. Many of you would agree with
16 me; however, looking at this in a different
17 perspective, a different limelight, we have to be
18 a little pragmatic here. We have a crisis on our
19 hands. We have a future a head of us. We have to
20 think about the future. Because in eight years,
21 we'll run in to the same problem. Those City
22 Councils members will want extensions of term
23 limits. Let's find a resolution tonight or
24 tomorrow and let's get rid of this because we have
25 real serious issues education, housing, and we all

1
2 know we have a housing issue in the city. So
3 let's focus on the real issues here.

4 CHAIRPERSON FELDER: Will you wrap
5 up please.

6 GEORGE ESPINOL: This is a real life
7 issue that we have to worry about. So let's
8 extend those term limits. Thank you.

9 DELORIS LOZUPONI: Thank you. My
10 name is Deloris Lozuponi, and I'm here as a
11 regular citizen of New York City. A New York City
12 teacher part of the United Federation of Teachers
13 and I'm here basically to state my own opinion.
14 Earlier this week I was at a panel discussion at
15 Baruch College, and I listened very carefully in
16 my opinion to a group of people who were extremely
17 politically knowledgeable, certainly much more
18 than I am. There was a former deputy mayor,
19 several Council Members, attorneys, and
20 professors. I listened very carefully to numbers
21 they - - about. Numbers of a recent election in
22 New York back in '04, 1.3 million voters and in
23 that election there was an item on the ballot
24 where 580,000 voted in favor of keeping term
25 limits and 394,000 members voted to oppose term

1
2 limits. I was one of those people that voted, made
3 my voice hard. I listened carefully when it was
4 said that two four-year terms are enough. That
5 two four-year terms aren't not enough. I listened
6 when the Council Members said that the voice of
7 only his constituents should be listened to, not
8 the voices of all New Yorkers. I also listened
9 carefully when each panel member had the
10 opportunity to express their opinions on term
11 limits, and now what I want and I ask humbly is
12 that you listen to my opinion that my one single
13 vote that my one single voice be heard. I resent
14 that my voice is not being allowed to be heard. I
15 ask that members of this City Council listen to my
16 voice and the voice of many New Yorkers by
17 allowing us to express our opinion in some form
18 where we can let you know what we feel. Thank
19 you.

20 CHAIRPERSON FELDER: Thank you.

21 Next witness please.

22 GEORGE MCDONALD: My name is George
23 McDonald. I'm the founder and president of the
24 Doe Fund. I've live in and worked in New York
25 City for over 40 years and it's never been a

1
2 better place to live than it is right now. It's
3 safer and cleaner than ever, and as a voter I want
4 the ability to choose the leaders who I think will
5 keep it that way. We're facing a very difficult
6 financial future and the folks that we help at the
7 very bottom of the economic ladder need your
8 leadership more than ever. I guarantee you that
9 there will be more homeless folks on our streets,
10 more folks coming home from prison without jobs
11 and homes, and there's a reasons why Mayor
12 Bloomberg is at 70% popularity because he acts in
13 the best interest of the people of the City of New
14 York. And so should you. You should extend this
15 term limits and I was against term limits
16 obviously in the last century when we voted on it
17 a third of the people of the city voted. I think
18 that the true test of a democracy is that you can
19 go out and vote for the person that you think is
20 best to fill the job. If I were going to look at
21 the Doe Fund and say that this great organization
22 that we've built has to loose all of it's top
23 management, all of it's borough wide—all of the
24 city wide elected officials, all of the borough
25 presidents and two-thirds of the City Council, you

1
2 would think that that would be the most foolish
3 thing in the world to do. And I suggest to you in
4 the horrible time in our sitting in our country's
5 history, you would not be acting in the best
6 interest of the people to not give them the choice
7 of whoever they wanted to vote for. Thank you
8 very much.

9 CHAIRPERSON FELDER: Thank you.

10 Next witness please.

11 JEFF CANADA: Good evening, my name
12 is Jeff Canada. I'm the president of the Harlem
13 Children's Zone, and I want to thank you, Mr.
14 Chairman and the Council for giving me a moment to
15 say a few words about term limits. I have some
16 prepared testimony which I'm going to not read,
17 I'm just going to make three I think quick points.
18 One I'm in favor of term limits. I don't care
19 whether there's two terms or three terms. I don't
20 think that's necessarily relevant. I think it's a
21 good idea too if we had a really lousy City
22 Council and a really lousy mayor, I would be very
23 much in favor of term limits right now. I happen
24 to think we have a terrific group of City
25 legislators and the only reason I think that terms

1
2 limits needs to be extended is I think this city
3 is going to face the worst economic crisis since I
4 have been here running this organization the last
5 25 years. For the first time 15 years of my time
6 at the Harlem Children's Zone, I was here in this
7 Council fighting for poor children and families,
8 unsuccessfully. No one really gave a hoot about
9 what was happening in the poor sections of the
10 city. We had a dysfunctional system where no one
11 was held accountable and in this next - - section.
12 I think it is the poor who are going to be
13 absolutely devastated. We have for the last six,
14 seven years, we have had a City Council and a
15 mayor that have been able to work in a way that I
16 have not had the come down here yelling and
17 screaming like a crazy man trying to save poor
18 people here in New York City. If we did not have
19 what I think is a really horrid recession about to
20 hit this city, I would be—I know some of you who
21 are my friends don't think so. I would be saying
22 fine. Term limits are good, goodbye and good
23 riddens. This is not the time in this city's
24 current state for us to go back tow hat I am
25 afraid that is going to cost the lives of poor

1
2 children and poor families in New York City, and
3 therefore, I think it's an extension of term
4 limits at least for one term is called for with
5 what's coming. Thank you very much.

6 CHAIRPERSON FELDER: Thank you.
7 Next witness please.

8 SUSAN FREEDMAN: Hi, my name is
9 Susan Freedman. I've been president to the Public
10 Art Fund, since 1986 for over 30 years the Public
11 Art Fund has been bringing the innovative works of
12 contemporary art to public spaces throughout New
13 York City. The success of our mission giving New
14 Yorkers and visitors to the city the unique
15 opportunities to encounter and interact with
16 exciting works of contemporary art is really
17 dependent on two factors. First we need our
18 leaders in government to recognize the many
19 benefits New Yorkers derive and New York derives
20 from its place as an international cultural
21 capital. Second, we need out leaders in
22 government to protect and maintain the public's
23 faces that serve as our exhibition sites. I
24 believe that Mayor Bloomberg and you the City
25 Council have been remarkable stewards of New

1
2 York's cultural life and you're leadership has
3 paid dividends for our city. The New York City
4 water falls by - - , which closed earlier this
5 week after an amazing run was both a critical
6 success and an international cultural destination.
7 The thousands of visitors who came to New York to
8 experience this wonderful installation brought an
9 economic boom to our city. Initial estimates had
10 a positive impact at 35—excuse me a \$55 million
11 and we're finalizing the numbers we believe they
12 exceed that. As we face an increasingly difficult
13 economic climate, we needs leaders who understand
14 the positive impact and the positive benefits
15 that's a commitment to culture that bring in this
16 city, but a project like the water falls would not
17 even been possible if for example the water fall
18 advantage points from which observers observed he
19 work were unsafe, unclean or inaccessible. Art in
20 public space does not require a commitment to art
21 alone. There must be an equal dedication to the
22 upkeep and the improvement of our shared
23 environment. Again in trying economic times we
24 need to be certain that we have leaders with a
25 demonstrated ability to maintain and protect the

public spaces which so many of New York's vitality and vibrancy depends.

CHAIRPERSON FELDER: Can you please wrap it up?

SUSAN FREEDMAN: Yes, I'm done.

CHAIRPERSON FELDER: Thank you.

SUSAN FREEDMAN: Difficult times really require difficult decisions and focusing on the wrong priorities can be disastrous. As we approach uncertain times, we need leaders how we can trust to continue leading our city forward. I urge that members of the City Council to pass the bill under consideration and extend term limits. Thank you.

CHAIRPERSON FELDER: Next witness please.

KELLY CONLAN: Good evening, my name is Kelly Conlan, president of - - pro choice New York in the National Institute for Reproductive Health. I would first like to take this opportunity to thank Mayor Bloomberg, Speaker Quinn and the pro choice movements many friends and allies in the New York City Council at a time when woman's reproductive rights have been under

1
2 attack in Washington, we are fortunate that this
3 has been such a successful period for reproductive
4 rights and health for woman here in New York City.

5 Because of the mayor and this speaker and this
6 City Council in the last eight years we have

7 accomplished extraordinary things together. We

8 have witnessed dramatic increases in the

9 availability of emergency contraception and condom

10 distribution. Because of this mayor and this

11 speaker, we have ensured the training of medical

12 residents and abortion care for future generations

13 to come and just last spring Mayor Bloomberg and

14 Speaker Quinn helped convene an urban initiative

15 for reproductive health. A summit that brought

16 together mayors, health commissioners, and

17 advocates from 36 cities to support a reproductive

18 health agenda for urban centers across this nation

19 and in just a few short weeks I believe Speaker

20 Quinn and this City Council will do something that

21 we haven't been able to accomplish in decades.

22 Pass clinic access legislation that will truly

23 protect woman and their doctors from violence and

24 harassment at reproductive health clinics

25 throughout this city. Where others in this nation

1
2 have followed Mayor Bloomberg, Speaker Quinn and
3 this City Council have led. The reproductive
4 rights community remembers what it was like when
5 we had a mayor disinterested in a woman's right to
6 choose, and an anti-choice City Council
7 legislation stalled, reproductive health care
8 suffered and the woman of New York City paid the
9 price. After witnessing the incredible vision and
10 successes of many in this room today, we simply
11 cannot risk a role of the dice and a possible
12 return to leadership that is anything less than
13 passionate and a less committed or less capable to
14 get things done than those elected officials who
15 serve the people of this city at this very moment.
16 I'm finishing up. I thank the City Council for
17 its vision these last eight years to improve the
18 reproductive health on behalf of the woman of New
19 York. While - - pro choice New York takes no
20 official position on the subject of term limits.
21 We would be honored to continue working with Mayor
22 Bloomberg, Speaker Christine Quinn and the members
23 of this City Council should the this measure
24 prevail and the people decide to reelect them to
25 office. Thank you.

1
2 CHERYL ROBERTSON: My name is Cheryl
3 Robertson, and I'm the executive director of South
4 Brooklyn Youth Consortium, and a long time member
5 of the Coney Island community. Prior to the
6 election of Mayor Bloomberg and Councilman Domenic
7 Recchia Jr. The Coney Island community suffered
8 from a lack of clear vision, strategic planning,
9 political participation and effective leadership.
10 Under their leadership we have seen substantive
11 improvement in the quality of life in the Coney
12 Island community especially an improvements in
13 local schools and economics development. It is
14 very important to us that the Coney Island
15 Development Corporation be able to continue it's
16 work as we have been able to create some
17 diversified economic drive is now in the Coney
18 Island communities. New businesses are now taking
19 a chance and building Coney Island as a community
20 and neighborhood and our investing in our
21 community such as Rite Aide, Fine Fair. We are
22 developing a new YMCA, the Bank of New York and
23 Citibank. Under these dire economic times, we
24 need leadership that we can depend on. We need
25 leadership that will make sure that the Coney

1
2 Island community continues to thrive. That we're
3 able to build a multipurpose center in our
4 community, that we build up the face and community
5 based organizations in our community to make sure
6 that the continue to be fiscally viable and are
7 able to leverage our resources. It is very
8 important to us during these dire economic times
9 that we not turn back the clock or leave the
10 future in the hands of unstable or new leadership.
11 Everyone is quite clear that with the start of any
12 new administration most projects resume a ground
13 zero status and for the people in Coney Island and
14 most of whom are children and senior citizens this
15 would have dire consequences, so we support the
16 expansion of term limits and hope that you will
17 feel the need that in these dire economic times to
18 support that children and seniors of Coney Island
19 who need your help the most.

20 CHAIRPERSON FELDER: Council Member
21 Dickens has a question.

22 COUNCIL MEMBER DICKENS: Thank you,
23 Mr. Chair, and thank you to the panel for coming
24 down to testify. Mr. Canada, Thank you for coming
25 down and I am very much aware of your program and

1
2 I don't know if my colleagues are, but the Harlem
3 Children's Zone has been a phenomenal program for
4 working families, poor families, and our youth.
5 You have acted as anti-gang. You have taught us
6 about nutrition and diabetes to try and prevent
7 out young people because black children are
8 suffering with adult type II diabetes. So I just
9 wanted thank you. I have a question for you. IF
10 the Council votes not to extend term limits and I
11 can ask you this because other than by the vote of
12 the people in my district, I'm not term limited
13 out in 2009, having 80% new Council Members and
14 City wide elected how do you perceive that this
15 would impact on poor people, the poor people that
16 you serve now, the youth that your programs have
17 served and I want to let the Council Member know
18 that your programs takes care of them from the
19 first grade up through college. You follow them
20 and the working families of West Harlem, Harlem,
21 and East Harlem that you serve and a second part
22 of that is to prevent this from happening again,
23 do you envision and how could that be implemented
24 a plan of staggering limits?

25 JEFF CANADA: Thank you. Thank you

1
2 very much for your kind words, Council Member. I
3 know you are aware of our work, and I want to
4 applaud the work that you've done in support of
5 our work. I think the problem that I'm facing is
6 that we've got the best Council that I have ever
7 worked with in New York City at the best time
8 economically the city has ever been in. So many
9 of the toughest kinds of decisions that I think
10 our city has to face, this Council has really not
11 had to grapple with. I am absolutely convinced
12 that when the economic crisis hits this city,
13 there are not going to be the kind of strong
14 leaders standing up in particular the poor
15 children, the children of color in New York City
16 are protecting their lives and it will mean huge
17 cutbacks in these areas. There will be I'm sure a
18 sense that we can't protect everybody, so some
19 communities are going to be places that will have
20 to go down. I think that we've got a group right
21 now who will make sure that whatever happens
22 happens fairly. That it would—the burden won't
23 fall disproportionately on the floor, so I think
24 that that is something I am very concerned about
25 and I guarantee you if we get a brand new Council

1
2 in and a huge turnover and a brand new Mayor, we
3 will spend all of our time fighting over these
4 issues of equity for poor people. So that's the
5 first thing. To your second question about
6 staggering terms, I'm not going to pretend that I
7 am well versed in sort of the parliamentary
8 procedures about how this might happen. I am just
9 very concerned that we're not going to keep the
10 best and the brightest when we really need them in
11 New York City, which I think is going to be in the
12 next 12 to 18 months.

13 COUNCIL MEMBER JAMES: Thank you so
14 much, Mr.—

15 CHAIRPERSON FELDER: Council member
16 James?

17 COUNCIL MEMBER JAMES: I respect
18 this panel. But I recognize that we can continue
19 to have this city council in office as long as we
20 invite the public to this discussion and empower
21 the people to have a vote in the City of New York
22 and by furthering democracy. And I also recognize
23 that the charity of the Mayor has been basically
24 unmatched in the City of New York. I also
25 recognize that none of the candidates seeking to

2 run for Mayor are in a position to fill that void.

3 I also recognize that a number of
4 organization and not-for-profits have become
5 dependent—

6 CHAIRPERSON FELDER: [Interposing]
7 Question?

8 COUNCIL MEMBER JAMES: —and are
9 accustomed to that largess. But no one person in
10 New York City is indispensable.

11 And in regards to the Mayor of the
12 City of New York dealing with low-income people
13 and people who are suffering under the weight of
14 poverty and as someone who has continuously spoken
15 about low-income people and poverty and its impact
16 particularly on communities of color in the City
17 of New York, I can tell you that the Mayor of the
18 City of New York has put up obstacles for people
19 to get food stamps.

20 CHAIRPERSON FELDER: Council
21 member, do you have a question?

22 COUNCIL MEMBER JAMES: The Mayor of
23 the City of New York has opposed residents of
24 NYCHA. The Mayor of the City of New York has not
25 allowed—

2 CHAIRPERSON FELDER: [Interposing]

3 Okay.

4 COUNCIL MEMBER JAMES: -individuals
5 to gain college while they're working as opposed
6 to-

7 CHAIRPERSON FELDER: [Interposing]

8 Council member, do you have a question?

9 COUNCIL MEMBER JAMES: -individuals
10 on public assistance. [Applause]. The Mayor of
11 the City of New York vetoed a bill which would
12 allow individuals who would not discriminate those
13 who had Section 8 vouchers. And so to say that
14 the Mayor of the City of New York is standing up
15 for low-income people and people of color all
16 across the City of New York, particularly dull
17 [phonetic] people, who cannot find a place to live
18 in the City of New York and who increasingly are
19 being displaced in the City of New York is
20 offensive.

21 [Applause].

22 CHAIRPERSON FELDER: No, no.

23 Excuse me. Excuse me. No, no, no, no. We have
24 wonderful people in this room. And we are going
25 to go to the next panel. I thank you very much.

1
2 Okay. Please either—excuse me—if
3 you are just on the panel, either have a seat or
4 please leave the room so we can make more room for
5 some others. As I call your name, please come up—
6 Agnes Rivera, Bo Samajopoulos, Bo Samajopoulos.
7 I'm sorry. Pamela Bennett [phonetic], Pamela
8 Bennett, are you here? Lucy Cotine [phonetic],
9 Reverend Miguel Rivera, and Reverend Andy Torres.
10 Let me just go through these names again—Lucy
11 Cotine. Is she here? Lucy Cotine? Sorry.
12 Pamela Bennett. Bo Samajopoulos is here. Agnus
13 Rivera is here with Junior. Wonderful. We have
14 room for two more. I just called them. They're
15 both sitting there. Lynne Serpe, Reverend Royal.
16 Okay. We'll wait for you. What's your name?
17 Okay. Well, I think we have Reverend Sperling.
18 Okay.

19 If everyone can have a seat and,
20 again, those that— [off mic] —lady that was
21 upstairs? Okay. Good. We're waiting for you.
22 If you can have a seat all the way to the right.
23 Would you mind sitting all the way to the right,
24 please? That's it. Okay. We'll start. Young
25 lady, you want to go last? Okay. We'll start

1
2 from the left. Young—what's your—excuse me.
3 Ready? We'll take it from— [off mike]. Just make
4 sure, again, to identify yourself and keep your
5 comments for two minutes, please, so that we can
6 have more and more of the people signed up earlier
7 testify. Gesundheit.

8 BOB FRIEDRICH: My name is Bob
9 Friedrich. I am a candidate actually for David
10 Weprin's seat in next year's democratic primary in
11 Queens. I'm also the President of Glen Oaks
12 Village, which is the largest garden apartment
13 coop in New York with 10,000 folks who live there.
14 My God—

15 CHAIRPERSON FELDER: Excuse me for
16 a minute. Did somebody call your name?

17 BOB FRIEDRICH: No.

18 CHAIRPERSON FELDER: Okay. So take
19 a seat right near by.

20 BOB FRIEDRICH: Oh, wait, no, no.
21 I was just told from—your Sergeant in Arms told me
22 to sit up over here.

23 CHAIRPERSON FELDER: I don't care
24 what he said. Have a seat over there, please. I
25 apologize to you publicly.

2 BOB FRIEDRICH: He's handing out my
3 testimony.

4 CHAIRPERSON FELDER: That's fine.
5 We'll be here a long time. We'll have a chance to
6 read it. Do you have another witness? Have a
7 seat. Go ahead.

8 REVEREND ROBERT ROYAL: Good
9 evening. My name is the Reverend Robert Royal
10 from the St. Paul Baptist Church in Central
11 Harlem. First and foremost, I wanted to take the
12 opportunity to thank this body for granting me the
13 privilege to come before you. Having lived in
14 this city over 80 years, it certainly is a
15 pleasure to be able to see the distinguished body.

16 CHAIRPERSON FELDER: I'm going to
17 ask you to please—I'm sorry, Reverend—just pull
18 the mic closer to you so that we can—

19 REVEREND ROBERT ROYAL: I'm sorry.

20 CHAIRPERSON FELDER: Thank you.

21 REVEREND ROBERT ROYAL: Shall I
22 repeat? Shall I repeat? Again, as I said, I
23 wanted to thank this body for the privilege of
24 coming before you this evening. Having lived in
25 this city 80 years, I think I understand some of

1
2 the issues that go on. But I ask you to take a
3 good look at me not in terms of age, but the years
4 that I have lived in this city and experienced
5 some of the things that I have seen—social,
6 economic, welfare problems.

7 And then when you look around in
8 the country as a whole and we look at term limits,
9 I often think about one of the great political
10 leaders of all times, who comes out of the State
11 of California, Willie Brown, one of the most
12 effective, influential legislators we ever had.
13 And because of term limits, he was forced out.
14 That's one example.

15 And then the Mayor of this city,
16 Mayor Bloomberg and the members of this council,
17 even those who may be anti or pro, doesn't matter
18 to me. The fact is you've done a magnificent job
19 tackling the issues that have confronted this
20 body; that is, the City Council. So you are to be
21 complemented for the work that you have done.

22 And then finally, let me just say
23 to all of you—I just hope in earnest prayer that
24 the term limits will be approved by this body.
25 Thank you.

2 CHAIRPERSON FELDER: Thank you.

3 Next witness, please.

4 BO SAMAJOPOULOS: Hello. Bo
5 Samajopoulos. While Mr. Bloomberg has gone from
6 number 35 to number 10 on the list of wealthiest
7 people in the world, what has he done for the rest
8 of us? Out of control overdevelopment;
9 displacement and less housing for the poor and
10 middle class, while subsidizing more luxury
11 condos [phonetic] for the wealthy; higher taxes
12 for every small homeowner and working class; lower
13 taxes and more tax breaks for the big corporations
14 and developers; more enforcement of minor
15 infractions—parking, sanitation, you name it, most
16 of them aimed at the little people of the city—
17 while ignoring major violations for big
18 corporations and developers; increased tolls;
19 transportation costs; increased construction
20 deaths; less pay and benefits for construction
21 workers; billions of dollars of negligent suits
22 for preventable accidents against the city, which
23 the Mayor has chosen to fight tooth and nail at
24 huge taxpayer expense, even though they are
25 legitimate and should be settled out of court;

1
2 hundreds of millions of tax dollars spent to deny
3 legitimate and already federally funded claims for
4 9/11 first responders; the continued curbing of
5 our civil liberties to gather in public, ride our
6 bikes, use public streets and buildings, even our
7 rights to know what we are breathing; increased
8 abuse of eminent domain and tax dollars to enrich
9 the select few.

10 The truth is he has balanced the
11 budget of this on the backs of every working-class
12 and poor resident of this city. His financial
13 expertise, just like the CEO of Lehman Brothers,
14 is based on the juggling of finances and
15 statistics to get his desired results. While
16 increasing real estate taxes on every small
17 homeowner, our Mayor has pushed through
18 legislation to allow for further tax breaks for
19 the wealthy. He has forsaken the steady flow of
20 income from all the people who live and work in
21 the city for huge profits for the wealthy.

22 Mr. Bloomberg wants us to believe
23 that he is the best-qualified to fix the Ponzi
24 scheme that he has cultivated and is one of the
25 main beneficiaries of.

2 To Ms. Quinn and anyone else who
3 would like to ride on his coattails, I say if you
4 are truly interested in using your powers to
5 change legislation without the vote of the people—

6 CHAIRPERSON FELDER: [Interposing]
7 Can you wrap it up, please?

8 BO SAMAJOPOULOS: I'm almost there.

9 CHAIRPERSON FELDER: Sure.

10 BO SAMAJOPOULOS: Why don't you
11 start by overturning 421a or any of the other tax
12 breaks for the rich that are bleeding this city
13 dry?

14 After 9/11, Mr. Bloomberg along
15 with our President told us all to go on with our
16 lives. Let nothing change us. Keep shopping. In
17 fact, when Mr. Giuliani tried to do exactly what's
18 being shoved down our throats right now, we were
19 told that nothing should change the way that our
20 government works or the way that we live our
21 lives.

22 Now with the financial crisis
23 brought on by the greed—

24 CHAIRPERSON FELDER: [Interposing]
25 Are you almost done?

2 BO SAMAJOPOULOS: I'm almost there.

3 CHAIRPERSON FELDER: Yeah, sure.

4 BO SAMAJOPOULOS: -by the greed and
5 selfishness of the select few, a select few have
6 gotten together to tell us that it's the end of
7 the world. We need to change our lives and the
8 way that our government works by sacrificing more
9 and relying on a billionaire to do it for us.

10 To them, the financial collapse of
11 the Ponzi scheme that they created is more
12 devastating-

13 CHAIRPERSON FELDER: [Interposing]
14 I think I'm going to have to ask you to stop.

15 BO SAMAJOPOULOS: One more-

16 CHAIRPERSON FELDER: [Interposing]
17 No, this sounds like a scheme in and of itself.
18 I'm going to have to stop you now.

19 BO SAMAJOPOULOS: We faced an
20 apocalypse-

21 CHAIRPERSON FELDER: [Interposing]
22 Excuse me. I'm going to ask you to stop nicely.

23 BO SAMAJOPOULOS: Mr. Bloomberg is
24 not our savior.

25 CHAIRPERSON FELDER: Okay. Next

witness, please.

[Applause].

BO SAMAJOPOULOS: I listened to the Corporation Council for an hour. And I didn't hear them say anything.

CHAIRPERSON FELDER: Okay.

BO SAMAJOPOULOS: With all due respect.

CHAIRPERSON FELDER: Okay. Next.

BO SAMAJOPOULOS: Corporation spoke for an hour. And he didn't say anything.

REVEREND ANDY TORRES: Reverend Doctor Andy Torres. I'm the President - - organization and a pastor, Iglesia Hispana de la Comunidad. I'm going to say hello to Councilman Monserrate, Hiram Monserrate. I'm here tonight to explain - - . But I'm going to say it in Spanish. Okay? Okay.

[Spanish audio].

CHAIRPERSON FELDER: Thank you.

REVEREND ANDY TORRES: You're welcome.

CHAIRPERSON FELDER: Next witness, please?

2 REVEREND MIGUEL RIVERA: Yes, good
3 evening or good night. My name is Reverend Miguel
4 Rivera. I am the President of the National
5 Coalition of Latino Clergy and Christian Leaders
6 based out of Washington, D.C. Our organization is
7 the largest Latino evangelical pastors' advocacy
8 organization in the country, representing over
9 16,000 churches with chapters in 34 states.

10 I have been an associate member of
11 the clergy for the Spanish Evangelical Church for
12 22 years here at the City of New York, Second
13 Avenue between the 3rd and 4th. So that means
14 that I can understand in some way. And I bring
15 greetings from our pastor Reverend Doctor Enrique
16 Ruiz and our associate pastor, my son, Reverend
17 Michael Rivera.

18 Mayor Mike Bloomberg is asking the
19 City Council to give him an opportunity to lead
20 the City of New York through tough times ahead.
21 He has proposed a bill to the City Council that
22 would extend the term limits from two terms to
23 three terms. The bill will permanently extend
24 term limits for the Mayor, Controller, Public
25 Advocate, Board of Presidents, and City Council.

1
2 Under the proposed legislation, all city elected
3 officials would be able to serve three consecutive
4 four-year terms.

5 Legal complications prevent a voter
6 referendum from being conducted quickly and
7 effectively at this time. But the Mayor has said
8 very clearly that he will appoint a Charter
9 Revision Commission in 2010 to assess the effects
10 of the new law. The City Council bill is not an
11 endorsement of any single candidate. It will
12 simply give voters more choices, including the
13 option of keeping Mayor Bloomberg, the City
14 Council, and other city elected officials in
15 office.

16 CHAIRPERSON FELDER: Reverend, with
17 all due respect, I just am trying to be
18 consistent, if you can please—

19 REVEREND MIGUEL RIVERA: That's
20 fine.

21 CHAIRPERSON FELDER: If you have
22 some concluding—

23 REVEREND MIGUEL RIVERA: Basically—
24 appreciate it.

25 CHAIRPERSON FELDER: Thank you very

1
2 much.

3 REVEREND MIGUEL RIVERA: Basically,
4 I would like to finish saying that even though I
5 can understand, members of the clergy of the City
6 of New York understand the serious situation that
7 this bill or this initiative presents to the City
8 Council. But at this time, we need a strong
9 leadership. And we pray that every member of the
10 City Council of New York will follow the Lord's
11 will at this time. And God bless the City of New
12 York. Thank you.

13 LYNEE SERPE: Hello. My name is
14 Lynne Serpe. And I live in Queens. I actually
15 live in Northwest Queens. So Council Member
16 Vallone is my council member. I wanted to thank
17 everyone who's been here since 12:45. That's when
18 I got here. And that's when I put my name on the
19 list. I was pleased to see quite how many council
20 members came, considering it was a hearing of the
21 Government Operations Committee. But so many more
22 of you attended. And that was great.

23 I personally don't much care two
24 terms versus three terms. I don't. So for me,
25 this really is a process question in many ways.

1
2 And I've heard process to some extent denigrated
3 tonight. But I don't think it should be because
4 process is the rule of law. And that is what we
5 operate under. And the law and the rules are what
6 the City Council are supposed to in fact
7 represent.

8 It's not about can. We've heard
9 answers on that. It's not even about should. For
10 me, the issue it's about is the timing. I really
11 don't understand why it's being rushed through.
12 And whether it's a legislative resolution or it
13 goes to the vote of the people through a special
14 election via a Charter Revision Commission, I
15 still think it's a rush. The rush is so that
16 Mayor Bloomberg and 35 members of the City Council
17 could stand for re-election next November. And I
18 have not heard in the six-plus hours I've been
19 here any compelling reason why those people have
20 to be elected. Quite frankly, I've heard a lot
21 of complements on the council. And I think many
22 of them should be complemented. But they are here
23 as products of term limits. Most of them would
24 not have had the opportunity to be elected in 2001
25 if it wasn't for the fact that the last council

1
2 got kicked out. And that is why it is a process
3 issue for me. I just do not understand the sort
4 of side issues here.

5 Now on a few points of law, from
6 what I understand, though, the conduct of
7 elections is something that in the City Charter,
8 those are issues that the council cannot pass by
9 resolution. Those are issues that do have to go
10 to the vote of a referendum, things about conduct
11 of elections. But when that charter was written
12 and passed by the voters in 1989, we did not have
13 term limits. And so the issue of term limits was
14 not included in the exclusion of conduct of
15 elections.

16 Now I personally think it should've
17 been. And it wasn't. And that's too late. But
18 it goes back to the process issue. Now on my way
19 here—

20 CHAIRPERSON FELDER: [Interposing]
21 Could you wrap it up?

22 LYNNE SERPE: I am closing.

23 CHAIRPERSON FELDER: Sure.

24 LYNNE SERPE: I am absolutely
25 closing. On my way here, I was trying to think of

1
2 some sort of clever sports metaphor, something
3 like you don't change the rules of the game in the
4 seventh inning. But you know, that doesn't work.
5 It doesn't work because it's a lousy metaphor.
6 And it doesn't work because this is not a game.

7 [Applause].

8 CHAIRPERSON FELDER: Next witness.

9 I just would like before you testify if you could
10 introduce the young lady that you're holding in
11 your lap.

12 AGNES RIVERA: Sure. This is
13 Syanne Castro. She is my granddaughter. And she
14 has been to many Housing City Council meetings.

15 CHAIRPERSON FELDER: I would ask
16 everybody to give Syanne a big round of applause.

17 [Applause].

18 AGNES RIVERA: My name is Agnes
19 Rivera. And I live in East Harlem. And my city
20 council member is Melissa Mark-Viverito. I
21 commend her for all the work she has done in my
22 area regarding public housing and all.

23 This Mayor has not put anything
24 into public housing, nor has thought of the poor
25 people that live in public housing. The issue

1
2 here is the term limits, right? I want the term
3 limits. Keep them on. If you cannot make this
4 decision, then give it to me. I do vote. And I
5 have 12 in my house that vote now. So if you need
6 people to be supportive on this issue, we will go
7 out door-knocking because I'm not just here as an
8 individual, even though I'm considered a minority
9 and I don't know what I'm doing. Very wrong. Ask
10 Spitzer. So do me a favor, and do not disregard
11 people of myself being considered a minority
12 because we are the majority. Thank you.

13 CHAIRPERSON FELDER: Thank you.

14 The next—I thank this panel very much. And I'm
15 calling out the names for the next panel. Please
16 come up—Mother Doctor Delois Blakely I believe,
17 Yetta Kurland, Bob Friedrich—it's your turn now—
18 Jim Forat [phonetic]. If you could, please, those
19 that are being called, have a seat. And those
20 that have spoken, please. Dan Jacoby [phonetic].
21 Excuse me. Richard Taylor [phonetic], Jean Rice,
22 Rabbi Spurlin [phonetic]—one minute. For anybody
23 whose name I called—is anybody whose name I
24 called—we will do it one more time. Jean Rice,
25 are you at the desk? Great. Queen Mother Doctor

2 Delois Blakely. Thank you. Richard Taylor—is
3 Richard Taylor here? Dan Jacoby, raise your hand
4 yes or no. Jim Forat, left? Okay. And Bob
5 Friedrich, we love you. Yetta Kurland, are you
6 here? Where is she? Okay. We need some more.
7 Father Pete, and we have one more chair, Fred
8 LeMoine.

9 And I just want to apologize to Mr.
10 Friedrich publicly. I wasn't wrong. Your name
11 wasn't called. But it's my job to make sure
12 things run smoothly. And there should have been
13 no reason for you to have been embarrassed by me.
14 I apologize.

15 BOB FRIEDRICH: I accept your
16 apology. And I was not embarrassed.

17 CHAIRPERSON FELDER: Thank you.
18 Okay. We'll start from the right. Father Pete?
19 Just push the button and identify yourself,
20 please.

21 PETER COLAPIETRO: My name is Peter
22 Colapietro. And I am the pastor of Holy Cross
23 Church on 42nd Street between Eighth and Ninth
24 Avenues. I've been pastor there for the past 16
25 years. And I've served as a priest in the City of

1
2 New York for the past 25.

3 When I was studying for the
4 priesthood, we studied a different kind of law
5 called canon law, which is church law. And in
6 canon law, one of the first principles was that
7 the law serves the people and not the other way
8 around. And when we come upon a situation where
9 the law is not serving the interests of the
10 people, then that law has to be looked at, may
11 have to be modified, changed, or even abrogated.
12 And again, the controlling principle is the law
13 serves the people and not the other way around.

14 None of us in this room or none of
15 us in this city, none of us in our country can say
16 today that things are the same. Things are
17 different today. And all bets are off. We know
18 about the financial problems, the security
19 problems that we've had and continue to have. We
20 know about the problems that we have in housing,
21 in transportation, in energy, in the environment.
22 And all of those problems continue to evolve day
23 after day after day.

24 But again, I think we are in a
25 unique position, perhaps as never before when we

1
2 take a look at the financial situation, in our
3 city and in our country. Again, not business as
4 usual.

5 I feel that it is not the place of
6 government to tell people how to vote or, at the
7 very least, to eliminate from the public's choice
8 who they can vote for, especially if the public
9 feels that a particular person is able, qualified,
10 and qualified like no other to lead.

11 It's at the polls and the voter at
12 the poll who make that determination. As we used
13 to say in the Bronx, the voter at the polls has
14 the opportunity to throw the bums out.

15 CHAIRPERSON FELDER: Peter, can I
16 ask you please try to conclude?

17 PETER COLAPIETRO: Okay. Fine.

18 CHAIRPERSON FELDER: Because the
19 buzzer rang.

20 PETER COLAPIETRO: Okay. Sorry
21 about that. I didn't know I was limited by time.
22 Excuse me. I am definitely not in favor of
23 maintaining term limits. To give the people of
24 our city the opportunity to make the choices that
25 they need so that we can go forth in this very,

1
2 very problematic and unique time. Thank you.

3 CHAIRPERSON FELDER: Next witness,
4 please?

5 DELOIS BLAKELY: Thank you.

6 CHAIRPERSON FELDER: You can bring
7 the mic a little—thank you.

8 DELOIS BLAKELY: Thank you, Mr.
9 Chairman and to the City Council. I am Queen
10 Mother Doctor Delois Blakely, the Community Mayor
11 of Harlem. And in the spirit of my ancestors, I
12 have sat here for about eight hours. And in
13 respect of my ancestors, I speak to you. We are
14 calling for a resolution by the state legislation
15 to adopt legislation amending the State Municipal
16 Home Rule Law, which is MHRL, to give the city the
17 authority to divide. In its charter, any changes
18 in the city term limit law must be subject to
19 voter referendum.

20 We, the citizens of New York City,
21 insist that Mayor Mike Bloomberg adhere to the
22 wish and unified voice of the people that have
23 spoken twice regarding term limit by voting
24 referendum. We ask that Mayor Mike Bloomberg take
25 into consideration his decision by engaging the

1
2 voters in democratic process through the voters'
3 ballot box in revisiting term limits.

4 We ask that Mayor Mike Bloomberg do
5 the right thing on behalf of the people of the
6 City of New York and also ask the City Council to
7 remember who placed you in. And you are the voice
8 of the people. Let the people speak for
9 themselves based on a vote.

10 I thank you as Queen Mother Doctor
11 Delois Blakely, the Community Mayor of Harlem.
12 And I would like to say for the last 50 years, I
13 received \$1 a year. I was a Roman Catholic nun
14 for ten years. So Mike Bloomberg and I have a lot
15 in common in terms of serving the people based on
16 our humanitarian needs. Thank you.

17 CHAIRPERSON FELDER: Thank you.

18 Next witness.

19 JEAN RICE: Good evening, ladies
20 and gentlemen, members of the New York City City
21 Council. My name is Jean Rice. I'm an Afro-
22 American citizen of New York City, having migrated
23 here in 1944. Currently, I serve as a member of
24 the board of directors of a grassroots
25 organization called Picture the Homeless, which is

1
2 led and directed by homeless New Yorkers.

3 For over the last four decades in
4 this city, I have survived both benign neglect and
5 plan shrinkage, while this city's ruling elite and
6 their plush think tanks have played the blame-the-
7 victim con game with the masses to the hilt.

8 Now this current Mayor comes before
9 us asking us to set aside our term limit mandate,
10 which the electorate of this city has already
11 voted upon on two occasions, in order to award him
12 a third term. I ask you here today what is the
13 rationale of this Mayor?

14 This Mayor, who promised New York
15 City a five-year plan to diminish homelessness;
16 this Mayor, who spent our dollars and gave us an
17 exercise in futility; this Mayor, who while seeing
18 his plan fail refused to consider a housing the
19 homeless platform drafted by Picture the Homeless
20 and brought to the snow-covered, icy sidewalk
21 Gracie Mansion; this Mayor, who refused to
22 consider our proposal or to see any member of our
23 delegation at his conference table, so much for
24 transparency in democracy.

25 This Mayor desires to change the

1
 2 will of the people, the citizens of New York, so
 3 that he may continue to work on destabilizing my
 4 community through displacements and
 5 regentrification. He has promised his business
 6 cronies that he would do this. But the people of
 7 New York say no.

8 It should be noted that during this
 9 Mayor's tenure, while 26 mayors from across this
 10 nation held their annual national conference of
 11 the mayors conference to draft a proposal on
 12 homelessness and hunger, this Mayor took his
 13 Commissioner of Homeless Services, now Deputy
 14 Mayor Ms. Linda Gibbs, for a jaunt in his private
 15 jet to the Caribbean to contemplate removing
 16 vessels from mothballs, transporting them to our
 17 fair city-

18 CHAIRPERSON FELDER: [Interposing]
 19 Can I ask you-?

20 JEAN RICE: -to provide housing for
 21 the homeless.

22 CHAIRPERSON FELDER: Sir, can I ask
 23 you to please conclude? The bell rang.

24 JEAN RICE: Yes, my whole speech
 25 will be put on my blog of my organization. So

1
2 I'll just go to the concluding paragraph. Thank
3 you very much.

4 CHAIRPERSON FELDER: Yes, sure.
5 Thank you. Would you excuse—?

6 JEAN RICE: My community has
7 survived eight years of being governed by a pro-
8 police mayor, eight more years of being governed
9 by a pro-business mayor. My organization, my
10 community and I, firmly believe that it is time
11 for New York City to elect a people's mayor, a
12 mayor who places people before profits.

13 CHAIRPERSON FELDER: Please.

14 JEAN RICE: One who believes in
15 capitalizing on people skills, one who strives to
16 ensure that every dollar in the public domain is
17 spent towards the common good for all New Yorkers,
18 housed or homeless alike. Thank you.

19 CHAIRPERSON FELDER: Just one
20 moment. Just one moment. Sir, sir, have a seat.
21 Could somebody—no, somebody may want to ask you a
22 question. And we'd like to give you a chance to
23 promote your blog. Do you want to give a site?
24 No, I'm serious. If you want to announce the
25 site, do you want to announce the site? I'm

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giving you an opportunity to announce the site.

JEAN RICE: I don't know it by heart.

CHAIRPERSON FELDER: Alright. Well, find out. And then we'll allow you to do it.

JEAN RICE: My representative knows it. You can get in touch with - - .

CHAIRPERSON FELDER: Okay. Next witness, please.

JEAN RICE: Thank you.

CHAIRPERSON FELDER: I'm trying to be nice. No matter what I do, it's just not working out. Go ahead, next.

FRED LEMOINE: Good evening, honorable and dishonorable council members of the Governmental Operations Committee. My name is Fred LeMoine. I am a Business Agent for the Metallic Lathers and Reinforcing Iron Workers Union of New York, Local 46. I have lived in all five boroughs during my 51 years of life, the past 17 in the borough of Staten Island. I have never, ever voted in favor of term limits. And I don't intend to change that.

1
2 Let me state that due to fear of
3 reprisals by the Mayor and by many city council
4 members, my colleagues have asked that I make it
5 clear that I am speaking as a citizen of this
6 great city and not as a representative of my union
7 or the building trades. That's the New York City
8 Building Trades.

9 Let me also make it clear that when
10 Ed Molloy stated last week in the newspapers and
11 earlier that the New York City Building Trades
12 were in support of the Mayor if the City Council
13 decided to extend term limits, that was his
14 opinion and not fact.

15 The Executive Board of the building
16 trades did not hold any such vote that would give
17 support to this effort. And furthermore, many of
18 the affiliates have said that although they like
19 Mayor Bloomberg, they do not agree with silencing
20 the voice of the people.

21 I am here today to express my
22 outrage over this proposed change to term limits
23 without the vote of the people. As much as I
24 appreciate the job that the Mayor has done, I do
25 not support the City Council in determining this

1
2 issue. I am outraged that you're even thinking to
3 do so.

4 What next? We need to let
5 President Bush run for a third term because we're
6 at war in Iraq? Right now, we have men and women
7 giving their lives in other countries for so-
8 called democracy. What democracy? A democracy
9 would not circumvent the will of the people.

10 As a union leader and a citizen, it
11 is my duty to stand up on behalf of my members as
12 well as all workers of this great city when I see
13 an injustice. As city leaders, it is the duty of
14 the City Council to stand up to injustice for all
15 New Yorkers.

16 A city leader and a union leader
17 who takes any other position than that has been in
18 office far too long already.

19 CHAIRPERSON FELDER: Can you wrap
20 up, please?

21 FRED LEMOINE: Yes.

22 CHAIRPERSON FELDER: Thank you.

23 FRED LEMOINE: The argument that we
24 need to circumvent the voice of the people because
25 we need Mayor Mike Bloomberg during these troubled

1
2 times holds no more legitimacy than it did for
3 Mayor Giuliani. It is obvious to me that any
4 council member that does not insist on the
5 citizens of New York voting on this issue has very
6 little faith in God. In God we trust, when is the
7 last time we even heard that in this room?

8 CHAIRPERSON FELDER: Okay. Next
9 witness.

10 FRED LEMOINE: Furthermore—

11 CHAIRPERSON FELDER: Excuse me.
12 I'm trying to be courteous.

13 FRED LEMOINE: Can I wrap up
14 please?

15 CHAIRPERSON FELDER: No. I asked
16 you to wrap up 30 seconds ago. Next witness,
17 please.

18 YETTA KURLAND: Good evening. My
19 name is Yetta Kurland. I am a candidate for City
20 Council here in Manhattan in the Third District.
21 I'm going to read a prepared statement, which I
22 hope is put into the record. And then I can
23 answer questions later.

24 Chairperson Felder, members of City
25 Council, over the years, I have worked with many

1
2 of you and consider many of you friends, allies,
3 and dedicated public servants. Because of this, I
4 respectfully stand before you today to say there
5 is no reason to cut the public out of a decision
6 on something as important to our democratic
7 process as the decision to extend term limits.

8 Where there's a will, there's a
9 way. But there has to be a will. And it has to
10 be the people's will.

11 The issue here is not whether we
12 support or oppose term limits, not whether we
13 support or oppose the Mayor running for a third
14 term. It's not even about what is legally
15 allowable. It is about what is right.

16 I have respectfully listened to the
17 arguments throughout the day. And I still don't
18 understand the reasons for doing something so
19 drastic as ignoring two referendums which make
20 clear New Yorkers want term limits.

21 The Mayor has said that this is
22 something that he merely wants to give the people
23 of New York a choice about. But what choice are
24 you giving when you knock out qualified and
25 competent opponents who simply cannot compete with

1
2 \$80 million and an incumbent billionaire when
3 there are only 11 months left in the race? This
4 doesn't create choices. It extinguishes them.

5 The Mayor's counsel earlier in his
6 testimony today in support of the Proposition 845
7 cited concern for candidates who claimed they
8 would be inconvenienced by the long time that we
9 would have to wait if a referendum was to occur in
10 the spring. Well, on behalf of the many
11 candidates out there, a caucus of which are coming
12 together this Saturday, let me say that we don't
13 mind. And we are much more concerned about the
14 threat to democracy this poses to say nothing of
15 being unable to run or being forced to run against
16 incumbents who have been able to raise millions.

17 CHAIRPERSON FELDER: Can I ask you
18 to please wrap it up?

19 YETTA KURLAND: Yes, sir.

20 CHAIRPERSON FELDER: And I would
21 just ask the other witnesses, the bell isn't that
22 loud. I think the ringer is really supposed to
23 keep the mice away. But if you can just have in
24 mind the clock. So this way, you may want to pace
25 yourself better. That's all.

2 YETTA KURLAND: Yes. Let me speak
3 quickly. It is also said that because of the
4 financial turmoil going on, it is important for
5 Mayor Bloomberg to be a consistent force in our
6 leadership through these trying time. Well, Mayor
7 Bloomberg, even with term limits, is in office
8 until January of 2010. Rather than wasting his
9 time on an aggressive campaign, let's get him
10 focused on whatever it is that he feels he is
11 uniquely qualified to handle in this city. We
12 have the time to listen to the voters. And we
13 have the obligation to listen to the voters. And
14 I appeal to each of you.

15 For those of you who've come out in
16 support of this extension, it's not too late to
17 change your mind and join the people. And for
18 those of you who haven't made up your mind yet,
19 it's not too late. And I urge you to carry the
20 voice of the people. And for those of you who
21 have courageously come out against this, I thank
22 you on behalf of the people. Thank you.

23 CHAIRPERSON FELDER: Next witness,
24 please. [Applause]. I just want to mention to
25 all of you who are trying to see how many times

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2 that you can applaud, despite my asking you not
3 to, that right now, everyone is going to be heard.
4 But every time you applaud and waste time, you are
5 causing people that have signed up to wait a long
6 time to speak. And if that's what you want to do,
7 you know, we'll do it. We're going to be here as
8 long as it takes. But we are now—the next panel
9 are people that signed up before 1:00 p.m. So you
10 know, I think you should give people a chance to
11 speak. Next witness, please.

12 BOB FRIEDRICH: Thank you, Mr.
13 Chairman. My name is Bob Friedrich. I am a
14 candidate in next year's democratic primary for
15 the City Council. I'm also the President of New
16 York's largest garden apartment coop with 10,000
17 individuals.

18 Power must be intoxicating. How
19 else to explain city council members who are on
20 the City Council because of term limits and who
21 knew the rules of the game going in now seek to
22 extend their terms an additional four years by
23 legislative fiat? Not only is this a shameless
24 grab for power, but it's a transparent scheme to
25 enrich themselves to the tune of an additional

1
2 four years of salary worth \$450,000, which they
3 are currently not entitled to. This is what I
4 call the City Council equivalent to insider
5 training.

6 It's brazen, this grab for power
7 and money. And it's being sold to us under the
8 pretext that current council members are the only
9 ones who can guide this city through tough
10 economic times. And they need 12 years to do it.
11 Seven years ago, our former mayor made a similar
12 claim, saying only he could guide us through post-
13 9/11 period. No one in business is irreplaceable.
14 And certainly that goes for those in politics,
15 perhaps even more so.

16 It is offensive to the voters of
17 the City of New York that members of the City
18 Council, who have benefited from term limits and
19 entered into office knowing the rules, now seek
20 its repeal. It's just another reason why so many
21 voters that I meet are so absolutely cynical about
22 elections, about politicians, and about the
23 process.

24 Now if this City Council does go
25 ahead and overturn city limits, I say to those

1
2 council members who are contemplating a run for a
3 third term, in 2009, your incumbency will no
4 longer be a guarantee of an easy victory.

5 Candidates like me will not go away quietly.

6 We'll continue to mount exciting, aggressive
7 campaigns with innovative ideas. And we will give
8 the voters of our districts the ability to
9 implement term limits at the ballot box. Thank
10 you very much.

11 CHAIRPERSON FELDER: Thank you.

12 You know, I just asked you. Council Member James
13 taught me how to clap without making noise. If
14 you feel you agree, please do so, whatever it is,
15 without wasting the time. I just wanted to ask
16 you, sir, which district are you in?

17 BOB FRIEDMAN: My good friend David
18 Weprin.

19 CHAIRPERSON FELDER: That's
20 wonderful. Thank you. Next witness, please?

21 RABBI CHANINA SPERLING: Thank you,
22 Chairman Felder. And I just want to acknowledge
23 my Council Member Letitia James and my good friend
24 Lew Fidler, Councilman Lew Fidler.

25 May name is Chanina Sperling. I am

1
2 a member and Executive Vice President of the Crown
3 Heights Jewish Community Council. I'm here today
4 to urge the City Council to vote to extend term
5 limits for Mayor Bloomberg and the city and all
6 the other elected officials.

7 Mayor Bloomberg has been a great
8 leader for the entire Crown Heights Community. He
9 has been both supportive and helpful to our
10 efforts set up inter-faith and work groups under
11 his leadership and the diverse community of
12 Brooklyn move open lines of communication and to
13 grow on stronger.

14 I just want to say that Crown
15 Heights has a very unique community. The
16 population is from Orthodox Jews to African-
17 American to Caribbean-American to Haitian
18 community. Speaking on the Orthodox community, I
19 think I can speak for my community that asked me
20 to voice their opinion and my opinion that we
21 should extend these term limits.

22 Let's make other neighborhoods
23 across the City of Crown Heights and also benefit
24 from Mayor Bloomberg and the Council decision for
25 public safety. Even after 9/11 and the economic

1
2 downturn, a follower [phonetic] of Mayor Bloomberg
3 made sure that keeping our community safe was a
4 top priority.

5 He also showed New York remain safe
6 no matter what is the course.

7 CHAIRPERSON FELDER: If you could
8 please wrap it up, I'd appreciate it.

9 RABBI CHANINA SPERLING: Now as we
10 face another economic crisis, we need the type of
11 independent leaders who can make sure the
12 decisions and set right the priority. Mayor
13 Bloomberg is one of those independent leaders and
14 New York diverse opportunity to vote for the Mayor
15 and other experienced officials if they choose to
16 do so.

17 CHAIRPERSON FELDER: I'm going to
18 have to stop you.

19 RABBI CHANINA SPERLING: Thank you.

20 CHAIRPERSON FELDER: Council Member
21 Gerson has a question.

22 COUNCIL MEMBER GERSON: Just, no,
23 to Mr. Friedrich because, like many of us or all
24 of us, I'm grappling to come up with the less-the
25 best of the less-than-perfect alternatives, given

1
2 what we're faced. But you said something. You
3 said that if we extend term limits, you and others
4 will impose them at the ballot box in the upcoming
5 election. Why is that not the solution? Why is
6 that not the most democratic way to do it, give
7 you the opportunity to run against—and not picking
8 on your incumbent by any means—but give
9 insurgents, any insurgent, the opportunity to run
10 against any incumbent and let the voter decide?
11 Is that not maximum choice and maximum democracy?

12 BOB FRIEDRICH: Mr. Gerson, you
13 know very well that only term limits provides a
14 level playing field. You as an incumbent, you as
15 an incumbent have the money advantage.

16 COUNCIL MEMBER GERSON: Not with
17 public financing, I don't.

18 BOB FRIEDRICH: My friend,
19 absolutely you do because you can raise a lot more
20 money, which is subject to the matching than
21 people who don't have the name recognition, number
22 one. Number two, you have that name recognition.
23 Number three, the media looks for you when they
24 see comments. They don't go to my good friend
25 over here or my friend here seeking comments in

1
2 the community about community issues. The deck is
3 stacked. You know it. That's why you won't have
4 the guts to put it before the people in a voter
5 referendum because you know very well that this
6 will be defeated at the polls. [Applause].

7 And I just don't understand what
8 happens to people like yourself, with all due
9 respect, who are good citizens but yet once they
10 get that power, it becomes intoxicating. And then
11 they need to hold onto it. There's no other way
12 to explain it.

13 CHAIRPERSON FELDER: Okay.

14 BOB FRIEDMAN: Thank you, Mr.
15 Chairman. The answer speaks for itself.

16 CHAIRPERSON FELDER: I want to
17 thank this panel. The next panel—I thank this
18 panel very much.

19 BOB FRIEDMAN: Thank you.

20 CHAIRPERSON FELDER: Alright,
21 before I call the next panel, I just want to
22 mention for the last time that anyone that wishes
23 to speak must sign up before 8:00. Anybody who
24 comes afterwards can come tomorrow and speak
25 tomorrow. But we're not going to accept any

1
2 signups after 8:00. And if you need to sign up,
3 you can see one of the Sergeant at Arms.

4 The next panel I have is Allen
5 Roskoff [phonetic]. Okay. Richard Steiger, is
6 Richard Stiger here? Raise your hand, please?
7 Thank you. Maria—thank you, nice Jewish name—
8 Passanate-Derr, are you here? Excellent. I
9 apologize for the pronunciation. Fred Lewis
10 [phonetic], are you here? Fred Lewis, are you
11 here? Please raise your hand. He left? Somebody
12 said, yes, he left. Okay. Philippe-Edouard—is it
13 Drice? Good. John Rozankowski, please come up.
14 And Mark Levine [phonetic]. Are you here Mr.
15 Levine? Please raise your hand, Mark Levine.
16 Let's do this again.

17 I'm just going to read these again,
18 try to do it quickly to make sure. Mr. Levine,
19 Mark Levine? John Rozankowski is at the table.
20 Philippe, Maria, was she here? Yes, great.
21 Thanks for sparing me. Richard Steiger's gone.
22 Oh, good. Thank you. James McMillan, are you
23 here? Thank you. Please come up. We thank you
24 for waiting. William DelFino [phonetic], William
25 DelFino, please raise your hand.

2 William Amoclay [phonetic], please
3 raise your hand. Thank you. Please come up.

4 And James Caldwell, James Caldwell,
5 please raise your hand. Come up, please. Okay.

6 I'm going to ask the Sergeant at
7 Arms again to clear the back of the room. Either
8 people have a seat, or they can go into the lobby.

9 I've been asked by some if we can
10 start from the right, from my right. And please
11 identify yourself before we do any of the
12 speaking, if you can just state your name. If you
13 have some affiliation, that's fine. If not,
14 that's fine. Just state your name. And then
15 we'll start the testimony. Mr. Steiger? Push the
16 button.

17 RICHARD STEIGER: My name is
18 Richard Steiger. Chair Felder, council members,
19 thank you for this-

20 CHAIRPERSON FELDER: Now wait just
21 one minute. We just want to get everyone's name.
22 Somebody asked. Next witness, can you identify
23 yourself, please?

24 MARIA PASSANATE-DERR: Maria
25 Passanate-Derr, candidate for City Council.

2 CHAIRPERSON FELDER: Next witness?

3 Just the name.

4 PHILIPPE-EDOUARD DRICE: My name is
5 Dr. Philippe-Edouard Drice.

6 CHAIRPERSON FELDER: Thank you.
7 Next witness?

8 JOHN ROZANKOWSKI: John
9 Rozankowski.

10 CHAIRPERSON FELDER: Next witness,
11 please. Push the button, please.

12 OMOWALL CLAY: Omowall E. Clay.

13 CHAIRPERSON FELDER: Thank you.
14 Next witness, please.

15 JIMMY MCMILLAN: Rent too damn
16 high, Jimmy McMillan.

17 CHAIRPERSON FELDER: Next witness,
18 please. Next witness, please?

19 JAMES CALDWELL: James Caldwell.

20 CHAIRPERSON FELDER: Okay. We're
21 going to start from Mr. Caldwell. Go ahead.
22 You're the first witness. Can you give Mr.
23 Caldwell the microphone, please?

24 JAMES CALDWELL: Thank you.

25 CHAIRPERSON FELDER: Please start.

2 JAMES CALDWELL: Good evening,
3 everyone. I want to thank you, Mr. Chairman, and
4 the council for giving us this opportunity to
5 speak today.

6 My name is James Caldwell. My name
7 is James Caldwell. And I have witnessed the
8 burden that poverty has had on my community and
9 how it has crippled our ability to provide for our
10 families. I am blessed to have maintained a
11 livelihood that is stable, despite recent
12 conditions.

13 However, there are countless others
14 who do not share my blessings. And as a man of
15 faith, I believe Mayor Bloomberg can provide a
16 greater opportunity in the midst of this financial
17 challenge.

18 In addition to my role as a
19 community activist, I come to you today as a
20 registered voter who has offered his voice to shed
21 light on a topic of term limits from a civilian
22 perspective. While there may be some who oppose
23 the method in which Mayor Bloomberg has proposed
24 term limits or who flat out are against term
25 limits altogether, there are others who are in

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favor of this idea.

Therefore, I support Mayor Bloomberg's proposal to extend term limits. While few may view the Mayor's encore request as a plan to harbor political power, I believe the financial crisis of our times calls for an individual who is equipped with the business skills and credentials that our current mayor possesses and offers.

As a resident of this city, I am in favor of ensuring that power is given to the people. However, the notion that having the City Council vote on extending term limits will take away from the people's power is not a correct representation of what is at hand. If the extension on term limits is passed, elected officials who will seek a third term will still have to be voted into office by the people.

Therefore, I am confident that my right-

CHAIRPERSON FELDER: Can I ask you to please wrap up?

JAMES CALDWELL: Yes, sir-as a voter will still be exercised with the same authority it had before the issue on term limits

1
2 became the topic of discussion. Thank you very
3 much.

4 CHAIRPERSON FELDER: Thank you.
5 Next witness, please?

6 JIMMY MCMILLAN: Rent too damn
7 high. I'm Jimmy McMillan, the Founding Chairman
8 of the Rent Is Too Damn High Party, represent 13
9 million voters who come to my website daily.

10 This means nothing. Mayor
11 Bloomberg—following the attack on the World Trade
12 Center, rent has went up eight times, including
13 this month. When he called the press conference
14 the other day, I just knew that he was going to
15 come on and say that he was going to freeze rent
16 or roll rent back. But, no, he said he wanted
17 term limits.

18 This means nothing, out of
19 business, going out of business, lost our lease.
20 This Mayor has allowed this. This Mayor has
21 allowed the people in this city to the landlords
22 in this city to raise rent with violations against
23 them. This mayor has allowed landlords to
24 continuously harass tenants and not give them the
25 interest from the security deposit. His time is

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up and he must go.

I ask this council—the law—the people have spoken twice against term limits. Anyone who can't see that the children are not eating breakfast, lunch, and dinner, as well as the senior citizens in this city and want this man to sit here again, you've got to be crazy. If you are a member of a clergy, if you are a member of the church and you can't see that your parishioners can't eat breakfast, lunch, and dinner and medication—they're dying for their medication that they can barely afford because all their hard-earned money is going toward R-E-N-T. You must be worshipping the devil.

Rent is too damn high. I say it once. And I say it again. I urge all of you. His time is up. There is a lot of people in this city that can think better than this man. He can only see what has happened to Wall Street. I am watching what's happening to your wallet. Your children are being born deformed, your children going to school and can't learn because they're not eating breakfast, lunch, and dinner; parents who are working eight hours a day, 40 hours a

1
2 week, and some a third job, and going to work as I
3 speak, and this man time has expired. Thank you.

4 CHAIRPERSON FELDER: -witness,
5 please, please, please.

6 JIMMY MCMILLAN: Rent is too damn
7 high.

8 OMOWALL CLAY: My name is Omowall
9 E. Clay. I'm a member of the December 12th
10 Movement. Why are we here? We're not here by
11 referendums. We're not here about special
12 elections. We're here precisely because Mayor
13 Bloomberg wants a third term.

14 Let me make a quote. "I am today
15 making a firm and final decision. I will not
16 support the repeal or change of term limits
17 through any mechanism. And I will oppose
18 aggressively any attempts by anyone to make any
19 changes in term limit laws."

20 This was Christine Quinn last fall.
21 She's the person who's not here today. And she
22 should be here because the reality is she has
23 already gotten the votes to extend term limits.
24 It's interesting that the council is somewhat
25 divided on this issue but not significantly enough

1
2 to prevent the extension. She would never have
3 come out and made the statement that she's flip
4 flopping unless she had the undecided votes as
5 well as the ones that have committed themselves.

6 I think the principles of the
7 council are lacking. I think it's interesting
8 that now—the last time there was a split in the
9 council of this nature is when there was a
10 struggle to name a street after Sonny Abubadika
11 Carson in the interest of the people of Bed-Stuy,
12 who democratically voted for that.

13 It's interesting today that Letitia
14 James is now talking about the issue of democracy
15 when she tailed behind Christine Quinn then, as
16 Council de Blasio did, too.

17 Mayor Bloomberg came into office as
18 number 29 on the Forbes 400. He was \$4.8 billion.
19 Last fall, his income was at \$12 billion. This
20 summer, his income was at \$16 billion. And this
21 fall, Mayor Bloomberg is at \$20 billion. And this
22 is not getting paid as mayor at all. He has used
23 his office to enrich himself. And the only reason
24 he wants to extend it is so that he can extend his
25 wealth at our expense. The only issue—

2 CHAIRPERSON FELDER: [Interposing]

3 Can I ask you—can I ask—?

4 OMOWALL CLAY: —is to not vote—

5 CHAIRPERSON FELDER: [Interposing]

6 Excuse me.

7 OMOWALL CLAY: —for this law.

8 Thank you.

9 CHAIRPERSON FELDER: I'm sorry.

10 Thank you.

11 JOHN ROZANKOWSKI: Good evening.

12 I'm John Rozankowski of the Ravens.

13 CHAIRPERSON FELDER: Could you pull
14 the mic a little closer to you?

15 JOHN ROZANKOWSKI: Sure.

16 CHAIRPERSON FELDER: If it
17 stretches or your chair closer to the mic?

18 JOHN ROZANKOWSKI: Okay. Can you
19 hear me now? Yeah? Okay. Can you hear me now?
20 Okay. I'm John Rozankowski from the Friends of
21 Poe Park in the Bronx. The bill to extend term
22 limits is an audacious attempt to establish a
23 ruling class in New York City, transforming a
24 government of, for, and by the people into a
25 government of, for, and by career politicians and

1
2 their wealthy allies.

3 "Experience, experience," they cry.
4 Is it not the primary responsibility of
5 experienced leaders to calm people down, to defuse
6 panic, and to restore confidence in our systems
7 and institutions? That's what all economists say
8 must be done. Instead, these power-ossified
9 individuals are taking advantage of economic
10 troubles, spreading more fear amongst the people,
11 while quickly moving to ratify this raw, self-
12 serving power grab.

13 They are not reacting to some
14 public mandate or some petition to stay engulfed
15 in the shroud of narcissism. They decided that
16 they are better than the people.

17 The choice before you is very
18 clear. You can vote for this measure and stand
19 with the would-be autocrats, forever forfeiting
20 your moral right to another office. Or you can
21 proudly stand with the people, publicly affirming
22 your oat of office in which you swore to uphold
23 the principles of democracy.

24 I urge you to dump INT845 on the
25 ash heap of history and to courageously stand with

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the people. Thank you very much.

CHAIRPERSON FELDER: Thank you.

Next witness, please? Can you please hand him a mic? Thank you.

PHILIPPE-EDOUARD DRICE: Thank you.

My name is Dr. Philippe-Edouard Drice. I am an immigrant. I'm a political exile here in this country. My second cousin is baby doc Givalia [phonetic]. I'm related to other former presidents of my country. I'm not here about this term limit thing. It's illegal. You know it. The law says he can't do more than eight years.

What's the story?

I'll tell you what the story is.

The story is that New York City Housing Authority Human Resource Administration-

CHAIRPERSON FELDER: [Interposing]

Listen.

PHILIPPE-EDOUARD DRICE: -and Adult Protective Services-

CHAIRPERSON FELDER: Excuse me.

No, no, no, this is a story. I get to run the hearing. People get to boo me.

PHILIPPE-EDOUARD DRICE: And you

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have that right.

CHAIRPERSON FELDER: No, but you're going to have to talk about the issue.

PHILIPPE-EDOUARD DRICE: The issue-

CHAIRPERSON FELDER: [Interposing]
You're going to have to talk about term limits.
This is not a hearing-

PHILIPPE-EDOUARD DRICE:
[Interposing] Will do. I'll tell you about the
other-

CHAIRPERSON FELDER: [Interposing]
It may be other-only about term limits.

PHILIPPE-EDOUARD DRICE: The term
limit fiasco-

CHAIRPERSON FELDER: [Interposing]
Thank you.

PHILIPPE-EDOUARD DRICE: -is that
you have a crooked administration that shouldn't
get another four years or however many times he
can buy his way. Where's our Councilman Comrie?
Our Councilman Comrie should know. How do you get
a democratic congressman in Floyd Flick [phonetic]
to suddenly make television commercials for him
and my boy don't have no more financing problems

1
2 on Merrick Boulevard and Guy R Brewer Boulevard.
3 Are you kidding me? It's bought and paid for.

4 Now we have this charade. I'm
5 French. We have masquerade parties all the time.
6 And I'm having a very good time with us here
7 today.

8 This is a crooked administration.
9 And on my website at [www.youtube.com/P-H-I-L-D-I-](http://www.youtube.com/P-H-I-L-D-I-R-C-E)
10 [R-C-E](http://www.youtube.com/P-H-I-L-D-I-R-C-E), 1, the number, you will see how this
11 whistleblower was retaliated against. And you,
12 Chairman, you ought to know about it. When
13 somebody robs somebody and they put them in the
14 gas chamber and try to kill him, what is that?
15 That, it has infiltrated this administration. I'm
16 telling you. All you have to do is go to my
17 website. And as a matter of fact, for you,
18 Chairman, this is for you, along with the
19 newspaper article.

20 And the newspaper reporter,
21 investigative reporter Donna Winfield, where you
22 at?

23 CHAIRPERSON FELDER: Alright,
24 listen.

25 PHILIPPE-EDOUARD DRICE: She's the

1
2 one that brought me here to make sure I told this
3 to you in the bright light of day with a bullhorn.

4 CHAIRPERSON FELDER: Okay. The
5 newspaper article, I'll take. But the CD or the
6 DVD may be worth more than \$50. I can't accept
7 that.

8 PHILIPPE-EDOUARD DRICE: No, no,
9 no.

10 CHAIRPERSON FELDER: Next witness,
11 please.

12 PHILIPPE-EDOUARD DRICE: No, no,
13 no.

14 CHAIRPERSON FELDER: Next witness,
15 please.

16 PHILIPPE-EDOUARD DRICE: Trust me,
17 there are some other worthy others. You'll take
18 it. Thank you.

19 CHAIRPERSON FELDER: Next.

20 MARIA PASSANATE-DERR: Thank you.
21 Thank you, Chair Felder, committee, and council
22 members. I am Maria Passanate-Derr. I've been a
23 lifelong resident of Greenwich Village. And I
24 have served on Community Board for six years now.
25 And two of those years, I was Chair of the board.

I am also a candidate for City Council in the Third District.

As a practicing attorney for 25 years, I am appalled at some of the statements that I have heard here today on behalf of the Mayor, appalled at the Mayor's outright dismissal of the process in favor of his opinion that he is the indispensable man in our time of crisis.

Process is the basis of our democratic government. The indispensable-man argument is based on the politics of fear. This is the same politics of fear that President Bush used to pass the federal bailout bill in record time.

People may feel that Mayor Bloomberg has done some positive things for this city. But this is not about the qualities of a leader. This is about the principles by which he or she governs. And it is very disturbing that the Mayor is not the least bit concerned about the process.

The Mayor is concerned, however, about the cost of a citywide election. What is the cost of overhauling the campaign finance law,

1
 2 the cost of auditing and administering the
 3 campaign contributions and expenses of candidates
 4 who will no longer seek a particular office? If
 5 the Mayor wants to save money, he can scrap the
 6 \$0.5 billion three-district sanitation garage that
 7 he's seeking to impose on the West Village
 8 community. Or he can go along with our
 9 modification, our community modification, and save
 10 \$0.25 million.

11 Under the circumstances, if term
 12 limits are changed by referendum, it is
 13 democratic. If they are changed by legislation,
 14 it is at the very least the appearance of
 15 impropriety and at worst self dealing. Don't be
 16 influenced by the politics of fear.

17 CHAIRPERSON FELDER: Thank you very
 18 much.

19 RICHARD STEIGER: My name is
 20 Richard Steiger. Chair Felder, committee members,
 21 democracy is defined as government by the people,
 22 rule of the majority, a form of government in
 23 which the supreme power is vested in the people
 24 and exercised by them directly.

25 Democracy is not a couple of

1
2 billionaires meeting behind closed doors to
3 overhaul the term limits law. That is the
4 hijacking of democracy. That is an affront to
5 democracy. And it's an in-run around democracy,
6 notwithstanding cheerleading newspaper owners,
7 wealthy business leaders, and term-limited city
8 council members.

9 Fourteen out of fifteen term-
10 limited members in 2009 support Intro 845a. That
11 is self-serving and shameful. The Mayor said
12 changing term limits legislatively is
13 "disgusting." He said he did not believe he was
14 "indispensable." So why is he pursuing this
15 disgusting course of action? And why are city
16 council members pursuing a conflict of interest
17 under local law to vote themselves an opportunity
18 to serve an additional term in office?

19 It will be a sad day for democracy
20 and a sad day for New York City if a power-hungry
21 mayor and his pliable sycophants are successful in
22 thumbing their nose at the rule of law. This
23 undemocratic power grab must not succeed. People
24 of good will are watching. And the will of the
25 people will prevail, as it did in 1993 and 1996.

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CHAIRPERSON FELDER: Thank you very much. I'm going to call out the next panel. Okay. Madeline Renee [phonetic], please raise your hand if you're here, please? Excuse me. Those that spoke, please exit or sit down. Can the Sergeant of Arms please come up here for a minute, please? Madeline Renee?

Madeline Renee? Josh Scholar [phonetic], please raise your hand as I call your name. Fred LeMoine. He went? Oh, okay. He signed up twice. Is there anyone—Dolores Quintero? Thank you. Marie Louis, is Marie here? Great. Pierre Sherry [phonetic]? Pierre Sherry? Andrew Burman [phonetic]? How many do we have so far?

So I'm going to repeat. I'm just going to repeat this again. Andrew Burman? Pierre Sherry? Fred LeMoine you said went already. Josh Scholar? Madeline Renee? Alice F. LeBrie [phonetic], Alice, are you here? Gloria Smith [phonetic]? Is Alice here? Gloria Smith? Yes? Anne Einsidler [phonetic], Ann Einsidler? Give me some more, please.

Dairen Ann McMichaels? You're

1
2 here? Excellent. Thank you for sticking around.
3 Paul Saryian, Paul Saryian? Dan Warasinski
4 [phonetic], Dan Warasinski? Next? More, please.

5 Adita Berkromt [phonetic], Adita
6 Berkromt—I'm sorry, Berkromt? Is Adita here?
7 Raise your hand. Allan Bortnick? What is it?
8 Alright.

9 Thank you for sticking around.
10 We're waiting. Take your time. What happened to
11 Adita Berkromt? Not here. Okay. Okay. Ms.
12 Chioni L. Sangsun [phonetic]? Justin Yu? More.

13 Abdul Karim Ahim [phonetic], Abdul
14 Karim Ahim? No. Ti Rogers [phonetic], Ti Rogers?
15 Next. Please raise your hand if I'm mentioning
16 your name. Oreg—he is here? Oreg Matsock
17 [phonetic], Oreg Matsock? Is a name? Grace
18 Oflasian [phonetic], Grace Oflasian? Please raise
19 your hand. Next.

20 Ernesto Maldovato [phonetic]? I
21 don't know if I got that right. Ernesto
22 Maldovato? Faith Steinberg, please come up. One
23 more. Michael—this is not legible—East 23rd
24 Street. Michael Harris [phonetic], Michael
25 Harris? Another one.

2 Rajiv Gowda, Rajiv Gowda? Okay.

3 I'm going to ask you again if you can please push
4 the button on the mic so that you see the light.

5 And we're just going to go from left to right.

6 And you're going to just identify yourselves.

7 Please start, Mr. Gowda. Just identify yourself.

8 Yes. Go ahead. Mr. Gowda, just identify

9 yourselves. Then we'll get to the testimony.

10 Just mention your name.

11 RAJIV GOWDA: Just a second.

12 CHAIRPERSON FELDER: You don't need
13 your glasses for your name.

14 RAJIV GOWDA: I just want to put it
15 away. I don't need one. I just want to put it
16 away. Yeah, my name is Rajiv Gowda. And I'm a
17 farmer, President of Education Council, District
18 31, Staten Island, Union Vice President, Community
19 Board Number 1 member, and for the record, I am a
20 candidate for City Council from District 49.

21 Mr. Chairman and the rest of the
22 city council members, thank you very much for
23 holding at least one public hearing on this very
24 important issue. There should have been five in
25 every single borough. Staten Island is always—you

1 know, we don't get nothing out of this council.

2 I am here today to oppose Intro
3 845. Any change to the term limits should have a
4 say by the same—the very New Yorkers who
5 overwhelmingly voted twice in a referendum.
6 Anything less is a slap on the cheek and on
7 democracy.
8

9 I vehemently oppose and I
10 vehemently refuse to accept the notion that not a
11 single person out of 8 million New Yorkers has the
12 knowledge, experience, intelligence, and
13 leadership to stand up and lead this city during
14 these trying times. I refuse to accept that.

15 There are many people in this city
16 who can do that. During this financial crisis, it
17 is important leaders to stand up and show courage
18 and respect the people. Instead of calming the
19 people of New York City, and setting an example
20 and telling that we are going to take you, we are
21 going to lead you from this, what kind of message
22 you are sending here. The entire world is
23 watching what we are doing here. Is this the way
24 we have to just discard the will of the people?

25 No, it's not the way. We shouldn't

1
2 do this. Even though for me term limits may not
3 apply because in all likelihood, Councilman
4 McMahon will be elected, the Congressman. And I
5 may not have a term limitation. But I'm here
6 because on principle, on democracy. I am here to
7 stand up and speak up to those people who are
8 really crying out loud in newspapers, in
9 everything. This is not right. The Mayor-

10 CHAIRPERSON FELDER: You're going
11 to have to wrap up.

12 RAJIV GOWDA: Yeah, I'm going to
13 wrap. The Mayor has double standard here. Here
14 he says this issue should be dealt in City Council
15 and not in a referendum. And he goes to the other
16 coast.

17 CHAIRPERSON FELDER: Are you
18 wrapping up?

19 RAJIV GOWDA: Yes, I am wrapping.

20 CHAIRPERSON FELDER: No, I don't
21 mean with the paper.

22 RAJIV GOWDA: -on the West Coast.
23 And he says-on the West Coast, he says a different
24 word. He says the issue should be-

25 CHAIRPERSON FELDER: [Interposing]

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Okay.

RAJIV GOWDA: -going to a referendum, not to the council.

CHAIRPERSON FELDER: Okay. Next witness.

RAJIV GOWDA: It's a double standard.

CHAIRPERSON FELDER: Thank you.

RAJIV GOWDA: This is not New York City.

CHAIRPERSON FELDER: I understand. But we have to be consistent.

RAJIV GOWDA: In closing-

CHAIRPERSON FELDER: Next witness, please.

RAJIV GOWDA: In closing-

CHAIRPERSON FELDER: No, no, you closed already.

RAJIV GOWDA: Thank you very much.

CHAIRPERSON FELDER: You may not have realized it.

FAITH STEINBERG: Hi. My name is Faith Steinberg. And I'm a native New Yorker. And I've always loved New York. But they're

1
2 making it harder and harder. This ploy reminds me
3 of the arrogant Mayor Giuliani, who thought he was
4 the only one who could get us out of 9/11. But
5 we've gotten along without him. If Mayor
6 Bloomberg is so savvy via financial and economic
7 situation, how come he didn't see the disaster
8 coming and speak up?

9 I've heard a report indicating that
10 Eliot Spitzer was investigating the situation
11 before he had his fall. And maybe that's why he
12 had his fall.

13 Further, I don't believe I've heard
14 any pearls of wisdom spouting forth from Mayor
15 Bloomberg regarding this situation. The Mayor has
16 many responsibilities in matters that—and in
17 matters that concern me, he's a failure. For one,
18 I feel he has changed the city irrevocably and not
19 for the better. His economic development is
20 totally lacking in imagination.

21 Surely there are alternatives to
22 building and more building. He wants to build for
23 a million more people in the city and barely, if
24 any of them, are affordable. I find these high-
25 rise, luxury condos are eyesores. His

1
2 appointments to the Rent Guidelines Board are
3 enough to demonstrate that he doesn't give a damn
4 about working people.

5 If he wants to build, why isn't he
6 building affordable housing, which would attract
7 businesses? Many business won't locate to New
8 York City because there's no-

9 CHAIRPERSON FELDER: [Interposing]
10 Alright. Excuse me, ma'am. You are-

11 FAITH STEINBERG: -affordable
12 living-

13 CHAIRPERSON FELDER: [Interposing]
14 Excuse me.

15 FAITH STEINBERG: -facilities for
16 lower-level employees.

17 CHAIRPERSON FELDER: That's not-can
18 you talk about term limits?

19 FAITH STEINBERG: I'm winding up.
20 I just-we have-

21 CHAIRPERSON FELDER: [Interposing]
22 No, I didn't ask you to wrap it up. That I'll do
23 in about 30 seconds. I just asked you to speak
24 for term limits. That's all.

25 FAITH STEINBERG: Okay. Well,

okay. Thank you.

CHAIRPERSON FELDER: Next witness,
please.

JUSTIN YU: Mr. Chairman, my name's
Justin Yu. I'm the President of the Chinese
Consolidated Benevolent Association of New York,
which is the largest and oldest Chinese-American
organization in the city. Sometimes people call
me unofficial mayor of Chinatown. But I'm here
today to support our Mayor and our council people
to have a chance to run for another term.

We are entering extraordinary
difficult physical times. And the people should
have the ability to vote for experienced
leadership. If the law doesn't change, voters
will not have that opportunity to pick up the
candidates they believe are the best qualified to
bring the city through this downturn.

This is a public process. Voters
will have choice to choose their leadership. The
law is very clear that the City Council is fully
within its rights to address this issue at hand.
We elect our city council members to make good
decisions for us. Please support the Mayor's

1
2 proposal and our Mayor and the city council
3 members have another chance to run for another
4 four-year term. Thank you very much. And
5 goodnight.

6 CHAIRPERSON FELDER: Thank you.
7 Next witness, please.

8 ALLAN BORTNICK: Allan Bortnick,
9 lifetime resident of New York. I've been here
10 since before 1:00. I had the displeasure of
11 listening to the Corporation Council and the
12 Mayor's counsel sound like Alberto Gonzalez when
13 the spoke. It was the joke of the week, trying to
14 sell us a bill of goods.

15 With regard to term limits, term
16 limits was put into effect as a result of two
17 votes by the public. There's a very good chance
18 that it may come to a vote again. I have a much
19 simpler solution for you since you have to make
20 some sort of a decision. You can do this within
21 four weeks maximum.

22 The Board of Elections has gone
23 computer. Get 51 lots bar-coded according to each
24 of the council districts. Have the Board of
25 Elections mail it out with a return-mail stamp to

1
2 every registered voter. I guarantee you that
3 you'll have at least 70% reply, which'll be larger
4 than what the actual vote may be, telling you
5 people what your particular constituents feel.
6 This will be able to be used by you then to
7 determine your vote with regard to term limits.
8 But the council has to pledge to agree with that
9 vote. It's that simple. If you choose to do it,
10 you can do it overnight.

11 With regard to the Mayor, if he's
12 so anxious to help this city, the closest
13 connection to Wall Street to the council is
14 distance. You have no say in what happens on Wall
15 Street. You never will. It's a problem beyond
16 belief. It will be resolved. If the mayor thinks
17 he can do it and help the city monetarily, then
18 let him, when he leaves office, come back for \$1 a
19 year and act as an oversight for—30 seconds more—
20 act as an oversight for—

21 CHAIRPERSON FELDER: [Interposing]
22 Not 30 seconds. You can wrap up, sir.

23 ALLAN BORTNICK: Thank you. Let
24 him act as an oversight for the budget and do
25 something about the waste and mismanagement of

1
2 city agencies, a perfect example being the
3 Department of Environmental Protection, which I
4 call dysfunctional environmental procrastinators—

5 CHAIRPERSON FELDER: Okay. I'm not
6 agreeing or disagreeing with you. But we're going
7 to go to the next witness.

8 ALLAN BORTNICK: \$300 million in
9 expenses—

10 CHAIRPERSON FELDER: [Interposing]
11 Excuse me. Excuse me. We're going to—

12 ALLAN BORTNICK: —for consultants.
13 It's a waste.

14 CHAIRPERSON FELDER: Okay. Next?

15 DAIREN ANN MCMICHAELS: Good
16 afternoon.

17 CHAIRPERSON FELDER: Yeah, just
18 push the button, ma'am, please. And identify
19 yourself.

20 DAIREN ANN MCMICHAELS: Good
21 afternoon to the city council members and to the
22 people. My name is Dairen Ann McMichaels. And I
23 live in the South Bronx. And I have six kids. I
24 had three heart attacks. But God healed me. And
25 what I see on the news and all over the world, we

1
2 thank God we still have no problem, like the man
3 was saying something about 9/11. Mayor Bloomberg
4 should run again, one more term if he want to be.
5 He's been a good mayor for New York City. I was -
6 - . And I went through a lot of hell. Thank God
7 I'm still alive. For the problem they're having
8 with the rent and the assessing, they selling the
9 houses. And I thank God for my landlord because I
10 was homeless with my six kids. And thank God for
11 my pastor. She helped me. And I got apartment
12 back. When I was gone, I paid my rent.

13 And now the problem is the housing
14 and the problem we have with education. A lot of
15 people in the neighborhood in the South Bronx,
16 they're getting put out. And they cannot pay that
17 - - rent. And with the education, we have to help
18 our youth because there's a lot of gangs in the
19 South Bronx. But thank God for Mayor Bloomberg.
20 He changed the education because I was a P.A.
21 president. He changed the education. And he
22 helped with security guards. We have so much
23 rapes and gangs and stuff in the school.

24 And with the housing, please help
25 with the housing because a lot of people don't

1
2 want to go in the shelters, especially the
3 homeless. And we see what's going on. But this
4 is not our battle. It's the Lord's. I know we're
5 not supposed to talk about God. But he sees
6 everything we're doing. And we should not fight
7 against what's going on in the world. We just
8 have to put whoever's in charge, do the right
9 thing because Obama having a problem with McCain
10 or something. But God is in charge. We just have
11 to vote whoever we see fits for office, like
12 everybody's saying.

13 Because our youth—I have six kids.
14 Our youth is—

15 CHAIRPERSON FELDER: [Interposing]
16 Can you please—?

17 DAIREN ANN MCMICHAELS: —is seeing
18 what's going on. I thank you very much. God
19 bless you.

20 CHAIRPERSON FELDER: I didn't want
21 to cut you off. I just wanted you to speak about
22 term limits.

23 DAIREN ANN MCMICHAELS: Yeah, I
24 know. I want to - - .

25 CHAIRPERSON FELDER: I invite—I

1
2 just want to say to the public that there are
3 hearings here all the time. And there are a
4 variety of committees.

5 DAIREN ANN MCMICHAELS: But we
6 don't know about that in our community.

7 CHAIRPERSON FELDER: I just want to
8 say those who have access to a computer, there-

9 DAIREN ANN MCMICHAELS:
10 [Interposing] I don't have one.

11 CHAIRPERSON FELDER: But if not, if
12 you have access to a library, you know, those are
13 the ways that-

14 DAIREN ANN MCMICHAELS:
15 [Interposing] I heard it on the radio. And that
16 was on a gospel channel, 1190. Thank God for
17 them.

18 CHAIRPERSON FELDER: Okay. Thank
19 you.

20 DAIREN ANN MCMICHAELS: I'm a
21 member.

22 CHAIRPERSON FELDER: Thank you.

23 DAIREN ANN MCMICHAELS: Okay.

24 CHAIRPERSON FELDER: Do you want to
25 give the number on the dial? Never mind. Thank

1
2 you. Next, next.

3 PAUL SARYIAN: Good evening. I
4 want to say thanks for giving the people this
5 opportunity to voice their opinion here. My name
6 is Paul Saryian. I'm a resident of Staten Island.
7 I'm recently retired from the New York City Police
8 Department in the rank of Captain. I, too, am
9 considering running for City Council in Staten
10 Island come this January in the event of a
11 vacancy.

12 The following is my testimony—We,
13 the people of New York City, were twice subjected
14 to a referendum and twice voted in favor of having
15 term limits placed on our elected officials.
16 Anything other than that, anything other than the
17 democratic will of the people would be
18 unprecedented and tantamount to dictatorship and
19 tyranny.

20 Disregarding and trivializing the
21 results of an election would not only be
22 unconstitutional. It would also set the stage for
23 a much more dangerous turn of events in the future
24 that will result in a total usurp, a total usurp
25 of power on the part of an individual over the

1
2 will of the people.

3 It's nice to be king. But in New
4 York City, we have no kings. And we have no
5 absolute leadership. Term limits allows for new
6 ideas to permeate within the political system.
7 Eight years is more than enough time to implement
8 plans and programs. The old adage still rings
9 true. A new broom cleans best. Thank you.

10 CHAIRPERSON FELDER: Thank you.

11 Next witness, please?

12 MARIE LOUIS: Hello. Okay.

13 CHAIRPERSON FELDER: Go ahead.

14 MARIE LOUIS: My name is Marie
15 Louis. I thank my Lord and savior Jesus Christ
16 for the opportunity to speak to you today. I was
17 born and raised and reside in Brooklyn. I support
18 extending term limits from two to three terms.
19 Our city and nation are in financial and economic
20 crisis. We should have the option of re-electing
21 a proven effective, independent, and experienced
22 leader like Michael Bloomberg, as well as Speaker
23 Quinn and many others in the City Council.

24 Our city's vitality is particularly
25 impacted by the crisis in the financial sector.

1
2 The downturn means less revenues for the city.
3 Mayor Bloomberg effectively managed our troubled
4 economy in the wake of 9/11 and created reserves
5 during healthy economic times that are
6 strengthening our ability to weather this time of
7 famine.

8 Under Mayor Bloomberg's leadership,
9 the city is positioned to realize many large
10 important projects, like Atlantic Yards in
11 Brooklyn. In addition to understanding the
12 importance of and supporting projects like
13 Atlantic Yards, Mayor Bloomberg witnessed the
14 signing of the first community benefits agreement
15 on the East Coast.

16 Thus, as Brooklyn and the city at
17 large prepares to build for the future, he has
18 demonstrated leadership committed to ensuring that
19 all New Yorkers, especially those who have
20 marginalized and are among the most economically
21 vulnerable, are able to connect to employment,
22 small business, and affordable housing
23 opportunities created by large development
24 projects, like Atlantic Yards.

25 The Mayor's PlaNYC initiative is

1
2 another compelling example of his effective
3 leadership. This comprehensive plan prioritizes
4 upgrading our infrastructure—

5 CHAIRPERSON FELDER: [Interposing]
6 Can you talk about term limits, ma'am?

7 MARIE LOUIS: —as well as building
8 affordable—

9 CHAIRPERSON FELDER: [Interposing]
10 If you can talk about the term limit issue.

11 MARIE LOUIS: —as well as building
12 affordable housing for the future. Under the
13 leadership of Speaker Quinn, we have the jobs to
14 build on an initiative which is connecting
15 thousands of employers to meaningful employment
16 and occupational training opportunities.

17 Again, we should have the option to
18 vote for people who we think are effective
19 leaders. I wasn't even aware of when there were
20 these two referendums. And so people like—one way
21 to make it fair for everyone who may not have been
22 aware of when these referendums occurred is to
23 just give us a choice by being able to—by
24 extending the terms from two to three so that we
25 can vote for whoever we want. Everybody—having an

1
2 incumbent on the ballot does not mean that you
3 can't vote for someone else if you want that
4 person out. We should have the option to vote for
5 an experienced leader if we want to.

6 CHAIRPERSON FELDER: Thank you.
7 Next witness, please?

8 DOLORES QUINTERO: My name is
9 Dolores Quintero. I'm a leader at Community
10 Voices Heard. I'm also a voter. And I'm also a
11 poll worker. So I get the advantage of hearing
12 all of the voters and what they're saying.

13 One of the things that I want to
14 express here is that this country was built on a
15 democratic situation that was created through
16 bloodshed, protesting, and marching and - -
17 suffering of people that made it possible for us
18 to even have a democratic system to be able to
19 vote.

20 We go around the nations preaching
21 to other nations and telling them to adopt this
22 same system because they're not letting their
23 people vote and being barbaric towards their
24 people. Why are we behaving so barbaric today
25 and being hypocrites and saying, "Oh, wait a

1
2 minute. The people's right to vote doesn't
3 matter. We want to overturn it."

4 It should never be overturned.

5 When the voters have spoken twice already and said
6 they want term limits, it should be respected and
7 honored. And the people who suffered to be able
8 to give us the ability to vote, that should be
9 respected and honored. We should not tear at the
10 very fabric of democratic system that we have
11 right now, which is exactly what's happening now
12 in a blatant situation to satisfy a millionaire or
13 billionaire or whatever to—when he says, "Jump,"
14 jump.

15 I mean, come on. We just can't
16 keep letting somebody like that, you know, just
17 have their way. This is the reason why we put
18 term limits in the first place. So stop this
19 nonsense. And to say that he is the only one that
20 can handle our economical system is preposterous
21 because our city has survived many economical
22 systems. And it will continue to survive after
23 Bloomberg.

24 And also, for senior councils to
25 say they're the only ones that can handle the

1
2 situation and not newcomers, hey, you were wet
3 behind the ears when we allowed you to come in.
4 You learned the job. And so will they. So don't
5 say that you're the only ones that can handle this
6 situation.

7 This is a blatant disregard and
8 disrespect on the voters. And I tell you I hear
9 from your constituents. Some of them—many of them
10 are members on all across the board of every
11 council district. They are members of CVH. And I
12 guarantee you they're not happy with what's going
13 on.

14 They want term limits to stay. And
15 it's to stay as it is, let voters vote on it again
16 then. And don't be scared of it.

17 CHAIRPERSON FELDER: Thank you.
18 The next—thank you for this panel. The next
19 panel, we have April Raford [phonetic]? What's
20 it? How do you pronounce it? Okay. Is April
21 Raford here? Raise your hand. No. Vernon Verdry
22 [phonetic], Vernon Verdry, are you here? Raise
23 your hand. Leon Helmsen [phonetic], Leon Helmsen?
24 Ben O'Sickey, Ben, please come up. Harvady Devy
25 [phonetic], Harvedy Devy, are you here? Raise

1
2 your hand. Stanley Love [phonetic]? Ivan T.
3 Johannson, Jr. [phonetic], raise your hand. More,
4 please?

5 Wanda Emasune [phonetic], did I get
6 that right? Wanda Emasune? Corey Beerack
7 [phonetic], Corey Beerack? Next. Jennifer Pinto,
8 please come up. She's here. Ariel Weinstock,
9 Ariel Weinstock, are you here? Please come up.
10 Audrey Smaltz, Audrey Smaltz, Audrey Smaltz?
11 Next.

12 Yeah, I know. She's famous. Yes.
13 Well, I'm sorry. I don't read women's magazines.
14 Amy Chin, Amy Chin? Good. Amy Chin is here.
15 Great. Yeah, we need another two. John W. Burns
16 [phonetic], John Burns, are you here? Yes? Can
17 we—David Galarsar [phonetic], David, are you here?
18 David Galarsar, are you here? He's not here.
19 Ronnie Colangelo, you here? Come up. One more,
20 two more?

21 Eloise Greenberg, are you here?
22 Raise your hand. What? She's here? Excellent.
23 Do we have one more seat? No, no, we have three
24 seats.

25 Trina Semorile, Trina Semorile, are

1
2 you here? Raise your hand. Who, Trina? No,
3 that's not Trina. Excellent.

4 It is now about—I can't see. I
5 think it's about—how much? It's about 20 to 9:00.
6 We're going to take a five-minute break. At
7 exactly 13 minutes to 9:00, we're going to resume
8 the testimony.

9 [Pause].

10 Either please have a seat or leave
11 the chambers. Okay. We're going to start from
12 right to left. If you can just make sure that the
13 mic is on. And when the light is on, you'll know
14 that it's on. We're starting from my right over
15 here. Please identify yourself and adhere to the
16 two-minute rule. And I ask everybody else to
17 either have a seat or please leave the room. Go
18 ahead.

19 TRINA SEMORILE: My name is Trina
20 Semorile. In the event that my time runs out
21 before testimony finishes, I want to first say
22 that anyone who votes to overturn term limits will
23 never again receive my vote, including for dog
24 catcher. And I have a long memory for political
25 abuse and corruption. And this is corruption and

1
2 abuse of the worst kind. Not only that, I will
3 actively work against that candidate and serve as
4 memory to this perfidy.

5 I am deeply outraged by the self-
6 serving, incestuous, and ethically challenged
7 effort to extend term limits to Bloomberg and
8 term-limited council members. How dare you hatch
9 a shameless plot to vote yourselves an extension
10 despite repeated and emphatic public opinion. The
11 term limits are to stay in place.

12 Indeed, the purpose of term limits
13 is to limit the degree to which abuse and
14 corruption may sink deep roots of political
15 entanglement, not only within city government, but
16 from pressure without by moneyed and powered
17 interests.

18 The real estate industry is an
19 excellent example of this, from developers,
20 traffickers in real estate, to sleazy fly-by-night
21 contractors who maim, kill, and then melt into
22 nonexistence only to reappear under a new name and
23 repeat the process.

24 The Ethics Board is itself
25 ethically challenged, not only in claiming that

1
2 this vote is legal, but in earlier decisions
3 allowing and including city-paid appointees of
4 Bloomberg to work in his private industry.

5 Excuse me, could you please stop
6 talking while I'm talking? And don't tell me to
7 relax. We are entitled to the same courtesy of
8 being listened to-

9 CHAIRPERSON FELDER: Okay.

10 TRINA SEMORILE: -that you would
11 like.

12 CHAIRPERSON FELDER: Okay.

13 TRINA SEMORILE: Would you please
14 ask this man to be quiet?

15 CHAIRPERSON FELDER: I will ask
16 everybody in the room to be quiet, please.

17 TRINA SEMORILE: Thank you.

18 CHAIRPERSON FELDER: You're
19 welcome.

20 TRINA SEMORILE: This is one
21 example of the abuse of law and legal opinion.
22 And let us remember as historian Herbert Aptheker
23 once said, the purpose of law is social order and
24 control. It is not justice.

25 We are here today seeking what is

1
2 right and what is just. The intention to ram this
3 legislation through at high speed is itself
4 suspect. And Ron Lauder does not represent the
5 sole voice of term limits sentiment. His purchase
6 support for this outrage to chair a commission to
7 study term limits is nothing less than the
8 billionaire boys' club of billionaires.

9 CHAIRPERSON FELDER: Can you please
10 wrap up your testimony?

11 TRINA SEMORILE: I will.

12 CHAIRPERSON FELDER: Thank you.

13 TRINA SEMORILE: There is
14 insufficient time to list all the abuses of this
15 administration, which is not only maintained, but
16 furthered those of Giuliani. But suffice it to
17 say that the city will get along just fine without
18 the term-limited council members and Michael
19 Bloomberg. Do the right thing for once and vote
20 against this abuse of power. Thank you.

21 CHAIRPERSON FELDER: Okay. Next
22 witness.

23 JENNIFER PINTO: Hi. My name is
24 Jennifer Pinto. I am here to ask you to extend
25 term limits to Mayor Bloomberg. I believe he has

1
2 done a good job. And I am sure there is no one in
3 this room who could say he has done a bad job.

4 Therefore, when you do a good job, you are
5 rewarded. And I think this is the best way to do
6 it.

7 I remembered. I have been in this
8 country for 40 years. And there were times in the
9 '80s you couldn't call anyone to get any services.
10 He created the 311, which is quite good. I can
11 see there are changes in my neighborhood. I live
12 in East New York. Children are going to school.
13 They are doing a lot better. They are wearing
14 their uniforms. And they are talking nicely on
15 the train.

16 I believe Mayor Bloomberg has done
17 a lot. I mean, you look in the neighborhood. You
18 see there are parks. Every little space, he is
19 creating grass and flowers and all these things.
20 I mean, and I don't believe it's a power trip with
21 him. I think he is doing this for the joy and
22 satisfaction of seeing the city grow. He has done
23 a lot. And I believe extending it, he'll have a
24 lot more ideas.

25 And for people to think it's a

1
2 power trip, there are many times that we knocked
3 him down. I disagree with the Sunday parking.
4 And what I like about the man is when you beat him
5 down, he says, "Well, you can't win them all."
6 And he realized that. I'm forgetting what I had
7 to say.

8 But we didn't give him a blank
9 check on a lot of things. But I do believe—and I
10 am not talking because of the political crisis we
11 have now—I would vote for him, even though we're
12 not in an economic crisis. And I urge you folks
13 to let your conscience be a guide. This man has
14 done a lot for us. And if he gets the chance he
15 will do even better. Thank you.

16 CHAIRPERSON FELDER: Thank you.

17 Next witness, please?

18 ARIEL WEINSTOCK: Good evening.

19 With gratitude to Chairman Felder, Committee on
20 Governmental Operations, and the City Council, I
21 thank you for this opportunity to address the
22 body.

23 My name is Ariel Weinstock. And
24 along with scores of individuals who've testified
25 here today, I respectfully request that this

1
2 committee report favorably on Introduction 845.

3 The public policy of this city is
4 set forth in Chapter 50, Section 1137 of the New
5 York City Charter. It explicitly requires that
6 our elected officers and leaders be citizen
7 representatives who are responsive to the needs of
8 the people and not career politicians, the
9 implication being that a career politician may be
10 more likely to advance his own interests over such
11 politician's constituency.

12 I caution that blind adherence to
13 the portion of this New York City policy which
14 raises alarm against career politicians without a
15 representative's due and thoughtful consideration
16 for the current state of affairs affecting the
17 people of this city is itself a dereliction and a
18 violation of the same section of the City Charter.
19 That is the public policy objective to impose an
20 obligation on our representatives to be responsive
21 to the needs of the people.

22 Furthermore, the designation of the
23 public servant as a citizen representative
24 responsive to the needs of the people implies that
25 a representative has an affirmative duty to

1
2 solicit and understand the needs of the people.
3 Citizenship as a legal term of art is widely
4 understood to encompass a moral and ethical
5 obligation to demonstrate a commitment to the
6 improvement of civic life as well as the
7 preservation and proactive enforcement of the
8 civil and natural rights afforded all its
9 individuals.

10 It is a lasting legacy of the
11 American experiment in democracy that the central
12 form of government is comprised of bodies or
13 institutions that are themselves subject to the
14 rule of law. The City Council, comprised of our
15 citizen representatives and governed by the City
16 Charter, is granted the power and thus the mandate
17 to exercise such power when just to adopt local
18 laws for the "good rule and government of the city
19 for the order, protection, and government of
20 persons and property for the preservation of the
21 public health, comfort, peace, and prosperity of
22 the city and its inhabitants."

23 In these uncertain times,
24 individual districts and their constituencies need
25 to be permitted the flexibility to retain their

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trusted and valued services—

CHAIRPERSON FELDER: [Interposing]

Can you please wrap up?

ARIEL WEINSTOCK: —representatives.

I thank you for your time.

CHAIRPERSON FELDER: That was done

very well—the wrap up. I'm not talking about

anyone else. I don't want anyone else to be

insulted that I didn't complement their testimony.

Next witness, please?

BEN O'SICKEY: Hello. My name is

Ben O'Sickey. And I live in Brooklyn. I just

wanted to say that I think the idea of a third

term for Mayor Bloomberg should be considered. As

you just look back over his past two terms, the

accomplishments—they've really been spectacular.

Just so much has been done—just first, as a

beginning, bringing the city out of this malaise

of September 11 and just restoring a lot of hope

and then just in education and this affordable

housing initiative as compared to what's been

happening on a national level.

None of these mortgages are in

default. It seems to be in good shape. And

2 finally, just going onto just like our current
3 challenges, having somebody with his level of
4 understanding in Wall Street, it's just something
5 that we should think about.

6 And there's been a lot of people
7 who bring up the idea of dire consequences if a
8 third term is thought about. And it would bring
9 us into a fascistic kind of state. I think you
10 really have to think through that. There's really
11 a level of comfort I think that this city has with
12 Mayor Bloomberg. And so people should think about
13 the idea.

14 We're not talking about a fourth
15 term or a fifth term and being mayor forever. But
16 a third term at this time, I kind of like the
17 idea. People should think about it.

18 CHAIRPERSON FELDER: Thank you.
19 Next witness, please.

20 AUDREY SMALTZ: Mr. Chair, members
21 of the City Council, I have been a native New
22 Yorker for more than 71 years. I like to tell
23 everybody that I was born, bred, buttered,
24 jellied-

25 CHAIRPERSON FELDER: [Interposing]

2 You have to—I'm sorry for interrupting you.

3 AUDREY SMALTZ: —jammed and honeyed
4 in Harlem.

5 CHAIRPERSON FELDER: I'm sorry for
6 interrupting you. But you have to mention your
7 name for the record.

8 AUDREY SMALTZ: I'm going to get to
9 that now.

10 CHAIRPERSON FELDER: Oh, thank you.

11 AUDREY SMALTZ: Audrey Smaltz, S-M-
12 A-L-T-Z. And I urge City Council—I want you to
13 know that I am supporting the extension of term
14 limits.

15 Mayor Michael Rubens Bloomberg has
16 been an exceptional mayor. And I have been
17 through a lot of mayors of this City of New York.
18 I have my own business. In fact, I have been in
19 business for 31 years. I am in the fashion
20 business. And my business is doing better than
21 ever. And it's partly because the way he runs
22 this city as a small business owner.

23 I'd like you to consider extending
24 the limits. It's only from two years a term to
25 three years—eight years to 12 years. We're not

2 asking for a life term. Someone mentioned being a
3 king. Please extend. And I say it humbly.
4 Extend the limits from two years to three years.

5 Mike Bloomberg is an exceptional
6 mayor. Thank you, Audrey Smaltz.

7 CHAIRPERSON FELDER: Thank you.
8 Next witness, please.

9 AMY CHIN: Thank you to the City
10 Council for boldly considering the extension of
11 term limits. My name is Amy Chin. I am a
12 lifelong New Yorker for somewhat less than 71
13 years. I grew up in the Bronx actually during the
14 years when the Bronx was burning. I want to say
15 that the city is so much better than when I was a
16 child.

17 I have been voting in virtually
18 every election, both general and primary since the
19 age of 18. In fact, I twice voted in support of
20 the referendum for term limits. And while I still
21 believe in the merit of term limits, I must admit
22 that in supporting term limits, I did not
23 thoroughly think about whether one term, two
24 terms, three terms, four terms would be
25 appropriate. So I am now of the opinion that it

1
2 is important to extend term limits to three terms.

3 We are in the middle of a major
4 global economic crisis whose epicenter is right
5 here in New York City's financial community. New
6 Yorkers need to regain the right to vote for and
7 retain experienced leaders, like some of the
8 current city council members, Mayor Bloomberg, and
9 other currently term-limited officials.

10 So I urge the City Council to give
11 voters the opportunity in November of 2009 to vote
12 either for or against a third term for Mayor
13 Bloomberg or for other term-limited officials.

14 People of New York City deserve to
15 have a choice in this critical time. I have been
16 a civil servant in local and federal government.
17 I've worked in private business. I have run
18 nonprofit organizations. And I have volunteered
19 for charities. I know first hand the level of
20 upheaval and turmoil and inefficiencies that can
21 occur in any change of administration.

22 If your house is on fire, you do
23 not want the firefighters to stop fighting the
24 flames and tell you, "Sorry. My shift is over.
25 Give me a moment to brief the next shift. And

1 then we'll continue." I fully support the
 2 proposal of the City Council to amend the extended
 3 term limits from two years to three years. Let's
 4 do it quickly, efficiently, and then get on with
 5 the business of putting out the fires that
 6 threaten our city. Thank you for your serious
 7 consideration of this very important matter.
 8

9 CHAIRPERSON FELDER: Thank you.

10 Next witness, please?

11 RONNIE COLANGELO: Hi. My name is
 12 Ronnie Colangelo. I am also from the Bronx - - .
 13 And you have the patience of Job, sir.

14 In the history of this nation,
 15 there have been many great documents that
 16 guarantee the liberties and freedoms of our
 17 people. The one I like the best is the one that
 18 starts with "We the people." It does not say the
 19 select few. It does not say the rich, the
 20 powerful, the billionaires. It says, "We the
 21 people."

22 Twice the people have spoken and
 23 voted for a voter referendum that would limit term
 24 limits. And the choice of the people cannot be
 25 ignored. Not one person or group of people should

1
2 be allowed to sit in back rooms and force their
3 agenda and make deals to change the voters' will
4 and expect the people to sit around and allow it
5 to happen.

6 As Wall Street crumbles and the
7 economy becomes the news of the day, we are told
8 that only one man can save this city, to drag us
9 back from ruin. I know many of you were here at
10 9/11. And we heard the same thing about the Mayor
11 at that time. And that was also proven to be
12 incorrect.

13 It's time for the City Council to
14 stand up and say they won't let a few billionaires
15 that have lined up to support this back room deal
16 to run this city. And remember, it's we the
17 people that run the city, the voters.

18 I know it's hard for you to try to
19 stand up to a man like him when you have him
20 saying that—where am I? He comes and he knocks on
21 your door and promises that he will take care of
22 you. And if not, he threatens you with millions
23 of dollars against your opponent so he will have
24 his way. It's time for the people of this city to
25 know that it is our city.

2 So I beg and implore those today
3 that have a choice and a voice to do the correct
4 thing and follow the referendum and not change the
5 term limit law. For it's we the people you'll
6 have to deal with and your consciences.

7 CHAIRPERSON FELDER: Thank you.
8 Next witness, please, please?

9 ELOISE GREENBERG: Good afternoon.
10 My name is Eloise Greenberg, President of Brooklyn
11 Vision, resident of Brooklyn, and an enthusiastic
12 New Yorker. Brooklyn Vision strongly believes in
13 listening to and respecting the voice of the
14 people. The people have spoken on two occasions.
15 And the bottom line only way to change term limits
16 is by the people's vote and at this point to
17 adhere to the present law of two terms.

18 I understand that the City Council
19 is bound by its own charter to not pass any ruling
20 that benefits the council. I call on the
21 council's integrity and honor to respect your own
22 charter and to honor the standing two term rule.

23 CHAIRPERSON FELDER: Thank you very
24 much. I'd ask you to remain. First we have a few
25 questions. Council member De Blasio.

2 COUNCIL MEMBER DE BLASIO: Thank
3 you Mr. Chairman.

4 CHAIRPERSON FELDER: And if could
5 ask you to please direct the question to one of
6 the witnesses.

7 COUNCIL MEMBER DE BLASIO: The
8 gentleman whose name, I'm sorry we met earlier, I
9 didn't get your name.

10 RONNIE COLANGELO: [off mic]

11 COUNCIL MEMBER DE BLASIO: Thank
12 you. Mr. Chair, I have a specific question about
13 his 9/11 reference but I just want to make a point
14 that we had a lot of folks who were here and got
15 called but obviously could not stay until for
16 hours and hours until when they were called. We
17 had people who couldn't get in earlier. I think
18 it makes the point that we really deserve to have
19 more hearings because a lot of people who want to
20 get heard couldn't be and this is just the folks
21 who could come down to city hall, there's
22 obviously many, many thousands of people beyond
23 that who feel strongly and didn't have the
24 opportunity to come to city hall. So I hope we
25 will have more hearings and I hope we will make

1
2 sure this time people get to come in the building.
3 Your chairman ship today has been exemplary, but
4 security did not allow people in the building who
5 wanted to come here to speak, and that's a
6 problem. Sir, the 9/11 point you made; in your
7 view was that not a more intense more
8 unpredictable crisis than what we face now. I'm
9 not saying what we face now isn't real, I'm saying
10 was that not even more unpredictable and do you
11 not feel like the people thought and then said
12 keeping the election consistent, keeping our
13 democracy consistent was the most important thing,
14 even if they appreciated that moment and they did;
15 many people the leader that we happened to have.

16 RONNIE COLANGELO: Well their
17 actions were to try to destroy the way the country
18 was run and that's what their goal was; to cause a
19 problem and watch our; what would our politicians
20 do? And when we stayed the course and said "this
21 is how our country is run and this is how it
22 should be." And didn't change anything, it was
23 almost like saying "you can do what you want, but
24 we're going to stay the way we are, and we're
25 going to make things right the way they are and

2 we're not going to change because you've done
3 something to try to force us to change." And
4 that's the thing, you can't let; anything can
5 happen in a year from now in this country and you
6 can't just all of the sudden decide that, well,
7 we've got to change it now 'cause something
8 happened. Once you start changing things due to
9 circumstances you don't have a consistency, you
10 have, like "oh let's do this, let's do that, let's
11 do this." You have to stay in line and follow the
12 procedures that you have set in law.

13 COUNCIL MEMBER DE BLASIO: A
14 government of law is not of men and women on one
15 level.

16 RONNIE COLANGELO: Well if --

17 CHAIRPERSON FELDER: [Interposing]
18 Council member James.

19 COUNCIL MEMBER DE BLASIO: Thank
20 you. Thank you Mr. Chair.

21 COUNCIL MEMBER JAMES: Thank you.
22 To the young woman from East New York, do you
23 support a voter referendum to extend term limits
24 for just the mayor and not the city council or?

25 [Pause]

2 FEMALE VOICE: Actually, I don't
3 believe in term limits at all. I believe if
4 someone is doing a good job they should stay.

5 COUNCIL MEMBER JAMES: Okay.

6 FEMALE VOICE: And if they are not
7 doing a good job, you should cut their limits in
8 half.

9 COUNCIL MEMBER JAMES: Okay, and
10 are you aware that some of the good things that
11 are happening in east New York are due to the
12 local city council person, particularly the parks
13 and some of the schools and streetscapes and
14 things like that? Do you know that often times
15 things in local districts are provided to you not
16 by the mayor of the city of New York, but by the
17 city council member and that happens to be Charles
18 Barren.

19 FEMALE VOICE: Uh huh.

20 COUNCIL MEMBER JAMES: Are you
21 aware of that?

22 FEMALE VOICE: I know Charles
23 Barron and I also know, I don't remember, Dilan --

24 COUNCIL MEMBER JAMES:
25 [Interposing] Okay, so you gave a lot of credit to

1
2 the mayor of the city of New York and do you also
3 credit the work that council member Barren and
4 council member Dilan have done?

5 FEMALE VOICE: Yes, he has done
6 some good, he has done some good things, but I am
7 here to talk about the mayor.

8 COUNCIL MEMBER JAMES: And do you
9 think that we should ignore the will of the people
10 by the city council doing this legislatively as
11 opposed to hearing from the people? Wouldn't you
12 rather vote in an election?

13 FEMALE VOICE: Either way all I
14 want is to see the mayor's term extended.

15 COUNCIL MEMBER JAMES: And you can
16 have that with a referendum, are you aware of
17 that?

18 FEMALE VOICE: That's fine, thank
19 you.

20 CHAIRPERSON FELDER: Alright, that
21 was four questions. Council member Liu.

22 COUNCIL MEMBER LIU: Thank you Mr.
23 Chairman. I really appreciate everybody staying
24 so late and giving your two cents, it does help us
25 all in this process. I just wanted to, and this

question is directed for those of you who are in favor of the extension --

CHAIRPERSON FELDER: [Interposing]
Councilman, can you direct the question to one witness please? There are a lot of people --

COUNCIL MEMBER LIU: [Interposing]
Just one?

CHAIRPERSON FELDER: Yes, one.

COUNCIL MEMBER LIU: How about two?

[Laughter]

COUNCIL MEMBER LIU: How about --

CHAIRPERSON FELDER: [Interposing]
How about --

COUNCIL MEMBER LIU: That would have to be Ms. Audrey Smaltz, S-M-A-L-T-Z.

[Laughter]

AUDREY SMALTZ: Thank you Mr. Liu.
L-I-U.

COUNCIL MEMBER LIU: Yeah. Okay. I understand that you love mayor Bloomberg.

AUDREY SMALTZ: Yes, I do.

COUNCIL MEMBER LIU: And I understand that you think three terms makes sense.

AUDREY SMALTZ: It does make sense

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because it's still a limited term.

COUNCIL MEMBER LIU: Right.

AUDREY SMALTZ: Three years as opposed to two years.

COUNCIL MEMBER LIU: Right.

AUDREY SMALTZ: There's not a large difference. --

COUNCIL MEMBER LIU: [Interposing] but I agree with, I agree with --

AUDREY SMALTZ: [Interposing] There's not a large difference.

COUNCIL MEMBER LIU: [Interposing] I agree with both of your points.

AUDREY SMALTZ: Thank you.

COUNCIL MEMBER LIU: The thing that I don't agree with, and I'm wondering if maybe you'll agree with me on this, is how we get there. Do you think we should just have the city council, which could be as little as maybe a couple dozen people, just change the results of a referendum that hundreds of thousands of people voted on twice? Or should we call for a special referendum and let New Yorkers take a vote on it? It could happen as early as February and then after that,

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2 which I think is the right way to do it, then
3 people could vote for mayor Bloomberg if he
4 decides to run after that. And you could have
5 your mayor back if he wins the election. Do you
6 think that we should just go ahead and vote on
7 this bill now and pass it with potentially a
8 couple dozen people in the city council, or do you
9 think we should go ahead with another competing
10 bill and set up the referendum in February so that
11 all the people could get a chance to see if they
12 think the rules should be changed and then at that
13 point --

14 CHAIRPERSON FELDER: [Interposing] I
15 would let her answer the question.

16 COUNCIL MEMBER LIU: Alright, thank
17 you, thank you Mr. Chair.

18 AUDREY SMALTZ: Well that sounds
19 reasonable. But I need to know more facts. Will
20 he be allowed to run a third term, because I do
21 want the extension term limit and you're saying
22 that in February, if there is a referendum, and we
23 vote on this as a city, whether we want to extend
24 it or not extend it.

25 COUNCIL MEMBER LIU: That's correct.

2 AUDREY SMALTZ: Is that what you're
3 saying?

4 COUNCIL MEMBER LIU: Because I'm in
5 agreement with you, see I don't support extending
6 it like this, but I --

7 CHAIRPERSON FELDER: [Interposing]
8 Alright, okay, Councilman Liu, I think that we got
9 it the first two times.

10 COUNCIL MEMBER LIU: Okay.

11 CHAIRPERSON FELDER: I want to
12 thank this panel --

13 COUNCIL MEMBER JAMES:
14 [Interposing] - - to say to Ms. Smaltz. She's
15 famous and she opened up the doors for a lot of
16 African American women, she defined beauty and I
17 just wanted to recognize her, and thank you.

18 AUDREY SMALTZ: Thank you.

19 [Applause]

20 AUDREY SMALTZ: Thank you, Ms.
21 James.

22 CHAIRPERSON FELDER: You can clap
23 as long as it has nothing to do with term limits.

24 [Laughter]

25 AUDREY SMALTZ: That's right.

2 CHAIRPERSON FELDER: Okay. Next
3 panel we have Peter Jolia, are you here? Raise
4 your hand please. Peter, Jose Monterasa.

5 MALE VOICE: - - can you please get
6 this lady out of here before there's an incident?

7 [Pause]

8 [Crosstalk]

9 CHAIRPERSON FELDER: Excuse me.

10 [Knocking]

11 CHAIRPERSON FELDER: Nick. Dwayne
12 Snowtea?

13 [Crosstalk]

14 CHAIRPERSON FELDER: Jock Wari? I
15 don't know if that is correct. Lisa Hendrikson?
16 Doris Mitchell? Doris are you here? Cathleen M.
17 Casey, are you here? Cathleen raise your hand,
18 please come up. Karen Atlas? Karen Atlas?

19 MALE VOICE: Jose Richard.

20 CHAIRPERSON FELDER: Jose Richards?
21 Jose Richards?

22 MALE VOICE: Roxanne Delgado.

23 CHAIRPERSON FELDER: Roxanne
24 Delgado? Roxanne Delgado, please come up. And how
25 many do we have? Eight, eight. No, she's coming

up. Okay.

[Pause]

CHAIRPERSON FELDER: Do you have a microphone? We'll start from my right, please. Identify yourself, please keep your testimony to two minutes.

LISA HENDRICKSON: Yes.

CHAIRPERSON FELDER: Go ahead.

LISA HENDRICKSON: Hi, good evening everyone, my name is Lisa Hendrickson and my husband, Felix, and I own a company in the south Bronx. We've been in the south Bronx for about five years. We started a small company and thankfully we've been able to grow and employ a number of people from our local south Bronx community. Part of our personal believe is about keeping the money in the community and participating with our community. We're known as a neighborhood business and that's something that we really appreciate. We've been able to train our workers - - and leadership that many people in this city have provided for us. It would be a shame for us and our workers, again many of whom are from our own community, to not have the option

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2 of being able to express their own opinion where
3 it counts and that they happen to believe that
4 we're all here doing a good job. Small businesses
5 are there day in and day out and we're the working
6 spine of the economy. We need to have leadership
7 that understands a small business community and I
8 believe that mayor Bloomberg and many of the
9 members of this very body know what small business
10 owners face. I grew up in Albuquerque, New
11 Mexico, but I picked New York City to build my
12 company and in a lot less complicated place, I
13 believe that there may be a less complicated
14 solution for the current situations. A special
15 place needs special rules and in these
16 extraordinary times I think that we need to extend
17 these rules. I believe unprecedented times calls
18 for unprecedented measures. I urge the council to
19 support this legislation. We know that we'll be
20 facing difficult times soon and that we'd like to
21 be afforded the opportunity to be able to choose
22 between all of our available options.

23 CHAIRPERSON FELDER: Thank you.

24 I'm going to change the order a little bit,
25 because we want to make sure the ratings stay high

for the hearings.

[Laughter]

CHAIRPERSON FELDER: I'm going to ask the woman on the left to testify.

ROXANNE DELGADO: Hello. Roxanne Delgado. As a female and as a minority, this really scares me. [Pause] Sure. Okay. As a female and as a minority, this really scares me that a few politicians can benefit themselves by overturning the will of the people. It hasn't been that long ago that women and people of color were not allowed or permitted to vote and I hold this right very sacred to my heart. So it's very upsetting that there is only two hearings and these hearings are not held throughout the city. Fat government is ignoring the peoples will and the cost of ignoring the peoples will is very high. Right now we have registered very new, young voters whose interest had grown due to this political presidential arena and I believe that this self serving policy will only disinterest a lot of new voters from participating in the city government. Also, I don't trust a few members of the city council members like Miguel Martinez,

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2 who'd funded a lot of money to sisters non profit
3 org, or to Christine Quinn regarding her slush
4 funds and also regarding her \$600 an hour attorney
5 on tax payers expenses. So, I'd rather trust the
6 voice of the people and not the city council's.
7 Thank you.

8 CHAIRPERSON FELDER: Thank you.

9 Back to the right.

10 PETER GOLIA: Good evening, my name
11 is Peter Golia and I thank you for having me here.
12 I own a small real estate business and work with
13 individuals in northern Manhattan. Ladies and
14 gentlemen, times are getting tough. We need to
15 have the opportunity to have consistent
16 leadership. I support extending term limits
17 because the current economic crisis. This new law
18 will allow mayor, controller, public advocate and
19 other elected officials to continue working hard
20 for the city of New York and our residence. Mr.
21 Bloomberg and his administration and many members
22 of his council and local elected officials did a
23 phenomenal job helping the city recover after
24 9/11. They did it after 9/11. I believe given
25 the opportunity they would do it again. Our city

2 is dealing with a major economic crisis. We need
3 experienced independent leaders steering our city
4 in the right direction. I believe given the
5 option, it is better than to take it away. Thank
6 you.

7 CHAIRPERSON FELDER: Thank you.

8 Witness, please, on the left.

9 KATHY CASEY: The clock is ready on
10 47. Okay. Kathy Casey. One, more than 2/3 of you
11 city council members are guilty of lying that
12 there is not time for a referendum and are trying
13 to destroy even somnolence of representative
14 democracy. Two, your arrogance is unsurpassed in
15 claiming that there are not even 35 people in all
16 of New York City who could serve as well as you or
17 better on the city council. Three, in incumbent
18 council members, including slime like Recchia,
19 will have the money and support from democratic
20 party county bosses and political clubs. --

21 CHAIRPERSON FELDER: [Interposing]

22 Excuse me, ma'am, ma'am? Ma'am, excuse --

23 KATHY CASEY: [Interposing] To
24 defeat any challenger --

25 CHAIRPERSON FELDER: [Interposing]

1

2 Ma'am?

3 KATHY CASEY: I'm waiting for you
4 to say something besides excuse me.

5 CHAIRPERSON FELDER: Well, I know.
6 I'm going to allow you to say whatever you want,
7 but you are not going to insult anyone here.
8 Okay? Now, I will give you the extra 47 seconds, I
9 promise you, but you are going to have to testify
10 in a respectful way.

11 KATHY CASEY: Will have the money
12 and support form democratic county bosses and
13 political clubs to defeat any challenger. The
14 candidate selection process is an undemocratic
15 insider deal so voters have little true choice.
16 Four, it is a lie that New York City's mayor or
17 council members can do anything to relieve people
18 of the burden of the economic disasters. They
19 merely can decide who gets the remaining crumbs.
20 4 ½, I already told some council members early in
21 September that I will oppose each of you for any
22 elective office because not one of you said a word
23 about our central libraries in Manhattan being
24 stolen when 2/3 of their budget comes from the New
25 York City budget from the tax payers. Five, by

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2 threatening to pass intro 845 you are forcing New
3 Yorkers to struggle against this disgusting power
4 grab in the last weeks before the US presidential
5 election, which is our only chance to elect
6 someone who actually will have the power to help
7 us out of the world wide economic crisis. Six,
8 council members are supporting the Bloomberg and
9 Quinn power grab because when Hillary did not
10 become the democratic parties candidate for
11 president they lost their chance to move up in the
12 game of musical chairs played by democratic party
13 politicians in New York City. Seven, the vast
14 majority of city council members are so far in
15 Christine Quinn's pocket that not even the tip of
16 a nostril can be seen peeking out.

17 [Applause]

18 CHAIRPERSON FELDER: We get back to
19 the council member James clapping. Next witness,
20 on the right, please.

21 [Pause]

22 DWAYNE SNOWTEA: Hello, Chairmen
23 Felder, members of the New York City council, my
24 name is Dwayne Snowtea, good evening. I want to
25 thank you first for having me here today to

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2 testify as a concerned business owner. I live in
3 New York, this great city for many years now and
4 have had the opportunity to own my own business up
5 in Harlem for the past two years. I love serving
6 the people of my community and the best way I know
7 how is to open my door to them and see my
8 neighbors gather in my place of business, and
9 friends and family. I donate to the community and
10 I'm proud to have invested in the character of
11 that community. Mayer Bloomberg has been very
12 successful in turning this city around. We
13 concerned citizens need to make sure Mr.
14 Bloomberg, as the members of the body, have a
15 chance to continue to apply their experience to
16 municipal government, so that we can have the same
17 success we've had in other area of concern. We can
18 not let this present fiscal problem put us at risk
19 and stop the progress we've made in our
20 communities. I would like to at least have the
21 opportunity to vote for our mayor again so he can
22 continue to secure and protect our businesses,
23 schools and communities. Thank you very much.

24 CHAIRPERSON FELDER: Thanks you.

25 Next witness on the left, please.

[Crosstalk]

DORIS MITCHELL: My name is Doris Mitchell and I'm one of the ones that Bloomberg turned his back on. I'm getting ready to be evicted from my place in a New York City housing authority. I say no to a third term. Also, because of Bloomberg's money I don't feel it's right that he can buy my vote or anyone else's vote in New York City. We are the people, we control the city, and it's up to us to decide no to a third term.

CHAIRPERSON FELDER: Thank you. Next witness on the right, please.

JOSE RICHARDS: Thank you very much, my name is Jose, I work for several contracting companies and I'm very proud that I work on my own business right now. I want to thank all for mayor Bloomberg, for the hard work that he out put to make this city what it is. At this time it's hard to get work so I can keep my employees working so they can feed their families. I'm asking the city council to please support this law so we can have another chance to have Mr. Bloomberg and the members of his body run New York

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2 City. He has helped us to keep crime down and
3 make this city a better place to live. He has
4 helped the school system get better and protect
5 the future of our kids. I'm in favor of this
6 sanction and this will give a business owner the
7 chance to get over the hard times we are dealing
8 to face. Thank you very much.

9 CHAIRPERSON FELDER: Thank you.

10 Final witness?

11 SHAR COARI: Hello, my name is Shar
12 Coari. Ladies and gentleman of the council, it is
13 an honor to be here today, I want to thank the
14 city council for allowing me to voice my opinion
15 as this committee considers the import issue of
16 the extension of the term limits. I own to small
17 restaurants in New York City. As a small business
18 owner my funds are limited, and therefore I try to
19 hire the best talent in order to provide quality
20 service that will help my business grow. Small
21 business such as mine add character to New York
22 City neighborhoods. I believe we should have a
23 choice to continue to choose leaders that are best
24 fit, capable and willing to take on the foreseen
25 challenges that face the neighborhood we invest

1
 2 in. All of the other small business owners can
 3 tell you we know how to take risks, we have to in
 4 order to be in the restaurant business. Sometimes
 5 you have to go with your gut. We have risky times
 6 ahead, ladies and gentlemen, and we need to have
 7 the opportunity to go with what we know. In
 8 closing, I truly feel if an elected official is
 9 doing a great job by taking care of his or hers
 10 responsibilities, then the people should have the
 11 right to re elect that person. Your support of
 12 the term limit extension will give the public more
 13 of an option when we go into the voting booth.
 14 Thank you.

15 CHAIRPERSON FELDER: Thank you to
 16 this panel and I appreciate your coming and
 17 waiting. Next panel: Jim Ferrat, Jim are you
 18 here? Raise your hand, please. Jim? Okay, he's
 19 coming back. Is that a religious thing?

20 [Off mic]

21 CHAIRPERSON FELDER: Alright. Lila
 22 Sing? Please come up. Thank you. William Cunts?
 23 William Cunts? Are you here? Raise your hand.
 24 Okay, Barbara Roth? Barbara? Barbara Roth?
 25 Eurfon Sayid? You're here? Please come up.

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2 Shelly Appell? Shelly? Raise your hand if you're
3 here, please. David Longshore? David Longshore,
4 please come up. Manuel Lebron? Are you here?
5 Manuel Labron? Is that you? Please come up, have
6 a seat. Ann Nunan? Ann Nunan, raise your hand
7 when I call your name please. Yeah, Charles
8 Sidamen? Dr. Perlah Tate? Please come up.
9 George Delace? Is George Delace here? No. James
10 Wong? James Wong, raise your hand, please.
11 Mohammad Razvi? Okay, we have a full panel.
12 Okay, we'll start from the right. Ma'am, please
13 identify yourself, and again, may I remind you
14 that although it's about 9:30 we're still having a
15 hearing that relates to term limits. So if people
16 can please try to focus their testimony on that,
17 it would be greatly appreciated.

18 LILA SING: Good evening everyone,
19 my name is Lila Sing. I've lived in New York City
20 for 42 years and of course a registered voter.
21 The purpose of my coming here this evening is to
22 voice my opinion about term limits, extension of
23 term limits. I'm utterly opposed to it. Mayer
24 Bloomberg and his cronies are attempting to change
25 the term limits and it is, frankly speaking, quite

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2 wrong. It's not only an outrage but, frankly
3 speaking, it's obscene. Furthermore I request
4 that the powers that be, meaning elected public
5 servants, to not under estimate the collective
6 power and strength of the voters of New York City.
7 Thank you very much.

8 CHAIRPERSON FELDER: Thank you.

9 Now we go to the left.

10 MOHAMMAD RAZVI: Good evening, my
11 name is Mohammad Razvi. I'm a prominent leader in
12 the Muslim community here in New York. I'm here
13 to encourage you to extend the term limits through
14 intro number 845A. In the current economic crisis
15 that we do have we have to maintain our stability
16 and yes, after 9/11 many things happened and we
17 were unsure. At that time we had already had the
18 elections. At this moment, we can take a step
19 first and prevent anything from happening. Many
20 argued that this is undemocratic, but I disagree.
21 I believe it's about giving the voters more
22 choices and seeing what they really want to do.
23 Yes, there are arguments against, that this is
24 about personal interest and so forth, but I think
25 we have to take a chance and let the voters make

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2 those choices. I believe we deserve a chance to
3 vote for the person we feel has the best financial
4 management skills to help our city through these
5 tough times ahead. Thank you for your time.

6 CHAIRPERSON FELDER: Thank you.
7 Witness on the right.

8 EURON SAYID: Thank you council
9 man, council members, committee members and chair
10 Felder. My name is Euron Sayid, I'm going to keep
11 my comments brief. I'm a real estate developer.
12 We have the largest green real estate development
13 in the northeastern United States. But I'm not
14 here to talk about the mayors green initiatives
15 and what he's done, I'm also not going to speak
16 about how popular this mayor is in our community,
17 the Muslim community or New York City, I'm going
18 to speak as a private citizen, very briefly, and I
19 urge all of you to support this bill. We are, not
20 to bore all of you, I apologize I don't have any
21 prepared comments, I've been very busy, just to
22 touch on what the others said earlier tonight.
23 You have to understand this really is the
24 epicenter of the world financial markets and with
25 the increasing volatility that we're facing right

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2 now this is not the time, it never should be the
3 time and it never will be the time, but this
4 especially is not the time to come here, like some
5 kind of partisan hacks, on the left or on the
6 right, again this mayor's independent, accuse of
7 anyone of having cronies or of backing some kind
8 of personal agenda or trying to make themselves
9 some kind of a king. This is about a simple
10 democratic process and I urge all of you to think
11 very honestly and carefully about this bill and
12 what refusing the will of the people in supporting
13 this bill will mean for the next election and
14 you're all up for re election and we'll remember
15 whether or not you support this. I strongly urge
16 all of you to support this bill.

17 CHAIRPERSON FELDER: Thank you,
18 next witness on the left, please.

19 PERLA TATE: Good evening, thank
20 you for allowing me to have this enormous pleasure
21 of directing my views to the city council. I am
22 here strongly --

23 CHAIRPERSON FELDER: [Interposing]
24 What's your name?

25 PERLA TATE: My name is Dr. Perla

1
2 Tate, I'm a gynecologist and I'm an immigrant who
3 came into this country looking for what we have;
4 democracy. I strongly agreed with the extension
5 of the referendum and I really feel that Mr.
6 Bloomberg should have the chance of four more
7 years. I have a practice in a very underserved
8 area in far Rockaway. Far Rockaway has been like
9 a forgotten child and Mr. Bloomberg has been the
10 only one that I can recall in the last 38 years
11 that I've been in far Rockaway that have actually
12 visited us and looked at our needs. One of my
13 main concerns in the far Rockaway peninsula is the
14 amount of patients that have no medical coverage.
15 The main attention that I have to phase is the
16 fact of pregnant patients that come into the
17 office without any type of medical insurance. I
18 think that child abuse starts from the moment of
19 conception when we don't give this mother the
20 right vitamins and the right care. I am very
21 honored and happy to see that because of Mr.
22 Bloomberg we have every single pregnant lady in
23 our practice covered, either by Medicare; I'm
24 sorry, Medicaid or any of the HMO's that are
25 Medicaid assisted. Which I'm very happy to see

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2 because of that care, our babies, that are
3 American babies, are healthy and we have to try to
4 build a healthy child from the moment that the
5 mother gets pregnant. I strongly agree and I am
6 definitely for the extension of the four years of
7 Mr. Bloomberg. I think the people of New York
8 should have the chance to vote for Mr. Bloomberg.

9 --

10 CHAIRPERSON FELDER: [Interposing]
11 Okay, okay. Thank you.

12 PERLA TATE: Thank you.

13 CHAIRPERSON FELDER: Next witness,
14 on the right, please.

15 DAVID LONGSHORE: Good evening, my
16 name is David Longshore and I'm from the peoples
17 republic of the upper west side.

18 [Laughter]

19 DAVID LONGSHORE: I'd like you to
20 know, Inez [Phonetic], that I will be supporting
21 you for reelection, thank you. I am here to add
22 my support to this legislation, although I do come
23 to you as a convert. When I first heard that this
24 bill was proposed, I ardently opposed it. But
25 when I realized that it was an extension of term

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2 limits as opposed to an overturning of term
3 limits, and looking at the leadership that has
4 been exhibited by Mr. Bloomberg and in particular,
5 by the members of this city council, as a gay New
6 Yorker, I feel it very, very important that we
7 continue to turn this city and to keep this city
8 as a beacon of liberty for the rest of the world.
9 New York is the city of everyone. We are looked
10 to as an example, not for our money, not for our
11 wealth, not for our prosperity, but for the
12 example we send forward as a crucible of liberty.
13 I feel in this instance that as a non native New
14 Yorker, I came here because as a gay New Yorker, I
15 could be a gay New Yorker. As a consequence I
16 want to make sure that we keep New York City free,
17 safe and prosperous and with strong leadership.
18 Thank you very much.

19 CHAIRPERSON FELDER: Thank you.

20 Next witness on the left, please.

21 CHARLES SIDEMAN: Hello, I'm Charles
22 Sideman. I bring you greetings from Brooklyn. To
23 those members of the council that have decided
24 that the voice of the people, by their votes, to
25 install and keep term limits is important, I thank

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2 you for upholding true democratic principles.
3 This is more noteworthy because as a result some
4 of you, these same people, will be ineligible to
5 run. So it tells me that you are speaking from
6 the heart. You are to be commended for putting our
7 laws in a position of primacy. I was in Virginia
8 last week, and as people tend to do while away, I
9 struck up a conversation with a resident. Upon
10 finding out I was from New York City the question
11 asked of me was if the mayor, and by extension
12 this council, understand exactly what is meant by
13 democracy. I had nothing to say except what is
14 going on in the city. When the city had it's
15 financial crisis in the mid 70's we survived.
16 Laws were not changed to benefit those that
17 governed, and when the terrorists brought down the
18 world trade center the idea was floated to
19 postpone elections or to help with the
20 transitioning. That too was roundly defeated.
21 Now we're being asked to accept a change in the
22 term law that will benefit those presently in
23 power. I have no problem with term limits either
24 way. I have a problem with the way this is being
25 done. This is wrong on very many levels. This is

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2 a multi generational enterprise, New York City is,
3 coming around 400 years, and not one person is in
4 dispensable. If one of us falls, someone else
5 will take their place and I really mean that.
6 Congestion pricing, the Olympics, all of these
7 things came with a time limit and I'm wondering
8 why this council, and by the way seriously, you
9 guys are doing a great job, because you're here
10 way past anything else, and I thank you for that.
11 I'm wondering why we're stuck with this time
12 limited thing? If we're going to do away with it
13 by the election, we have plenty of time for that.
14 We don't have to work in two or three days. Can I
15 finish a couple of sentences?

16 CHAIRPERSON FELDER: Well you did
17 compliment us.

18 [Laughter]

19 CHARLES SIDEMAN: Thank you. I
20 appreciate that.

21 CHAIRPERSON FELDER: But I have to
22 be consistent, so you'll have to wrap it up.

23 CHARLES SIDEMAN: Okay. This city
24 will still be around long after these
25 deliberations are forgotten and the testimony is

dust, I really think that you should return the power that comes from the people to the people. You want to do away with term limits, fine, do a referendum, but it should not be done in this room. I thank you all, and I wish you a goodnight.

[Applause]

CHAIRPERSON FELDER: Next witness on the right, please.

MANUEL LEBRON: Good evening, Mr. Chairman. Manuel Lebron, long time resident of the Bronx. I consider it beneficial for all New Yorkers to support he extension of term limits. The term limit will allow Mayor Michael Bloomberg four more years of our city executive leader and head of New York City's municipal government. Mayor Bloomberg has done positive work in the area of economic development which in turn has reflected positively in area of economic for Hispanic neighborhoods. In these challenging economic times a term turn would allow mayor Bloomberg to continue his leadership for betterment of all New Yorkers. Bloomberg and his economic development programs have places emphasis on strong economic structures and businesses for

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2 Hispanic and other so called minority groups.
3 This reflects positively on the economy,
4 especially in the most needed neighborhoods, which
5 I have spent over 30 years creating jobs. Anyone
6 sitting in here that has created jobs, you know
7 what I mean. Business men and women will show
8 solidarity with the candidacy of mayor Bloomberg
9 for a third term period. This would allow the
10 city continuity of the economic development
11 process launch by mayor Bloomberg. For all these
12 reasons I support a third term limit, and I agree
13 with some council members, it should be taken to a
14 referendum, but you know what? The same way you
15 want to take it to a referendum, you should take
16 the referendum every time you want to raise your
17 salaries and let we the people decide what should
18 be your salary. Thank you very much.

19 CHAIRPERSON FELDER: Thank you, and
20 the final witness on this panel?

21 ANN NUNAN: My name is Ann Nunan
22 and I reside in the Riverdale section of the
23 Bronx. I've lived in the Bronx for my entire
24 life. I've lived in a democracy for my entire
25 life and like many Americans and many New Yorkers

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2 I value my right to vote and the right for my vote
3 to matter. Mayor Bloomberg's grab for power to
4 extend his term in office is an ego trip that this
5 city can not afford. We voted two times for term
6 limits. Mayor Bloomberg has no right to take it
7 from us. Neither do any members of the city
8 council. I am sad that council member Oliver
9 Copell, who is supposed to represent the council
10 district where I reside, has championed an
11 undemocratic process of ramming a bill through the
12 city council to change a law that we the voters
13 voted for twice. Clearly, Mr. Copell does not
14 respect the democratic processes and it is my
15 fervent hope that he is never entrusted with
16 public office again. I value the democratic
17 system and believe that it is our civic duty to be
18 ever vigilant and appreciate the efforts of all
19 who worked to ensure people the right to be heard
20 here today. However, it remains a disgrace that
21 the New York City council is only permitting two
22 days for a hearing about the very future of our
23 city's democracy. I will not say goodbye to
24 democracy, but I hope to say goodbye to mayor
25 Bloomberg and any elected officials who do not

2 defend out democracy and defiantly vote against
3 the will of the people. Thank you.

4 CHAIRPERSON FELDER: Thank you.

5 Council member Vallone?

6 COUNCIL MEMBER VALLONE: Thank you
7 Mr. Chair. I was accosted outside by two ladies
8 that had been here for eight hours and hadn't
9 testified yet, so I told them to send a letter to
10 - - Felder. F-E-L-D-E-R. But I do want to say that
11 first of all --

12 [Pause]

13 CHAIRPERSON FELDER: As long as you
14 keep talking to them and let them send me the
15 letters. Alright?

16 COUNCIL MEMBER VALLONE: Deal,
17 deal. But I want to thank all of you who wanted
18 now, eight or so hours to testify. This panel
19 also, because it really is a testament to your
20 investment of the democratic process and we look
21 forward to hearing from you. I wanted to thank
22 Mr. Sayid and Mr. Longshore are the only two names
23 I remember. Especially for two well reasoned
24 conjoin arguments on either side of the issue,
25 which did not resort to name calling of any kind.

1
2 It really did make the argument. For those who
3 will still testify; there are some undecided
4 council members up here, like myself, and we all
5 agree, all these council members, that the best
6 thing to do is to extend term limits from eight to
7 12 years. The question we are trying to decide is
8 whether the best way to do that is through
9 legislation or through a referendum on a special
10 election. Neither of those is the best way, we
11 all agree, but that's the hand we've been dealt.
12 So if you stick to that and don't talk to us about
13 who likes Mike Bloomberg, who doesn't like Mike
14 Bloomberg, we don't care, so I don't want you to
15 waste your time when you've been here 8 ½ hours,
16 you could probably vent about anything they want
17 at this point. I would like to hear, we would all
18 like to hear, why, between those two choices, why
19 we should go for one and not the other. So thank
20 you all for waiting around.

21 CHAIRPERSON FELDER: Thank you.

22 Council member James?

23 COUNCIL MEMBER JAMES: Much has
24 been said by the mayor of the city of New York in
25 regards to his support of "minority businesses" in

1
2 the city of New York. As chair of the contracts
3 committee and as someone who has monitored local
4 law 129 to increase opportunities for minorities
5 businesses; Latino and African American business,
6 let me report to you that there was an oversight
7 hearing that my committee held about a month ago
8 and the mayor of the city of New York
9 unfortunately has failed abysmally with regards to
10 minority businesses. In fact, every agency across
11 the board it was 1% compliance and in some cases
12 0% compliance for opportunities for "minority
13 businesses" in the city of New York. So this
14 notion that in fact he has opened up doors for
15 minority businesses is factually incorrect.

16 CHAIRPERSON FELDER: Do you have a
17 question? Okay. Next panel, thank you very much.
18 As I call your names, please raise your hand. John
19 W. Birds, I think? John Birds?

20 MALE VOICE: It's Burns - - .

21 CHAIRPERSON FELDER: Burns, I'm
22 sorry. Is there a John Burns here, please raise
23 your hand.

24 [Off mic]

25 CHAIRPERSON FELDER: He's here?

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2 Excellent. Sebastian Oolanga? Is there a
3 Sebastian Oolanga, please raise your hand. Elaine
4 Wondruck? Michael [Pause] Ukena?

5 [Off mic]

6 CHAIRPERSON FELDER: Jukima.
7 Michael Jukima, I'm sorry. Raise your hand
8 please. Next. [Pause] Mr. X, are you here?

9 [Laughter]

10 [Crosstalk]

11 CHAIRPERSON FELDER: Excellent.
12 Okay, Mark Seymour? Mark Seymour? Craig, can you
13 please be quiet as a call the names so that we
14 know whether somebody's here or not? Craig Trada?
15 Juan Daniels? Juan Daniels? [Pause] Juan, good,
16 thank you. Willie M. Drayson? Roland Rodgers?
17 Roland Rodgers? Arisha Jordan? Arisha Jordan?
18 Good, thank you for waiting. Carmen Astrea?
19 Thank you for waiting. Donato De Jesus? Donato
20 De Jesus? No? Brad Lander?

21 FEMALE VOICE: Brad was in there.

22 CHAIRPERSON FELDER: What? Brad
23 Lander, are you here? What?

24 [Off mic]

25 CHAIRPERSON FELDER: He's gone?

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2 Okay. Hal Wacker? Give me more of them. Sandra
3 Jarmoth? Sanda Jarmoth? Daniel Goldstein? James,
4 I think it says, Vogel? Please, come up and
5 thanks for waiting. Michael D. D. White? Please
6 come up. One more. Leon Dickinson? Leon
7 Dickinson? Not here. David Williams? David
8 Williams? Is David here?

9 [Crosstalk]

10 CHAIRPERSON FELDER: Excellent.

11 Okay, we're going to need one more chair. [Pause]
12 Okay, we'll start from the right. Please identify
13 yourself. Can you give this young man a chair,
14 sergeant at arms? There's a chair right, all the
15 way to the right. Go ahead sir.

16 MALE VOICE: Thank you, good evening
17 chairman Felder and I commend you and the rest of
18 the city council members who are still here as
19 this hearing started some eight, nine hours ago.
20 I've been able to leave and come back, and I thank
21 you. I speak in opposition to propose bill
22 40845A, the Bloomberg Quinn bill to extend the
23 term limits and I speak in favor of the proposed
24 bill 850A, the peoples bill, to require a
25 referendum before any change in the term limits of

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2 the mayor or the city council member or the - -
3 presidents term may occur. Mr. Chair, to allow
4 the majority of the city council to vote in a self
5 dealing manor, for an extension of term limits
6 will demonstrate the moral and legal bankruptcy of
7 those who vote in favor of 845A. To illegally
8 extend term limits by a mere 26 votes, over the
9 heads of 8 million citizens of New York City would
10 be against every principle of democracy our nation
11 is founded upon. The idea that this council and
12 the mayor could eliminate the voice of the people
13 in this rushed process is shocking to the
14 conscience. A few years ago we watched citizens
15 of Baghdad wave purple, painted purple fingers as
16 a symbol of their belief in democracy. Now the
17 Bloomberg Quinn Bill is nothing more than a power
18 grab designed to take away the rights of the
19 voters of New York City. As they march, as the
20 mayor and the speaker march New York into a banana
21 republic this is truly a sad time. For the past
22 six years I have served on community board 7 in
23 Brooklyn. I proudly serve my community by
24 attending monthly board meetings, committee
25 meetings, public hearings such as this, but on a

1 smaller scale, and a variety of community events.
2 I get paid a 0 grand total sum of \$0 for that. I
3 have spend hours away from my family because I do
4 believe it is a citizens duty to be involved. I
5 also believe that our borough president, Marty
6 Markowitz, is the greatest Borough president
7 Brooklyn has ever had. But should Mr. Markowitz
8 be re elected, pursuant to the Bloomberg Quinn
9 bill 845A? I would consider his election and
10 anybody else's re elected under that proceeding to
11 be illegal and illegitimate --
12

13 CHAIRPERSON FELDER: [Interposing]

14 Can you please --

15 MALE VOICE: [Interposing] One
16 second, I'll be summing it up.

17 CHAIRPERSON FELDER: Sure.

18 MALE VOICE: I would urge, if
19 anybody is re elected, without the referendum
20 going to the people, I would urge all of my fellow
21 community board members, not just in Brooklyn, not
22 just the community board 7, but across the city of
23 New York, to resign in protest at this disgraceful
24 trampling of democracy. Thank you, Mr. Chair.

25 CHAIRPERSON FELDER: Thank you.

Next witness, next to you.

MALE VOICE: I'm confused about something. The term limits apply to city council members, Michael Bloomberg, the public advocate; they don't apply to Robert Morgenthau [Phonetic]. AKA Freddy Kruger, how come they don't apply to him? He's been in office since 1975. And I would like to know he - - for years back, but that's another story. They should apply to him too. Why is he an exception to the rule? If they can apply to the city council members, like yourself, Michael Bloomberg, the public advocate, the city comptroller, they should apply, also the - -, they should apply to Morgenthau as well. Since it pertains to all city government and I'm surprised this doesn't apply to the New York State government, the United States government, on those levels you can stay in office as long as you want. This is a double standard. The rule should apply everywhere, not just here in New York City government, but everywhere. As far as term limits go, with or without term limits, if you're doing a good job, you're constituents will elect or re elect you. If you're doing a bad job, they'll

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just dump you off in the east river.

[Laughter]

MALE VOICE: So, to me, I became a registered voter, a democratic voter in 2002, I found out about the term limits as time went by. To me, term limits don't matter. I'll tell you what, you're doing a good job, you should stay in office. If you're doing a bad job, if you're involved in a scandal, like some politicians, then you shouldn't be in office. But if you want to change the term limit law, fine. Let us vote on it. Okay, give us time to vote on it. I know why Michael Bloomberg wants another term, he just wants to --

CHAIRPERSON FELDER: [Interposing]

Okay, can you --

MALE VOICE: -- Just cause more damage.

CHAIRPERSON FELDER: Can you wrap it up?

MALE VOICE: I just wrapped up.

[Laughter]

CHAIRPERSON FELDER: Thank you.

Next witness?

2 [Pause]

3 JUAN DANIELS: Hi my name is Juan
4 Daniels. We're not saying that this referendum is
5 going to make him the mayor automatically, we're
6 just saying that we want to vote on it. That's
7 what this is really all about. Whether you vote
8 for him or not, doesn't matter. So I really think
9 that we should push this forward and have a
10 referendum, because either way he's going to be up
11 for election anyways. All we're asking for is
12 more opportunities for someone to be on a ballot,
13 whether it be him, Ms. Quinn, whoever. Just
14 because we put a referendum in doesn't mean he
15 automatically jumps to being mayor again. It
16 means you get the opportunity to vote for him
17 again if you want to. So I'm in support of having
18 that referendum. Thank you.

19 CHAIRPERSON FELDER: Thank you.

20 Next witness, please?

21 [Pause]

22 ARISHA JORDAN: Good evening, my
23 name is Arisha Jordan. I am a, well obviously a
24 New York City resident, I currently live in far
25 Rockaway Queens and I've heard a lot of things

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2 tonight; a lot of pros a lot of cons, little bit
3 of badgering and I'm not here to do any of that.
4 It's really simple for me. I've also heard a lot
5 of people talk about what they want for everyone
6 and I can really only speak for myself and for me,
7 I would like the choice. For me it's about
8 choice. I would like to be able to choose who I
9 want in office or who I don't want in office. I
10 am in support of the bill and I just feel that,
11 whether again, you choose Bloomberg to go in
12 office or not, that's a choice I believe the
13 people have a choice to make. If he can just be
14 put on the ballot again, I tend to agree, with
15 some of the things that have been said, it's not a
16 matter of him automatically taking over power or
17 him automatically jumping into ship and it's
18 automatic to put him in, it's just a matter of him
19 being able to be put on the ballot and it's up to
20 the people whether or not they want to choose for
21 him or not to choose. That's it, thank you.

22 CHAIRPERSON FELDER: Thank you.

23 Next witness please?

24 CARMEN ASTREA: Hi my name is
25 Carmen Astrea. I was born in the Bronx and raised

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2 in the Bronx, I'm going to keep it short and
3 sweet. I think a lot of people just got out of
4 the subject and I believe that everyone should
5 just have the choice. I just want to be able to
6 have the choice, to vote for him or not to vote
7 for him. So I'm all for referendum, and that's
8 it, have a nice evening everyone.

9 CHAIRPERSON FELDER: Thank you.

10 Next witness, please?

11 [Pause]

12 MICHAEL WHITE: Michael White,
13 noticing New York. Two minutes to testify rather
14 than the usual three. I'd like my limits extended
15 to five minutes, please?

16 [Laughter]

17 MICHAEL WHITE: I like what you
18 like, but you're going to have to like it
19 somewhere else. Everyone has gotten two minutes,
20 you're no better or no worse.

21 CHAIRPERSON FELDER: Right.

22 MICHAEL WHITE: You don't like
23 participants changing the rules in the middle of
24 the game.

25 CHAIRPERSON FELDER: Well, this is

1
2 coming off your time.

3 [Applause]

4 MICHAEL WHITE: Listen, noticing
5 New York believes that term limits value is most
6 important with the respect to certain offices,
7 first and foremost the office of the mayor,
8 parallel to our federal system. Well we tend to
9 disfavor term limits, we are absolutely against
10 their elimination in the middle of the 2009
11 election cycle. Most objectionable is the
12 Bloomberg Lauder billionaires pact designed to
13 make the repeal of term limits a special event for
14 wealthy Michael Bloomberg. We have based our
15 strategies in communicating with our
16 representatives and those running for office
17 understanding that term limits were the rules of
18 the game. Meanwhile, mayor Bloomberg was
19 communicating private with members of his real
20 estate development constituency that he was not
21 planning to have these publicly understood rules
22 apply to him. Not fair, not fair to anyone.
23 Campaign finance questions highlight just one way
24 in changing the rules in the middle of the game is
25 unfair and problematic. The rules, including

1
2 those of campaign finance are already special for
3 Mr. Bloomberg. This special change would probably
4 not be ventured were his wealth not an operative
5 factor. Mr. Bloomberg has told us that his
6 uniquely equipped to help the city during the wall
7 street crisis, we disagree. Warren Buffett,
8 George Soros, Felix Rohatyn were among those who
9 offered warnings about the financial national
10 crisis before it started unfolding. We are not
11 aware that Mr. Bloomberg offered any similar - -
12 or unique warnings.

13 CHAIRPERSON FELDER: Thank you.

14 Next witness, please.

15 JIM VOGEL: Hi, Jim Vogel. Usually
16 when I'm here I'm speaking for a group, but
17 tonight it's just me. This method of altering the
18 term limits is another warping of our system. Why
19 is there so much support for this? This is a
20 pattern of the warping. Legalities aside, it's
21 about the will of Michael Bloomberg and it has
22 warped our system. Now I talk fast, during the
23 Bloomberg administration power has been
24 centralized in the office of the mayor. During
25 his administration city budgets were slashed for a

1
2 number of non essential services like parks, child
3 care, et cetera, but the mayor generously made up
4 the short fall personally or by establishing
5 special efforts that businesses could donate to in
6 lieu of campaign contributions. It still looks
7 like play for play. But, the effect has been
8 these charities and city services are beholden to
9 the mayor, not to the city. No wonder there's a
10 hallelujah chorus that we've seen here tonight
11 calling his extension. Mayor Bloomberg calls for
12 an extension, the city council rolls over as long
13 as they get to stick around. It's very inspiring.
14 Mayor Bloomberg selflessly feels he's the only one
15 to steer us through disastrous financial times, he
16 doesn't trust the voters to agree with him by
17 calling for a referendum. Hmmm. Well, he's never
18 been big on the popular vote. Within two weeks of
19 being sworn into his administration he said New
20 York's building review process was onerous and he
21 would do all in his power to get around it. The
22 results are all around us; a deadly joke of a
23 buildings department, cranes falling on citizens,
24 imminent domain abuse, untold millions in
25 unnecessary subsidies to builders like Atlantic

1
 2 yards, holes in the ground that will be with us
 3 for decades, millions of square feet of
 4 unnecessary and unoccupied office space. But he's
 5 a big picture guy, he must have seen this coming.
 6 During his administration manufacturing and light
 7 [Phonetic] industry were further driven out of the
 8 city and the city became wholly dependant on real
 9 estate, financial services and Wall Street. So
 10 now we're crippled, good job. This whole display
 11 of turning the term limits is another display of
 12 the warping and it's a good call for term limits,
 13 because some people have got to go. Brooklyn
 14 borough president Mary Markowitz has shown us the
 15 power of incumbency to by how you can keep your
 16 face in play with play per play money and that's
 17 not what I want to see from the New York city
 18 council, despite the example of mayor Bloomberg.
 19 Thank you very much.

20 CHAIRPERSON FELDER: Thank you,
 21 next witness, please?

22 [Applause]

23 LEON DICKINSON: Good evening
 24 everybody, my name is Dr. Leon Dickinson, I'm a
 25 psychiatric social worker. I'm employed by the

1
2 Doe Fund [Phonetic] of New York and I also work
3 part time private practice in Harlem. I never
4 expected in my life time to see the world trade
5 center come down like it did, I don't know what
6 \$700,000,000,000 even looks like, but I know what
7 mayor Bloomberg looks like. I know that this
8 person has touched the community, he's touched
9 people, and I've seen him with an apron on doing
10 things in our community that I think means a lot
11 to me. I'm not elaborate, I don't know exactly
12 what everyone is saying about third fifth term,
13 but I do believe that we need a special person for
14 the special times. Things are happening in
15 America that we've never seen before and I'm
16 frightened about it. So, maybe Bloomberg or
17 anyone else, based on how people have been
18 talking, don't need third or fourth terms, I'm
19 looking at a person that I believe has done a
20 great job in New York City. I think everybody
21 knows he's done a great job in New York City and
22 not because he's only working for a dollar, maybe
23 that's why he's done a great job in New York city,
24 but I'm for the extension of the term limit.

25 Thank you.

2 CHAIRPERSON FELDER: You and the
3 witness, I think, thank you.

4 DAVID WILLIAMS: Hi my name is
5 Davie Williams [Phonetic]. I'm from the Brooklyn
6 area. I like to say that I'm for Mike Bloomberg,
7 honestly, I need to say that up front and I think
8 he's done a fantastic job but when it comes to
9 term limits, right? I believe that yes, we should
10 have a right to vote; the people. Mike has done a
11 fantastic job in my opinion; I'm talking about
12 that we can all throw the blame anytime we want to
13 about the things that go bad but can we stand up
14 and account about the things that go good, because
15 even when it was bad, he stood up with the same
16 integrity. So it's not whether we're talking
17 about whether Mike is good for the job or bad for
18 the job, we're just talking about simply having
19 the choice to vote in it and that's about it for
20 me.

21 CHAIRPERSON FELDER: Thank you very
22 much. Council Member Vallone?

23 COUNCIL MEMBER VALLONE: Really
24 quick, I wanted to answer Mr. X's question. I
25 feel like I'm on Speed Racer. Mr. X, you asked

1
2 why Robert Morgenthau is exempt. Good question,
3 it's not just Robert Morgenthau, it's every
4 federal and state official which are exempt. The
5 reason they're exempt is because it's in the
6 constitution that you can't have term limits for
7 state and federal officials. That's because our
8 founding fathers thought term limits were so
9 abhorrent to the democratic process that they
10 ensure that you would have to amend the
11 constitution in order to implement them. In New
12 York City, however, we've got them because of one
13 billionaire. So I just wanted to put it into a
14 little context about what we're up against.
15 Thanks.

16 [Pause]

17 CHAIRPERSON FELDER: Thank you to
18 this panel. The next panel; Joanne Simon? [Pause]
19 Patricia Zimmerman? Alex Sinclair? Please raise
20 your hand. Alex Sinclair, raise your hand. No?
21 Louise Velasquez? Christopher White? Thank you
22 for waiting. Michelle Nieves? Michelle Nieves?
23 Keith Allen? Keith Allen? Please raise your hand
24 or say yes. James Winter? James Wintner, I'm
25 sorry, James Wintner? [Pause] Sierra, I don't

2 know, I'm sorry I can't read it. It looks like;
3 you are from Astoria? Sierra from Astoria? URLF?
4 I'm not sure what it says. No? Next, Joseph Do
5 Domon? I'm sorry? Please. [Pause] Gary Cans,
6 please come up, thank you for waiting. Kathleen
7 Springer? Joe Farris? Joe Farris, raise your
8 hand. Naserine Griffen? Are you here? Good,
9 thank you for waiting. Are you waving or saying
10 you're here? Okay, great. No, it just looked
11 pretty odd to have six hands on one person. Frank
12 Johnson? Frank Johnson? Mike Johnson? Is the
13 rest of the family here?

14 [Laughter]

15 CHAIRPERSON FELDER: Charlene
16 Fletcher? Yes, wonderful, thank you for waiting.
17 Estelle Patchio? You here? Great, thank you for
18 waiting. Allen Wiseman? Is Allen here? Thank
19 you for waiting. [Pause] How many more chairs do
20 we have? [Pause] Well wait a minute. [Pause]
21 Okay, if we can start at the right. Just push the
22 button please.

23 PATRICIA ZIMMERMAN: Good evening,
24 my name is Patricia Zimmerman, I am a resident of
25 Staten Island and tonight I represent the Doe Fund

2 as a case manager. One of the things that I
3 thoroughly believe in is if the wheel is not
4 broke, don't fix it. What you do in the middle of
5 a crisis is not remove any individuals until
6 you're sure about the situation and moving forward
7 with it. I thoroughly support the term limits,
8 the extension of the term limits. I think whether
9 or not people agree with Mike Bloomberg or not,
10 one of the things that you can not take away from
11 this individual is he is a financial genius. One
12 of the other things that I would like to say is
13 this individual has supported the second chance
14 act. This man believes in helping individuals who
15 have not had an opportunity to help themselves or
16 maybe they need a little help along the way.
17 After doing 17 years in New York State prisons, I
18 am a living witness of what the second chance act
19 will do. So again, I say I thoroughly support
20 Mike Bloomberg and his efforts to extend the term
21 limits. Thank you very much.

22 CHAIRPERSON FELDER: Thank you.

23 Next witness, please?

24 CHRISTOPHER WHITE: Thank you. How
25 are you doing, my name is Christopher White.

1
 2 Basically I'm here to be a voice for the young
 3 people. I'm 26 years of age, I'm from Harlem,
 4 home New York. I just basically want to say I'm
 5 for it, I'm for the extra term, you know what I'm
 6 saying? Because I know personally first hand of
 7 being given the opportunity for situations and
 8 things that he has done, Mike Bloomberg has done
 9 to give people coming out of jail and homeless
 10 people opportunities to do what they have to do to
 11 get back into society and be a productive member.
 12 Understand what I'm saying? I just, like I said,
 13 I just support it and I'm a keep it as that as a
 14 young person. Thank you.

15 CHAIRPERSON FELDER: Thank you.

16 Next witness, please?

17 MALE VOICE: Mr. Chairman, council
 18 members, thank you for the opportunity to talk.
 19 You had to see the history of the world, it leaves
 20 a trail of blood and - - because people who stay
 21 in power forever, or want to be re elected and re
 22 elected because they don't want to give away.
 23 That's why this world is suffering so much. And
 24 this country is blessed because we have term
 25 limits for the presidents from the beginning.

2 Nothing else will be killing each other or the
3 army killing people and the police committing
4 atrocity. We can not allow term limits to Mr.
5 Bloomberg because he was not even a legal mayor.
6 The legal mayor of New York City - - who say - - I
7 have a case in federal court that he's in the
8 fault.

9 CHAIRPERSON FELDER: Okay, hold on
10 a minute. You can talk about term limits, is
11 there anything else you want to talk about term
12 limits?

13 MALE VOICE: Well I want to say why
14 you shouldn't let term limits --

15 CHAIRPERSON FELDER: [Interposing]
16 Well no, you're talking about a court case and you
17 just said you're the real mayor.

18 [Crosstalk]

19 CHAIRPERSON FELDER: So if you want
20 you could; excuse me. If you; one minute.

21 [Crosstalk]

22 CHAIRPERSON FELDER: If you want
23 you can talk about whether we should extend your
24 term or not.

25 [Laughter]

2 MALE VOICE: Yes, thank you very
3 much.

4 CHAIRPERSON FELDER: But we have to
5 talk about term limits.

6 MALE VOICE: I'm going to say why
7 the term limits, we shouldn't allow the term limit
8 to Mr. Bloomberg because every time, one or two
9 time he got elected, he bought the election, two
10 times. The first time he bought the election
11 because a voting machine counted 18,000,000 votes
12 in New York City; we only have 8,000,000. The
13 mayor said that supposedly one of three, there
14 were two different counts in the machine. We
15 don't have that kind of count. That was the first
16 election in 2001. The second time that he bought
17 the election is the one I'm talking about that I
18 have for the record. If we allow Mr. Bloomberg to
19 have the chance to buy another election that's
20 what he's going to do to keep on buying the
21 election, he's going to buy, and while he's trying
22 to have the opportunity to buy another election
23 he's not going to run for election.

24 CHAIRPERSON FELDER: Thank you.
25 Next witness, please? Can you pass the

1
2 microphone? Thank you.

3 GARY CANS: Good evening, my name
4 is Gary Cans, I live on east 23rd Street. We
5 should not be debating the pros and cons of term
6 limits while there's an attempt to over rule the
7 public will. Term limits have been approved by
8 the public twice in a referendum. After all, it's
9 the supporters of Mr. Bloomberg who say this
10 proposal is really crap hitting the fan. Mr.
11 Bloomberg claims that he's the only one among
12 8,000,000 people who can lead us. I believe that
13 anyone with such a messiah complex can best be
14 treated by a health care professional, not the
15 city council. Mr. Bloomberg and his supporters
16 claim that a pending financial crisis makes him a
17 billionaire, Wall Street insider, the only one ho
18 can lead us. Well, now listen. That would be the
19 fox guarding the chicken coop. As for the alleged
20 financial crisis, I believe it was a set up from
21 day one. Let's stop blaming sub prime mortgages
22 for everything in the world. A couple old people
23 lose their mortgages, that doesn't make everybody
24 lose a trillion dollars from here to China. So
25 let's just tell the media people to stop repeating

1
2 it like parrots. I hope that the opponents of
3 term limits realize that this is not the occasion
4 to disrespect the opinions of your fellow voters.
5 Thank you.

6 CHAIRPERSON FELDER: Thank you.

7 Next witness, please?

8 NASERINE GRIFFEN: Good evening.

9 [Pause] Okay. Good evening, my name is Naserine
10 Griffen and I'm a resident of Brooklyn. I'm here
11 to support the extension of the term limits. I
12 feel that way because this city is about to face
13 something I believe even more serious than 9/11,
14 the financial situations that are happening all
15 over the world now and affecting us. I just feel
16 that being the case that I would like to have more
17 choices, not less choices. I'm in favor of
18 extending the term limits, so we can have someone
19 that has already done a pretty good job in a lot
20 of areas of this city help us through this rough
21 time. Thank you.

22 CHAIRPERSON FELDER: Thank you.

23 Next witness, please?

24 [Pause]

25 CHARLENE FLETCHER: Good evening

1
2 Mr. Chairman, council members, thank you for the
3 opportunity to speak. My name is Charlene
4 Fletcher. I am a Brooklyn resident and I am here
5 to express my support of the term limit extension
6 because it gives the people the right to choose
7 who serves in public office. As a citizen of the
8 city of New York, I would like the right to
9 choose. Thank you.

10 CHAIRPERSON FELDER: Thank you.

11 Next witness, please?

12 ESTELLE PATCHIO: Good evening, my
13 name is Estelle Patchio. I am a lifelong New
14 Yorker, from the lower east side of Manhattan. I
15 am also a member of the executive committee of the
16 New York County Independence Party. My council
17 member is Allen Grison, and although I speak to
18 all the members of the government operations
19 committee I am especially addressing him, even
20 though I think he's left. In 1993 and 1996 the
21 elector voted for term limits and in the 12 years
22 sense the core reasons this was passed has not
23 changed. There's still a threat of career
24 politicians abusing their power to remain in
25 office; not for the people they represent, but to

1
2 serve their own best interest. Yes, term limits
3 eliminate the choice of the incumbent, however,
4 voters decided twice that we don't want that
5 choice. We have decided that we will for go that
6 option in favor of a more vibrant and fresh array
7 of choices. Has the power of incumbency dissolved
8 in these last 12 years? Have we discovered a new
9 way to solve the incumbent's advantage? No, we
10 haven't, but it seems you've discovered a way to
11 turn your back on the people of New York.

12 Finally, I'd like to address the council use of
13 fear tactics to scare New Yorkers into accepting
14 this bill. Yes, I acknowledge we are in a crisis
15 but who says this mayor and these city council
16 members are the only one's who can help us? They
17 say it. Not the people. I have not heard an
18 outcry in favor of this amendment. It does not
19 come from the people. Yes, circumstances have
20 changed, but in times of crisis we should go back
21 to the voters. I recognize this crisis and
22 acknowledge that we need strong leadership, but we
23 do not need people who steal democracy. Then just
24 one more thing to councilman Vallone; we do have
25 federal term limits, the president is under term

limits.

[Applause]

ESTELLE PATCHIO: Our founding father, our founding father George Washington, he stepped down after doing a great job as president after two terms. He realized that and stepped down.

COUNCIL MEMBER VALLONE: The constitution was amended for the president to have those term limits.

ESTELLE PATCHIO: So we do have federal term limits for the president?

COUNCIL MEMBER VALLONE: The constitution was amended, not for the legislature.

CHAIRPERSON FELDER: Next witness, please?

ALLAN WISEMAN: Good evening, my name is Allen Wiseman. I'm a native New Yorker now residing in Bushwick. I'm also a member of the executive committee of the kinds county independence party. As a recent college graduate with \$30,000 in student loans, I understand as well as any Wall Street businessman executive the economic crisis we're in, maybe even more so. We

2 live in a time in which a college education has
3 become as much as a financial burden as it is a
4 benefit. My college education has to support me
5 and my younger cousin who spends a year in
6 Afghanistan killing people in the name of
7 democracy, only to return home to find out that no
8 body will hire him.

9 CHAIRPERSON FELDER: [Interposing]
10 Excuse me, do you want to talk about term limits?

11 ALLAN WISEMAN: I am getting there
12 if you'll allow me.

13 CHAIRPERSON FELDER: Well you'll
14 have to get there a little quicker.

15 ALLAN WISEMAN: I live paycheck to
16 paycheck and often for go eating in order to pay
17 the rent and I live in a neighborhood in which
18 homeless people are at every corner and look to me
19 and other people on the street for help. I know
20 full well the economic crisis we are in, but I
21 also know that in times like this we should not be
22 afraid of change, we should welcome it. We do not
23 need less democracy, we need more. I would also
24 like to point out that the proposed amendment,
25 845A, is by nature in direct violation of public

1 policy set forth in section 1137 of the city
 2 charter. This is exactly the kind of self serving
 3 legislation that differentiates career politicians
 4 from citizen representatives. Whether or not the
 5 courts allow this kind of self serving legislation
 6 is irrelevant, whether or not our elected
 7 officials would do a good job leading us through
 8 the crisis is irrelevant, they were elected by
 9 their constituents on the premise that they could
 10 not serve more than two terms and they were
 11 elected to represent and respect the will of the
 12 voters. If they are so confident that they are
 13 the competent leadership this city needs to get us
 14 through the next four years, they should have the
 15 integrity and courage to subject an amendment to
 16 voter referendum. In the words of chairmen
 17 Felder, "let's stop the nonsense and get on with
 18 this city's interests."

19 [Pause]

20 CHAIRPERSON FELDER: I like the
 21 quote.

22 [Laughter]

23 CHAIRPERSON FELDER: Council Member
 24 Brewer?
 25

2 COUNCIL MEMBER BREWER: Thank you
3 very much. I really appreciate everyone coming
4 down here and I know that you have waited a long
5 time. I have a lot of respect for the Doe Fund,
6 but it is a city funded agency, so I know there
7 was one person who works for the Doe Fund, do the
8 others work for the Doe Fund or just the one
9 person? Okay.

10 CHAIRPERSON FELDER: Council member
11 Brewer wants to know --

12 COUNCIL MEMBER BREWER:
13 [Interposing] How many people work for the Doe --

14 CHAIRPERSON FELDER: [Interposing]
15 How many people on the panel are employed by the
16 Doe Fund, if you can raise your hand.

17 COUNCIL MEMBER BREWER: Just one.
18 Okay.

19 CHAIRPERSON FELDER: Okay.

20 COUNCIL MEMBER BREWER: Thank you
21 very much.

22 CHAIRPERSON FELDER: Next panel:
23 Thank you very much, we have Terrance Yang?
24 Please say something. Okay, Robert Conroy?
25 [Pause] Roger Where--, Wearham? Robert Conroy sat

1
2 down. Roger Wearham? Okay. Jeff Strebone? Jeff
3 Curzon? [Pause] Eudonice Rodriguez? Carol, I
4 think it's, Calon, Galon? Carol Galon? Tessie
5 Brenham? If you're here please say something.
6 Dionne Vega? Dionne Vega? [Pause] Paul
7 Satterfield? [Pause] Donald Clayton? Thank you
8 for waiting. Tyrone Jones? Tyrone Jones? Rod
9 Bendell? Thank you for waiting. Robert Callahan?
10 Robert Callahan? Jose Adams? You here? - - ? Is
11 that the fellow that's; whatever, never mind.
12 John McDonald? John McDonald? Good, thank you for
13 waiting. Rebecca Major? Rebecca Major? Bryan
14 Cooper? Bryan Cooper? Ben Haber? Thank you for
15 waiting. Marcia Calfman? Marcia Calfman?
16 [Pause] Ken Cuscotti? I don't know if I
17 pronounced that right. Is that you? How do you
18 pronounce it?

19 [Off mic]

20 CHAIRPERSON FELDER: Cusacti, I'm
21 sorry. Do we have one more chair? Two more,
22 excellent. Jillian Winestein? If you're here
23 please say something, thank you. Caroline Perone?
24 Thank you, okay, we have a panel.

25 [Crosstalk]

2 CHAIRPERSON FELDER: The last one
3 was Caroline?

4 [Off mic]

5 [Pause]

6 CAROLINE PERONE: Am I starting?

7 [Pause]

8 CAROLINE PERONE: My name's
9 Caroline Perone, and I live in Brooklyn, Bushwick
10 specifically. I am for the extension of term
11 limits. I feel as a young voter that I don't want
12 to be bound by a choice that was made by less than
13 35% of registered voters over a decade ago. I
14 want to make my own choices and I think that
15 because the percentage was so low that it would be
16 wise for the council to make the decision. I feel
17 that we need an experienced leader to get us
18 though what we are about to go through and I do
19 feel that I would like to make the choice to vote
20 for mayor Bloomberg. Thank you.

21 CHAIRPERSON FELDER: Thank you very
22 much. I know it's pretty late, but I didn't
23 clarify, you are not obligated to take the full
24 two minutes. So those of you who feel awkward
25 stopping before that should not feel

1
2 uncomfortable. Next please?

3 ROBERT CONROY: Thank you, good
4 evening Chairmen Felder, the committee members and
5 the other city council members here. My name is
6 Robert Conroy. I'm the chairmen of the kings
7 county independence party. I'm testifying against
8 bill #845A and all the bills in front of you. The
9 mayors proposal - - the city charters term limits.
10 This law was added by the voters through the 1993
11 voters referendum. The city council may have the
12 legal right to amend the city charter that was
13 added through a voter referendum, but it doesn't
14 have the moral right. If the city council and the
15 mayor passes this law, they're infringing on the
16 democratic rights of voters. The mayor and those
17 who oppose - - that term limits limit the right
18 for incumbents to run for office, it does, as many
19 people have said. The voters understood the power
20 of incumbency undermines the democratic process.
21 It was the voters choice to do this and the mayor
22 and the city council should respect that. The
23 mayor says he's doing this because of the economic
24 crisis, so a solution to the economic crisis it to
25 undermine the democratic process. The solution to

1
2 an economic process is to enhance our democracy.
3 This was done by including more people into the
4 decision making process. The voter referendum
5 process does this and enhances our democracy and
6 that's how we got term limits. I conclude with
7 disagreeing with former governor Mario Cuomo, who
8 testified much earlier today, when he said
9 "Morality is personal." I disagree; it's a
10 political issue for a society. It is immoral for
11 the mayor and the city council to tell voters that
12 their votes don't count and disregard the voters
13 decision. The mayor and the city council have no
14 more right to undermine the democratic process, I
15 urge you to vote against the mayors undemocratic
16 bill and also in response to councilman Vallone
17 and other city council members, the bill, the
18 voter initiative in 1993, had tens of thousands of
19 people signing a petition to put it in front of
20 the mayors. That's where initiatives should come
21 from. That's the ironed out process. This is
22 coming form the city council and the mayor, 52
23 people deciding this. Initiatives were set up for
24 that reason and then voters can vote. And if the
25 state of New York had referendum, you don't think

we have term limits in Albany? Council members?

CHAIRPERSON FELDER: Thank you,
next witness, please?

ROBERT CONROY: Thank you.

DONALD CLAYTON: Good evening, good evening to the council, thank you very much for hearing me. My name is Donald Clayton, I'm a lifelong New York City resident. I'm 30 years living in Harlem and I've seen mayors from many generations rule this city. My support for the extension for this term limit has to do with consistency. I want to see a consistent governing of our city. I would not like to see at this time any dramatic change to go through because I feel that we need to get past this very serious time that we're going through with our economic situations. So I support and wish the council would go ahead and approve the extension of the term limits so that we could have consistency. Thank you.

CHAIRPERSON FELDER: Thank you.

Next witness, please?

ROD BENDELL: Hello. My name is Rod Bendell and I'm from east Harlem and I've very

2 honored to be able to address you all. I saw
3 council member John Liu on TV, on New York 1 about
4 a week or so ago, come out against this. Usually
5 I agree with what he says so I was surprised. I
6 am for the extension of term limits and somebody
7 earlier mentioned George Washington, who is
8 staring down at us there from the picture, and he
9 served two terms and it set a precedence. But I
10 think that concept of term limits, and shuffling
11 things around is one thing, but I think that just
12 limiting it to just two terms is not enough and
13 I'd like to see that extended. I'd like to have
14 the council extend that and allow for three terms,
15 thank you.

16 CHAIRPERSON FELDER: Thank you.

17 Next witness, please?

18 JOHN MCDONALD: Thank you, my
19 name's John McDonald. I'm a resident of Manhattan
20 and I want to thank the mayor and the city council
21 for their tireless work on behalf of all New
22 Yorkers. [Pause] I do not support term limits. I
23 did not vote on the issue in '93 or in '96. But
24 had a voted in '96 I would have voted for the
25 extension. As my elected representatives I am

1 asking the city council to vote for an extension.
2 Less than a third of all registered voters express
3 an opinion and either 1993 or 1996 with respect to
4 term ballots. Those voters did not speak for me
5 and their vote was in another century. I
6 shouldn't be bound by their choices. We live in a
7 democratic county with regular elections. In
8 those elections we should have the right to vote
9 for the people we want to lead us. Not being able
10 to vote for a candidate of my choice interferes
11 with my right to free speech and expression. Any
12 political process in a democracy is supposed to
13 allow for freedom of expression and choice. Thank
14 you.
15

16 CHAIRPERSON FELDER: Thank you.

17 Next witness, please?

18 BEN HABER: My name is Ben Haber.
19 This council has nine hearing for horse carriages.
20 That you have two hearings back to back into wee
21 hours of the morning is outrageous. You have an
22 obligation to extend this to five more hearings
23 and if you don't do that you ought to be ashamed
24 of yourself.

25 [Applause]

2 BEN HABER: Sitting here all these
3 hours, horses are more important than tax payers.
4 The scenario being spin to the public is a current
5 financial crisis decrying a change of change of
6 term limits so mayor Bloomberg can seek a third
7 term and council members a free ride on his back
8 because his financial background will, in some
9 undefined way, make him the savior of this city.
10 Held up to scrutiny there's no basis for such
11 claim. The current crisis is not simply New York,
12 it's not even the United States, it's global and
13 it's not going to be solved by you and it's not
14 going to be solved by the mayor and who's to say
15 that this Wall Street mayor, who didn't have a
16 clue about it, would be any better than Mr.
17 Thompson, a respected comptroller, or Mr. Wiener,
18 a respected congressman or Mr. Bella, a member of
19 this committee? You have none of that at all. I
20 wan to address another thing. You're talking about
21 1,000,000 people voted? Well that's a hell of a
22 lot more than a hand full of council people. That
23 has nothing to do with it.

24 [Applause]

25 BEN HABER: If you want to oppose

2 it or whatever, I have yet to hear anybody on this
3 panel, anybody, and you tell me now and tell
4 everybody what is your objection to a referendum?
5 Are you afraid that you won't win, because that's
6 why you're doing it. When Mr. Vallone talks about
7 everybody's for it. Really? Well than let's have
8 a referendum, what are you worried about?

9 [Applause]

10 BEN HABER: The fix isn't in here,
11 and that's terrible. That's terrible, this is --

12 CHAIRPERSON FELDER: [Interposing]
13 I'm going to have you removed.

14 BEN HABER: This is no way to run
15 the city. Furthermore, everybody ought to know
16 this; on the New York City rules employees, which
17 include you, you must be an employee for ten years
18 before you can contribute to your pension before
19 you get medical coverage. Eight years, you're not
20 getting it. If you give yourself another term you
21 are going to give yourselves self imposed \$12,000
22 a year for life.

23 CHAIRPERSON FELDER: Can you wrap
24 up please?

25 BEN HABER: Term limits, if you're

1
2 going to revisit it, it's something that the
3 public should do, not you.

4 CHAIRPERSON FELDER: Thank you.

5 Next witness, please?

6 KEN CUSACTI: Hi, my name is Ken
7 Cusacti. I'm representing Queens. I've heard a
8 lot of debate about mayor Bloomberg. Whether he's
9 a good or bad president, but basically the issue
10 is about term limits and our right to vote. I
11 think we've been persuaded way too much about
12 peoples opinions about what they think about mayor
13 Bloomberg and this has nothing to do with term
14 limits. The fact is that I want a right to vote.
15 I want the right to vote for whether he should be
16 elected into a third term. That's it.

17 CHAIRPERSON FELDER: Thank you.

18 Next witness, please?

19 JILLIAN WINESTEIN: Hi, my name is
20 Jillian Winestein, I live in Manhattan. I believe
21 that there should be no artificial term limits in
22 a free democratic country like ours. The people
23 acting as the electorate should determine if they
24 want their elected leaders to continue to serve.
25 I'm a big fan of mayor Bloomberg and I would be

1
2 very happy if the council voted for term limits;
3 to the extension of term limits.

4 CHAIRPERSON FELDER: Thank you.
5 Council member Vallone, you had a question?

6 COUNCIL MEMBER VALLONE: I have a
7 clarification. Mr. Haber, you scream a lot but
8 apparently don't listen very well. I've spent the
9 entire day, no 10 hours, here explaining that
10 almost every one of us up here would much rather
11 have a referendum on an actual election day and
12 many, many witnesses and myself have explained the
13 problems with an election that's not on an
14 election day, ranging from 15 million dollars to
15 the fact that it would drag out until June/July
16 perhaps and cause government paralysis. I haven't
17 taken a position, but it has been discussed ad
18 nauseum, and if you've missed it, that's not
19 really our fault. Thanks.

20 BEN HABER: Mr. Vallone?

21 CHAIRPERSON FELDER: Excuse me,
22 this is not a debate. You're welcome to look up
23 at NYC.gov and call councilmen Vallone tomorrow,
24 or tonight. I have questions. Do you have a
25 question?

2 [Off mic]

3 CHAIRPERSON FELDER: Do you have a
4 question? Council Member Jackson.

5 COUNCIL MEMBER JACKSON: Thank you
6 Mr. Chair and good evening panel. I just wanted
7 to basically communicate with respects to this
8 term limit extension that's on the table. I don't
9 know if you were here earlier when I said that I,
10 as a council member, I was never in support of
11 term limits at all, even before I ran for office.
12 So I want you to know my position has never
13 changed on term limits. But with respects to many
14 of you make an assumption that mayor Bloomberg and
15 the city council members will be re elected
16 automatically. That is not the case. As you
17 know, each member, if in fact their going to run
18 for re election, must petition, must get on the
19 ballot, and must be elected by the people of their
20 district. More specifically, in the borough of
21 Manhattan --

22 CHAIRPERSON FELDER: [Interposing]
23 Question?

24 COUNCIL MEMBER JACKSON: I'm sorry
25 I'm going to --

2 CHAIRPERSON FELDER: [Interposing]

3 Did you have a question?

4 COUNCIL MEMBER JACKSON: in the
5 1993 referendum the people of Manhattan, New York
6 county, did not support the referendum and in 1996
7 when there was a vote for an extension, the people
8 of Manhattan voted for the extension. So I didn't
9 know if they were here when I made that earlier
10 statement.

11 CHAIRPERSON FELDER: Thank you.

12 Council Member Liu, do you have a question?

13 COUNCIL MEMBER LIU: Yes, I do have
14 a question. It's the same question I had asked
15 before of some other people. There are a couple
16 of gentlemen here to testified that they would
17 like to see the extension take place and my
18 question, again to you is --

19 CHAIRPERSON FELDER: [Interposing]

20 Who are you posing the question to, council
21 member?

22 COUNCIL MEMBER LIU: Posing it to
23 these two gentlemen in the middle.

24 CHAIRPERSON FELDER: Which ones?

25 COUNCIL MEMBER LIU: Both of them.

2 CHAIRPERSON FELDER: You did that
3 four hours ago.

4 [Laughter]

5 COUNCIL MEMBER LIU: Alright, you
6 guys decide which one is going to answer. The
7 question is would you be in favor or against us
8 putting this to a referendum in February?

9 MALE VOICE 5: I would be against
10 putting this to a referendum in February. I don't
11 know that there's enough time and I think that
12 this is a very important issue and from --

13 COUNCIL MEMBER LIU: [Interposing]
14 You don't think there's enough time between now
15 and February to get it on February? Because the
16 legal analysts, even Governor Cuomo said before,
17 that yes, it's doable.

18 MALE VOICE: Well maybe there
19 smarter minds than I. But --

20 COUNCIL MEMBER LIU: [Interposing]
21 But if it was possible would you rather us put it
22 before the voters and let them decide if the term
23 limits should be extended from three terms to two
24 terms?

25 MALE VOICE: I would rather --

2 COUNCIL MEMBER LIU: [Interposing]

3 Do you want us just to do it, like a couple dozen
4 of us do it?

5 MALE VOICE: I would like you to do
6 it, and then to study it and make a decision as to
7 what the --

8 COUNCIL MEMBER LIU: [Interposing]

9 So to do it and make the decision before we study
10 it?

11 CHAIRPERSON FELDER: I'm sorry?

12 Come on, Council Member James?

13 COUNCIL MEMBER LIU: Thank you.

14 COUNCIL MEMBER JAMES: My question
15 is to the gentlemen who was opposed to the
16 extension term limits by legislation. Do you
17 agree with Council Member Vallone's position and
18 his statement earlier, and if not why not?

19 [Off mic]

20 MALE VOICE: There isn't anybody in

21 --

22 CHAIRPERSON FELDER: It's on, just
23 bring it closer.

24 MALE VOICE: There isn't anybody in
25 this city over the age of 6 months that there's a

1
2 battle going on between the mayor and some council
3 members. He had plenty of time, and they had
4 plenty of time, to have a referendum. I resent
5 being told that I did something wrong when you're
6 the ones who didn't do what you should have done.
7 We have a right to have, we can be heard at the
8 ballot, it's called a referendum. It's done all
9 over the country, it can be done here. So please
10 don't tell us you don't have enough time, you've
11 had plenty of time. You chose not to do it.

12 CHAIRPERSON FELDER: Council Member
13 Brewer?

14 COUNCIL MEMBER BREWER: [Pause] For
15 the same person that Council Member Vallone was
16 pointing to, because I'm afraid we don't know
17 everybody's name, I was wondering if you work with
18 a non profit or not, because I have one concern
19 which is of course the non profit community that's
20 trying to figure out how many individuals to work
21 with over time and government changes are hard for
22 the non profit community. I was just wondering if
23 you're basing some of your wish for the council to
24 make the vote on the non profit community or is it
25 just because you're interested in your own

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personal feelings?

CHAIRPERSON FELDER: Is there anyone at the panel that is employed by a non profit, can you raise your hand? Two, is that okay?

COUNCIL MEMBER BREWER: I was just wondering if it's harder --

MALE VOICE: [Interposing] I was just expressing my opinion based on choice.

CHAIRPERSON FELDER: Thank you, next panel. Terrance Yang? Please say something, again. Daniel C. Fitzpatrick? Steven Beard, I think? Steven's here? Great, thanks for waiting. Dave Turpin? Thank you for waiting. Iris Clair...from Grand Street? Are you here, I'm sorry I can't read your last name. Iris, are you here? Is anyone here named Iris, raise your hand. Okay, so you're not here. Allison Keener? Allison Keener? Ann Anakeener? Okay. Joey Klinger? Lee Almon? Joanna West? Joanna West? No. Jennifer Silver? Excellent, thank you. Thank you for waiting. Maura Reeny? Thank you for waiting. Marcie Benstock? Marcie Benstock? Warren Ginseng? Warren Ginseng? What?

2 [Off mic]

3 CHAIRPERSON FELDER: Oh okay.

4 Virginia Hill? Virginia Hill? Katrina Foy?

5 Courtney Walsh? Courtney Walsh? Thank you, do we
6 have any more seats or is that it?

7 [Off mic]

8 CHAIRPERSON FELDER: One more?

9 Nancy Olecky? - - okay, thank you for waiting.

10 Okay, [Pause] we start from the right.

11 STEVEN BEARD: Hi, my name's Steven
12 Beard. I am a college student, I'm a political
13 activist and I'm a resident of Astoria. Well, my
14 statement is that this month the city's evading
15 one of the biggest issues, one can argue that this
16 is the city, but the decision that will be made
17 will determine whether future mayors or city
18 councils will use this as a precedent and exert
19 their will over the will of the populace. There
20 are many questions surrounding this vote. Will the
21 power of money win this debate? Will the
22 committee shared by the number one recipient of
23 Bloomberg member items allow the mayor to shove
24 through this bill which aims to circumvent the
25 will of the people to benefit those currently in

1
2 power? Michael Bloomberg has a hug financial
3 advantage over the people. Our billionaire mayor
4 has lots of money he can donate to our elected
5 officials, as he has done in the past, to get
6 their support for his agenda. Can he buy the
7 votes of our city council? This is the one
8 opportunity the members of the city council have
9 to prove to their constituents what they have been
10 telling us all their careers; that they work for
11 us and not for any special interests. Our council
12 members have an opportunity to show us they are in
13 fact the representatives, and not the
14 representatives of Bloomberg and his defecto
15 [Phonetic] Deputy mayor, Christine Quinn. And jus
16 to warn all the members of the city council, the
17 people will remember how you vote on this bill.
18 All of us here today, whether political activists
19 or just concerned constituents will remember.
20 Those who vote for their interests and not the
21 peoples can expect major opposition in their own
22 districts. You work for us not the mayor. The
23 issue here today is not term limits, its democracy
24 and whether the people can have their decision
25 overturned by the representatives. Our

1
2 representatives are entitled to desire a change
3 for a term limits law, but they should bring the
4 question to the people not decide for themselves.
5 Thank you.

6 CHAIRPERSON FELDER: Thank you.
7 Next witness, please?

8 DAVE TURPIN: I had written good
9 afternoon, but I guess I should say good evening.
10 My name is Dave Turpin, I speak today on behalf of
11 the queens county young democrats. I am a Queen's
12 resident, a public school teacher, a business
13 owner, but most important I am a husband and
14 father to two little girls. As someone interested
15 in politics and government of all levels, I often
16 talk to my five year old daughter Charlotte about
17 the issues in language she can understand. For
18 example, she is looking forward to coming with me
19 next month to vote for Barack Obama and she knows
20 that people in the city council help to make their
21 schools better and side walks cleaner. A few
22 weeks ago she saw me reading about the current
23 term limits discussion and so explained to
24 Charlotte that the rules may change so that the
25 mayor of New York and other leaders, like the city

1 council, can stay in their jobs for four more
2 years. She responded, and I quote, "oh, when do
3 we get to vote on that, daddy?" It is
4 embarrassing that I had to explain to my five year
5 old that we may not vote on that. It is
6 embarrassing that there is even a debate over
7 whether this should be done legislatively or via
8 voter referendum when there is time. It is
9 embarrassing that Michael Bloomberg called a
10 legislative change in term limits disgusting just
11 a few years ago and then introduced this bill. It
12 is embarrassing and really quite sad that
13 Bloomberg has gone for being a fearless leader
14 beholden to no party and no special interests, and
15 a terrific leader in that, to a politician
16 ignoring the will of the people with one
17 undemocratic, purely political maneuver. I am
18 philosophically against term limits, but the issue
19 before you, though many people have confused it,
20 is not about term limits, it's about how they
21 should change if they are to change by a vote of
22 the 51 members of the council, or a vote open to
23 all New Yorkers. It's about democracy versus
24 political maneuvering. I understand it may be
25

1
2 legal for you to change term limits law, despite
3 the fact that New Yorkers voted otherwise twice,
4 but is it moral? Is it the right thing to do to
5 vote on the potential to extend your own jobs
6 when New Yorkers have twice voted against this.
7 I'll finish up. I have great respect for public
8 servants and for the political process. In fact,
9 I've been told on numerous occasions, by people
10 that obviously don't share that same respect, that
11 I shouldn't go into politics because it's too
12 dirty. But when I'm told that I respond that I'm
13 happy to still be an idealist and I do believe
14 there are a lot of good honest people in politics
15 in New York and beyond.

16 CHAIRPERSON FELDER: Are you
17 finished?

18 DAVE TURPIN: I am just about
19 finished. I know some of you in this room and I
20 know you all are good honest people. I urge you
21 to consider joining those who oppose Bloomberg's
22 bill because the will of the people must not be
23 ignored because this issue and those of you on
24 each side of the bill will not soon be forgotten
25 and most of all because it is the right thing to

1
2 do. Thank you and I just want to single out and
3 thank councilman Robert Jackson for joining my
4 facebook group for New Yorkers for our vote to
5 count against this bill.

6 [Laughter]

7 CHAIRPERSON FELDER: Next witness,
8 please?

9 JOEY KLINGER: Hi my name is Joey
10 Klinger. I live in Brooklyn. For me the issue is
11 not about whether or not mayor Bloomberg and other
12 council members have done a good job or will do a
13 good job, but about the legitimacy of term limits
14 in general. In my opinion term limits are
15 disrespectful to the voters because they imply
16 that we are unable to make our own decisions about
17 who should or should not lead. Yes, small
18 portions of the electoral voted, more than ten
19 years ago, for term limits. Yet the very
20 existence of this issue on the ballot was
21 undemocratic. It is fundamentally unfair for one
22 generation of voters to lose its freedom of choice
23 due to the so called democratic choice of another
24 generation. A true democracy let's every citizen
25 decide for him or herself. Let us honor this

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right we're all so fortunate to have.

CHAIRPERSON FELDER: Thank you.

Next witness, please?

LEE ALMON: Mr. Chairman, members of the committee, thank you. My name is Lee Almon, I'm a resident of Manhattan. I moved here last year from DC so I've been around term limits for quite a while and that's why I'm here tonight. I know we're all tired so I'll make it really short. The first is, this is definitely about term limits so I know people feel like it's about another issue, but otherwise we'd be spending a lot of time talking about nothing. Second of all we live in a representative democracy and as a voter I vote for my council members to represent me in council, therefore I am asking my council members to vote to support this extension of term limits because they represent me and that's what I wish. Everybody else has made all my points so I'm going to leave it at that. Thank you.

CHAIRPERSON FELDER: Thank you very much, you can come back tomorrow to testify again.

[Laughter]

CHAIRPERSON FELDER: Next witness,

1
2 please?

3 JENNIFER SILVER: Hi, my name is
4 Jennifer Silver, I was born and raised in Bayside
5 Queens and currently live in the upper west side
6 in Manhattan. I strongly urge the city council to
7 pass the term limits extension bill immediately
8 and allow us, the people of New York, to exercise
9 our democratic right to vote for the best man or
10 woman for the job. Regardless of the number of
11 years that person has been doing the job. I think
12 it was best said in the October 1, 2008 New York
13 Times editorial which was entitled The Limit of
14 Term Limits, which stated "the bedrock of American
15 Democracy is the voters right to choose. Though
16 well intentioned, New York City's term limits law
17 severely limits that right. The law is
18 particularly unappealing now because it's
19 structured in a way that would deny New Yorkers at
20 a time when the city's economy is under great
21 stress, the right to decide for them whether an
22 effective and popular mayor should stay in office.
23 The eight years of churning or changes that the
24 other folks here have mentioned that have been put
25 in place, again, 10 or 15 years ago, before I was

1
2 involved in voting for those types of things,
3 means that just as any mayor is beginning to make
4 a positive impact it's time to leave office. The
5 mayor gets replaced every eight years regardless
6 of whether or not there's a qualified successor,
7 and that really scares me. The most economic
8 complex and demographically diverse city in the US
9 is gambling, as far as I'm concerned, on who
10 should lead it and is not necessarily going to
11 pick the best man or woman. If the best man or
12 woman did a great job for eight years or twelve
13 years, we should be allowed, as a people, to vote
14 for that person again. So I'm looking for the
15 term limits extension bill to be passed but I want
16 to add onto the question that somebody else had
17 asked , which is that you guys all agree to it
18 you're just talking about how to do it. So my
19 feeling is, I'm a business person. Cut the costs.
20 I don't want to spend anymore of my limited tax
21 payer money and my falling mutual fund profits and
22 my tax dollars on paying for a gazillion people to
23 go out and vote again. We voted you into office,
24 do the work for us, just like the congress is
25 trying to save the world and the economy right

1
2 now. So help us out, don't spend my money to do
3 what we voted you guys to do. Thank you.

4 CHAIRPERSON FELDER: Thank you.

5 Next witness, please?

6 [Pause]

7 MAURA REENY: Good evening, Mr.

8 Chairman, committee and council members. My name
9 is Maura Reeny and I live in the beautiful borough
10 of Brooklyn. I just want to respectfully request
11 that the council has the courage to pass the term
12 limit extension. The same editorial that MS.
13 Silver quoted I also want to just mention two
14 sentences from that. I am opposed to term limits;
15 I think the editorial page said it best. "Term
16 limits are seductive, promising relief from
17 mediocre self perpetuating incumbents and grid
18 lock legislatures. They also are profoundly
19 undemocratic arbitrarily denying voters the
20 ability to choose between good politicians and
21 bad." I want to be able to choose, so please pass
22 the extension.

23 CHAIRPERSON FELDER: Thank you.

24 Next witness, please?

25 COURTNEY WALSH: Good evening, my

1
2 name is Courtney Walsh and I'm a mid town west
3 resident. First and foremost, I would like to
4 thank the entire city council for --

5 CHAIRPERSON FELDER: [Interposing]
6 Can you just pull the mic a little closer. Thank
7 you.

8 COURTNEY WALSH: Sure. Okay. Like
9 I said I wanted to thank the city council for
10 hosting these important hearings. Also, most
11 importantly I hope that the council will consider
12 hosting additional hearings throughout the city to
13 address this important matter, as it has been
14 discussed earlier. Like many Americans I strongly
15 believe in democracy and voters rights. As a
16 resident living in the epicenter of the current
17 economic crisis, I think it's important that mayor
18 Bloomberg, along with the city council, remain
19 focused and streamline their efforts to aid the
20 city. In this current climate it's vital that a
21 representative focus on the important issues.
22 That said, I strongly urge the council to vote yes
23 on erasing the two term limit rule, and a hope for
24 a comprehensive and equipped resolution. Thank
25 you.

2 CHAIRPERSON FELDER: Thank you very
3 much, next witness, please?

4 NANCY OLECKY: Good evening, my
5 name is Nancy Olecky. I wanted to thank everyone
6 for the opportunity to speak here this evening. I
7 am a native New York City resident. I currently
8 live in mid town Manhattan with my husband. I am
9 in favor of this critical extension. I want the
10 opportunity to vote for who I would like to
11 represent me. I believe term limits prevent this.
12 I was ineligible to vote 15 years ago due to my
13 age, so I'm here tonight at five to 11pm urging
14 you the council to speak on my behalf and vote to
15 extend the limits. Those who voted more than 15
16 years ago did not speak for me nor would I believe
17 my generation. I should not be bound by these old
18 choices. Please return that right to me and let
19 me choose my own leaders next year. Thank you.

20 CHAIRPERSON FELDER: Thank you very
21 much and thank you to the entire panel. Next
22 Panel: Maria Pergano? Please say something, yes,
23 hello, thank you. Monique Green? Here? Monique
24 Green? Cheryl Krause? Betsy, I think it's
25 Combier? Hmmm? Combler? Is Betsy Combler? Huh?

2 [Off mic]

3 CHAIRPERSON FELDER: Combier?

4 Okay. Reverend Marterino [Pause] James Caldwell?

5 I don't know, I guess they have a lot to say. I'm
6 not sure what it says. Marie Lewis?

7 [Off mic]

8 CHAIRPERSON FELDER: These - -

9 also. I'm going to go through this quickly so we

10 don't miss anybody. I think she spoke. Nadine

11 Reese? Jessica Murray? Joe Lieberman? Joe --

12 [Laughter]

13 CHAIRPERSON FELDER: Is there a Joe

14 Lieberman? Good. Efrain Gonzalez? Efrain

15 Gonzalez? The third, I'd ask my colleagues to

16 please behave. I understand. Amanda Miretti?

17 Lisa Pelase? Lisa Pelase? Mary Arushian? Mary?

18 Thank you for waiting, Mary. She's been very

19 patient. Rabi Tenenbaum? Yes. Lisa who? Yes.

20 Have a seat. Please have a seat. There are some

21 more names here. Harbashan Sing? Morgan, I think

22 it's what? You want to do the names? Morgan

23 Pain, I think? P-H-M-E. Scott Caplan? Thank you

24 for waiting. Shelly Hagan? Thank you for

25 waiting. [Pause] Frank Lovace? Lovace? Or

1
2 Lovace? Joseph Purello? George Rowskwist? Thank
3 you for waiting. That's it? Excellent. [Pause]
4 Yes, please. Again, just to remind you, because
5 the hours late, please focus on the term limit
6 issue and identify yourself at the beginning.
7 Thank you. Go ahead.

8 MARIA PERGANO: Mr. Chairman and
9 ladies and gentleman of the city council, thank
10 you for inviting me. I am Maria Pergano from
11 parent, active in my community and carol gardens.
12 I am firmly behind my city council member Bill De
13 Blasio and his position for the referendum.
14 That's all I'd like to say.

15 CHAIRPERSON FELDER: Excellent
16 testimony, excellent testimony. I just want the
17 rest of the panel to know that you're going to
18 have to do very well to beat that testimony.

19 [Laughter]

20 CHAIRPERSON FELDER: Next witness?
21 Push the button please.

22 MARIA ARUSHIAN: My name is Maria
23 Arushian, I don't work for a politician, I don't
24 have a special interest, but I would like to keep
25 the term limits. The mayor is okay, he's not the

1
2 greatest mayor in the world, he's not the worse
3 mayor in the worlds. What the hell, you know. So
4 I would like to keep the term limits. Thank you.

5 [Laughter]

6 CHAIRPERSON FELDER: Excellent.
7 Next witness, please? This panel should have been
8 on much earlier in the day.

9 [Laughter]

10 LISA PILASE: Thanks. Okay.
11 [Pause] Hi my name is Lisa Pilase. A lot of
12 people are saying that if we overturn the term
13 limits that we will have more choice to vote for
14 mayor Bloomberg again but the problem with that is
15 mayor Bloomberg is a very rich and powerful
16 individual and it's impossible for someone to have
17 a viable campaign against the man. In fact I read
18 today that he outspent Mark Green five to one when
19 he ran against Mark Green. So it's a nice idea to
20 have more choices, but it's just an idea and it
21 doesn't work in the real world. So if we want to
22 keep this guy from having a third term and running
23 rough shot over the voters of New York City, we've
24 got to stop him here and now and up hold term
25 limits which were put in place just exactly for

1
2 that reason. I don't think he's a great mayor, I
3 think he's an awful mayor and if he wants a third
4 term let him put it to a vote and let him get the
5 popular support that he pretends that he has
6 because we all know that that man does not have
7 popular support from the tax payers that he is
8 squeezing the life blood out of in New York City
9 to make way for tourists. That's all I have to
10 say, thank you.

11 CHAIRPERSON FELDER: Thank you.

12 Next witness, please? Just press the button.

13 SHELLY HAGAN: Good evening, my
14 name is Shelly Hagen. I'm a private in the
15 citizen infantry led by Letitia Braveheart James,
16 35th CD Brooklyn. Speaker Quinn has come up with a
17 great way to raise money in our newly straightened
18 circumstances. Sell advertising space on city
19 property. Leading my example, she has sold the
20 speakers office to Mr. Bloomberg, who's big add on
21 her office door says "the people be damned." Mr. B
22 and Ms. Q have shared a happy life in their three
23 years adieux at city hall, puttering through the
24 daily rounds, earmarking subsidies for favorite
25 developers, making slush funds for special

1 friends, making up funny names for special slush
 2 funds, but this sweet steadiness is suddenly no
 3 more. The mayor went to Germany to get an award
 4 for fighting tobacco, and when he got back, went
 5 on TV and told New York City "The facts have
 6 changed, nothing is the same. Wall Street has
 7 fallen and the people are being thrown out of work
 8 by the hundreds and thousands. Don't panic
 9 though, because the speaker and mayor have a plan
 10 to save as many as 35 jobs right here at city
 11 hall. Make these jobs safe for four more years
 12 until 2013." The beauty of the plan is that it
 13 removes the voters. If they got another crack at
 14 term limits they'd probably vote wrong anyway.
 15 They already have twice. And if Wall Street
 16 crashes again in the next couple of years, we non
 17 voters will reap the manifest benefits of having
 18 the same people in command as this crash around.
 19 [Pause] I'm pointing to that.

20 [Pause]

21 CHAIRPERSON FELDER: -- witness,
 22 please?

23 SCOTT CAPLAN: My name is Scott
 24 Caplan. I am a resident of the union square area.
 25

1
2 I am active in progressive democrats for America,
3 democracy for New York City, Grammar C Stiverson
4 [Phonetic] independent democrats and the Tilden
5 democratic reform club. The issue today is not
6 whether you, as council members support term
7 limits. The issue is whether you will respect the
8 will of people as expressed in two referenda. It
9 is a conflict of interest for council members to
10 extend their terms in office. It is a conflict of
11 interest for non profits receiving money from the
12 city of New York to have individuals here
13 testifying to extend terms for politicians who are
14 sending money to their offices. On the merit, I
15 might support referenda to extend terms of council
16 members, but not of the mayor. We need to
17 strengthen the role of the city's legislative
18 process, and that means selecting a speaker who
19 will act as an aggressive leader for the city
20 council instead of acting, as many people have
21 called her today, as deputy mayor for Michael
22 Bloomberg. Thank you very much.

23 CHAIRPERSON FELDER: Next witness,
24 please?

25 RABBI GERSHIN TENENBAUM: Thank you

1
2 chairman Felder, honorable council members and
3 ladies and gentlemen listening. Thank you for
4 allowing my participation in this process. I am
5 Rabbi Gershin Tenenbaum, the spiritual leader of a
6 congregation of - - Israel of Linden heights,
7 which is in - - Brooklyn. I'm also the director
8 of the - - alliance of America, representing
9 almost 1,000 orthodox rabbi's who lead
10 congregations, provincial schools and charitable
11 organizations across the United States, but I'm
12 here speaking on my own. The rabbinical alliance,
13 by the way, is headquartered here in New York City
14 too. also proud to live in New York City, the
15 absolute greatest city in the world. The mayor
16 and this admired city council has helped make and
17 keep this city great. The greater observant
18 Jewish community has historically, consistently
19 been inclined to support the re election of
20 incumbent successful office holders. In order to
21 maintain the stability and continuity of the
22 present productive governments, I strongly
23 encourage the quick and efficient extension of
24 term limits to allow the possible re election of
25 the mayor and current members of the city council

1
2 in the face of the historical challenges
3 confronting us. Scientific polls quoted in the
4 local newspapers indicate that a clear majority of
5 city residents support this quick extension.

6 Thank you.

7 CHAIRPERSON FELDER: Next witness,
8 please?

9 JOE LIEBERMAN: Hi, my name is Joe
10 Lieberman and I'm a senator. Thank you.

11 CHAIRPERSON FELDER: Are you sure?

12 [Laughter]

13 JOE LIEBERMAN: As long as they
14 sitting here between the people, not up there.

15 CHAIRPERSON FELDER: Very good.
16 Thank you.

17 JOE LIEBERMAN: Unless - - even a
18 senator is treated equally like everybody.

19 CHAIRPERSON FELDER: Thank you,
20 continue, please.

21 JOE LIEBERMAN: Thank you. First
22 of all thank you Mr. Felder, chairman of the
23 committee on governmental operations. If I may
24 ask a question from the council members, I've
25 appreciated --

2 CHAIRPERSON FELDER: [Interposing]
3 That's not how it works. You get to testify, we
4 ask you the questions.

5 JOE LIEBERMAN: Okay.

6 CHAIRPERSON FELDER: Sorry.

7 JOE LIEBERMAN: So if somebody --

8 CHAIRPERSON FELDER: [Interposing]
9 But if you were Senator Lieberman we may make an
10 exception.

11 JOE LIEBERMAN: So I'm just
12 testifying that anytime now or later, each council
13 member that will answer me honestly if they came
14 with a decision or if they came here today and
15 tomorrow to listen to the people and based on the
16 testimonies to decide if they would answer me I
17 would appreciate. My second comment is that I
18 believe that we need more than two referendums and
19 being spread more times to give the chance for
20 more people to participate. One of the things
21 that the government consumer affairs department
22 always says then we're getting marketing calls.
23 If they want to rush you into something, you've
24 got to do the deal, a one time deal just today.
25 Don't do it. So coming the last minute with

2 rushed things is not good for both. For the pros
3 and for the cons. [Pause] Now Mayor Bloomberg,
4 like each person, has pros and cons. I just have
5 a question. If he wants to help the city, I think
6 he's anyways not thinking more than a dollar,
7 everyone, every mayor will gladly accept the help
8 of such experience, business man financial expert.
9 I'm sorry English is my second language, so I'm
10 sorry for that. I'm glad I'm sure nobody will say
11 no I don't want your help, which hiring a - -
12 consultant is worth a lot of money. Second of all
13 --

14 CHAIRPERSON FELDER: [Interposing]

15 You have to wrap it up.

16 JOE LIEBERMAN: Okay. I think it's
17 a shame for over 8 million people that only one
18 person can be the mayor and if we think the
19 Bloomberg doctrine is the right doctrine, we just
20 need to increase tax, increase parking tickets,
21 hire more officers to give out tickets, traffic
22 congestion pricing and find a look out for old
23 laws that people have forgotten and just giving
24 more tickets for people.

25 [Laughter]

2 CHAIRPERSON FELDER: Alright.

3 JOE LIEBERMAN: - - from Con
4 Edison. When people in the -- don't have air-
5 conditioning - - .

6 CHAIRPERSON FELDER: [Interposing]
7 Mr. Lieberman?

8 FEMALE VOICE: Don't interrupt the
9 Senator.

10 [Laughter]

11 CHAIRPERSON FELDER: Next witness,
12 please?

13 JOE LIEBERMAN: Thank you.

14 CHAIRPERSON FELDER: You're
15 welcome.

16 GEORGE ROWSKWIST: As chairman and
17 the esteemed members of the city council, my name
18 is George Rowskwist. I'm a director of Freedom
19 Now, which is a non partisan public advocacy group
20 based on Staten Island and I'm a resident of
21 Staten Island. I thank you for this opportunity
22 today to appear on their behalf and on my behalf,
23 in opposition to any authorization of the existing
24 lure by that public vote, twice given, in 1993 and
25 in 1996, establishing term limits of no more than

1
2 two terms of office. After numerous public
3 hearings and much debate, the referendum was
4 offered to the people of the city of New York who
5 have expressed their will at the voting booth that
6 limits on the term of office are necessary and
7 desired to put an end to entrance politics in our
8 seat of city governments. My testimony that I
9 have given in writing that I wanted to have, - - ,
10 but I've heard some things that were said here
11 tonight that I want to deviate a little bit from
12 what I had originally intended to say. But the
13 one thing that I do want to point out is that
14 mayor Bloomberg is suggesting this under the
15 pretext that he has some sort of superior
16 knowledge and that he has some sort of - - skills
17 that he can fix the problem, yet mayor Bloomberg
18 said in a recent interview on a BBC television
19 program Hardtalk, in London, and if he could be
20 taken at his word, he said that the state of
21 affairs is beyond the qualifications of many
22 people, he says, but there are many people that
23 are qualified to me mayor and that there is no way
24 of knowing what the answers are or knowing who's
25 going to be heard by what action or whatever.

1
2 What he's saying is that he doesn't know any more
3 than anyone else how to fix the problem. He has to
4 deal with it as it comes as anyone else would have
5 to do. There is no specific reason for extending
6 term limits for someone who knows no better than
7 any body else how to fix it. Now number two, I
8 keep hearing tonight people saying that extending
9 the term limits -

10 CHAIRPERSON FELDER: [Interposing]
11 Can you please wrap it up?

12 GEORGE ROWSKWIST: Okay. That
13 allowing the people to vote, to choose, whether
14 they want him to run or not, is the right thing,
15 is the peoples choice. That's wrong. The people
16 voted in 1993 and 1996 that you are not to run
17 again, period. That is what they voted for. To
18 ignore that vote is to deprive those people of
19 their voting right and I'm sorry, but people here
20 are saying that we don't feel that we should go by
21 a vote that was done 12 years ago, the point is I
22 voted 12 years ago, I want my vote to count.
23 That's the same as saying well then the
24 constitution shouldn't could because I wasn't here
25 when they made the constitution. Alright?

2 [Laughter]

3 CHAIRPERSON FELDER: Thank you very
4 much.

5 GEORGE ROWSKWIST: Thank you.

6 CHAIRPERSON FELDER: Thank you to
7 this panel. Danny Shapiro? Good, thank you for
8 waiting. Andre Calvert? Thank you for waiting.
9 Andrew Stengle? Andrew Stengle? Joseph Grava? How
10 do you pronounce it? Gravan, thank you. I'm
11 sorry.

12 [Off mic]

13 CHAIRPERSON FELDER: I didn't hear
14 what the; yes. Mark Seymour? Mark Seymour?
15 [Pause] Olaji Yiwa? [Pause] Dr. Lenora Felani?
16 This says for Friday morning. Okay. Craig Trada?
17 Craig are you here? John C. Whitehead? Dr. Kazas?
18 [Pause] Christabell Ghoul? Ghoul? No, there she
19 is. I never pronounce the names right, I
20 apologize. Patty Hagan? I'm coping. [Pause]
21 Richard Laurie? Thank you, please come up. How
22 many more do we have? Two more? David Quintana?
23 Does that mean you want to testify? Please, come
24 up. Keith Allen? Thomas Breen? Excellent.
25 Helene Cohen? Just have a seat nearby. This is

2 the last panel. George So -- no, no clapping what
3 so ever. Even from the camera crew. George
4 Sotrioff? Are you here George? Where did Helene;
5 good. Ed Cashanski? Ed Cashanski? Okay, this;
6 Helene Cohen is here, right? That's you. Yes.
7 This is the last panel. Since Helene is at the
8 corner, I don't know what sense that makes, but
9 you go first. Go ahead.

10 HELENE COHEN: Good evening
11 everybody and thank you for allowing me to spend
12 my birthday with you.

13 [Applause]

14 HELENE COHEN: Esteemed members of
15 the council.

16 CHAIRPERSON FELDER: Give her a
17 round of applause, happy birthday Helene.

18 [Applause]

19 CHAIRPERSON FELDER: The applause
20 has no bearing on what her testimony is. Go ahead.

21 HELENE COHEN: I am a teacher,
22 which may give you some inside into how terrible
23 mayor Bloomberg has made the lives of teachers
24 since he took over. But I'm not here to speak
25 about that, I'm here to speak about the fact that

1
2 term limits were voted for by the people in two
3 referendums. Now, we didn't always have term
4 limits, they weren't always a fact of New York
5 City life. I've lived here my entire life and I'm
6 not pleased with the way New York is now, even
7 though it may be safer. It's lacking its former
8 uniqueness; it's become too much cookie cutter
9 like all the other cities. Despite that, for the
10 young people here to say that they didn't vote in
11 the referendum so that doesn't speak for them,
12 well let's have another referendum and let you
13 speak and just because something happened before
14 you were born doesn't mean it has no validity as
15 young people sometimes think. Anyway, I think
16 that this all could have taken place in a timely
17 fashion and it's wrong for the mayor to say that
18 because of this crisis; if there was no crisis,
19 what would have happened? We shouldn't have had a
20 referendum or we should have just gone along with
21 the city council overturning the term limits or
22 would this issue not have come up? I think that
23 this was always in the back of his mind to wait
24 until the last minute so that we didn't have the
25 time to vote, because why didn't we vote sooner?

2 In addition, this is the democratic process and we
3 would have had time to have a referendum in a
4 timely fashion had this issue been taken up sooner
5 without giving a sense of urgency. Thank you very
6 much. Have a good evening.

7 CHAIRPERSON FELDER: Thank you for
8 waiting. Next witness, please.

9 [Pause]

10 DANNY SHAPIRO: My name is Danny
11 Shapiro and I'm an upper east side resident and a
12 community board member. I believe I'm also here
13 speaking for those who have worked for the mayors
14 administration yet are too afraid to speak out on
15 this matter. Earlier today the mayor's council
16 asked you to ignore process considerations that he
17 deemed unimportant. I beg to differ. How the
18 city council and the mayor carry themselves and
19 conduct business matters. How you do things
20 engenders trust or in this case destroys it. Your
21 failure to engage the public in meaningful debate
22 and dialogue on this issue, and you're rushed to
23 pass this bill within two weeks is discouraging,
24 it's frustrating and terrifying. Corporation
25 council sighted examples in which other city

1
2 legislatures had successfully reversed voter
3 referendums and we wonder why the public's trust
4 in government is at an all time low? Why don't
5 you trust the public enough to educate them about
6 the problems with term limits and work with a
7 charter revision commission to determine the best
8 governing structure for our city? Your
9 constituents are smart, thoughtful and care deeply
10 about the city's future. New York City has
11 survived and flourished despite many financial
12 panics, terrorism and many other problems and we
13 will again with our without you. There is no
14 rush. If this passes, Mr. Chairman, next pass
15 over, the cynical child will ask "why should we
16 vote at all?" [Pause] If this is passed, I vow to
17 resign from my community board in protest and
18 instead work outside the system for true
19 governmental reform. Thank you.

20 CHAIRPERSON FELDER: Thank you.

21 Next witness, please?

22 ANDRE CALVERT: My name is Andre
23 Calvert and I'm a resident of the fort green
24 Clinton hills section of Brooklyn. I come here
25 today as a very concerned citizen, American and

1
2 New Yorker. I'm here today to urge you, the city
3 council, to vote against this bill. This is not
4 an issue about whether mayor Bloomberg was a good
5 mayor or a bad mayor, this is an issue about
6 democracy and about whether you, the city council,
7 will overturn the will of the people. This is a
8 vote for or against democracy. The mayor has been
9 given most of the attention about this bill, but I
10 want to focus on the city council. It is my
11 understanding that this bill not only extends term
12 limits for the mayor but it also extends term
13 limits for the city council. I find it very
14 outrageous that some city council members are
15 naïve enough to believe that should this bill pass
16 they would get re elected after overturning the
17 will of the people. If this bill passes we, the
18 people, will not forget those who voted against
19 democracy. The passing of this bill will not only
20 set a terrible president for the rest of the
21 country, but it will also increase voter cynicism.
22 This bill is an insult to New Yorkers and a direct
23 attack on democracy. Please vote no.

24 CHAIRPERSON FELDER: Thank you,
25 next witness, please?

1
2 JOSEPH GRAVAN: My name is Joseph
3 Gravan. I'm running for the 19th council - - next
4 year in Queens. I - - whole support this bill and
5 encourage the council to vote on it,
6 affirmatively. Many people are asking why. Well
7 first of all, we have a mayor that is independent
8 of any parties. He's independent. He's not a
9 republican, he's not a democrat. So the council
10 as a whole can and should vote for that bill to
11 extend his term, however, the issue lies with the
12 council, guys. It is inappropriate and
13 discouraging that a city council can vote on their
14 own bill. You should take the referendum to the
15 voters for the council only. You are entitled to
16 extend - - to the mayor. Everybody knows that the
17 public does not have any say in next year's races.
18 It's decided by the democratic party bosses,
19 without question. Next year, ladies and gentlemen
20 of this council, you will unquestionably have
21 serious challenges. I've been - - for two years.
22 People have - - for two or three years. You will
23 have primaries you've never seen before. I also
24 will highly recommend that the campaign finance
25 board bare any incumbent from taking public funds,

1
2 period. Public money also, furthermore, should be
3 raised from six to one, to nine to one. That will
4 prevent any incumbent from thinking about
5 questioning the will of the people. Thank you for
6 your time, I hope to speak to you in the future.

7 CHAIRPERSON FELDER: Next witness,
8 please?

9 CHRISTABELL GHOUL: I'm Christabell
10 Ghoul, I'm from Greenwich Village and I thank you
11 council members and Mr. Chairman for being here
12 still. I'm here to ask the city council to reject
13 845A, the proposal to allow elected officials to
14 serve three terms. The council has the power to
15 amend the charter and that power may be
16 technically expedient in some circumstances, it
17 was never meant for the purpose of thwarting the
18 expressed will of the voters on the pretext that
19 no one but mayor Bloomberg is qualified to lead
20 the city today. The Bloomberg administration is
21 not responsible for the economic downturn, but it
22 has certainly done it's best to expedite the
23 banking and real estate bubble that caused it with
24 zoning and taxing bonding policies that have
25 contributed to unsound and unsustainable

1
2 overdevelopment, gentrification and displacement
3 of people in small business from Greenwich village
4 to Williamsburg to Atlantic yards to
5 Manhattanville to Coney Island to Willits point.
6 This was for the short term benefit of certain
7 selected industries and corporations. Not a wise
8 course for the city as a whole. I believe the
9 mayor is uniquely unqualified to lead the city
10 through the hard times ahead because of his
11 reckless disregard for the problems of people of
12 modest means and his bad judgment of using his
13 personal fortune as a political weapon. Please in
14 act 850A, which better defines the appropriate use
15 of the council's power to amend the charter.
16 Thank you.

17 CHAIRPERSON FELDER: Thank you.

18 Next witness, please?

19 PATTY HAGAN: Thank you city
20 council for holding this shotgun hearing on the
21 just announced shotgun marriage of Bloomberg and
22 Quinn about their heartfelt desire to enter their
23 dream years, at least four more together, provided
24 a self dealing city council will anoint their
25 sudden term limitless political life extension,

1
2 Hail Mary pass. The happy couple has already
3 obtained the secret blessing of god father Ronald
4 Lauder. My name is Patty Hagan. I am a voter
5 from the outer borough of Brooklyn. I stand
6 750,000,000,000% with my elected council member,
7 the most honorable Letitia James in opposition to
8 the Bloomberg and Quinn nuptials. Their attempt
9 to strong arm the city council, minimum 26 arms,
10 into also blessing their secret backroom and run
11 around the New York City charters term limits law.
12 I have twice voted for the term limits that are
13 New York city law and respect the standard
14 procedure for changing the law. I refer Bloomberg
15 and Quinn to the referendum. The referendum puts
16 the question to the voters. Let the people vote
17 instead of putting it to the backroom insider,
18 self dealing, favored billionaires hoonta
19 [Phonetic] Lauder Dan Doctoroff [Phonetic] Bruce
20 Ratner, the two Steve's of the related companies
21 and Vernato [Phonetic], et cetera and the pullet
22 politicians they fund in the city council. Going
23 on four-eight years mayor Bloomberg has declared
24 himself content with New York City's term limits
25 law, likewise council speaker Quinn. They were

1
2 honorable people, they gave us their word. I took
3 them at their word. I could read their lips. "No
4 new term limits." Until October 2008 when
5 Bloomberg and Quinn brought forth their all new
6 term limits double standard double speak. Double
7 cross thy name is Bloomberg. Et tu Quinn. How
8 dare they term limit our democratic right to
9 decide. Will they add a permanent --

10 CHAIRPERSON FELDER: [Interposing]
11 Alright, ma'am?

12 PATTY HAGAN: -- term limit
13 extension line to every New York City ballot?

14 CHAIRPERSON FELDER: Ma'am?

15 PATTY HAGAN: Yes?

16 CHAIRPERSON FELDER: Can you close?

17 PATTY HAGAN: Okay.

18 CHAIRPERSON FELDER: That's closing
19 is like a sentence or two.

20 PATTY HAGAN: Alright, I'll jump
21 down here to the end.

22 CHAIRPERSON FELDER: Thank you.

23 PATTY HAGAN: The people of New
24 York City, we are watching you, Mr. Mayor. We
25 know you went to California yesterday to campaign

2 for a redistricting proposal that would not allow
3 California elected officials to re draw their own
4 districts because it would just be "a self serving
5 way for law makers to keep themselves in office."
6 How ironic, makes me wonder if you and Mr. Lauder
7 cooked up a Hippocratic oath at the same time you
8 cooked up Bloomberg three. Give us --

9 CHAIRPERSON FELDER: [Interposing]

10 Okay, ma'am.

11 PATTY HAGAN: Give us - -

12 referendum three if you must -

13 CHAIRPERSON FELDER: [Interposing]

14 Ma'am? Ma'am?

15 PATTY HAGAN: -- and relieve

16 yourselves of --

17 CHAIRPERSON FELDER: [Interposing]

18 Ma'am? Ma'am?

19 PATTY HAGAN: -- Call off the shot

20 gun wedding please.

21 CHAIRPERSON FELDER: Okay. Next

22 witness, please?

23 RICHARD LAURIE: My name is Richard

24 Laurie and in order to be precise and concise I

25 will read my comments. The issue is not if mayor

1
2 Bloomberg and members of the city council have
3 done a great job. The issue is clear and simple.
4 Why do many members of the city council insist and
5 persist in denying the public a third opportunity
6 to vote on the term limits law? Twice before the
7 voters have approved this law by overwhelming
8 majorities, so why now this denial? There are
9 certain politicians who justify this denial by the
10 disingenuous, cynical, and insulting statement
11 that they voters, who are unhappy with the actions
12 of certain council members, can vote them out of
13 office. This of course is not relevant and lacks
14 logic because even if those politicians are voted
15 out of office the voters will still be oppressed
16 by changes in the term limits law that they do not
17 want. The current term limits law was enacted by
18 the people, not by the politicians. It is truly a
19 peoples law. As such, the people are the proper
20 authority to make any changes concerning it, not
21 those politicians who have a vested interest in
22 ultimately destroying it. Now I would just like
23 to say thank you to councilman John Liu for having
24 chosen to place himself, to take a position of
25 political integrity over political expediency. He

1
2 has given an inspiring lesson in what true
3 leadership is. He has been gently touched by true
4 nobility in his actions and for whatever I do for
5 the rest of my life I will remember what he has
6 done now. Thank you councilman John Liu.

7 CHAIRPERSON FELDER: Next witness,
8 please?

9 THOMAS BREEN: My name is Thomas
10 Breen. I would like to thank you for giving me
11 the opportunity to voice my views. I think mayor
12 Bloomberg is an excellent mayor, and I think he
13 should continue for four more years. I feel the
14 council has the right to extend the term limit
15 independently of having a referendum. Thank you.

16 CHAIRPERSON FELDER: Thank you very
17 much. The last witness?

18 DAVID QUINTANA: Good evening, my
19 name is David Quintana and I'm a life long
20 resident of New York City, hailing from ozone
21 park, queens. I'm also a member of community
22 board 10 and the former district 27 seat back rep.
23 I believe that - - 45 is a bad law which serves
24 the self interest of our billionaire mayor. I
25 could not believe the sheer arrogance displayed by

1
2 the city's corporation council, Michael Cardozo a
3 council to mayor Anthony Crowell that the council,
4 when they stated that the council was more
5 representative than a special election. The
6 proposed - - by the mayor shows that he doesn't
7 believe in a representative government with the
8 voice of the people being heard, it shows a lack
9 of respect for the voters of New York City. The
10 mayor tells us that he has met with business
11 leaders and newspaper editors and Wall Street
12 lawyers. All these rich and influential people
13 are represented by the body of New York is, I
14 think not. I think that contrary to what you're
15 hearing today's - - city newspapers this mayor has
16 not been a good mayor in my opinion. He picks and
17 chooses which laws he will obey and which laws he
18 will ignore. Take for the example the issue of
19 cell phones in the schools, which was passed by
20 this city council, vetoed by the mayor and then
21 his veto was overwhelmingly overturned in the
22 council. The mayor ignores this law. He allowed
23 the chancellor schools to disregard the city's
24 recycling laws. Which of the laws of the city
25 does he choose to ignore? I think the mayor is

1
 2 very often a bully as many rich men want to be.
 3 The mayor, with the real estate interests, has
 4 adversely affected the fabric of our neighborhood
 5 with over development. This is not a man of the
 6 people but a man of special interests and well
 7 eared groups. I have attended many meetings,
 8 hearings on the state of our city schools under
 9 Mayoral control and across the city it is almost a
 10 universal view of parents around the city that
 11 this mayor has shut out. - - stock holders such
 12 as parents and teachers --

13 CHAIRPERSON FELDER: [Interposing]

14 Can you please, sir? Can you please wrap it up?

15 THOMAS BREEN: I will. Let's
 16 remember that this is a lame duck mayor who is
 17 drunk with power and is ego won't allow him to
 18 relinquish his office. That this mayor is
 19 indispensable, without a joke, no person is
 20 indispensable. I agree with councilman Liu that
 21 this is a three card Monty, a slight of hand, the
 22 notion --

23 CHAIRPERSON FELDER: [Interposing]

24 Okay, sir? Do you want to wish us a good night?

25 THOMAS BREEN: Last sentence. I

2 implore the city council to please remind the
3 mayor that this city's government is a democracy
4 and not a plutocracy with a no vote on intro 845.
5 And --

6 CHAIRPERSON FELDER: [Interposing]
7 Thank you, thank you very much. No, no --

8 THOMAS BREEN: [Interposing] I also
9 have a - - thank you.

10 CHAIRPERSON FELDER: Sir, sir?
11 Thank you. Before we conclude the hearing I want
12 to thank all the members that have been here from
13 1 o'clock all the way to 11:30. There are a lot
14 of members here who have left, but we appreciate
15 very much those that stuck it out and certainly
16 those --

17 FEMALE VOICE: [Interposing] Could
18 you give us a shout out?

19 CHAIRPERSON FELDER: Certainly
20 those people who waited to testify. We wish you a
21 good night and thank you very much for coming.
22 The hearing is hereby recessed.

23 [Applause]

24 [Background noise]

25 CHAIRPERSON FELDER: This hearing

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is adjourned.

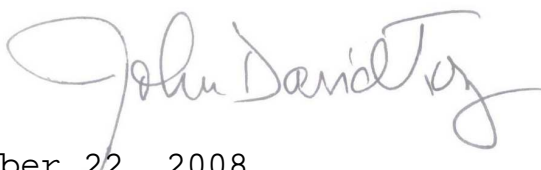
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[Off mic]

C E R T I F I C A T E

I, JOHN DAVID TONG certify that the foregoing transcript is a true and accurate record of the proceedings. I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.

Signature

A handwritten signature in cursive script that reads "John David Tong". The signature is written in dark ink and is positioned to the right of the printed word "Signature".

Date October 22, 2008