

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON GOVERNMENTAL OPERATIONS

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June 29, 2009
Start: 1:00pm
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HELD AT: Committee Room
City Hall

B E F O R E:
HELEN SEARS
Chairperson

COUNCIL MEMBERS:
Erik Martin Dilan
Simcha Felder
James Oddo

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Counsel to Committee
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CHAIRPERSON SEARS: Good afternoon.

And, welcome to this hearing of the Committees on Governmental Operations. My name is Helen Sears. I'm Chair of the Committee. And, I am joined by my colleagues, to my left, your right, is Erik Dilan from Brooklyn and Councilman Simcha Felder from Brooklyn. I also have, to my right, your left, Matt Gewolb and Josh Gerba [phonetic], Policy Analyst, and Counsel to the Committee.

Today, the Committee will consider two important pieces of legislation. The first piece is Intro 1022 by Council Members Oddo, Fidler, James and Ignizio. And, this bill provides for the establishment of a panel on regulatory review. The purpose of the panel would be to study and evaluate whether agency rules are currently successful in meeting regulatory objectives in a way that minimizes the costs and burdens borne by City agencies, businesses, consumers, homeowners and the public.

In addition, we hope that this legislation, if passed, will prove to be particularly helpful to our small businesses here in New York City. Under this legislation, a

1
2 special emphasis would be placed on examining
3 rulemaking burdens on small businesses and
4 exploring how those burdens might be lessened.

5 The panel would develop recommendations to enhance
6 the efficiency and effectiveness of the City's
7 regulatory system, including those to amend or
8 modify the City's Charter's rulemaking process.

9 Such recommendations would have to be made in a
10 report to the Mayor and to the Speaker to be
11 delivered no later than December 31, 2009.

12 The second piece of legislation is
13 Resolution 1891, which calls upon the New York
14 State Legislature to pass Bills Number A06138 and
15 S5442A, which would authorize the City to bypass
16 the normal public auction process and sell
17 property, that cannot be independently developed,
18 directly to the abutting property owner. Assembly
19 Member James Brennan of Brooklyn and State Senator
20 Joseph Addabbo, Jr. of Queens are the sponsors of
21 that State legislation.

22 This program has come to be known
23 as the Sale Away program. And, it calls for the
24 City to forego the public auction process for
25 certain parcels and instead sell these properties

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2 directly to the abutting owners. The City could
3 stand to benefit in the long term from selling the
4 land directly to adjacent property owners rather
5 than at public auction because adjacent property
6 owners have a stake in purchasing and using the
7 land not merely as an investment, but also into
8 prove their neighborhoods. Even with the
9 contemplated change in State law, all property
10 sales would still be subject to approval under the
11 Uniform Land Review procedure of the New York City
12 Charter.

13 This Resolution has become a
14 priority of mine, as Chair of this Committee.
15 And, I'm hopeful that we will be able to pass this
16 Resolution quickly. When it is passed, I will be
17 working with the Legislators in Albany to make
18 sure the Sale Away program becomes a reality for
19 the New York City homeowners.

20 I'm very pleased that the Committee
21 is considering these two pieces of legislation
22 this afternoon, both of which will have a
23 decidedly positive impact on the quality of life
24 of New Yorkers.

25 I'm now going to ask my colleagues,

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2 before we hear from Administration, if they have
3 anything to add to what I have said. If not,
4 we'll call our first panel that is already
5 sitting. Welcome. Thank you--

6 ANTHONY CROWELL: Thank you.

7 CHAIRPERSON SEARS: -- for joining
8 us. We have Sami Naim [phonetic], and Anthony
9 Crowell, counselor to the Mayor, Office from the
10 Mayor. Thank you for joining us.

11 ANTHONY CROWELL: Good afternoon,
12 Chair Sears, and members of the Committee. My
13 name is Anthony Crowell, counselor to Mayor
14 Michael R. Bloomberg. And, I'm here on behalf of
15 the Administration to testify in support of Intro
16 Number 1022. Joining me today is Sami Naim,
17 Assistant Counselor to the Mayor.

18 Let me first say that the Bloomberg
19 Administration remains steadfast in its commitment
20 to businesses and consumers. Indeed, businesses
21 and consumers are critical engines of our economy.
22 Small businesses, in particular, employ half of
23 all New Yorkers who work in the private sector.
24 Small businesses are also important contributors
25 to our quality of life, holding neighborhoods

1
2 together and instilling a sense of community.

3 That is why our Five Borough
4 Economic Opportunity Plan includes ways to
5 strengthen and provide the tools that these
6 businesses need in order to succeed. Some of
7 these tools include NYC Business Express, which is
8 a web-based resource for business owners that
9 serves as a one-stop portal for City permits and
10 licenses needed to open and operate a business;
11 Workforce One, which is an initiative that helps
12 business owners navigate the labor market using a
13 customized recruitment approach tailored to
14 accompany specific needs. Last year, we placed
15 more than 17,000 employees with over 400
16 businesses. And, this year, despite the economic
17 downturn, we've already reached more than 5,000
18 job placements and are on target to place a record
19 20,000 by the end of the year.

20 Another area is NYC Training Grant,
21 which is a grant program that provides financial
22 incentives for employers to invest in their
23 workforce and provide them with the latest
24 training. Over the last year, \$3 million in
25 grants have been issued to more than 30 employers,

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2 training almost 2,000 workers. And, in the next
3 year, we expect to contribute an additional 4.5
4 million to employer-funded training programs.

5 Another area of the program is NYC
6 Capital Access Loans, which is a loan program that
7 provides micro and small businesses access to
8 financing to help keep their doors open and to
9 meet their payroll. The program will generate an
10 estimated 13 million in loans and help roughly 400
11 businesses and more than 700 employees.

12 And, finally, we have NYC Business
13 Solutions, which is a suite of services offered by
14 the Department of Small Business Services to help
15 businesses start, operate and expand. The
16 services are provided at no cost and address the
17 needs of entrepreneurs and businesses of any size
18 and at any stage. Last year, NYC Business
19 Solutions helped 170 clients secure over \$11.8
20 million in financing and over 400 businesses hire
21 over 5,000 employees.

22 We are also working with the City
23 Council on a number of initiatives to help small
24 businesses. For example, our Mayor's Office of
25 Operations is pursuing a project proposed by

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2 Speaker Quinn and Council Members Comrie, Felder,
3 Gennaro and White to transform and modernize the
4 Environmental Control Board, cutting red tape
5 while making it easier for thousands of small
6 businesses to comply with the law.

7 But, to preserve and build upon the
8 progress that we are making, we must do more than
9 provide the tools necessary for small businesses
10 to succeed. We must also create an environment
11 that facilitates their growth. This requires us
12 to look at the regulatory climate in which
13 businesses operate, both the rules themselves, the
14 processes by which they're adopted, the mandates
15 they place on businesses and the ways in which
16 agencies enforce them. First, to encourage
17 compliance and avoid unwanted surprises, we must
18 ensure that business owners have clarity on how
19 regulations, for instance, consumer protection
20 regulations, apply to them. A lack of clarity can
21 result in otherwise avoidable enforcement actions
22 and subsequent adjudications in our Tribunals,
23 which could impact the business owner's limited
24 resources.

25 Second, we must ensure that

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2 regulations impacting small businesses continue to
3 serve a relevant and ongoing public interest. At
4 the time regulations are enacted, they are
5 intended to address pressing concerns,
6 particularly health or safety. However, over
7 time, agency rules and the laws that mandate them
8 could potentially fall out of step with current
9 conditions and circumstances. If that is the
10 case, then we need to identify such outdated or
11 outmoded laws and regulations and update them to
12 reflect modern day issues and concerns.

13 Third, we must look at the process
14 by which agencies adopt rules. This is known as
15 CAPA, or the City Administrative Procedures Act,
16 which is set forth in Chapter 45 of the City
17 Charter. Such a review should identify
18 opportunities to enhance public participation and
19 engage stakeholders throughout the rulemaking
20 process. A review of the process should also look
21 to encourage outcomes in rulemaking that are
22 operationally sound, easy to understand and
23 reasonably cost efficient to the extent that
24 adding them are falling short of that goal.
25 Indeed, we believe that a very focused, but

1
2 objective, coordinated legal, operational and
3 fiscal analysis of our regulatory system is the
4 most efficient way to accomplish all three goals.

5 Therefore, the bill before you
6 today would formally establish a panel to carry
7 out such a review and require City agencies to
8 provide assistance for this purpose when needed.
9 The panel would solicit feedback from the public,
10 both businesses and consumers, to determine which
11 regulatory issues should be given primary focus.
12 The panel would then analyze these issues and,
13 where appropriate, develop legal, operational or
14 policy recommendations to ensure that our
15 regulatory system works well and does not create
16 impediments to economic productivity. In making
17 its recommendations, the panel would take into
18 account issues of transparency, accessibility,
19 stakeholder participation, public benefit, fiscal
20 impact, customer service and the use of modern
21 technology.

22 As you know, both the Mayor and the
23 Speaker called for a review of our regulatory
24 system in their State of the City addresses.
25 Recognizing our shared goals on this issue, the

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2 Mayor's Office and the Council agreed to work
3 together on this important initiative and serve on
4 the panel together.

5 We thank the Council for their
6 collaboration and look forward to tackling this
7 important issue. Thank you. And, I'll be happy
8 to answer any questions you may have.

9 CHAIRPERSON SEARS: Thank you very
10 much. Before I ask a question or two, we're
11 introduced by our colleague, Jimmy Oddo from
12 Staten Island. Thank you for being here. How
13 will the panel ensure the public and interested
14 parties are included in this process and that that
15 process is as transparent as you like it to be?

16 ANTHONY CROWELL: Sure, well, we
17 will certainly-- the panel will certainly
18 establish an agreed on set of parameters for
19 engaging the public. Obviously, the panel would
20 want to solicit input on a variety of issues.
21 We'd want to know what are the most pressing
22 issues that are facing businesses and the public,
23 in terms of the rules. Because we have a limited
24 amount of time, we want to make sure that we are
25 as focused as possible in tackling the most

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2 pressing areas and then, making sure you get that
3 right.

4 So, obviously, what the
5 Administration's been doing already is talking to
6 a variety of business stakeholders, has been
7 reviewing its records on areas where perhaps there
8 could be areas for reform in the rulemaking
9 process, and developing an agenda once this panel,
10 if this panel is established, how it would
11 operate. So, engaging the public both in a
12 variety of ways, through written comments, through
13 testimony that could be offered at public meetings
14 or hearings and also those focused meetings with
15 industry stakeholders, you know, sometimes they're
16 known as Charettes [phonetic], where you can
17 really have a focused in-depth discussion on how
18 the regulatory environment is affecting them.

19 So, I would say in those three ways
20 that would ensure certainly visibility and what
21 we're trying to achieve, get a broad stakeholder
22 input and allow the public to have their input, as
23 well.

24 CHAIRPERSON SEARS: Would you have
25 any, in other words, would you have defined before

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2 you meet with the panel when that panel is formed,
3 as to what you think are some of the most pressing
4 areas and that you would like the panel to address
5 and hopefully they will?

6 ANTHONY CROWELL: Well, I think
7 the panel has to define for itself what its
8 objectives are going to be. And, we've certainly
9 done some thinking on that area--

10 CHAIRPERSON SEARS: Um, hm.

11 ANTHONY CROWELL: -- in that area.
12 So, I think the panel that will be working
13 together that has to define its work plan. And, I
14 think that definition has to be informed by what
15 we hear through some initial dialogue with the
16 public and industry stakeholders.

17 CHAIRPERSON SEARS: No, I
18 understand that.

19 ANTHONY CROWELL: Yeah.

20 CHAIRPERSON SEARS: But, certainly
21 from what I hear, there are some very cumbersome
22 processes in this. And, I'm asking if there's any
23 of that that you would like to see addressed by
24 the panel? Some of those areas that need to be
25 changed.

2 ANTHONY CROWELL: Well, I think
3 that--

4 CHAIRPERSON SEARS: [Interposing]
5 'Cause I understand what the purpose of the panel-
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7 ANTHONY CROWELL: Sure, sure, sure.

8 CHAIRPERSON SEARS: -- is. But,
9 this panel must be formed because that you aren't
10 cognizant of what some of those changes are
11 necessary. So, that's basically what I'm asking.

12 ANTHONY CROWELL: Well, I think the
13 way you do it is, first off, you look at the
14 rulemaking process, generally, that applies to any
15 rules. And, rulemaking, obviously, is after the
16 Council enacts a local law, they often give
17 administrative agencies rulemaking authority, sort
18 of the ability to set forth a set of regulations
19 to operationalize how the law will be enforced.
20 You want to look at two things in this case. One,
21 you want to look at the process of rulemaking,
22 which is CAPA. And, CAPA was enacted in the
23 Charter revision of 1988.

24 So, you want to understand how does
25 CAPA work, given that there has been a generation

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2 of CAPA. How does CAPA work now? Are there ways
3 to strengthen CAPA? Are there ways to give the
4 public, both individuals, as well as corporate
5 entities, businesses, just the reg, you know,
6 which are the regulated entities, a way to impact
7 the process. How do you do that? How do you
8 engage them? How do you ensure people understand
9 that rules are out there that are waiting to be
10 commented on. And so, I think that bears a
11 review. And, that's part of the task of this
12 panel.

13 Another thing is to look at
14 individual rules themselves. And, I think you
15 would want to look at areas where the City does
16 have significant authority in enforcing rules
17 against-- well, enforcing rules on small
18 businesses and businesses, generally. You want to
19 understand which ones are most pressing. And,
20 sometimes, it may not be, in fact, what the rules
21 say themselves, it may be the way agencies have,
22 over time, come to enforce them or understand
23 them.

24 And so, it's understanding multiple
25 agencies and the roles they all play in enforcing

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2 a suite of rules that all work together and seeing
3 if-- well, one, is there something wrong with
4 what's being mandated. And, if there isn't, is
5 there something different that can be done in
6 terms of how agencies go about creating that
7 enforcement environment, that regulatory
8 environment, what's required of a business to open
9 up. Is there an easier way?

10 So, I would really want to focus on
11 the operations surrounding the implementation of
12 rules. A lot of times what you find is if
13 information is provided in a more clear manner to
14 the regulated entity, perhaps it will help them to
15 avoid a potential violation from being issued,
16 which then helps someone avoid from having to go
17 into an adjudication. So, it makes it easier for
18 people to comply. Makes it easier for people to
19 get on with their business, be productive and help
20 the City's economy grow. And, it ensures that
21 our, you know, public health and safety goals are
22 still met.

23 So, there's a lot of things we can
24 do to review whether agencies are getting it right
25 and how we interface with the public in giving the

1 regulated community appropriate information on
2 compliance. And then, and, obviously, part of
3 that is understanding what happens in the
4 adjudications process of a violation and asking
5 some of the Tribunals what their thoughts are on
6 what are very common violations that they see.
7 What are things that they see regulated entities
8 doing wrong or getting violations for and
9 understanding is there a way to help people comply
10 better with existing rules. Do the rules need to
11 be changed? Or, is there something we can do to
12 help create a better climate of understanding and
13 compliance.

14
15 CHAIRPERSON SEARS: Thank you.

16 And, before I continue, I'm going to ask
17 Councilman Oddo, who is the sponsor of this bill.
18 I'm happy to have it in Committee. If you would
19 have some comments.

20 COUNCIL MEMBER ODDO: Thank you,
21 Madam Chair. And, I apologize for being a little
22 bit late. We had a big long-awaited ribbon
23 cutting for the new emergency room at Staten
24 Island University Hospital today.

25 CHAIRPERSON SEARS: Oh, very nice.

2 COUNCIL MEMBER ODDO: So, the Mayor
3 and--

4 CHAIRPERSON SEARS:
5 Congratulations.

6 COUNCIL MEMBER ODDO: -- the
7 Speaker, knowing the state of healthcare on Staten
8 Island and our lack of public acute care facility,
9 this is a huge issue for us. So, I apologize for
10 being late.

11 Let me just thank you for the
12 hearing. Thank the Speaker and thank the
13 Administration for coming together and thanking
14 Anthony, personally, for creating this panel. I
15 think this panel is probably needed more today
16 than at any time in recent vintage. I'll take it
17 back to 1992 and 1993 and if the last few weeks, I
18 feel I've kind of been in a time warp because I've
19 been telling stories about 1992 and '93. And, you
20 all might recall, during the Dinkins
21 Administration, how small businesses felt that
22 they were under siege. The 18-inch law was being
23 enforced to the point where businesses were
24 essentially waving the white flag.

25 And, I told the story recently, I

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2 hadn't thought about it in probably a decade, but
3 I've told it five times in the last three months.
4 My predecessor, John Fusco, bars and taverns in
5 Staten Island were getting warnings and summonses
6 for not posting no spitting signs. And, the no
7 spitting goes back to the days of the spittoon.
8 And, if you look at headlines, we're seeing, in a
9 recent edition of Crane's, small businesses are
10 getting fined to death. And, talking to my local
11 merchants, there's a sense of it's 1992 or '93,
12 maybe not as bad, but we're getting to that point.
13 And, it's not just the inspections. It's the
14 whole labyrinth of regulations.

15 And, Chris Dececco [phonetic], on
16 my staff, my counsel, came up with a quote from
17 Robert Jackson, not our Robert Jackson, but former
18 Supreme Court Justice. And, he said "The rise of
19 administrative bodies probably has been the most
20 significant legal trend of the last century.
21 They've become a veritable fourth branch of
22 government." That was from 1952. I imagine that
23 the Justice is spinning in his grave right now
24 with just how complex it is.

25 The good news is the Mayor has

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2 spoken about small business. He did it in the
3 State of the City address. The Speaker has spoken
4 about it. She spoke about it in the State of the
5 City address and at Crane's, just last week, when
6 she announced the three-prong attempt, including
7 the creation of this panel. I know, when I watch
8 and I get a chance to watch six innings of a Met
9 game, I see 10 or 12 campaign commercials talking
10 about small business. So, clearly the rhetoric is
11 there.

12 And, I just would like to let you
13 know how I came to this and I feel privileged,
14 frankly, for being the sponsor of the bill.
15 There's something called regulatory flexibility
16 that is happened on the federal level. It's
17 happened in 22 jurisdictions on the state level.
18 And, we introduced the bill that basically it says
19 before agencies go to rulemaking, they would look
20 to see what the potential impacts of their rules
21 would be on small business. They would have to do
22 an economic impact statement. They'd have to
23 determine exactly how many businesses would be
24 impacted and figure out ways to enact these rules,
25 but not enact rules that would hurt business.

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2 And, we were on the verge of having a hearing on
3 that bill and the Administration said we
4 appreciate the bill. Your bill is sort of
5 prospective. We think the problem is, or the
6 challenge is, more vast than that. We have to
7 look at existing regulations. We just can't look
8 forward. And, that's how I think the panel, my
9 involvement with the panel came together.

10 I am grateful for the cooperation.
11 We have a lot of work to do. The bill is written
12 so that the panel is in effect 'til the end of the
13 year. I think we'll probably have to go beyond
14 that. I think there's certainly enough work.

15 And, I will close my rant with
16 saying that, at some point, either as a function
17 or a byproduct of this panel, we have to get to
18 another Crane's editorial, a big opportunity for
19 small business and the fact that in this town,
20 much like Simcha Felder and the rest of the
21 citizens, our businesses are taxed to death. And,
22 at some point, we have to come to the realization
23 if we're going to unleash this economy, if we are
24 truly going to diversify and sort of wean
25 ourselves off of Wall Street, understanding that

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2 the Wall Street we know and love is not coming
3 back, we have to make this a more friendly
4 climate, both in terms of the decreasing
5 regulation, having rational enforcement of
6 existing rules and also, cutting taxes to give
7 people a fighting chance to start a new business
8 and maintain a new business.

9 I appreciate the patience of the
10 Administration, of my colleagues. And, I look
11 forward to getting to work. Thank you, Madam
12 Chair.

13 CHAIRPERSON SEARS: Thank you very
14 much. I think that you have introduced a very
15 good bill. I really do. And, I know that, from
16 my own experience, I couldn't agree with you more.
17 And, my merchants certainly would agree with you.
18 They get caught, not in the regulations, but in
19 such a cumbersome bureaucratic maze that they
20 absolutely don't know which way to go. It's very
21 difficult to fully understand what those
22 regulations are. And then, they have to go back
23 time and time again.

24 So, I really thank you because I
25 think that this is the start of really untangling

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2 this so that the small business community can
3 begin to function in a very productive way and not
4 be choked by these regulations.

5 COUNCIL MEMBER ODDO: I thank you
6 for the thanks.

7 CHAIRPERSON SEARS: Really.

8 COUNCIL MEMBER ODDO: But, in
9 truth, I am a bit player in this. And, the
10 Administration and the Speaker and their staffs--

11 CHAIRPERSON SEARS: Yeah.

12 COUNCIL MEMBER ODDO: -- really
13 deserve. This panel is their creation, is their
14 idea. And, I'm just grateful--

15 CHAIRPERSON SEARS: Yeah.

16 COUNCIL MEMBER ODDO: -- for
17 hopefully to be a part of it and to try to help
18 some people on Staten Island and across the City.

19 CHAIRPERSON SEARS: No, it's
20 wonderful that the Mayor and you have picked that
21 up and are working with it because it couldn't be
22 more timely. That is for sure. Which just leads
23 to one question. And then, we'll ask Simcha
24 Felder if he has a question or two. Do you think
25 that this panel will have an effect of having to

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2 change some of the Charter, the City Charter and
3 how we do business? You think that might happen?

4 ANTHONY CROWELL: In terms of the
5 Charter, the principal interface that the panel
6 will have with the Charter is Chapter 45 of the
7 Charter, which is CAPA itself.

8 CHAIRPERSON SEARS: Yeah.

9 ANTHONY CROWELL: And so, the
10 question is will any of our conclusions lead to
11 CAPA reform and any of the Charter. I mean, it's
12 entirely possible. I don't know. But, it may be
13 the way we, you know, there may be some
14 administrative opportunities, short of changing
15 the law, but changing practice that may allow CAPA
16 to have a, you know, a better reach in terms of
17 public participation and simplification. So,
18 that's something we'll look at both ways. So,
19 that's one area.

20 The other thing is while the
21 Charter sort of sets out City government's, you
22 know, duties and functions in broad strokes, the
23 Administrative Code is where a lot of the local
24 law is embodied that requires the rulemaking. The
25 Charter doesn't really set forth a lot of

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2 rulemaking opportunities. But, it's really the
3 Administrative Code that does that because of
4 individual bills that are codified requiring
5 implementation by rule.

6 So, I do think the panel has the
7 opportunity to look at some of those laws that
8 require rules to be implemented and seeing if
9 there's any provision of law that may need
10 amendment in terms of creating a better regulatory
11 environment also.

12 CHAIRPERSON SEARS: That could be
13 very good if somehow that is combined with that.
14 I'm going to ask Simcha Felder, do you have a
15 question or a comment?

16 COUNCIL MEMBER FELDER: Yes.

17 CHAIRPERSON SEARS: Okay.

18 COUNCIL MEMBER FELDER: First of
19 all, I'm delighted that the Chair of this
20 Committee allowed me to remain on the Committee.
21 It's an honor to serve on your Committee and it's
22 about time that the Government Operations
23 Committee had a Chair that knew what he or she was
24 doing.

25 COUNCIL MEMBER ODDO: Last guy was

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2 a bummer.

3 CHAIRPERSON SEARS: Thank you.

4 COUNCIL MEMBER FELDER: It was
5 worse than that. I don't want to even elaborate.

6 CHAIRPERSON SEARS: [crosstalk]
7 very well. You're too vital a member of the
8 Committee.

9 COUNCIL MEMBER FELDER: Having said
10 that, I want to also compliment Councilman Oddo on
11 his work with the Administration and the Speaker
12 of the Council on this legislation. Normally,
13 panels are set up to increase government. That's
14 why people hate panels, because all they do is
15 increase regulation, increase work and waste
16 taxpayer dollars. This is fresh. Really, it's
17 wonderful. At first, just on plain, you know,
18 just looking at it, I saw panel, I said oh, my
19 gosh. What is Oddo doing supporting a new panel?
20 It didn't make sense. It was an oxymoron. But,
21 this is really wonderful that we have a panel
22 that's going to try to reduce government. And,
23 when you reduce government, you, obviously, will
24 help taxpayers and save dollars for the City.

25 I tried focusing on your testimony,

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2 but my mind is drifting somewhat. I don't want to
3 explain why. When you were asked, or were you
4 asked, about who's going to determine who's on the
5 panel? You probably were. I don't remember what
6 you answered.

7 ANTHONY CROWELL: Well, the bill
8 itself sets forth who's going be on the panel.
9 And, a--

10 COUNCIL MEMBER FELDER:

11 [Interposing] Yes. So, who--

12 ANTHONY CROWELL: -- variety of
13 administrative agencies, Law Department, OMB,
14 Office of Operations, Office of Special
15 Enforcement, Department of Small Business
16 Services, Department of Consumer Affairs, three
17 Council Members and one person who the Mayor would
18 designate as Chair.

19 COUNCIL MEMBER FELDER: Very, very
20 good. So, I guess I did miss that. The other
21 thing I wanted to ask you is with regard to the
22 agenda, in other words, before you get started,
23 there's a variety-- oh, you have the agenda
24 already? Oh, okay. Councilman Oddo just wants to
25 point out how unprepared I am for the hearings

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2 that I attend. In terms of the actual panel, with
3 regard to the work, I would hope, and I think that
4 maybe you would be willing to take Council, give
5 the Council Members not on the panel an
6 opportunity to sort of provide issues that have
7 been plaguing, you know--

8 ANTHONY CROWELL: [Interposing] I
9 would expect that.

10 COUNCIL MEMBER FELDER: Yeah.

11 ANTHONY CROWELL: I would want
12 that.

13 COUNCIL MEMBER FELDER: Yeah. So,
14 I mean officially. For example, there are zero
15 tolerance districts for Sanitation that have been
16 established a very long time ago that remain that
17 way. And, instead of, I think the panel is
18 wonderful for many reasons, but I think what it's
19 going to do is avoid having the City Council do
20 pieces of legislation over and over and over to
21 address small pieces of problems--

22 ANTHONY CROWELL: Right.

23 COUNCIL MEMBER FELDER: -- and,
24 instead, try to resolve it in a much more global
25 way. So, I think--

2 ANTHONY CROWELL: [Interposing]

3 Well, I think--

4 COUNCIL MEMBER FELDER: -- it's
5 wonderful.

6 ANTHONY CROWELL: I think what's
7 interesting is, you know, as I've often said, each
8 Council district being, you know, roughly 157,000
9 people, that's like the size of Fort Lauderdale,
10 Chattanooga, Syracuse, each Council Member has a
11 huge number of people they represent. Many
12 communities, many business districts in those
13 communities. It's an amazing wealth of
14 information that you hear from your constituents.
15 And, it's a necessary part of that process to
16 understand really where small businesses, in
17 particular, are feeling impacted by City rules.

18 COUNCIL MEMBER FELDER: Wonderful.
19 Now, I may have missed this, as well. But, did
20 you make any comment about Reso 1891 by Members
21 Ignizio, Sears and Oddo, which would call the
22 State Legislature--

23 CHAIRPERSON SEARS: Councilman, we
24 haven't--

25 ANTHONY CROWELL: No.

CHAIRPERSON SEARS: -- gotten to
that one yet.

COUNCIL MEMBER FELDER: Oh, he's
going--

ANTHONY CROWELL: [Interposing] No,
I did not--

COUNCIL MEMBER FELDER: -- to talk-
-

ANTHONY CROWELL: I did not.

CHAIRPERSON SEARS: It will be
after this.

ANTHONY CROWELL: We're not--

CHAIRPERSON SEARS: After this.

COUNCIL MEMBER FELDER: You're not.
But, are they going to comment on it?

CHAIRPERSON SEARS: No, they're
not.

ANTHONY CROWELL: No.

CHAIRPERSON SEARS: No, they're
not.

COUNCIL MEMBER FELDER: Would you
care to, anyway?

ANTHONY CROWELL: No.

COUNCIL MEMBER FELDER: Excellent.

1
2 That was good. I don't know why you hesitated. I
3 thought I had him on that one. Why did you help
4 him?

5 COUNCIL MEMBER ODDO: It's my
6 nature.

7 COUNCIL MEMBER FELDER: Why don't
8 you sit somewhere else.

9 COUNCIL MEMBER ODDO: I like this.
10 We're back to our old routine.

11 COUNCIL MEMBER FELDER: Yeah. Now,
12 just my final question to your colleague, Sam
13 Naim, is that it?

14 SAMI NAIM: Sami Naim.

15 COUNCIL MEMBER FELDER: Naim. Are
16 you related to Roy Naim?

17 SAMI NAIM: - -

18 COUNCIL MEMBER FELDER: Roy Naim.

19 SAMI NAIM: No, no.

20 COUNCIL MEMBER FELDER: Then, I
21 don't like you.

22 SAMI NAIM: - -

23 COUNCIL MEMBER FELDER: Thank you.

24 SAMI NAIM: So be it.

25 CHAIRPERSON SEARS: On that note,

1
2 we've got all that cleared up. Is this panel
3 supposed to convene starting in July, formed and
4 convened in July?

5 ANTHONY CROWELL: As soon as the
6 local law is--

7 CHAIRPERSON SEARS: Is passed.

8 ANTHONY CROWELL: -- passed--

9 CHAIRPERSON SEARS: Right.

10 ANTHONY CROWELL: -- we would--

11 CHAIRPERSON SEARS: I understand.

12 ANTHONY CROWELL: -- we would--

13 CHAIRPERSON SEARS: [Interposing]
14 We're going to move on it very quickly, I can tell
15 you.

16 ANTHONY CROWELL: -- we would start
17 immediately, yeah.

18 CHAIRPERSON SEARS: Oh, okay. I
19 wanted to get that clear. All right. If there
20 are no further questions, Mr. Crowell, I want to
21 thank you very much. And, we will--

22 ANTHONY CROWELL: [Interposing]
23 Sure, thank you.

24 CHAIRPERSON SEARS: -- move on this
25 very quickly.

2 ANTHONY CROWELL: Great. Thank
3 you.

4 CHAIRPERSON SEARS: Thank you for
5 being here. And I'm going to call the next panel,
6 which is Christine Sirono Glasner [phonetic] and
7 Chris Keeley [phonetic]. Thank you. And, you can
8 decide who goes first. Introduce yourself,
9 though, for the record.

10 CHRISTINE SIRONO GLASNER: We've
11 drew straws and I will take the short straw.
12 Chairwoman Sears and members of the Government
13 Operations Committee, my name is Christine Sirono
14 Glasner. And, I am the Regional Advocate for the
15 U.S. SBA's Office of Advocacy. It is a pleasure
16 for me to be here before you today speaking in
17 favor of this bill.

18 As the Regional Advocate for Region
19 II, it's my job to be the direct link between
20 state and local governments, small business
21 groups, small business owners and employees and
22 the U.S. Office of Advocacy based in Washington,
23 D.C. My chief focus is to help identify the
24 regulatory concerns of small business by
25 monitoring the impact of federal and state

1
2 policies at the local level. It is my goal to see
3 that programs and policies, which encourage fair
4 regulatory treatment of small business are
5 developed and implemented to ensure future growth
6 and prosperity. The Office of Advocacy monitors
7 federal agency compliance with Regulatory
8 Flexibility Act, the RFA, in order to reduce the
9 regulatory burden on small business. As my
10 office's research demonstrates, small businesses,
11 with less than 20 employees, spend over \$7,500
12 each year per employee to comply with federal
13 regulations, compared with just over \$5,000 spent
14 by firms with over 500 or more employees. That's
15 a 45% greater financial burden on small businesses
16 than their larger counterparts.

17 By working with federal agencies to
18 implement RFA, the Office of Advocacy saved small
19 businesses nationwide over \$7 billion in foregone
20 regulatory costs in 2007. Excessive regulatory
21 burden is a very real problem for small businesses
22 right here in New York City. And, it has a
23 negative impact on the business stability, growth,
24 expansion, economic development and tax revenues
25 to the City and state. Under the federal

1
2 Regulatory Flexibility Act, advocacy has shown
3 time and time again that regulations can be
4 reduced and the economy improved without
5 sacrificing important goals, such as environmental
6 quality, workplace and public safety, as well as
7 quality of life issues.

8 Any small business organizations
9 that may be represented here today know that
10 regulatory burdens their members are faced with
11 are becoming more and more apparent as this
12 challenged economy strains their bottom line. The
13 costs of doing business in the City has risen,
14 while the profits have dropped. Increasing permit
15 fees, excessive permit processes, complicated
16 compliance requirements determined by New York
17 City departments and agencies are all in addition
18 to federal and state regulatory burdens and
19 requirements.

20 Sensitizing government regulators
21 to how their mandates are written can have a
22 detrimental effect to the small business employer
23 community is an essential step in helping repair
24 and sustain New York City's small business
25 economy. The value of small businesses'

1
2 contributions to the City's economy is becoming
3 clearer as we have seen the financial sector
4 downsize this past year. Small business owners
5 these days labor over every financial and
6 operational decision they make in order to remain
7 in business.

8 By introducing this legislation,
9 the City of New York is clearly leading the way to
10 improving their regulatory and governmental
11 environment and how it impacts their small
12 business community. It is this governmental
13 consideration for small businesses that will
14 enable the businesses to operate in a responsible
15 manner, while allowing them to continue being a
16 vital member of their New York City community.

17 After thorough review of Number
18 1022, the following comments are offered for
19 consideration. Number one, consistency with the
20 use of the term 'small business' throughout this
21 legislation. You'll see that there's a point when
22 local business is referred to and I think that
23 that can be a bit confusing and hopefully will not
24 confuse panel members when it comes to their
25 mission. I think it's important that small

1
2 business should be the priority with this piece of
3 legislation.

4 Number two, should the panel choose
5 to establish an advisory group, they should
6 consider including small business owners who would
7 impacted by regulations that City agencies
8 establish as expert representatives from outside
9 City government. There is no question that small
10 business is the backbone of the economy in many
11 neighborhoods in New York City.

12 The New York City City Council
13 Committee on Government Operations should be
14 commended for taking this first step, and, of
15 course, the Administration who has proposed this,
16 along with Councilman Oddo, for taking this first
17 step towards creating a friendlier regulatory
18 environment in the City for small businesses,
19 which will help entrepreneurs create businesses,
20 will increase competition and will promote job
21 creation at a time in New York City when we need
22 more jobs here for residents and easier paths to
23 business ownership.

24 I want to thank you for this
25 opportunity to speak on behalf of the U.S. SBA.

1
2 And, let you know that we are very hopeful that we
3 will be back testifying when the Small Business
4 Committee brings before the Regulatory Flexibility
5 legislation we would like to see here implemented
6 in the City. I thank you.

7 CHAIRPERSON SEARS: Thank you.

8 We'll hear from Mr. Keeley and then, we'll take
9 questions.

10 CHRIS KEELEY: Good afternoon,
11 Chair Sears and members of the Committee on
12 Governmental Operations. Thank you for the
13 opportunity to speak here today. My name is Chris
14 Keeley. I'm Associate Director of Common Cause
15 New York. Common Cause New York is a nonpartisan,
16 nonprofit citizens lobby and a leading force in
17 the battle for honest and accountable government.

18 We fight for a government that's
19 responsive to the needs of New Yorkers. And, we
20 understand the bill here today as having that same
21 aim that we have regulations on the books, if
22 they're outdated, then we get rid of them. But,
23 if they're not outdated, we keep them. That we
24 just need to have a clear and concise way to look
25 at this and a panel like this is certainly an

1
2 effective method to do that. We have a few
3 recommendations I'd like to offer to you now.

4 First off, the panel should also
5 include representatives, in addition to those that
6 are already included, from the Public Advocate's
7 Office, as well as the Comptroller's Office. As
8 the public's Ombudsman and watchdog, the Public
9 Advocate should be empowered to appoint one member
10 to the panel. Likewise, the Comptroller is the
11 City's top financial expert, should be empowered
12 to appoint one member to the panel.

13 The Chair of the panel, as
14 appointed by the Mayor under the language of the
15 bill, should be a member of the public who is a
16 regulatory expert qualified to serve on the Board
17 by virtue of their education, training or
18 experience in the legislative, judicial,
19 administrative, business, legal or academic field
20 and who has experience working with consumers and
21 homeowners, and, I would like to add small
22 businesses, particularly in low-income communities
23 in New York City on issues affected by the City's
24 regulations.

25 In addition, any advisory groups

1
2 established by the panel under Intro 1022, should
3 be required to contain members of the public and
4 I'd also like to echo the last testimony in saying
5 that could, and should, include members of the
6 small business community. Public health, safety
7 and welfare should be the primary consideration
8 for the panel as it reviews regulations. The
9 Council's original legislative intent underlying
10 given regulations should be considered.

11 Under the current legislation, the
12 panel will consider and explore the following
13 issues when making recommendations; public
14 benefit, fiscal impact, customer service impact
15 and alternative legal or administrative
16 mechanisms. Public benefit, as specified in
17 Section 2(b) of the legislation, should be
18 understood to encompass protection of the public
19 health, safety and welfare. And, these
20 considerations must be priority for the panel if
21 it is to ensure that government regulations are
22 responsive to the needs of all New Yorkers.

23 We urge the Council to direct the
24 panel to consider the underlying legislative
25 intent from which given regulations were

1 originally promulgated. They can be outdated.
2 Regulations can be outdated. But, it's important
3 for us, before we take them off the books, to
4 revisit why they were initially put on the books.
5

6 The panel should hold public
7 hearings to solicit input from the public and all
8 panel meetings should be open to the public and
9 subject to the open meetings laws. It's critical
10 that the public play an active role in this review
11 of the City's regulatory regime. After all, it's
12 the public who is affected by this, including
13 small businesses, nonprofits, organizations. And,
14 public hearings are one valuable way to solicit
15 input right up front about which regulations
16 should be targeted. As it stands, there's a lot
17 of flexibility. My understanding of the Intro is
18 that there's a lot of flexibility regarding which
19 regulations are going to be looked at. That that
20 is very important that we have that be public,
21 that discussion be public, that the public can
22 provide input regarding which regulations should
23 be focused on by this panel. All of it should be
24 open to the open meetings law.

25 Both existing and proposed

1
2 regulations should be available online for public
3 comment throughout the entire review process. The
4 recent focus by the Obama Administration on
5 government transparency and accountability
6 provides us with a number of useful models
7 regarding how to harness and incorporate public
8 opinion in a public policy. Regarding the
9 recovery.gov, the website that provides
10 information about the Recovery Act, they had a
11 national dialogue that was a way for individuals
12 to provide comment online, specifically regarding
13 how they were going to track stimulus spending;
14 something that's of great public interest right
15 now. Likewise, similar sorts of online forums, in
16 addition to the public hearings, could be a
17 valuable opportunity for New Yorkers to have a
18 discussion about which regulations should be
19 targeted.

20 In addition, at the state level,
21 recently the State Legislature's been using bill
22 markup technology, which essentially is, you know,
23 if you're familiar with the blogs, where you can
24 comment on a blog, in some ways it's like that.
25 They post a bill and then, the public can just

1
2 post their own thoughts underneath it. Similarly,
3 you could also use Wiki technology, where you
4 actually go in and mark up the language of the
5 regulations themselves. So, that's after
6 regulations are identified. One way to help bring
7 the public into the process throughout that entire
8 process.

9 And this would further the Charter
10 mandate under Section 1043 that all agencies shall
11 make available for public inspection all written
12 comments received in response to each notice of
13 rulemaking. That, as we're having this
14 conversation, it's important that all of the
15 public's input is recorded, is available so that
16 that public dialogue can happen.

17 In addition, a preliminary report
18 should be issued; that it shouldn't just be the
19 final, well, it says initial findings, I suppose,
20 in the bill, initial findings are issued on
21 December 31st at the end of this year, that there
22 should also be a preliminary report before that to
23 engender public dialogue, public discussion. So,
24 the small business community, so members of the
25 public, so people can review and have a clearer

1
2 understanding of where the panel's thinking is and
3 offer additional input.

4 In addition, to echo some of the
5 concerns that, or some of the issues, raised by
6 Deputy Mayor Crowell, the CAPA, if we are going to
7 be reviewing CAPA, it's very important that we are
8 thinking about that in terms of how the public's
9 going to be brought into the process in the long
10 term. That it's not just we're reviewing CAPA to
11 streamline the system, which is important, which
12 is very vital to small businesses, especially in
13 the City, but that the public is seen as an active
14 member in that process. After all, it is
15 individuals at the end of the day that are
16 patronizing those small businesses and patronizing
17 those other entities that are at the end of the
18 day the ones that are intended to be protected by
19 regulations. So, it's important that they're
20 effective and that they can have a say in that
21 rulemaking process.

22 In addition, in the long term, the
23 Council should evaluate the impacts of the
24 recommended changes. One year, three years, after
25 the panel makes its recommendations and some of

1
2 them are implemented, presumably some of them will
3 be implemented, have a review process. See how
4 they went. See what the real life impacts of
5 these changes were. Let's learn our lessons. If
6 it was a successful panel and we made
7 recommendations that we can document the
8 successes, maybe we need to do it again in a few
9 years. Maybe we need to focus on new regulations.
10 If it was ineffective, how can we change it. How
11 can we make it better. So, maybe having something
12 12 months out after the recommendations are
13 issued, then another one 36, 48, 60 months out to
14 do another review could be one effective way to
15 see the results of a panel such as this.

16 So, again, I'd like to thank you
17 for your time here today and the opportunity to
18 testify. We look forward to working with the
19 Council on this issue. And, I'd be happy to
20 answer any questions you may have.

21 CHAIRPERSON SEARS: I want to thank
22 you for your testimony because you certainly
23 thought a lot about it. And, before I ask a
24 question, I'm going to call upon Councilman Oddo
25 to really ask his questions and to respond to some

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of those comments.

COUNCIL MEMBER ODDO: Thank you, Madam Chair. I'd just like to thank Chris and Christine for their testimony. And, I heard what you had to say and we certainly will take it back to the Speaker and the Administration.

Madam Chair, I reference the Regulatory Flexibility Legislation that Chris Dececco and my staff drafted. He drafted it with the input and guidance and expertise of Christine. And, I want to thank you publicly for the help that you provided us with that. My aim is to still pass that legislation because I think it's needed on the City level. And, we're going to let this panel do its thing and we'll see if a byproduct of it will be that legislation or if we'll do it independent of the panel.

And, just the second point in Christine's testimony are the recommendations. I absolutely agree with you. And, I had already been thinking in, you know, in the likely event that I will be on the panel, on a local level in Staten Island and Brooklyn, putting together small business owners, I reached out to the Staten

1
2 Island Economic Development Corporation head,
3 Cesar Claro, to the Staten Island Chamber of
4 Commerce President, Linda Barron, to put a
5 manageable size of small business owners of
6 various businesses together to help me in my role.
7 But, I think panel-wide that that needs to be
8 done. So, I, again, I just appreciate the help
9 past and today and probably in the future. Thank
10 you for the help and the guidance.

11 CHAIRPERSON SEARS: I have a
12 question, 'cause I'm not clear on it. You know
13 there are small businesses that don't have 200
14 employees or 100 employees. So many, when you get
15 into our business communities in 51 Council
16 districts and in an array of them, they may have
17 three, four or five. Some of them have 10. Does
18 that encompass the smaller entrepreneur who is
19 providing a lot more because they, too, have to go
20 through. So, I'm not certain if the small
21 business community is looking at those numbers
22 that may have 100 employees, may have 50 of them.
23 And, so many of the small business does not have
24 that number. But, they're still faced with a
25 bungling system in order for them to really

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operate legally.

COUNCIL MEMBER ODDO: Well, just to use the inspection issue--

CHAIRPERSON SEARS: Um, hm.

COUNCIL MEMBER ODDO: -- you know, we have, and I'll give you a concrete example, John's Pizzeria that's literally on the same block as my district office. It's a two-man operation. It's a partnership.

CHAIRPERSON SEARS: Right.

COUNCIL MEMBER ODDO: And, they have had to go to the Board of Health and, unless you sign up at eight o'clock, which he tries to do, if you come in at one minute past nine, it's an all-day adventure.

CHAIRPERSON SEARS: Um, hm.

COUNCIL MEMBER ODDO: And, you have to schlep from Staten Island to the City, as we call it on Staten Island, Manhattan, we call the City. Do you do that?

COUNCIL MEMBER FELDER: Yes.

CHAIRPERSON SEARS: Yes, Brooklyn does the same thing.

COUNCIL MEMBER ODDO: And, so--

2 COUNCIL MEMBER FELDER: [Off mic]
3 Staten Island is country.

4 COUNCIL MEMBER ODDO: Oh, used to
5 be. So, you know, it's a two-man operation, a
6 partnership, that has, I don't know, five, six
7 employees.

8 CHAIRPERSON SEARS: Um, hm.

9 COUNCIL MEMBER ODDO: When we
10 address the issue of the violations and the
11 excessive fining, clearly that's going to impact,
12 you know, really small businesses. But, I think
13 there're lots of work that this panel will do
14 impact businesses of all-- small businesses of all
15 sizes--

16 CHAIRPERSON SEARS: Um, hm.

17 COUNCIL MEMBER ODDO: -- as well.

18 CHAIRPERSON SEARS: Good. 'Cause I
19 really think that, as I said earlier, it's so
20 needed and there are some businesses, and I think
21 a lot of the regulations are responsible for those
22 that want to go in to business not realizing
23 revenue 'cause they don't have such a huge cash
24 flow that they can afford to go through all of
25 this. So, hopefully, that this panel will do that

1
2 very thing. So, I thank you.

3 And--

4 CHRIS KEELEY: [Interposing] Can I
5 say a quick thing on that note?

6 CHAIRPERSON SEARS: Yes.

7 CHRIS KEELEY: To that end, when
8 Common Cause is considering finding public input
9 from individuals, it is also in that sort of
10 scenario when it's small organizations, small
11 businesses who don't have the resources to be able
12 to do that level of legal research as might be
13 required. They have their personal experiences
14 for certain. But, having that sort of background
15 and understanding of the way that the rulemaking
16 procedure works is a whole different ball of wax.
17 And, some of the things that we have been thinking
18 about at Common Cause is a way to try to bring
19 people into the process on that are, you know,
20 simple user-friendly online tools, where you can
21 walk someone through the process, where it says
22 okay, I want to comment on a given regulation, how
23 do I do this or how do I learn about them. Well-
24 designed and plain language public education
25 materials, you know, pull out flyers so that you

1
2 can try to boil down that process. Centralized
3 public participation opportunities so that people
4 understand when there's comment periods, so people
5 understand when there's public hearings so that
6 you can bring that all together because they might
7 not know they need to go to DCA for this and then,
8 SBA. That you can try to centralize that and that
9 can help to ease people into that process a bit.

10 And, in addition, the last thing
11 that we've been thinking about a lot in that
12 regard is trying to provide, and probably online
13 is the best way to do this, trying to provide
14 additional background information about a given
15 proposed rulemaking so that if they don't have the
16 legal wherewithal to be able to put it in the
17 broader context necessarily, it'll help to explain
18 a little bit more when did this get on the books.
19 Why was it on the books? What is the experience
20 recently? And, putting together some of those
21 resources could be a useful way to bring in some
22 of those smaller businesses and individuals.

23 CHAIRPERSON SEARS: Thank you very
24 much.

25 COUNCIL MEMBER ODDO: Just on that

1
2 point, could you explain what you mean by
3 centralizing--

4 CHAIRPERSON SEARS: Um, hm.

5 COUNCIL MEMBER ODDO: -- because
6 when folks in the outer boroughs hear
7 centralizing, it means the meeting's happening in
8 Manhattan.

9 CHRIS KEELEY: Absolutely.

10 COUNCIL MEMBER ODDO: And, part of
11 the problem for small businesses in the outer
12 boroughs is that to adjudicate various issues, you
13 have to lose a day by coming into Manhattan. So--

14 CHRIS KEELEY: Absolutely.

15 COUNCIL MEMBER ODDO: -- if you
16 could, you know, our big thing on Staten Island is
17 when there are public hearings, they should be
18 held in all five boroughs.

19 CHRIS KEELY: Um, hm.

20 COUNCIL MEMBER ODDO: And, that
21 doesn't happen often with the City or, you know,
22 other governmental and quasi-governmental
23 entities.

24 CHRIS KEELEY: When we're looking
25 at centralization, in that context, that's as

1
2 simple as there's information that gets posted to
3 the City Record. Then there's information that
4 gets posted on the DCA's website. That there's
5 all of these different opportunities for public
6 comment, but you don't know about them because
7 they're all dispersed. If you can bring them
8 together on one centralized website, for example,
9 and then, another opportunity at the State level,
10 for example, they webcast-- they mandate
11 webcasting of all public hearings and all
12 committee and Commission meetings, being able to
13 centralize that won't necessarily help people to
14 participate in a given hearing in terms of
15 offering their own thoughts. But, it will help as
16 a way to get information to them, especially if
17 you can archive those meetings.

18 So, there are tools like that.

19 And, again, we need to consider, you know, digital
20 divide and not everyone has access to the internet
21 and those sorts of shortcomings, too. But, that
22 is one way that we think information could be
23 brought to them and by bringing it together in an
24 organized fashion, it helps bring them into the
25 process.

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2 CHAIRPERSON SEARS: That certainly
3 is something that I think would be very helpful
4 because one of the things is that each agency will
5 interpret or have their own regulations, rather
6 than having a central core on which they could
7 start the process without it's being so difficult.
8 So, that's something worth considering. Any more
9 questions? All right. I want to thank-- yes, you
10 have one? Go ahead.

11 COUNCIL MEMBER FELDER: First of
12 all, I wanted to ask Mr. Keeley. One of the
13 suggestions you made was to include
14 representatives from the Public Advocate and the
15 Comptroller's offices. Now, as you know, there
16 are very, very few, I don't know the research on
17 the Comptroller's offices, but, in terms of large
18 cities having a Public Advocate, very few cities
19 have them. In fact, very few. So, the question I
20 would have is I know that it has to do with the
21 Charter revision, first of all, do you have an
22 opinion as to whether we need a Public Advocate or
23 not?

24 CHRIS KEELEY: I'm going to punt on
25 that one today.

2 COUNCIL MEMBER FELDER: I'm
3 shocked. You've never done that.

4 CHRIS KEELEY: Me?

5 COUNCIL MEMBER FELDER: Yes.

6 CHRIS KEELEY: Not in our
7 experience, I don't think. I'm usually pretty
8 direct on that.

9 COUNCIL MEMBER FELDER: That's what
10 I mean.

11 CHRIS KEELEY: If I had something
12 to say--

13 COUNCIL MEMBER FELDER:
14 [Interposing] That's what I mean.

15 CHRIS KEELEY: -- I'd tell you.

16 COUNCIL MEMBER FELDER: That's what
17 I mean.

18 CHRIS KEELEY: No, but, in general,
19 we were disappointed with the way that the
20 budgeting process went down in regards to the
21 Public Advocate's--

22 COUNCIL MEMBER FELDER:
23 [Interposing] Now, I didn't ask you--

24 CHRIS KEELEY: -- Office. But,
25 generally speaking, philosophically, the office,

1
2 we're still debating that as a larger issue.
3 Absolutely.

4 COUNCIL MEMBER FELDER: Uh, huh.
5 But, in other words, if, at the end of your
6 debate, you determine that there was no need for
7 the office, then you would feel that we spent too
8 much money this past time. Is that true?

9 CHRIS KEELEY: If we find that
10 there's no need for the office, we're going to
11 need to find a new public representative for this
12 panel.

13 CHAIRPERSON SEARS: I think you
14 need to be careful.

15 COUNCIL MEMBER FELDER: Now, so--

16 CHAIRPERSON SEARS: He'll get you
17 into a corner.

18 COUNCIL MEMBER FELDER: -- well,
19 all I'm saying to you is that given the
20 suggestion, you have to really decide that before
21 you include somebody who shouldn't exist on the
22 panel. I just make that suggestion.

23 CHRIS KEELEY: I appreciate it.

24 COUNCIL MEMBER FELDER: Yeah. I'm
25 trying to help you--

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CHRIS KEELEY: Um, hm.

COUNCIL MEMBER FELDER: -- if I can. Now, I wanted to thank Christine Glasner. Council Member Oddo said that you deserve a lot more credit than even after his giving you all the compliments about being the catalyst for a lot of the panel's work and hopefully the positive things that are going to take place. I wanted to ask your opinion.

Some of the discussion that Mr. Crowell mentioned about the centralization of some of the services that are done, and he listed a bunch of them, there's this balance that sort of has become very difficult between government consolidating the services and trying, whether it's in Staten Island or Manhattan, now, I'm not discussing the difficulty about somebody from one part of the City having to go to another part.

The issue that I've come up more recently is cultural. I am firmly opposed, for example, to having anything translated into any language whatsoever. I'm not asking you about that. Having said that, there is an issue when it comes to helping small businesses whether they,

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2 you know, immigrant business people are not going
3 to come to a centralized location in Manhattan to
4 try to get help. It's not going to work. It's
5 almost similar to the type of difficulties that
6 immigrants, in general, have. But, even immigrant
7 populations that have been citizens in the City
8 for long periods of time, I'll give you examples
9 of my own community. We have Orthodox Jews,
10 Pakistani community, Asians, others. There's no
11 way that they're going to a centralized location
12 somewhere in Manhattan to try to get business
13 help. What do you suggest, you know, if they
14 listed a variety of things, how do you balance
15 trying to help small business people centralizing
16 and then, at the same time, without going, you
17 know, overboard and trying to specifically waste
18 taxpayer dollars to cater to every particular
19 crevice that exists?

20 CHRISTINE SIRONO GLASNER: I

21 completely understand. And, consolidation
22 certainly, be it internet consolidation, whatever
23 it is, these are critical things for the future
24 utilizing these technologies. But, they're not
25 inexpensive. They cost money. And, that means,

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2 you know, additional tax revenues for that. So,
3 you know, government's obligation initially, and I
4 think it's what this panel is really going to look
5 at, is how do we consolidate the burdensome
6 government processes. Getting the information to
7 the businesses in a way that the businesses can
8 understand is critical. And, I think that will be
9 the next step.

10 But, New York City, in terms of the
11 size of small businesses that New York City has,
12 is larger than some of the states that we have in
13 this country. And so, to have such an elaborate
14 process that makes it difficult for a business
15 that might be in Staten Island or out in Queens or
16 in Brooklyn to have to come into the City and to
17 go to a dozen different offices, for example, if
18 you're opening up a business and having to file
19 permits doesn't work. To consolidate that process
20 initially, and then, the next step, and I agree
21 with you and understand the cost of having to
22 translate into so many different languages is
23 probably not something that is feasible for the
24 City right now.

25 But, being able to provide the

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2 information to businesses in the most basic of
3 information, as opposed to, for example,
4 regulations. It was on the federal level this
5 past year that it was introduced and passed
6 Regulatory Compliance Guide language. New York
7 State then passed it. It's something that the
8 Committee, excuse me, the panel will have to look
9 at and pass that. If a business can't understand
10 the language of the regulation, how can they
11 comply? I mean, these are all very basic things.
12 So, consolidation has to start on the process
13 level first. And, even by doing that, will make
14 it easier for businesses.

15 COUNCIL MEMBER FELDER: I just
16 would add that there has been, I should say
17 there's a variety of opinions about community-
18 based organizations, whatever they may be. Some
19 of the ones that Councilman Oddo mentioned and
20 Council Member Sears, whether they're business
21 organizations or even community-based
22 organizations, where they really have the
23 opportunity to very, I want to say, in a very
24 reasonable way, address a lot of the problems.
25 So, for example, if you have community-based

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2 organizations that may be providing a variety of
3 other services already and to have a desk where
4 language is not a barrier and they understand the
5 technology and everything else, you know, we'll
6 still-- there may be things that somebody has to
7 go down to the City to get done.

8 But, at the end of the day, a lot
9 of that I think despite the feelings that some
10 have had elected officials, we do that as well.
11 When constituents come to our offices, in some
12 way, we try to do that. Besides the constituents
13 that complain about the trees or a tax problem, we
14 have business owners that come into our offices
15 and we hope, as representative of the districts
16 that we have, we have people who speak those
17 languages and try to navigate. So, it may be
18 that's something that the panel could consider, as
19 well, as to how we utilize and bring the necessary
20 funding without, again, creating more burdensome
21 and, you know, more of a deficit, but trying to
22 use the resources we have to address some of those
23 issues. How do you feel about that?

24 CHRISTINE SIRONO GLASNER: I think
25 that that is exactly what's done, frankly, on many

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2 state levels. They work within the, and, you
3 know, because of where I come from, I really need
4 to focus on the small business aspect, as opposed
5 to the community, but, they work within small
6 business organizations that, you know, their
7 members, which are the small business owners join
8 these organizations to get that level of help.
9 And, I think that's exactly what New York City,
10 frankly, started doing with small business
11 services by opening up the Small Business Service
12 Solution Centers. They already do work with
13 community organizations. And, I think that that's
14 one of the things this panel is going to need to
15 take into consideration.

16 Councilman Oddo, you said yourself
17 even December, at the end of this year, may not be
18 enough time for this panel to address all of these
19 issues. I mean, this is the proverbial onion.
20 They're going to have to first look at the
21 processes that government agencies in the City
22 control and figure out how do they streamline some
23 of that; how do they consolidate some of it, with
24 still reaching the goals, the human health,
25 safety, life issue goals that these regulations

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2 are supposed to be established for, but then,
3 reaching out to the community.

4 And, as you said, the people that
5 can actually provide the information even more
6 succinctly within that community on the main
7 street level, that's something that has to all be
8 connected. And, it's going to have to be done
9 with everybody's input because, you know, we know
10 what the budgetary constraints are. And, we know
11 that without-- it's part of why I think this
12 legislation is written in a manner that hopefully
13 will incorporate all of these different voices
14 without making it too big of a panel. But, at
15 least, getting that feedback from these different
16 organizations to say you know, if you also let us
17 know what's going on, then we can help get that
18 information out. I think that will, at the end of
19 the day, be the answer.

20 COUNCIL MEMBER FELDER: Thank you
21 very much.

22 CHRISTINE SIRONO GLASNER: You're
23 welcome.

24 COUNCIL MEMBER ODDO: May I just
25 make one comment for the record?

2 CHAIRPERSON SEARS: Okay, because I
3 have to tell--

4 COUNCIL MEMBER ODDO: I've been
5 asked-- I'm sorry.

6 CHAIRPERSON SEARS: Yeah, I just
7 want to say that the information that is coming
8 out is really extraordinary. So, I think any
9 other encouragement of this dialogue could be very
10 helpful.

11 COUNCIL MEMBER ODDO: Just on the
12 point of--

13 CHAIRPERSON SEARS: Thank you.

14 COUNCIL MEMBER ODDO: -- the date
15 in the bill because I was asked by a member of the
16 press and I think it's consistent with the
17 approach of the Mayor, personally. He likes
18 having date certain. He did it with the Staten
19 Island Growth Management Task Force. He wanted a
20 report within 60 days. Doesn't mean the work has
21 to stop after that. But, I think he doesn't like
22 these open-ended... And, he, I think it's
23 reflective of his personality. I'm not, you know,
24 I'm not saying that he picked the date. But, I
25 think that's consistent in the Administration's

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2 approach, probably from him.

3 So, but, clearly, it's taken us a
4 long time to build this, you know. And, it's
5 going to take some time to deconstruct it. So, I
6 think we're going to have lots of work to do
7 beyond 2009.

8 CHAIRPERSON SEARS: I also see this
9 probably in the future as a work in progress. I
10 don't think that it'll ever come to a halt. Thank
11 you very much. And, thank you very much, really.
12 You've gotten us on our way. Thank you.

13 If we have no further testimony on
14 Intro 1022, we're going to move to Reso 1891.
15 And, if there are no-- is there anyone that would
16 like to testify on Resolution 1891? If not, do my
17 colleagues have any questions on 1891? All right.
18 I thought you might.

19 COUNCIL MEMBER FELDER: I just want
20 to know whether the Administration supports this
21 Reso?

22 CHAIRPERSON SEARS: Yes, they do.

23 COUNCIL MEMBER FELDER: So, why
24 didn't he--

25 CHAIRPERSON SEARS: We have work--

2 COUNCIL MEMBER FELDER: -- just say
3 so?

4 CHAIRPERSON SEARS: Well, I don't
5 think he was here in that-- oh, well...

6 COUNCIL MEMBER FELDER: Yes. No,
7 he wants to speak. The young man with the--

8 CHAIRPERSON SEARS: [Interposing]
9 Well, I'm not--

10 COUNCIL MEMBER FELDER: -- glasses.

11 CHAIRPERSON SEARS: -- so sure
12 that--

13 COUNCIL MEMBER FELDER: Clark Kent-

14 -

15 CHAIRPERSON SEARS: Okay.

16 COUNCIL MEMBER FELDER: -- come up,
17 please.

18 CHAIRPERSON SEARS: Councilman, our
19 own Counsel can answer that.

20 COUNCIL MEMBER FELDER: Oh, I'm
21 sorry.

22 CHAIRPERSON SEARS: All right.
23 That's okay.

24 COUNCIL MEMBER FELDER: Can you
25 tell me whether the City Administration supports

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it?

MALE VOICE: The Administration supports it enthusiastically including--

COUNCIL MEMBER FELDER:
[Interposing] It's a good bill.

MALE VOICE: -- DCASS, who is a partner in the process.

COUNCIL MEMBER FELDER: Okay.
Well, I appreciate it.

CHAIRPERSON SEARS: Yeah.

COUNCIL MEMBER FELDER: I think it's a very good bill.

CHAIRPERSON SEARS: DCASS has wanted to do this for a long time.

COUNCIL MEMBER FELDER: Great.

CHAIRPERSON SEARS: So, this Committee is finally dealing with it. It is. It's an excellent, excellent--

COUNCIL MEMBER FELDER: Very good.

CHAIRPERSON SEARS: -- way of doing it. Thank you very much.

COUNCIL MEMBER FELDER: Is it true that this bill was bottled up by the previous Chair?

CHAIRPERSON SEARS: I think I'll
abstain--

COUNCIL MEMBER FELDER:
[Interposing] I hear that joke--

CHAIRPERSON SEARS: -- from that
answer.

COUNCIL MEMBER FELDER: -- wasn't
mine. That was Councilman Oddo's. I want to give
him the credit.

COUNCIL MEMBER ODDO: [Off mic]

COUNCIL MEMBER FELDER: What is
your - -

CHAIRPERSON SEARS: We'll have to
think about that.

COUNCIL MEMBER FELDER: What?

CHAIRPERSON SEARS: My opinion is
that I thought Government Ops had very long
hearings, like term limits for 22 hours.

COUNCIL MEMBER FELDER: You know, I
don't know why I'm not [pause]

CHAIRPERSON SEARS: With that, I
really want to thank you.

COUNCIL MEMBER FELDER: [Off mic]

CHAIRPERSON SEARS: And, if there's

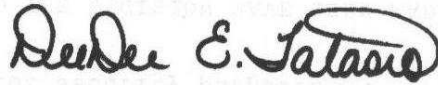
no testimony going to be given, I want to thank
you. We have and that means that Government
Operations is now adjourned.

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C E R T I F I C A T E

I, DeeDee E. Tataseo 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 "DeeDee E. Tataseo". The signature is written in black ink and is positioned above a horizontal line.

Date

August 2, 2009