

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON CIVIL SERVICE AND LABOR

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May 21, 2009
Start: 9:40am
Recess: 12:37pm

HELD AT: Council Chambers
City Hall

B E F O R E:
MIGUEL MARTINEZ
Chairperson

COUNCIL MEMBERS:
Melissa Mark-Viverito
Mike Nelson
Larry Seabrook

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

James Hanley
Commissioner
Office of Labor Relation

Harry Nespoli
President, Uniform Sanitation Men's Association
Chairman, MLC

Gregory Floyd
President
Local 237

James Huntley
President
CWA Local 1182

Bob Croghan
Chairperson
Organization of Staff Analysts

Joseph Colangelo
President
SCIU New York City Local 246

Frank McCaffrey
Political Action Director
Civil Service Bar Association

Arthur Cheliotis
President
CWA Local 1180

Linda Barnes
Executive Director
New York City Managerial Employees Association

Michael Brandon
Secretary/Treasurer
Local 333 of the International Longshoreman's
Association

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

Michael O'Toole

Representative

Licensed officers on the Staten Island Ferry

CHAIRPERSON MARTINEZ: Good

morning, we're going to call the meeting of the Committee on Civil Service and Labor to order. My name is Miguel Martinez, I am the Chair of the Committee on Civil Service and Labor. Today the Committee will hear testimony on a local law, to amend the administrative call [phonetic] to the City of New York in relation to residency requirement for City employees. In February 2009, the Council overrode Mayor Bloomberg's veto and approved Introduction 837, modifying residency requirement for certain City employees. Intro 837 allowed DC 37 employees, and certain affiliate unions, to move to six surrounding counties after two years of City employment. The original residency waiver legislation was an outgrowth of contract negotiation between City and the DC 37 for the 2005-2008 round of collective bargaining. The parties agreed to support legislation to modify residency requirements where feasible. Once this initial settlement was reached with DC 37, the term of the agreement would offer to other civilian unions in the City. Approximately 27 other unions representing numerous titles have

1 requested changes to the current residency
2 requirement. However, as with Intro 837,
3 residency must be modified by the City, by City
4 Council legislation. Today proposed Introduction
5 will extend the benefit of the Council's previous
6 residency legislation to additional City
7 employees, allowing those employees to move to six
8 surrounding counties after two years of city
9 employment and residency. The Committee looks
10 forward to hearing testimony from Commissioner
11 Hanley, Office of Labor Relation and Union
12 Representatives. Call our next first witness.
13
14 And I want to excuse, there's confusion with the
15 Committee's actually having two hearings today,
16 and there was a bit of confusion, that's why some
17 members are not here yet, but they're on their
18 way. So, our first witness is Commissioner James
19 Hanley, for the Office of Labor Relation.

20 [pause]

21 JAMES HANLEY: It's on, right?

22 Good morning, Chairman Martinez, and the Members
23 of the Civil Service Labor Commission, Committee.
24 My name is James F. Hanley, H-A-N-L-E-Y, I am the
25 Commissioner of Labor Relations. I am here to

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2 testify on the residency bill that is currently
3 before you--

4 CHAIRPERSON MARTINEZ: I'm sorry,
5 Commissioner, you have written testimony?

6 JAMES HANLEY: Yes.

7 CHAIRPERSON MARTINEZ: Do we have
8 that, Sergeant? Thanks. Sorry about that.

9 JAMES HANLEY: The Administration
10 does not support Intro 98-92, as currently
11 drafted; however, if certain amendments were made,
12 the Administration could and would support the
13 bill. Intro 992 will amend the recently enacted
14 DC 37 residency bill, that was passed by the City
15 Council over the Mayor's veto. Specifically, this
16 bill would remove the residency requirement for
17 employees and titles that have reached an
18 agreement with the City, by allowing them to live
19 in Nassau County, Westchester, Suffolk, Orange,
20 Rockland or Putnam County, upon the completion of
21 two years of service. Our objection to this new
22 bill are identical to some of the objections we
23 expressed over the Council's recently, recent DC
24 37 residency bill. Like the DC 37 bill, this
25 legislation would require employees to have

1 completed two years of service before being
2 eligible to move to one of six counties mentioned
3 above. As you know, this two year service
4 requirement was not part of our collective
5 bargaining discussions with the unions, and we do
6 not believe that it should be included as part of
7 any residency waiver legislation. Secondly, as
8 you know, the City's original residency bill,
9 Intro 452, contained a clause that allowed
10 additional employees in categories designated by
11 the Mayor in the interests of the City to also be
12 exempt from the residency requirement. The clause
13 was meant to give the Mayor to remove the
14 residency requirement for other represented and
15 non-represented titles, such as managers, where it
16 was deemed to be in the best interest of the City.
17 This clause has been removed from the proposed
18 legislation that is currently before the
19 Committee. That being said, the Administration
20 believes that with certain changes, Intro 992
21 could be redrafted in such a way so that we could
22 support it and it would be consistent with the
23 numerous collective bargaining agreements that
24 have been reached between the City and the various
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2 unions. If the Council were to remove the two
3 year City service requirement, and insert a clause
4 that allowed addition of employees in categories
5 otherwise designated by the Mayor, in the
6 interests of the City, to also be exempt from the
7 residency requirement, the Administration would
8 then be able to support this proposed bill. Thank
9 you. We do support that which we agreed to in the
10 bargaining process, unlike what has been asserted.
11 We do, and we will continue to. This does not
12 represent what had been agreed to by the unions
13 and the City.

14 CHAIRPERSON MARTINEZ: Thank you,
15 Commissioner. During the bargaining process, was
16 the administration of where that it required
17 Council legislation for this collective
18 bargaining, or this, to be approved in terms of
19 changing residency requirement?

20 JAMES HANLEY: It was specifically
21 discussed and specifically agreed to, that we
22 would support the legislation before the City
23 Council. So the answer is yes, we were well aware
24 of it, as were all the unions. So, we certainly
25 support and remember what we agreed to.

CHAIRPERSON MARTINEZ: Under Intro 992, how many person are currently employed by the City of New York, and how many would be impacted by this--

JAMES HANLEY: I do not have that number, but I'll be happy to try to get it for you.

CHAIRPERSON MARTINEZ: That would be, if you could forward that to the Committee. What are the title covered by Section 2220, for the New York City Labor Law?

JAMES HANLEY: What titles?

CHAIRPERSON MARTINEZ: Yeah.

JAMES HANLEY: Sounds sexist, but the law says workmen, laborers and mechanics; generally speaking, the skilled trades.

CHAIRPERSON MARTINEZ: Is there any impact to City revenues with this proposed Intro?

JAMES HANLEY: I think at the end of the day, the answer is no.

CHAIRPERSON MARTINEZ: Is there any additional cost to the City?

JAMES HANLEY: I think the answer is no.

2 CHAIRPERSON MARTINEZ: What is the,
3 I mean, what impact will the two year minimum
4 requirement on Intro 992 have?

5 JAMES HANLEY: Won't have any
6 impact on the City.

7 CHAIRPERSON MARTINEZ: So why
8 wouldn't the City support Intro 992?

9 JAMES HANLEY: As a general
10 principal, we support what we agreed to and live
11 up to our agreements that are reached across the
12 bargaining table. This does not represent that
13 agreement.

14 CHAIRPERSON MARTINEZ: And I'll
15 just ask a final question. In principal, what is
16 the, what violation is there to require a two year
17 minimum employment before moving out to any of the
18 surrounding counties?

19 JAMES HANLEY: I don't know of any
20 violation.

21 CHAIRPERSON MARTINEZ: So it's just
22 the fact that during the collective bargaining
23 process, the Administration made an agreement with
24 the union--

25 JAMES HANLEY: To support

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2 legislation, it did not have a two year limitation
3 on it, a two year requirement on it, that was
4 actually better than what this bill calls for, in
5 that respect.

6 CHAIRPERSON MARTINEZ: But I, I
7 just want to make sure that, that, you know, we
8 all understand each other's role in terms of the
9 Council and the Administration. The
10 Administration pushed forward a legislation that
11 requires the Council's approval in terms of
12 residency requirement, and then the Council's role
13 in terms of approving legislation is either to
14 amend, look at and discuss. But I think that one
15 of the issues in the original discussion with DC
16 37 was that from the Council perspective, since
17 we're not involved in collective, bargaining,
18 however, the Administration is asking us to
19 approve an agreement made in collective
20 bargaining. Is that right?

21 JAMES HANLEY: That was the
22 specific understanding and agreement that was
23 reached with the unions, that we would jointly
24 support legislation and what that would contain,
25 before the City Council. We continue to support

2 and will support that which we agreed to with the
3 unions. This does not represent that.

4 CHAIRPERSON MARTINEZ: Correct.

5 No, no, I just want to be clear for the record
6 that that was an agreement made between the
7 Administration and the union, not the
8 Council/Union/Administration.

9 JAMES HANLEY: We agreed to support
10 legislation, as we have done countless times.

11 CHAIRPERSON MARTINEZ: Right.

12 JAMES HANLEY: Obviously
13 prospectively we'll have to think about that. But
14 as we've done countless times, we've agreed to
15 support legislation, jointly.

16 CHAIRPERSON MARTINEZ: Correct.

17 No, no, no, but, but I just want to be clear for
18 the record, I know we've agreed on joint
19 legislation, but my point is that the Council was
20 never part of the agreement made with union and
21 Administration.

22 JAMES HANLEY: No.

23 CHAIRPERSON MARTINEZ: Thank you.

24 JAMES HANLEY: There's nobody else
25 here, so Commissioner I want to thank you for your

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2 testimony, and we're going to call up our next
3 panel.

4 CHAIRPERSON MARTINEZ: Okay,
5 thanks.

6 [pause]

7 FEMALE VOICE: Harry Nespoli, Greg
8 Floyd and James Hunter.

9 CHAIRPERSON MARTINEZ: Whatever
10 order you choose, just identify yourself for your
11 record and restart.

12 HARRY NESPOLI: My name's Harry
13 Nespoli, I'm President of the Uniform Sanitation
14 Men's Association. And also, Chairman of the MLC.
15 Basically, what I'm going to talk about, and, is
16 in the support of my brothers and sisters here,
17 that are underneath the MLC umbrella. And when
18 they testify I'm sure, I wasn't at the bargaining
19 table for each individual union, so they're going
20 to turn around and they'll update you on exactly
21 the negotiations. What I'm here, basically to
22 say, is the fact that this is a very dangerous
23 situation, as far as I'm concerned, in labor
24 management relationship, if this goes any other
25 way. And I'd like to thank the, the Committee and

2 your attention, and to have me here today, that
3 when you sit down, you negotiate. I've been
4 negotiating now for approximately 37 years. And
5 when you sit down and you're across the table and
6 you make a deal, I was always taught on the union
7 side, a deal is a deal. And all of a sudden, what
8 happened is that some unions were eliminated from
9 that deal. And I honestly feel it was the wrong
10 way to go. Then I became Chair. And then I found
11 out, sanitation are very lucky people, we're
12 allowed to move out of the City. I've always said
13 that it should be choice of a person, where he
14 wants to live, as long as he shows up for work on
15 time. Right now to live in the outer boroughs or
16 Manhattan, it's possibly impossible to afford
17 that.

18 MALE VOICE: I'm sorry, Mr. Chair,
19 I need to stop your testimony 'cause they're
20 having some difficulties in recording.

21 HARRY NESPOLI: As long as I don't
22 have to start over.

23 MALE VOICE: --your testimony
24 [laughs]

25 [end of file 1003]

2 [begin file 1004]

3 [numerous rounds of testing]

4 MALE VOICE: Sir?

5 HARRY NESPOLI: And that concludes
6 my piece. [laughter] Look, I'm, I'm here right
7 now to - - and sisters. And I'll cut it very
8 short, the fact that I don't know what happened or
9 what transpired, that they did not get what they
10 negotiated at the bargaining table. And I
11 appreciate the fact that people are looking at
12 correcting that. It has to be corrected, and it
13 should be corrected, because the next time they
14 sit across the table, they'll never feel safe
15 again. And they, they're entitled to it, the way
16 the world has changed, they have to have this now.
17 It's an important bill for them and their members
18 and their families. And I'm sure that the
19 principal officers here that are going to speak,
20 will speak on exactly what transpired and why they
21 felt that this was going to be taken care of at
22 negotiations. With that, that concludes what I'm
23 here to say.

24 GREGORY FLOYD: Thank you, I'll be
25 brief. First, we'd like to thank you, Mr.

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2 Chairman, for holding this very important hearing.
3 My name is Gregory Floyd, I'm President of Local
4 237, I present 9,000 City employees. I am here
5 today to speak to you and ask to pass the
6 residency bill for my members that would allow
7 them to live outside New York City, if they choose
8 to do so. This is the instep of what has been a
9 time consuming and complicated process. I
10 understand the concerns many of you have about the
11 impact of this legislation, but let me share with
12 you why the legislation is important to my
13 members. The American Dream is to have an
14 affordable place to live, and to live where it is
15 best for you and your family. For most, that is
16 right here in New York City. But sometimes, it
17 may not be the right place for all. With the
18 problem of affordable housing, it is important to
19 provide choices for my members. This bill allows
20 that to happen. That is why we negotiated this
21 with the Mayor several years ago. It has been
22 delayed, but thanks to you and the speaker, we see
23 the light at the end. Thank you.

24 JAMES HUNTLEY: Good morning,
25 everyone. I'd like to say good morning to Mr.

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2 Martinez, and the civil service staff here, and
3 also to my members, who represent New York City,
4 thank you so much for being today. My name is
5 James Huntley. I am the President of CWA Local
6 1182, the union representing traffic and
7 sanitation enforcement agents in New York City.
8 Let me start by thanking Chairman Martinez, and
9 the members of the Civil Service and Labor
10 Committee for addressing this issue which is very
11 important to City workers. On July 12, 2006, New
12 York City Mayor Michael Bloomberg and District
13 Council 37 Lillian Roberts signed a contract which
14 included changes in the residency law for
15 municipal employees, pending approval by the New
16 York City Council. The understanding at that time
17 was that all city workers, regardless of union
18 affiliation, would benefit from the change in the
19 requirement. In fact, most City employees already
20 live outside the City limits. While 240,000 City
21 workers are not mandated to live within the City,
22 45,000 mostly lower paid civil servants are
23 required to maintain residency within the Big
24 Apple. This important labor settlement containing
25 a provision for the City Council approval, didn't

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2 seem to be an issue at the time of signing, having
3 the Mayor's support, and most of the City
4 workforce already permitted to live outside the
5 five boroughs. No one thought that the labor
6 friendly Council would be an impediment to a
7 contract. When announcing the tentative
8 agreement, Mayor Bloomberg said that the
9 restriction were adopted 20 years ago, when many
10 middle class families were leaving New York for
11 the suburbs. And a lot has changed since then.
12 Needless to say, the inability to enact
13 disagreement has been an embarrassment to, to--
14 that's a recording, yo--both for New York City and
15 the municipal unions. [laughter] That was
16 scratch on my CD. The negotiation process between
17 unions and City government is always difficult and
18 stressful. Through the years, the trust and
19 credibility built by New York City Labor Relations
20 Commissioner James Hanley, and his team, has
21 allowed for harmonious relationship between labor
22 and City officials. Even before a contract
23 signing, the handshake of Commissioner Hanley,
24 with a union president, has always symbolized an
25 agreement. However, this time was different.

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2 Intending to add employment opportunities for New
3 Yorkers, the residency law was enacted in 1986,
4 with costing rising rapidly and the middle class
5 not able to afford living in most neighborhoods,
6 it became increasingly difficult for the municipal
7 workforce to find adequate housing in New York
8 City. During negotiation in 2006, frustrated
9 workers demand that residency restriction removal
10 be included in a settlement. City employees were
11 excited when learning that the agreement including
12 removing these restrictions, and finally all
13 municipal workers could realize the American
14 Dream, and be permitted to purchase homes, a home
15 in the suburbs. In 2006, as a follow up to
16 negotiations, Commissioner Hanley asked the City
17 Council to pass a bill that would permit civil and
18 municipal workers to live outside of New York
19 City. Some City legislators and community
20 advocates were critical of the change, claiming
21 removal would make it more difficult for New
22 Yorkers to land City jobs. In response, the
23 Council did not approve the removal of residency
24 restriction. - - those opposed the removal of the
25 residency requirements for municipal employees is

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2 the importance for government to honor a labor
3 settlement. Good relations and credibility
4 develop over the years a mutual respect and trust.
5 We sincerely thank New York City Council, Mr.
6 Martinez and his staff, for finally addressing
7 this important issue, as well as a strong labor
8 movement here in New York City. We strongly urge
9 the City Council to pass Intro 992. Thank you for
10 your time.

11 CHAIRPERSON MARTINEZ: Thank you.
12 I just have a few questions regarding Intro 992.
13 As the Commissioner mentioned earlier, the
14 original legislation that the Administration
15 negotiated or proposed as a result of the
16 collective bargaining agreement, is different than
17 992. So the question is, what impact would the
18 two year resident requirement have on your
19 membership, if any?

20 GREGORY FLOYD: Right now it
21 probably wouldn't have any impact on our
22 membership because most of our members have the
23 two year requirement. But going into the future,
24 what the impact would be, and this still wouldn't
25 be on our membership because the impact would be

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2 on people coming into service, that are not yet
3 our members. And once they become our members,
4 they would have to wait two years to move out. So
5 that would be the only impact I would see.

6 JAMES HUNTLEY: Can I add to that?

7 CHAIRPERSON MARTINEZ: Yeah.

8 JAMES HUNTLEY: I'd like to concur
9 with Brother Greg Floyd. He's absolutely correct.
10 It would not have an impact on our membership,
11 because first and foremost they have to get past
12 the one year probation. We don't know if they're
13 going to pass. Then, secondly, they have to get
14 to the next level to overcome that difficulty of
15 being, becoming a permanent employee and staying
16 for another year, to be active as a worker for New
17 York City. That's two years. So that's, that's
18 good. Then after that time, now they could start
19 planning to move out if they want, if they will,
20 it's a option to do. It's like, it's not like,
21 all our members just going to run out and buy them
22 homes, as you well know, the foreclose is crazy
23 right now. And so they're not going to run out.
24 But what it gives us, it give us the opportunity
25 for our members that are married to police

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2 officers, to live together. It has caused such an
3 inconvenience in marriage, my members are married
4 to a police officer that live in Rockland County,
5 they can't stay with that married person 'cause
6 they got to live in the five boroughs. So, the
7 only time they get a chance to see each other is
8 on the weekend. So, you know, no. [laughs] So,
9 yeah, it, it won't cause an impact at all, so,
10 plus it's cost free, anyway. Thank you.

11 HARRY NESPOLI: Sure, just talk to
12 you on that a little bit. When, when I started to
13 get involved, the apparently one bill was passed,
14 DC 37's bill was passed. And it apparently was
15 passed with the two years.

16 CHAIRPERSON MARTINEZ: Correct.

17 HARRY NESPOLI: Meeting with my
18 colleagues here, we all agreed that whatever was
19 passed would be acceptable. Just a little history
20 for sanitation workers, and maybe some of even my
21 colleagues all know it, there's a five year wait
22 before they can move out of the City. But that
23 wasn't done through negotiations. This was done
24 through negotiations. Why it's even taken this
25 long, I don't know. But to tell you the truth,

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2 everybody's, I'm willing to turn around and start
3 for now, 'cause that's where we are right now.
4 We're at now. And these, these people and their
5 members, they need this bill. They're getting
6 crunched, they're inconvenienced, they can't
7 afford where they are right now, it gives them an
8 opportunity to go and to look, if you notice, the
9 rents and everything that's going on right now.
10 So as far as the two year, I can't see the two
11 year other than what Brother Floyd said here, as
12 far as the fact that it's going to affect new
13 members. And basically when it takes them a
14 little time to get up to top pay, anyway, so they
15 can gather their money. But it's a freedom of
16 choice, it's something that every person should
17 have. It just comes down to doing the right
18 thing. And doing the right thing is, you made a
19 deal, you keep the deal. That's it. There's no
20 more to this whole thing. And I'm so happy that
21 somebody listened to us, and because prior to
22 going into some meetings, people were telling me
23 it's a waste of time. And I just refused to
24 accept that something that was agreed upon was a
25 waste of time. That's it.

2 CHAIRPERSON MARTINEZ: Correct.

3 That's Mr. Floyd's testimony, right? No. Mr.
4 Huntley, you mention that mostly lower paid
5 servant, in terms of the, the 2000, 240,000 City
6 workers that are not mandated to live in the City.

7 JAMES HUNTLEY: No.

8 CHAIRPERSON MARTINEZ: Is that
9 right?

10 JAMES HUNTLEY: No, 45,000 mostly
11 lower paid civil servants. The 240,000 City
12 workers are higher paid ones that can move in
13 where they want, like lawyers, teachers and so
14 forth. They are not - - payment.

15 CHAIRPERSON MARTINEZ: Got it, got
16 it. Now, Mr., Mr. Chairman, can you tell me
17 approximately how many employees the, your
18 Committee represent?

19 HARRY NESPOLI: [off mic] MLC
20 consists of 500,000 members.

21 CHAIRPERSON MARTINEZ: So--

22 HARRY NESPOLI: Under the umbrella.

23 CHAIRPERSON MARTINEZ: And how many
24 would be impacted by 992? [pause] Approximately.
25 If you, if you have it.

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2 HARRY NESPOLI: 300, I don't, I
3 don't have those figures, 300,000 maybe?

4 CHAIRPERSON MARTINEZ: Okay. I
5 just want to, again, reiterate, since you
6 represent that constituency and the fact that
7 those negotiations took place between your
8 constituent--I'm sorry, I want to introduce
9 Council Member Larry Seabrook and Council Member
10 Mike Nelson who's joined us. I just want to just
11 read from the statement of the Commissioner, that
12 clarity is very important in the process. And I
13 understand and heard clearly that there was
14 commitments and negotiation made. And the
15 opposition to 992, by the administration, as
16 mentioned by the Commissioner, is the fact that
17 the Council put forward the legislation similar to
18 the DC 37 legislation, which did not give the
19 Mayor the categories that he deemed necessary, or
20 the clause as mentioned, that designated by the
21 Mayor in the interest of the City, that would
22 exempt residency requirement. And the clause
23 meant to give the Mayor discretion to remove the
24 residency requirement for other representative and
25 non-representative title, such as managers, that

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2 were deemed to be in the best interest of the
3 City, according to the Administration. However,
4 when the Administration did go into negotiation,
5 the Council was never part of the negotiation, nor
6 were the Council consulted in the drafting of that
7 original legislation. And then, as a result of
8 that, when the Council was, became aware of the
9 fact that we have to vote by charter to change
10 residency requirement, it's when the DC 37
11 legislation was drafted, addressing concern from
12 members in terms of, you know, impact, in terms of
13 keeping residency and communities, in terms of job
14 opportunities and availability to residents of the
15 City of New York. And as DC 37, we haven't seen
16 people leaving yet, in terms of, in large numbers.
17 And I think that goes back to Mr. Hanley's
18 testimony in ter--Huntley's testimony, in terms of
19 the fact that it's about having options. And the
20 Council is aware of that, and we're keeping our
21 commitment and addressing the needs of our labor
22 community in making options available through
23 Intro 992. I don't know if any of my colleagues
24 have question to the panel; if not, we're going to
25 move on to the next panel. Council Member

1
2 Seabrook.

3 COUNCIL MEMBER SEABROOK: Thank you
4 very much, Mr. Chairman, and we have a couple of
5 meetings across the street. But I, I certainly
6 find this rather strange. I thought that we lived
7 in America, and the opportunities for people who
8 have the moneys in which they have, they have a
9 right to live wherever they desire, as long as
10 they do a honest day's work and receive honest
11 day's pay, and allowed to pay the rents or the
12 mortgages or whatever that they have. And if
13 we're allowing it for one group of people, then we
14 certainly should allow it for all group of people,
15 'cause that's the American way, and that's what I
16 have always said, that that's a fundamental right
17 that people have. And choice is a fundamental
18 right when it talks about where a person wants to
19 live, as long as they're performing the duties and
20 the job in which they have said. So, I stand
21 firmly and entrenched about this issue, as I stood
22 from the beginning, and have indicated my position
23 on this, and will never waiver on it. Thank you
24 very much.

25 CHAIRPERSON MARTINEZ: Council

Member Nelson.

[applause]

COUNCIL MEMBER NELSON: Yeah, I'm a signee of course onto this provision, this Intro, in that, for two main reasons. Number one, once you have some members of the City workforce, if you will, allowed to do it, how can you not let others? Two, let's face it, it's extremely expensive to live in this City, so if you choose to live in the City, wonderful, I wish every City employee who lived in this City, from the, especially the police, but the reality of it is that you can't afford to in many cases. So this should, this should be happen--this should've been happening already. So I'm just happy that, hope we are moving forward with this. Thank you.

[applause]

CHAIRPERSON MARTINEZ: Thank you gentlemen.

MALE VOICE: Thank you, sir.

[pause]

CHAIRPERSON MARTINEZ:

FEMALE VOICE: -- Croghan, Joseph Colangelo, yes, Colangelo, and Frank McCaffrey.

2 [pause] [off mic, crosstalk]

3 CHAIRPERSON MARTINEZ: Start in the
4 order you like, and just identify yourself for the
5 record.

6 ROBERT CROGHAN: Morning,
7 Chairperson Martinez, and members of the
8 Committee. My name is Bob Croghan, and I'm
9 speaking on behalf of the members of the
10 Organization of Staff Analysts. I favor the
11 proposed amendment of the 1986 residency law, and
12 the 23 year history of the law requiring civil
13 servants to be New York City residents. I found
14 the law an offensive, dishonest and ineffective
15 law. When the law was first proposed in 1986, I
16 though immediately of the infamous company towns
17 where workers were required to reside throughout
18 the 19th Century. You could work in the mill or
19 the plant or the mine, but at night you had to
20 reside in company housing, and shop at the
21 overpriced company store. Please note that I'm
22 not a foreigner, from Westchester, or New Jer--
23 [loss of audio]--law, I am, and always have been a
24 proud city resident. The 1986 law offended me,
25 since I noted it made civil servants into second

1
2 class citizens. Others could freely choose where
3 to reside; civil servants hired after 1986 would
4 be told where to live. The 1986 law was dishonest
5 in application. To start with, uniform police and
6 fire officers were exempt, as was the old Board of
7 Education, the Transit Authority, and the Housing
8 Authority, so that less than half of the City's
9 workforce was ever covered. Worse yet, I never
10 met a Commissioner who failed to get an exemption
11 on request. I did meet more than one Commissioner
12 who was exempted at his or her request. The law
13 was also ineffective in that, for good reasons,
14 ever more exemptions were obtained over many years
15 through lobbying and collective bargaining. At
16 present, only a small number of City civil
17 servants are still covered by this offensive,
18 dishonest and ineffective law. Thanks to this
19 amendment, my members will be relieved of second
20 class status, and will be permitted to choose to
21 live here, as I have chosen to live here. I will
22 be pleased if this does pass. But let me go a
23 step further. There will still, after this
24 amendment is passed, be a few civil servants
25 covered by the original 1986 law. That is just

1
2 plain wrong. The offering of relief from
3 residency law as a bargaining chip by the City in
4 contract negotiations showed how little the City
5 believed in or cared about the law. It has been
6 argued that Mayor Bloomberg usurped the proper
7 role of the City Council by promising to change a
8 bad law. Perhaps. Meanwhile, now that both he
9 and a majority of the City Council have agreed
10 that the original law was defective, and needed to
11 be amended for most of the employees, it would
12 only be fair and just to complete the job. I
13 welcome today's amendment, but I also look forward
14 to the day that the City Council decides to amend
15 that law for all those left out of today's
16 amendment.

17 JOSEPH COLANGELO: Good morning,
18 Chairman Martinez, my name, and members of
19 Committee, my name is Joseph Colangelo, I'm the
20 President of SCIU New York City Local 246. I
21 represent 1500 members in career and salary, as
22 well as 220 prevailing rate employee titles, most
23 of whom are auto mechanics. More than three years
24 ago, as a part of our contract negotiations with
25 the City of New York, we reached an agreement on

1 wages and benefits that included a side letter
2 agreement that contained language referring to
3 residency. That stated, the parties agreed to
4 support an amendment to Section 12119 of the
5 administrative code for the purpose of expanding
6 permissible limits in residents, on residency.
7 This agreement was reached in good faith by both
8 parties, and ratifying our contract our members
9 believed that this change in the administrative
10 code would take place as swiftly as possible. My
11 members felt so strongly about this language
12 pertaining, permitting them to live in the same
13 geographical areas outside the City, where certain
14 other employees already can reside, that they
15 chose to limit the amount of compensation in wages
16 as it could've achieved if they pursued a 220
17 prevailing rate determination from the
18 comptroller's office. Yet here we are, some three
19 years later, still without this legislation, and
20 frustrated for the fact that some choose to attack
21 this provision that was agreed upon by both
22 parties. The passing of the amendment you are
23 considering today would be a great victory for our
24 members and although the bill is a compromise in
25

1
2 the language that originally said fourth in the
3 collective bargaining agreement that was entered
4 into, it proves once again where presented with
5 challenging legislation, all parties can be able
6 to sit down, resolve our differences and come to
7 an agreement that satisfies everyone. As you
8 know, this body passed legislation some months
9 back granting the right of two members of another
10 union. All that I'm asking is that we be treated
11 equally. I recommend the Committee pass this
12 legislation, to honor the contract agreement
13 between the City and our union, SCIU New York City
14 Local 246. Thank you.

15 FRANK MCCAFFREY: I wish to thank
16 the members of the City Council panel here, and
17 fellow union representatives. My name is Frank
18 McCaffrey, and I'm with the Civil Service Bar
19 Association, we are the unionized attorneys
20 working in the departments and agencies in the
21 city. Just had a couple of brief comments, I
22 don't have a prepared statement that I had
23 testified back on October 6th, actually sitting
24 next to this gentleman at that time. I just
25 wanted to say that one comment that was made here

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2 that "lawyers are covered." I'm with the Civil
3 Service Bar Association, and with a small fraction
4 of our members who are exempt from the residency
5 requirement, most of our attorneys are not
6 covered. The New York City Law Department, I
7 might add, I might add the New York City Law
8 Department, the City Law Department, had been
9 waived out of the City residence some years ago,
10 and don't have to live in the State, let alone the
11 City. I also want to mention the terms of
12 financial impact on the City under a charter
13 section 1127, all City employees have to pay City
14 taxes, no matter where they live. So there's no
15 impact there. I would just like to state that one
16 of the, I guess, argumentative points here is the
17 fact that the, there is a two year requirement in
18 this current bill, for residency and employment.
19 I think that this is more or less something that
20 we are settling for, and I think the rest of the
21 representatives here agree that it is a
22 compromise. That the bone of contention on that
23 really is that the uniform services nor the
24 teachers, or those lawyers I mentioned have any
25 two year requirement whatsoever. All of the

1 sudden, we get saddled with it. Alright, we'll
2 accept it, because 75 percent of a loaf is better
3 than absolutely no loaf. Two year requirement,
4 however, we were willing to go along with in some
5 years ago. As I pointed out to Chairman Quinn's
6 office, Ms. Axelrod in March of '08, and also then
7 Chairman Adabo [phonetic], in August of '08, but
8 somehow this does not translate to our inclusion
9 or these other unions' inclusion into the December
10 18th vote on the original bill that covered DC 37.
11 So I would appreciate it if you could consider
12 this bill and vote on it, as expeditiously as
13 possible, so we can stop this, what seems to be an
14 endless process for no reason. Thank you very
15 much.
16

17 CHAIRPERSON MARTINEZ: We've been
18 joined by Council Member Melissa Mark-Viverito,
19 from Manhattan. Any question from any of the
20 Committee members? As we have no question, we'll
21 move on to the next panel. Thank you, gentlemen
22 for your testimony.

23 FEMALE VOICE: Arthur Cheliotas,
24 Michael Brandon, and Linda Barnes.

25 [pause]

CHAIRPERSON MARTINEZ: You may start in any order you like, and just identify yourself for the record.

ARTHUR CHELIOTES: My name is Arthur -My name is Arthur Cheliotas, I'm the President of CWA Local 1180. And I thank you, Mr. Chairman, for your taking the leadership on getting this bill through. It's a very important bill. Local 1180, who I'm president of, represents some 10,000 City workers, and which 9,500 are civil servants working for the City of New York and its affiliated public employers; nearly all are City residents. My testimony today is in support of Intro 992, to restore fairness and choice for City workers who's unions have negotiated changes in the New York City residency law. On December 18, 2008, despite Local 1180's objections, because it did not establish a residency law that was uniform for all career and salary plan employees, the City Council passed Intro 837, that eases residency restrictions on 45,000 City employees, represented by DC 37. The Mayor vetoed the bill on February 11, 2009, the City Council voted 47 to nothing to override the veto and pass the residency bill.

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2 Intro 837 amended the law for DC 37 members, once
3 they've lived in, in the City for a minimum of two
4 years, and can now live in surrounding counties of
5 Nassau, Orange, Putnam, Rockland, Suffolk and
6 Westchester. The law only provide--the law only
7 providing for City workers covered by, under DC
8 37, made, without any option for the six counties
9 around New York City, however, and that was the
10 problem. By not adhering to the long established
11 uniformity of working conditions envisioned in the
12 collective bargaining law for career and salary
13 planned employees, the new law created many
14 problems for City, the City's workforce.

15 Depending on the title and contract of this, for
16 the City's workforce. So, depending on the title
17 and contract, a career, career and salary planned
18 employee is covered, is covered by employees who
19 move beyond the five boroughs, would have to
20 become City residents again if they were promoted,
21 or appointed to a title not under the DC 37
22 contract. The traditional uniformity for career
23 and salary planned employees regarding residency
24 was undermined. Many unions representing career
25 and salary planned employees, like Local 1180, had

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2 and still have the same language in their
3 contracts regarding residency as DC 37. It is
4 consistent with the agreement--it is consistent
5 with the pattern established on wages and working
6 conditions for our agreement, from September '06.
7 I won't go into the details of the language in
8 that contract, but one of the things that the
9 Commissioner said, I think is very important. And
10 that is that nothing in the language that I have
11 read gave any latitude to the Mayor to be able to
12 establish residency requirements in the future.
13 That was not conceded in any of our negotiations,
14 I don't know of any union that had. And so, that
15 being added to the list of things that the Mayor
16 was looking for when he came to this Council in
17 the enabling legislation, to me does not reflect
18 the reality of what happened. And so I would just
19 like to make note of that fact, because it's been,
20 it's been raised by the City, and I would just
21 like to say I never saw it. And I don't think
22 anyone else ever did either. This legislation
23 makes this residency law uniform for all career
24 and salary planned employees, who's unions have
25 negotiated this change. It is the responsible way

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2 to address this issue, and we thank you for your
3 commitment to do this. The lifting of the
4 residency requirement of our members is an equity
5 issue. I thank our friends in the City Council
6 for initiating this legislation to afford them the
7 right to now live within the six adjoining
8 counties. This measure is about choice, fairness,
9 equity, and non-discriminatory application of the
10 residency requirements. Nearly 350,000 City
11 employees are not subject to residency
12 requirements now. They include members of DC 37,
13 teachers, uniformed employees of the police, fire
14 and sanitation departments, workers in - - titles,
15 and civilian employees who's agencies do not
16 require City residency, such as the Transit
17 Authority, the City University, and cultural
18 institutions. The concept that it is permissible
19 for most of our coworkers to come in from other
20 places and earn a living, but it is not
21 permissible for people who choose other public
22 service careers, to live where they choose, is
23 unfair and unacceptable. We urge the Committee,
24 and the entire City Council to pass Intro 992. It
25 would put Local 1180's members and other similarly

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2 situated City workers, who's unions have
3 negotiated this change on equal footing. What
4 brings us to pursue this change in the residency
5 law is the lack of affordable housing in our City.
6 This change in the law does not minimize the
7 pressing need for affordable housing for City
8 workers, who now look beyond the City limits.
9 Currently, nearly all 1180 members live in New
10 York City, as a condition of their employment, and
11 would prefer to stay, if they can afford to. Over
12 the last ten years in particular, our members have
13 found it difficult to maintain their residency
14 because of the continuing escalation of rents,
15 deregulation of housing laws, vacancy de-control,
16 decline of housing subsidies, rent--rent control
17 and stabilization law reductions, and the Mitchell
18 - - expirations. We have always been acutely
19 aware of our members' concern over the shrinking
20 stock of affordable housing. In fact, as I speak,
21 unfortunately there are members of Local 1180 who
22 are homeless, and living in City shelters. They
23 come to our legal benefits fund for legal
24 assistance because they are in arrears on their
25 rent, facing eviction or their homes are being,

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2 are being lost, or in the process of being
3 foreclosed. Many double up with, with
4 understanding family and friends. Some must live
5 with roommates in order to meet their monthly rent
6 and stay in the City. Many must make difficult
7 choices between rent, food, and medical and
8 pharmacy copayments. Using the model established
9 by the Electchester development in Queens, built
10 by Local Three of the IBW, Local 1180 proposed the
11 development of nearly 1,500 affordable housing
12 units in - - in Queens. We met with the Mayor and
13 the now Secretary of HUD's Shaun Donovan, over
14 four years ago with this proposal. Unfortunately,
15 the project required substantial subsidies at a
16 time when private developers were willing to pay
17 millions of dollars for the land we sought, so the
18 project never really got beyond the proposal
19 stage. We still offer regular housing seminars
20 for our members, so they can understand what is
21 available to them, and if the, if they qualify for
22 any governmental programs. But the housing market
23 in New York City has become so gentrified, that
24 affordability remains evasive. Our dear City,
25 where we work to make life better for all New

1
2 Yorkers, has become a place for the very rich.
3 Even when members move outside City limits, to
4 affordable housing, they will continue to offer
5 the City more than their fellow commuters, because
6 they are still bound to pay the full City
7 residence income tax. With this legislation, the
8 Council has taken a major step in addressing a
9 very important issue faced by the men and women
10 who devote their lives to making New York work for
11 all New Yorkers, and I thank you, Mr. Chairman.

12 CHAIRPERSON MARTINEZ: We have a
13 question from Council Member Melissa Mark-
14 Viverito. There's several hearing and budget
15 negotiation taking place at the same time, and she
16 has a question for you directly.

17 COUNCIL MEMBER MARK-VIVERITO:
18 Yeah, my, thank you, Mr. Chair, and apologies, but
19 it really is an incredibly hectic time. So, but I
20 do want to ra--touch on something that you mention
21 here, because maybe this is an opportune time. I
22 have been contacted also by some organizations,
23 not unions, advocacy organizations that have
24 membership, and some of their members may belong
25 to a union and had indicated that there are those

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2 that are in shelter systems, maybe with jobs, and
3 we understand that. And it's an unfortunate
4 reality, 'cause we know the cost of living in New
5 York is so high. But has there been a discussion
6 within the union movement, I know there's a lot of
7 unions represented here today, especially in this
8 time where there is an economic downturn of maybe
9 coming together, pooling resources, and maybe
10 taking advantage of the market, as a way of doing
11 what you're indicating here, the Electchester
12 model, you know, maybe having unions reinvest in
13 the building of affordable housing, the way it was
14 done in the past. And I know that the high market
15 was making it difficult, but maybe there is an
16 opportunity within this climate to maybe pool
17 resources so that we can create communities
18 similar to what were created in the past. Has
19 been there a greater discussion within the union
20 movement to maybe pool resources, come together
21 and try to collaborate to really address this from
22 that perspective?

23 ARTHUR CHELIOTES: The New York
24 City Central Labor Council has put together a
25 housing development program, where they're

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2 attempting to do that. And, and they're working
3 with HDC, the Housing Development Corporation, to
4 see about getting some bonding put together to be
5 able to build affordable housing, specifically for
6 the City's workforce. It isn't specific to City
7 workers, but it's generally for, for working
8 people. The UFT has tried to do something,
9 working with, with the labor unions and developers
10 to develop some proposals, as well. More needs to
11 be done. I think we certainly agree that, that,
12 you know, when, when people are forced to stay
13 within the City limits, even going outside the
14 City limits, housing remains a big issue in this,
15 in this region. And so, I think the Central Labor
16 Council has tried to do what it can, and so I
17 think any, any cooperative efforts with the
18 Council and the City government would be, would be
19 appreciated.

20 COUNCIL MEMBER MARK-VIVERITO:

21 Well, I mean, I think it's, it's important, I
22 think it's an opportunity now to be even more
23 aggressive about it. I know I've heard what the
24 CLC is doing, and, and the UFT is proposing that.
25 I don't know if that's a hearing in and of itself,

1
2 'cause I think it's very critical. You know,
3 there is discussions about, you know, NYCHA kind
4 of parceling off parts, some of these
5 underutilized land, through HPD and giving it up
6 for development. Well, this maybe is an
7 opportunity to partner up with the labor movement
8 and those that are interested in investing and
9 creating a new type of workforce housing. So, I
10 mean, I really, you know, I try to, I know the
11 immediate needs obviously, and they're very much
12 real and we've got to deal with them, but really
13 trying to address this from a macro perspective,
14 too and a longer term vision. There might be an
15 incredible opportunity here that if we pool our
16 resources, maybe we can try to make a dent. We're
17 not going to solve it, we understand.

18 ARTHUR CHELIOTES: Sure.

19 COUNCIL MEMBER MARK-VIVERITO: But
20 we can start, you know, on a path towards making
21 some real changes. So, Mr. Chair, I don't know if
22 that's maybe another hearing, where you could
23 discuss it, but I think that we might want to put
24 a little bit of energy into that, into that as
25 well. But thank you for your testimony.

2 ARTHUR CHELIOTES: Housing issues
3 for City workers are important for us.

4 COUNCIL MEMBER MARK-VIVERITO: Yes.

5 ARTHUR CHELIOTES: And certainly,
6 we've seen other jurisdictions come up with
7 incentive programs that do offer their workforce
8 the opportunity to live in the community.

9 COUNCIL MEMBER MARK-VIVERITO:
10 Right.

11 ARTHUR CHELIOTES: And that's
12 something I think we should be, we're happy to
13 explore with you.

14 COUNCIL MEMBER MARK-VIVERITO:
15 Well, thank you very much.

16 CHAIRPERSON MARTINEZ: Thank you,
17 Council Member, that's something we'll follow up
18 and see if we can join in with the Committee on
19 Housing or the Public Housing Subcommittee, to
20 have that discussion.

21 [pause]

22 LINDA BARNES: Good morning, Mr.
23 Chairman, members of the Council. Good morning to
24 everyone. My name is Linda Barnes, and I'm the
25 Executive Director of the New York City Managerial

1
2 Employees Association, also known as the MEA. I'm
3 testifying this morning on behalf of the MEA's
4 president Stephen Ferrer, who due to prior
5 commitments could not attend this hearing, as well
6 as the members of MEA. MEA is a not-for-profit
7 volunteering, professional membership association,
8 consisting of managerial employees, confidential
9 employees of the City of New York, and other
10 public employees located in the City of New York,
11 who are not eligible for collective bargaining
12 under state or local law. MEA's purpose is to
13 protect the civil service and other rights of
14 members, including the pension rights, the right
15 to redress grievances, and adopt measures of
16 adequate compensation and benefits for its
17 members. And this helps toward the recruitment
18 and retention of the best qualified persons from
19 municipal management positions, and obtaining
20 improvements in working conditions. The vast
21 majority of our members are career and civil
22 servants employees, who provide services such as
23 managing delivery of water to more than eight
24 million City residents; they are responsible for
25 the enforcement of air, noise, hazardous

1 materials, laws, rules; they ensure the safe and
2 lawful use of over 50,000, 950,000 buildings
3 within the New York City. They protect the City's
4 children from abuse and neglect. We applaud the
5 Council for changing residency requirements for
6 members of DC 37, because these are the very same
7 employees whom we manage and direct. It is not
8 only fair, it is also fair that managers receive
9 the same consideration. This is considered good
10 government. Imagine for a moment a scenario where
11 we have a hardworking and efficient non-managerial
12 employee, who is approached and asked to accept a
13 promotion to an important managerial position.
14 She accepts, and then she's told she must move
15 back to the City. Her family is established in
16 the City of Yonkers. This would mean she would
17 have to sell her house, she would have to change
18 her children's school, she would have to change
19 everything about her social and economic life.
20 Her choice might be to refuse the promotion, but
21 the City would lose a potentially effective
22 manager. That certainly would not be an example
23 of good government. Rank and file managers are
24 not deputy mayors and commissioners who earn six
25

1
2 figure salaries. In fact, the median salary of an
3 MEA member is between \$60,000 and \$70,000 per
4 year. The median, minimum salary is \$50,842 per
5 annum. We're hundreds of ordinary citizens who
6 make up the managerial ranks and provide the City
7 more than its value for essential services. We
8 should be given the choice of where we want to
9 live and raise our families. Thank you.

10 MICHAEL BRANDON: Good morning
11 Chairman. My name is Michael Brandon, I'm the
12 Secretary/Treasurer of Local 333 of the
13 International Longshoreman's Association,
14 represent approximately 2,100 members, which 300
15 of 'em are City servant workers at the Staten
16 Island Ferry. Most people down at, who work at
17 the Staten Island Ferry already have this
18 residency waiver. Most managers can live where
19 they want to live, but the rank and file deck
20 hands and oilers, you know, the lowest paid on the
21 scale at the Staten Island Ferry, have to live
22 within the five boroughs, and it's quite and
23 injustice since most people can live outside,
24 outside of the boroughs. Another thing we are
25 with U.S. Merchant Mariners, and you know, the

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2 limits of jobs, you know, countrywide is limited
3 as it is. And we work on the, on federal waters.
4 Anyone who rides the Staten Island Ferry is, you
5 know, it's on federal waters and that's one of
6 the, one of the things that you can be exempt from
7 the residency law if you work on the, if your job
8 takes you outside the five boroughs, which you
9 know, we obviously work on federal waters. And
10 it's another limit to the U.S. Merchant Marine
11 that, you know, less jobs that we can get. And I
12 just want to say, in 2006-2008 agreement, and some
13 of the unions better be aware of this, that side
14 letter was in all agreements, that they would
15 support residency. But the new, the new
16 agreements coming out, we just signed one at 2008-
17 2010 and '09, those side letters were dropped, no
18 matter what Jim Handley said here. The, those
19 side letters were dropped and we asked why, and
20 they said, you know, they're not supporting that,
21 you know, they're being taken out. So be aware of
22 that, some of the unions. You know, we also are
23 part of the Municipal Labor Council, I want to
24 thank Harry and the Municipal Labor Council for,
25 you know, taking this to the forefront for some of

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2 the smaller unions that were, you know, included
3 with the Municipal Labor Council, and included
4 with the citywide agreement that it's basically
5 pad and bargaining, and we should've gotten it,
6 too, not only DC 37. So, thank you for that,
7 thanks.

8 CHAIRPERSON MARTINEZ: Thank you,
9 gentleman, for your testimony. We'll call on our
10 next panel. And ma'am. Sorry about that.

11 FEMALE VOICE: Michael O'Toole,
12 Patrick Ferraiuolo, and Terry Greenberg.

13 CHAIRPERSON MARTINEZ: All three of
14 you?

15 [off mic, crosstalk]

16 CHAIRPERSON MARTINEZ: Michael?

17 MICHAEL O'TOOLE: Michael O'Toole.

18 CHAIRPERSON MARTINEZ: Okay, one
19 second, we need to have silence.

20 SERGEANT AT ARMS: Quiet, please,
21 just take the conversations outside.

22 CHAIRPERSON MARTINEZ: Yes, sir,
23 you may start.

24 MICHAEL O'TOOLE: Okay, Michael
25 O'Toole, I represent the licensed officers on the

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2 Staten Island Ferry, and I'm in agreement with my
3 brother over here, who represents the unlicensed
4 members, that they are not permitted to live
5 outside the City. My members are in that they are
6 from a, considered a hard-to-recruit title.
7 However, that's not a contractually binding
8 situation, it can be, it can be rescinded at any
9 time. We support this legislation. I find myself
10 in an interesting position in that I'm in total
11 agreement with Mr. Handley, which I don't think
12 has ever happened in my entire life. Okay, the
13 agreement is excellent, other than the two year
14 requirement. To me, it's a no-brainer, what are
15 we doing here? Okay, everybody seems to be on the
16 same page, and yet here we are running through
17 this bureaucratic BS, trying to resolve a
18 situation that is, it's so obvious that it
19 shouldn't even be stated. Okay. It's not
20 acceptable, the two years, if it's re--if you're
21 required to live within the City, it's going to
22 hinder management and the City's position in that
23 they have a diminished labor pool. How are you
24 going to recruit members, particularly now from
25 graduates of the maritime academies who don't live

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2 within the City, they can't be recruited because
3 they have to live in the City limits. That,
4 that's a problem for management to consider.
5 Again, I just would like to say, I support the
6 legislation, with the exception of the two year
7 requirement, and I thank the Council for allowing
8 me this testimony.

9 CHAIRPERSON MARTINEZ: Thank you,
10 sir. I just want to clarify for the record that
11 what we're doing here is exercising the Council's
12 charter responsibility, which is to legislate.
13 The Council was not involved in any negotiation--

14 MICHAEL O'TOOLE: I'm aware of
15 that.

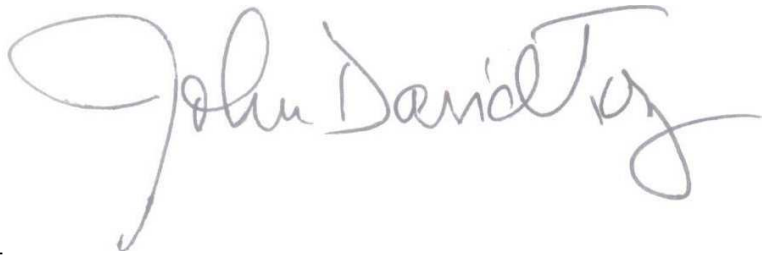
16 CHAIRPERSON MARTINEZ: And it's not
17 bureaucratic BS, but rather exercising the charter
18 responsibilities that's upon the Council. So I
19 want to thank you for your testimony, and having
20 no additional witnesses, no other questions, the
21 meeting on the Intro 992 is here adjourned.

22 [gavel]

23 MICHAEL O'TOOLE: Thank you.
24

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.

A handwritten signature in cursive script that reads "John David Tong". The signature is written in a dark ink and is positioned above the printed label "Signature__".

Signature__

Date June 9, 2009