

CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON FINANCE JOINTLY WITH  
COMMITTEE ON GOVERNMENTAL OPERATIONS

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MAY 17, 2019  
Start: 10:00 A.M.  
Recess: 2:30 P.M.

HELD AT: COMMITTEE ROOM - CITY HALL

B E F O R E: DANIEL DROMM, CHAIRPERSON

COUNCIL MEMBERS: ADRIENNE E. ADAMS  
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FERNANDO CABRERA, CO-CHAIR  
BILL PERKINS  
KALMAN YEGER  
ALAN MAISEL

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

ZACHARY CARTER, Corporation Counsel

GEORGIA PESTANA, First Assistant  
Corporation Counsel

LISSETTE CAMILLO, Commissioner of the  
Department of Citywide Administrative  
Services

QUINTIN HAYES, Chief of Staff

RICHARD BADILLO, Deputy Commissioner  
Fiscal and Business Management and Chief  
Financial Officer

LAURA RINGELHEIM, Deputy Commissioner  
Real Estate Services

ANTHONY FIORE, Deputy Commissioner,  
Energy Management and Chief Energy  
Management Officer

KEITH KERMAN, Deputy Commissioner, Fleet  
and Chief Fleet Officer

MICHAEL RYAN, Board of Elections Chief  
Executive Director

DAWN SANDOW, Deputy Executive Director

AMY LOPREST, Executive Director for the  
Campaign Finance Board

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

FREDERICK SCHAFFER, CFB Chair

COMMITTEE ON FINANCE JOINTLY WITH  
COMMITTEE ON GOVERNMENTAL OPERATIONS

4

SAKIM BRADLEY, SARGEANT AT ARMS: Test,  
test, today is the Committee on Finance joint with  
Governmental Operations. Today's date is May 17,  
2019 this is being recorded by Sakim Bradley.

CHAIRPERSON DANIEL DROMM: Are you  
ready? Okay. (Gavel pounding). Hey good morning.  
Let me just go back to. Good morning and welcome to  
the City Council's 9<sup>th</sup> Day of Hearings on the Mayor's  
Executive Budget for the Fiscal 2020. My name is  
Daniel Dromm and I chair the Finance Committee. We  
are joined by the Committee on Governmental  
Operations chaired by my colleague Council Member  
Fernando Cabrera. We are not joined yet by any of  
the Council Members but we may be shortly. Today, we  
will hear from the Water Department, the Department  
of Citywide Administrative Services, the Board of  
Elections and the Campaign Finance Board. Before we  
begin, I would like to, I'd like to, excuse me, I  
would like to thank the Finance Division Staff for  
putting today's hearing together including the  
Director Latonya McKinney. Uhm Committee Counsels  
Rebecca Chaffey, Noah Brick and Stephanie Ruiz.  
Deputy Directors Regina Poreda Ryan and Nathan Toth,  
Unit Head John Russell, Financial Analyst Sebastian

COMMITTEE ON FINANCE JOINTLY WITH  
COMMITTEE ON GOVERNMENTAL OPERATIONS

5

Bacchi and the Finance Division Administrative Support Unit, Nicole Anderson, Maria Pagan, Lattina Brown, and Courtney Samari (SP?) who pull everything together. I would also like to thank Robin Fort from my office for working with me on all of these hearings. Thank you for all of your efforts. I would also like to remind everyone that the public will be invited to testify on the last day of Budget Hearings on May 23<sup>rd</sup> beginning at approximately 2 p.m. in this room. For members of the public who wish to testify but cannot attend the hearing, you can email your testimony to the Finance Division at [financetestimony@council.nyc.gov](mailto:financetestimony@council.nyc.gov) and the staff will make it a part of the official record. Today's Executive Budget hearing starts with the Law Department. The Law Departments Fiscal 2020 Executive Budget totals \$251.3 million, approximately a \$15.9 million increase from the Fiscal 2019 Adopted Budget. In the Fiscal 2020 Preliminary Budget Response the Council called on the Administration to realize personal service accruals related to the Law Departments 291 vacant positions across the Agency. In response, the baseline savings of \$3.3 million beginning in Fiscal 2020 by permanently eliminating

COMMITTEE ON FINANCE JOINTLY WITH  
COMMITTEE ON GOVERNMENTAL OPERATIONS

6

41 vacant positions. I look forward to learning today how the elimination of these positions will impact the essential operations for the Department and how the Department intends to release additional savings in the budget. The Council also called on the administration to expand vertical case handling in order to reduce the Judgment and Claims Budget and other payouts from lost litigation settlements to order to find a savings of \$4.5 million. This was not reflected in the Executive Budget so I look forward to learning more on what steps the Law Department has taken since last year to implement vertical case handling within its divisions. Before we begin, I would like to remind my colleagues that the first round of questions for the Agency will be limited to three minutes per Council Member and if the Council Members have additional questions, we will have a second round of questions at two minutes per Council Member. I will now turn the mic over to my co-Chair Council Member Cabrera for his statement and then we will hear from the Corporation Council Zachary Carter.

CHAIRPERSON FERNANDO CABRERA: Thank you so much uhm to my Co-Chair and first I want to thank

COMMITTEE ON FINANCE JOINTLY WITH  
COMMITTEE ON GOVERNMENTAL OPERATIONS

7

you. I don't people realize uhm until you are  
literally every single day for every single hearing  
for the entire month of May and it is, it is a task.  
And it is not an easy, easy job so I want to commend  
you for that. And you, you should be praised for  
that. So, good morning everyone and welcome to the  
City Council Governmental Operations Committee Fiscal  
2020 Executive Budget Hearing. I am Fernando  
Cabrera, Chair of the Committee. Today we will hear  
testimony from the Law Department, the Department of  
Citywide Administrative Services, the Board of  
Elections and the Campaign Finance Board regarding  
their Fiscal 2019 and Fiscal 2020 Budget. The  
Agencies testifying today carry out many of the most  
important functions that keep the City running  
including managing the citywide, City Vehicle Fleet,  
defending us from lawsuits and conducting our  
elections. As a Member of the Committee on  
Governmental Operation, it is our job to work with  
these agencies to ensure that all of this critical  
work gets done effectively and efficiently. In order  
to best do so, we look forward to hearing more detail  
regarding these agencies, budget and whether or not  
this funding is being used in the best way possible.

COMMITTEE ON FINANCE JOINTLY WITH  
COMMITTEE ON GOVERNMENTAL OPERATIONS

8

I would like to thank our Financial Analyst Sebastian Palacia Bacchi, Committee Counsel Daniel Collins and Policy Analyst Elizabeth Kronk and Emily Forgione for all of their help in preparing for their hearing as well as my own Legislative Director Clara McLavaine (SP?). Now I would like to please welcome Corporation Counsel Zachary Carter, the Head of the Law Department, thank you Corporation Counsel for testifying before us today. The Law Department Fiscal 2020 Executive Budget totals \$251.2 million including \$178 million personnel services funding to support 1,910 full time positions. New York City Law Department is responsible for all of the legal affairs of the City, represents the City, the Mayor, the City Council and other elected officials and the City's many agencies in all affirmative and defensive civil litigation. The Department is composed of 16 legal division and four support units that cover a broad array of legal matters vital to the City's interest. The Family Court Division investigates Juvenile Delinquency matters and handles matters related to the Interstate Child Support Payments. The TORT Division, the Law Department's largest division represents the City in all TORT claims and



COMMITTEE ON FINANCE JOINTLY WITH  
COMMITTEE ON GOVERNMENTAL OPERATIONS

9

the Health and Hospital Corporation in all of the  
TORT Claims except medical malpractice action. Other  
divisions focus on Labor Law, Real Estate Litigation,  
Affirmative Legal Actions initiated by the City and a  
variety of other legal matters. At today's hearing,  
we would like to hear a broad update on the  
implementation of the first phase of Raise the Age as  
well as what the Department is doing to prepare for  
the second phase of Raise the Age which goes into  
effect in October. In addition, we would like to  
discuss the 6.4 million package the Law Department  
has includes as new means for Fiscal Year 2019 among  
other topics. With that, I pass the mic back to  
Chair Dromm. Thank you so much.

CHAIRPERSON DANIEL DROMM: Thank you very  
much, I am going to ask Counsel to swear the panel  
in. Oh, before I saw that, we've been joined by  
Council Members, by Minority Leader Steve Matteo and  
by Council Member Keith Powers.

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

ALL: Yes.

COUNSEL: Thank you, you may proceed.

COMMITTEE ON FINANCE JOINTLY WITH  
COMMITTEE ON GOVERNMENTAL OPERATIONS

10

ZACHARY CARTER: Thank you. Uhm Good afternoon uhm Chair Dromm, Chair Cabrera and Distinguished Members of the Finance and Government Operations Committees. I am pleased to appear before you to discuss the Law Department's Fiscal Year 2020 Executive Budget. As has already been observed, the Law Department consists of 16 legal and 5 support divisions. We handle an extraordinary array of cases and non-litigation matters from TORT to tax, from employment and administrative issues to economic development and municipal finance. We also represent the City as Plaintiff in a wide variety of affirmative matters. In conjunction with the Law Department's Environmental Law Work, the Executive Budget contains funds to address the design of environmental, uhm, the design work of environmental consultant pursuant to an order issued by the United States Environmental Protection Agency for the City of New York and 20 other entities to cooperate and participate in the cleanup of the Gowanus Canal in Brooklyn. Additionally, included in the Executive Budget are initial funds for the NYSHA monitorship. During the first phase of implementation of Raise the Age in New York City, we have experienced both

COMMITTEE ON FINANCE JOINTLY WITH  
COMMITTEE ON GOVERNMENTAL OPERATIONS

11

adjustments to the nature of our Juvenile Delinquency work and a gradual increase in the overall Juvenile Delinquency caseload. As you are aware, the law Raise the Age of individual subject to Family Court jurisdiction as juvenile delinquents to include 16-year olds as of October 1, 2018 and to include 17-year olds on October 1, 2019. Misdemeanor cases come directly to the family court and get referred to us by the Department of Probation if they make a determination not to adjust, that is to divert those cases. Felony cases originate in the Youth Part of in the evenings Criminal Court arraignment before an accessible magistrate judge and may get transferred to Family Court. Before October 1<sup>st</sup> and December 31<sup>st</sup>, 73% of the cases were transferred to the Family Court. Our volume is dependent on many factors, including arrest decisions, probation adjustment rate and the youth part transfer rate, all of which are affected by the rates of offenses. As part of the final stages of implementation for Raise the Age, the Office of Court Administration instituted the mandate for after hours processing of youth who were detained upon arrest, allowing for the possibility of adjustment by the Department of Probation and access

COMMITTEE ON FINANCE JOINTLY WITH  
COMMITTEE ON GOVERNMENTAL OPERATIONS

12

1 to a judge in order to review the status of this  
2 detention. Such processing requires coverage seven  
3 days a week, 365 days a day. This unanticipated new  
4 protocol was put in place in addition to the weekend  
5 and holiday court operations already existing within  
6 New York City. We are closely monitoring our  
7 evolving Family Court practice in preparation for  
8 Phase 2 of Raise the Age in October. I thank you for  
9 your support of the Law Department and look forward  
10 to our continued collaboration. I will be happy to  
11 answer any of your questions.  
12

13 CHAIRPERSON DANIEL DROMM: Okay, thank  
14 you Mr. Carter. Uhm let me start off with the hiring  
15 for savings. In the Executive Budget the Law  
16 Department will generate baseline savings of \$3.3  
17 million beginning in Fiscal '20 by permanently  
18 eliminating 41 vacant positions across the TORT and  
19 Family Court Divisions. Will this reduction have an  
20 impact on the Law Department's daily operations?

21 ZACHARY CARTER: Uhm, we believe that we  
22 can uhm, manage around that uhm reduction. We  
23 believe that by uhm allocating those reductions in  
24 our two largest bureaus in which we have sufficient  
25 fluctuations in case load over time, uhm that that

COMMITTEE ON FINANCE JOINTLY WITH  
COMMITTEE ON GOVERNMENTAL OPERATIONS

13

will give us the management flexibility that we need  
and we, uhm believe that that is manageable.

CHAIRPERSON DANIEL DROMM: Okay thank  
you. Uhm the Administration set the Law Department's  
peg savings target at \$7.1 million. In the Executive  
Budget you are achieved \$12.1 in savings between  
Fiscal '19 and '20, mainly from additional revenue  
from a one-time settlement. Can you talk about Fed-  
Ex's cigarette settlement and how it has generated  
\$8.8 million in additional revenue for Fiscal '19?

ZACHARY CARTER: Sure, that, that was as  
a result of a uhm a case brought by our Affirmative  
Litigation Division, uhm against FedEx and other  
carriers. The FedEx settlement alone generated the  
funds that you referred to that help us meet our  
obligations under the PEG investment imposed.

CHAIRPERSON DANIEL DROMM: Do you  
anticipate receiving any other savings or any other  
settlements excuse me between now and adoption?

ZACHARY CARTER: None that are of that  
level. Of that magnitude. There will likely be  
other settlements but nothing of that magnitude.

CHAIRPERSON DANIEL DROMM: Okay thank  
you. In the preliminary budget response, the Council

COMMITTEE ON FINANCE JOINTLY WITH  
COMMITTEE ON GOVERNMENTAL OPERATIONS

14

called on the Administration to expand Vertical Case  
Handlings in order to find the savings of \$4.5  
million and reduce the judgment and claims budget and  
other payouts through lost litigation payments. Has  
the Law Department implemented Vertical Case  
Handling?

ZACHARY CARTER: Uhm yes, we have.

CHAIRPERSON DANIEL DROMM: Okay and what  
type of cases are being vertically handled across the  
divisions.

ZACHARY CARTER: Right. The cases uhm  
that are being vertically handled are largely in the  
TORT Division, uhm, its particularly in cases  
involving our Law Enforcement Agencies. The vertical  
=in the context of TORT litigation which  
unfortunately have cases that last for uhm many  
years. It has to be a concept of team vertical uhm  
where a small team of lawyers are responsible for  
knowing everything about every facet of the case so  
that you can engage in strategic planning at the very  
outset so that you can conduct the kind of  
investigation. Make the kinds of motion, engage in  
the kind of discover, uhm that will prepare you down  
the line when years later the cases are prepared for

1 trial. Uhm because the shelf life of individual TORT  
2 cases uhm is may actually be longer than the tenure  
3 of any particular lawyer, that's the reason why team  
4 concept of vertical is, is important. So, within  
5 that concept we believe that we have achieved  
6 vertical for those cases where vertical handling is,  
7 is important.  
8

9 CHAIRPERSON DANIEL DROMM: Are there any  
10 plans to expand the portfolio of cases in the near  
11 future?

12 ZACHARY CARTER: That are, that receive  
13 vertical handling?

14 CHAIRPERSON DANIEL DROMM: Yes.

15 ZACHARY CARTER: Oh yes, absolutely.

16 CHAIRPERSON DANIEL DROMM: Okay, thank  
17 you. Uhm with Raise the Age, as a result of Raise  
18 the Age Legislation the Law Department has increased  
19 the hours staff have been present in night court.  
20 Since 2016, applicants have documented at 1,736%  
21 increase has immigration and customs enforcement  
22 interactions at State Courthouses including criminal  
23 and problem-solving courts. Has the Law Department  
24 received a briefing from the Mayor's Office of  
25 Immigrant Affairs on ICE presence in New York Courts?

COMMITTEE ON FINANCE JOINTLY WITH  
COMMITTEE ON GOVERNMENTAL OPERATIONS

16

GEORGIA PESTANA: The Law Department works closely with the Mayor's Office on immigrant affairs and that is something that we are watching and of course there is the City Council, the Administrative Code Section that prohibits us from cooperating with ICE so we are very mindful of that and work closely with MOYA on those issues.

CHAIRPERSON DANIEL DROMM: Do you have policies regarding ICE and cooperation between the Law Department and ICE?

GEORGIA PESTANA: We follow both the Ad Code Provisions and there is a preexisting executive order that we follow. Uhm our Attorneys don't have much interaction with ICE, perhaps in the family court but I, we have not heard that that has been an issue in family court yet.

CHAIRPERSON DANIEL DROMM: Uhm have you worked with MOYA to develop like an action plan should the Federal Law Enforcement interfere with a Law Department Case?

GEORGIA PESTANA: We haven't but we can look into that, I'm, thinking, I would have to think about what cases those would be.



COMMITTEE ON FINANCE JOINTLY WITH  
COMMITTEE ON GOVERNMENTAL OPERATIONS

17

CHAIRPERSON DANIEL DROMM: Okay. Uhm  
regarding the Federal Monitor, the Fiscal 2020  
Executive Plan introduced \$3.9 million for case  
specific needs in the Fiscal 2019 Budget. This  
funding is associated with a recent federal agreement  
with the Law Department in which the Department would  
cover monitoring and management consultant cost  
related to review of NYCHAs operations. Of the \$3.9  
million added in the Fiscal 2019 Budget how much uhm  
of that would be allocated to cover the cost of  
NYCHAs Federal Monitor?

GEORGIA PESTANA: I believe that, I'm  
sorry, the monitor was appointed on February 28 so  
he, his team will have been working for four months  
in this Fiscal Year. So, the \$3.9 million is  
expected to cover that. We have not yet entered into  
the contract with the management consultants so we  
don't quite have that number yet.

CHAIRPERSON DANIEL DROMM: Can you  
provide us at some point with a breakdown of all of  
the costs related to the monitor?

GEORGIA PESTANA: Yes, we haven't gotten  
the budget from the monitor yet but when we get that,

that is going to be published on the NYCHA website.  
That is one of the requirements in the agreement.

CHAIRPERSON DANIEL DROMM: Okay thank  
you. Has the Administration commenced the condone  
and used you said you are still in the process of  
contracting?

GEORGIA PESTANA: Yes.

CHAIRPERSON DANIEL DROMM: Okay and uhm  
how many monitors are currently covered by the  
Department's Budget and what is the Law Department's  
role in monitoring compliance for the City?

GEORGIA PESTANA: I got a count. Nunez  
and NYCHA.

ZACHARY CARTER: That's right.

GEORGIA PESTANA: There's four, uhm  
there's the NYCHA monitor we've talked about, there  
is the Nunez Monitor for the Department of  
Correction, there is the fire department monitor and  
there is the monitor Peter Zimroth for the Police  
Department on the Stop and Frisk. There may be  
others in the environmental area but I'm, I'm not  
clear.

CHAIRPERSON DANIEL DROMM: Can you give  
us some details on the various types of monitors

COMMITTEE ON FINANCE JOINTLY WITH  
COMMITTEE ON GOVERNMENTAL OPERATIONS

19

currently being administered by the Law Department  
with a breakdown of all the related PS and O2PS  
costs?

GEORGIA PESTANA: You want to know how  
much?

CHAIRPERSON DANIEL DROMM: Yes, each  
monitor?

GEORGIA PESTANA: We can get that.

ZACHARY CARTER: We can provide that  
information.

CHAIRPERSON DANIEL DROMM: Okay good and  
then uhm I had some questions which is a local issue  
actually about a park in my district. But let me  
just start off by asking you uhm I know that you are  
in the process of pursuing emanate domain at the  
Hudson yards is that correct?

ZACHARY CARTER: I'm sorry?

CHAIRPERSON DANIEL DROMM: You are in the  
process of pursuing emanate domain at Hudson yards?  
Or park?

ZACHARY CARTER: That is part of the uhm,  
of the process, yes.

COMMITTEE ON FINANCE JOINTLY WITH  
COMMITTEE ON GOVERNMENTAL OPERATIONS

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CHAIRPERSON DANIEL DROMM: And you recognize that that is one of the wealthiest communities on Manhattan?

ZACHARY CARTER: I rec... yes. Almost by definition, yes.

CHAIRPERSON DANIEL DROMM: Okay, do you know which uhm New York City neighborhood has the least amount of park space per resident?

ZACHARY CARTER: Personally, I do not have the answer to that.

CHAIRPERSON DANIEL DROMM: Okay it happens to be Jackson Heights and do you have any plans to pursue emanate domain to expand parkland in Jackson Heights?

ZACHARY CARTER: The Law Department would probably be the uhm the wrong entity to ask that question, uhm we don't have the answer to that.

CHAIRPERSON DANIEL DROMM: So, at this point you do not have any plans?

ZACHARY CARTER: We can, we can get you an answer to that question. As you know and because you have a, an, an interest in the expansion of the access to parkland in that area, that the Law Department is assisting all of the actors who have an

1  
2 interest in coming up with solutions that will  
3 provide access to, uhm to the streets that are  
4 adjacent to the park, particularly 78<sup>th</sup> street. That  
5 will uhm likely involve some compensation to private  
6 owners in exchange for limiting their access to, or  
7 limiting their access to the street so that it can be  
8 dedicated to, exclusively to pedestrian traffic but  
9 that's, that's a matter that we are trying to resolve  
10 in the best interest of all the parties who have an  
11 interest in that, in that uhm.

12 CHAIRPERSON DANIEL DROMM: Okay and you  
13 know those of us who have been out there protesting  
14 and trying to get a, a settlement, a solution for the  
15 issue feel that this is a safety issue as well. I  
16 just want to make you aware that we feel that the  
17 mixture of cars and kids is not a good mixture.

18 ZACHARY CARTER: Understood.

19 CHAIRPERSON DANIEL DROMM: Okay thank you  
20 and just finally to say that the Building  
21 Commissioner stated that curb cuts are revoked for  
22 public safety reasons. He said that uhm they have  
23 revoked in general for uhm projects that they do but  
24 also specifically for public safety reasons that they  
25 have pulled curb cuts from owners. So, I, that's

COMMITTEE ON FINANCE JOINTLY WITH  
COMMITTEE ON GOVERNMENTAL OPERATIONS

22

another aspect maybe I would like to ask you to look into as well.

ZACHARY CARTER: I certain. Just so long as it is understood that uhm where private property ownership is involved that uhm, revoking curb cuts comes with a cost. Uhm because to the extent that it uhm monies have been expended by private property owners in reliance on the existence of those curb cuts, compensation will likely have to be paid.

CHAIRPERSON DANIEL DROMM: Okay and Mr. Carter just in this case in particular, so you are aware, there is an alternative entrance to that garage and just so you know that, uhm that they could use but just don't want to use.

ZACHARY CARTER: That will be among the things that will be on the table for discussion.

CHAIRPERSON DANIEL DROMM: Okay, alright, thank you very much Mr. Carter. I'm going to turn it over to Chair Cabrera.

CHAIRPERSON FERNANDO CABRERA: We have been joined by Council Members Perkins, Grodenchik and Yeger. Alright thank you so much Co-Chair. Uhm let me focus on Raise the Age. Uhm the Department Executive Budget includes a lease adjustment of \$1.9

million beginning in Fiscal 2020 to pay for lease agreements at Gertz Plaza in Queens and 1 MetroTech Center in Brooklyn for Raise the Age Phase 1. Do you have sufficient space to carry out these new functions related to Raise the Age?

ZACHARY CARTER: We have sufficient, we have sufficient space in the pipeline presently, yes.

CHAIRPERSON FERNANDO CABRERA: Uhm how much are you paying for square feet? How many square feet are we talking about here? How much are you paying?

ZACHARY CARTER: Uhm that's been. Uhm we are paying about, it depends on each site, it is a little bit different but somewhere in 54, to 60 square foot and that depends on who evaluates that, whether its DCAS and how they rate things or how the landlord looks at it.

CHAIRPERSON FERNANDO CABRERA: Uhm what's the going price around that area?

ZACHARY CARTER: It's the same, we are very competitive.

CHAIRPERSON FERNANDO CABRERA: Okay and DCAS does not have property facilities that we could

1  
2 use in... with all the buildings that we own in the  
3 city?

4 ZACHARY CARTER: That's always our first,  
5 to look with DCAS is can we get anything in space in  
6 buildings that they already have and the Bronx is  
7 particularly problematic. It has been very hard to  
8 find space there but they haven't turned anything up  
9 and that's when we turn to the private. But, but  
10 DCAS and the CBRE does all of the negotiation, they  
11 do the site selections with us and they do comparable  
12 as well.

13 CHAIRPERSON FERNANDO CABRERA: Okay.

14 ZACHARY CARTER: So, I think we are  
15 getting a good deal all around.

16 CHAIRPERSON FERNANDO CABRERA: Alright we  
17 will be talking to DCAS. Uhm the next panel. Uhm in  
18 terms of let me switch to NYCHA, the executive plan  
19 includes a \$3.9 million in Fiscal 2019 to cover  
20 monitoring and management consultants cost related to  
21 a review of NYCHA operations but nobody knows how  
22 much uhm how much staff the monitor is hiring?  
23 Nobody knows whether his Budget cap at a certain  
24 amount? Can you provide this information to us?

25 ZACHARY CARTER: Okay.



COMMITTEE ON FINANCE JOINTLY WITH  
COMMITTEE ON GOVERNMENTAL OPERATIONS

25

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2           GEORGIA PESTANA: The monitor's budget,  
3 the monitor is supposed to give us, has to give us an  
4 annual budget, uhm and then it is subject to the  
5 comment and approval of the City, the SDNY and HUD.  
6 If there is disagreement the HUD secretary decides,  
7 so we are still waiting for them to give us that  
8 first annual Budget and then we will get together and  
9 try.

10           CHAIRPERSON FERNANDO CABRERA: So, when  
11 are you anticipating getting this, because I mean we  
12 are at the tail end. I mean how do you, how do you  
13 Budget for this and we are going to passing this  
14 Budget just literally in a few weeks?

15           GEORGIA PESTANA: I call them literally  
16 every other day or email and say that look we are in  
17 the Budget, we are in the tail end of the Budget  
18 cycle, if you don't give it to us, I'm not going to  
19 be able to pay you. Uhm so I don't know if they  
20 believe me but the, that is, that is the discussion  
21 and I do expect that we will get it very soon  
22 because.

23           CHAIRPERSON FERNANDO CABRERA: What are  
24 you, what are you going to do if they don't do that  
25 by let's say June 7<sup>th</sup>?

COMMITTEE ON FINANCE JOINTLY WITH  
COMMITTEE ON GOVERNMENTAL OPERATIONS

26

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GEORGIA PESTANA: I...

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CHAIRPERSON FERNANDO CABRERA: Don't

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know.

5

GEORGIA PESTANA: Don't know.

6

CHAIRPERSON FERNANDO CABRERA: Okay.

7

GEORGIA PESTANA: Yeah.

8

CHAIRPERSON FERNANDO CABRERA: Yeah that

9

would be. Is there a cap?

10

GEORGIA PESTANA: There is no cap in the

11

agreement. It is supposed to be reasonable cost and

12

the fact that they have to post it on the NYCHA

13

website was intended to try to get them to be

14

reasonable because then all of the public will know

15

what they are charging.

16

CHAIRPERSON FERNANDO CABRERA: Okay and

17

uhm my last question and just curious. You know the

18

Law Department has a preview of representing people

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possibly in the Council. Are you representing

20

anybody in the Council at all?

21

ZACHARY CARTER: Currently?

22

CHAIRPERSON FERNANDO CABRERA: I was just

23

curious.

24

GEORGIA PESTANA: I think, I think there

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are two cases where we are representing the Council

COMMITTEE ON FINANCE JOINTLY WITH  
COMMITTEE ON GOVERNMENTAL OPERATIONS

27

or if not, they recently ended. We have represented  
Council Members in, in litigation.

CHAIRPERSON FERNANDO CABRERA: Okay.

GEORGIA PESTANA: And had depositions  
when there is.

CHAIRPERSON FERNANDO CABRERA: Is this  
related to an elected official or staff?

GEORGIA PESTANA: Elected.

CHAIRPERSON FERNANDO CABRERA: Elected  
officials. Okay, thank you so much I know we have  
colleagues and we have literally 15 minutes before  
the next, we want to stay on schedule.

CHAIRPERSON DANIEL DROMM: Okay we have  
been joined by Council Member Adams and now we have  
questions from Council Member Powers.

KEITH POWERS: Thank you. Nice to see  
you. I, I'm looking through the Budget and I notice  
a revenue stream called Sale of Streets in your  
revenue. Can you give us some information on what  
that refers to? I mean it sounds like a literal but  
can you tell us more about what, how that works and  
where the revenue derives from?

ZACHARY CARTER: Is that part of the new  
mapping process.

COMMITTEE ON FINANCE JOINTLY WITH  
COMMITTEE ON GOVERNMENTAL OPERATIONS

28

GEORGIA PESTANA: I think so, yes. It's, part of the demapping process. So, if a building is going to be a plaza. I believe what we do is sell them the land after all of the review uhm before we do anything with the street.

KEITH POWERS: So how many streets were sold in the last Fiscal Year?

GEORGIA PESTANA: Uhm we'd have to look and let you know.

ZACHARY CARTER: We can provide you that information.

KEITH POWERS: Okay uhm and what's the, how what is the, I've never heard of this so what is the process for how a sale was initiated and how does that process work?

GEORGIA PESTANA: I'm sorry that's really not my area, so we will have to get that outlined for you and send it to you later.

KEITH POWERS: Okay and is there another agency that is involved with this?

GEORGIA PESTANA: I'm sure there are multiple agencies involved, probably planning and DOT.

COMMITTEE ON FINANCE JOINTLY WITH  
COMMITTEE ON GOVERNMENTAL OPERATIONS

29

1  
2 KEITH POWERS: Okay and then I just  
3 noticed in your budget you have \$275,000 for the next  
4 two Fiscal Years planned in terms of sales of  
5 streets. Can you tell us where that number comes  
6 from?

7 ZACHARY CARTER: That is just an over  
8 time a baseline budget with, with OMB.

9 KEITH POWERS: Okay, I'd be interested in  
10 just to know more information about that in terms of.  
11 I mean it is technically city streets that I think we  
12 are de-mapping and selling off and whether we are  
13 getting the right value for it but also what the  
14 process is. I'm sure City Planning and Borough  
15 Presidents and other people are involved in that but  
16 I just noticed it in your budget so I wanted to just  
17 ask a couple of questions about it. If you can send  
18 any followup information you have on it that would be  
19 helpful.

20 GEORGIA PESTANA: Sure.

21 KEITH POWERS: Okay thank you.

22 CHAIRPERSON DANIEL DROMM: Okay thank you  
23 so uhm just a few more followup questions. Uhm the  
24 current year Fiscal, the current Fiscal Year Judgment  
25 and Claims Budget. The Judgment and Claims Budget

1  
2 for Fiscal '19 is \$697 million which is lower than  
3 the actual judgment in claims, spending, annual  
4 average of \$722.5 million over the past five years.  
5 Can you explain why the J&C Budget is relatively  
6 small in the current Fiscal Year?

7           ZACHARY CARTER: A, a part of it as we  
8 have explained in prior Budget cycles is the  
9 unpredictability of when major cases are resolved.  
10 Uhm as I was talking about earlier with respect to,  
11 to vertical, these cases have a very long shelf life  
12 and there are lots of factors that go in to whether  
13 or not a case will be settled and what the time line  
14 for it is. I, would like, I believe that a lot of  
15 the reduction is attributable to approaches that we  
16 have taken to litigation that include uhm vertical  
17 handling that uhm that include uhm, an aggressive  
18 position that we have taken in taking to trial cases  
19 that we believe are lacking in merit. Uhm  
20 particularly in cases involving our law enforcement  
21 agencies so that the legal community is signaled that  
22 there is no easy payday that comes from bringing  
23 frivolous cases and expecting the city to settle them  
24 for nuisance value. We would prefer to take those  
25 cases to trial and we believe that over time it will

COMMITTEE ON FINANCE JOINTLY WITH  
COMMITTEE ON GOVERNMENTAL OPERATIONS

31

discourage some of the firms that we fondly refer to  
as frequent flies from, from bringing frivolous  
actions.

CHAIRPERSON DANIEL DROMM: Was one of the  
cases, the Central Park 5?

ZACHARY CARTER: I'm sorry?

CHAIRPERSON DANIEL DROMM: Was one of the  
cases over that period the central park 5 case that  
was finally settled?

ZACHARY CARTER: That was, that was  
settled several years ago.

CHAIRPERSON DANIEL DROMM: Oh okay.

ZACHARY CARTER: That would not be  
included in this at all.

CHAIRPERSON DANIEL DROMM: Okay. Do you  
expect it to expand by the time of the adopted  
budget? Does the plan to expand that the amount will  
expand by the time of the adopted budget?

ZACHARY CARTER: I don't believe so.

CHAIRPERSON DANIEL DROMM: Okay. Uhm the  
Law Department generates miscellaneous revenue thru  
the sale of streets or de-mapped small non-functional  
city roads. How are such sales initiated? And does

the Law Department approach potential buyers or do prospective buyers approach the Law Department.

ZACHARY CARTER: I have to say that in terms of our representation here today that is not an area of my, of my speciality and I will, we will get you uhm that information since it has been a matter of interest for you and at least one other Council Member.

CHAIRPERSON DANIEL DROMM: And have you, uhm how does the Law Department budget for Federal Impact Litigation?

ZACHARY CARTER: We don't uhm have a budget line for uhm Federal Impact Litigation aside from what we budget for affirmative litigation generally. Uhm that, and what, what is budgeted for affirmative litigation is at least currently adequate to support uhm litigation that involves the Federal Government.

CHAIRPERSON DANIEL DROMM: Okay, so uhm why is affirmative litigation revenue much higher in Fiscal '19 than in previous years?

ZACHARY CARTER: You mean the revenues?

CHAIRPERSON DANIEL DROMM: Yeah. Yes.



1  
2                   ZACHARY CARTER: I think it was the  
3 settlement of, I'm sorry, the recoveries from the  
4 trials against the national carriers uhm in the  
5 cigarette litigation. For the unlawful transport of  
6 untaxed cigarettes. Those were, those were very  
7 large settlements.

8                   CHAIRPERSON DANIEL DROMM: And do you  
9 expect any uhm increase in from the litigation  
10 revenue in Fiscal 2020?

11                   ZACHARY CARTER: I don't, I'm not  
12 anticipating any uhm very large settlement. I expect  
13 that uhm, that the settlement numbers will probably  
14 be level.

15                   CHAIRPERSON DANIEL DROMM: Okay, alright.  
16 Do you have a question? Excellent.

17                   CHAIRPERSON FERNANDO CABRERA: Uhm, this  
18 is relation to early voting. As, at a Government  
19 Operations Committee Hearing in April, uhm the City  
20 BOE said that they are looking at private sites as  
21 early voting polling places is complicated because  
22 the Law Department has not authorized a short-term  
23 leasing process. Can you first confirm that this is  
24 a concern for the Law Department?  
25

1  
2                   ZACHARY CARTER: Not that I'm aware of.  
3 Not that I'm aware of.

4                   CHAIRPERSON FERNANDO CABRERA: Really,  
5 that's going to be interesting at the next BOE panel  
6 we are going to have. So, there is no concern, there  
7 is, do they have to go through the Law Department in  
8 order to have this short-term?

9                   ZACHARY CARTER: There is almost  
10 certainly a process uhm for, for identifying sites  
11 entering into leases where that is, where that is  
12 necessary. Uhm.

13                  CHAIRPERSON FERNANDO CABRERA: Have they  
14 approached you about this?

15                  ZACHARY CARTER: It has not come to my  
16 personal attention that there has been any delay or  
17 undue delay uhm.

18                  CHAIRPERSON FERNANDO CABRERA: Okay.

19                  ZACHARY CARTER: Because of any work that  
20 has to be done by the Law Department.

21                  CHAIRPERSON FERNANDO CABRERA: But have  
22 they said hey we are interested in having short term  
23 lease and we need your advice and your blessing?  
24 Alongside with DCAS?  
25

COMMITTEE ON FINANCE JOINTLY WITH  
COMMITTEE ON GOVERNMENTAL OPERATIONS

35

ZACHARY CARTER: It is possible that BOE has consulted with the appropriate divisions at the Law Department on this issue but no problem in terms of delay has been brought to my personal attention.

CHAIRPERSON FERNANDO CABRERA: Okay, but at this moment, is any of your staff that is here aware that they have literally approached you?

ZACHARY CARTER: No.

CHAIRPERSON FERNANDO CABRERA: Okay, I really appreciate that answers.

ZACHARY CARTER: Sure.

CHAIRPERSON FERNANDO CABRERA: It's a good answer. Thank you so much.

CHAIRPERSON DANIEL DROMM: Okay that's it.

ZACHARY CARTER: Oh.

CHAIRPERSON DANIEL DROMM: Getting off easy today. We thank you for coming in and we will see you hopefully soon. Thank you.

ZACHARY CARTER: Thank you.

CHAIRPERSON DANIEL DROMM: (gavel pounding). Okay we will now resume with the City Council's Hearing on the Mayor's Executive Budget for Fiscal Year 2020, the Finance Committee is joined by

COMMITTEE ON FINANCE JOINTLY WITH  
COMMITTEE ON GOVERNMENTAL OPERATIONS

36

the Committee on Governmental Operations, chaired by Council Member Fernando Cabrera. We have been joined by Council Member Adrienne Adams, Council Member Barry Grodenchik, Council Member Bill Perkins and others I think uhm Council Member Keith Powers just walked in and others will probably join us in a bit. We have just heard from the Law Department and now we will hear from the Commissioner of the Department of Citywide Administrative Services, Lisette Camillo. In the interest of time I will forgo an opening statement but before we hear testimony, I will open the mic to my co-chair Council Member Cabrera.

CHAIRPERSON FERNANDO CABRERA: Thank you uhm co-chair and I would like to welcome Lisette Camillo, the Commissioner of the Department of Citywide Administrative Services. Thank you, Commissioner, for testifying before us today. DCAS 2020 Executive Budget totals \$1.25 billion including \$211.2 million in service and personal services for funding to support 2,534 full-time positions, \$738.3 million or approximately 61% of DCAS Budget is allocated for the Citywide Heat, Light and Power Bill. This is the City's utility bill which DCAS manages and pays for all other City Agencies through

1  
2 its emergency management division, DCAS has a diverse  
3 mission that impacts almost all aspects of the City's  
4 operation. It is the City's Real Estate Manager,  
5 leasing private space for city agencies and leasing  
6 city-owned space to private entities that manages a  
7 fleet of 31,000 vehicles. The largest municipal  
8 fleet in the nation. It administers exams through  
9 aspiring civil service employees and manages goods  
10 and services, procurement through the Office of  
11 Citywide Purchasing. Today we look forward to  
12 discussing many aspects of DCAS operations including  
13 the agencies effort to reduce greenhouse gas  
14 emissions from city buildings, the state of the  
15 citywide electric vehicle fleet and the lack of  
16 funding for the public, non-public security guard  
17 program as of the release of Fiscal 2020 Executive  
18 Budget among other important topics. And with that I  
19 will turn it back to my co-chair.

20 CHAIRPERSON DANIEL DROMM: Thank you very  
21 much, I am going to ask the Counsel to swear the  
22 panel in.

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

COMMITTEE ON FINANCE JOINTLY WITH  
COMMITTEE ON GOVERNMENTAL OPERATIONS

38

ALL: I do.

COUNSEL: Thank you, you may proceed.

CHAIRPERSON DANIEL DROMM: You can start  
Commissioner.

COMMISSIONER LISETTE CAMILLO: Thank you  
Chairs Cabrera and Dromm and members of the Committee  
on Finance and Governmental Operations. I am Lisette  
Camillo, Commissioner of the New York City Department  
of Administrative Services. At DCAS we provide value  
added and effective shared services to support the  
operations of city government. We approach our work  
with a commitment to three core values: Equity,  
effectiveness and sustainability. Equity. Ensuring  
that City Government leads the way by having a  
diverse and inclusive work place and providing all  
New Yorkers with an opportunity to get ahead.  
Effectiveness. Leveraging our expertise to connect  
customers with the resources and services they need.  
Sustainability. Mobilizing our resources to problem  
solve as scale to support the New York City of  
tomorrow. I'm pleased here to discuss the proposed  
DCAS budget for Fiscal year 2020. When I was last  
here in March for our preliminary budget testimony, I  
discussed some of the great work that is happening at

COMMITTEE ON FINANCE JOINTLY WITH  
COMMITTEE ON GOVERNMENTAL OPERATIONS

39

DCAS. This includes expanding Civil Service Exam Testing Centers to each of the five boroughs, increasing contractor words to MWBE by 26% between FY 17 and FY 18, deploying sexual harassment prevention training to over 355,000 people in under one year, reducing the number of provisional employees in City Government to an all time low of 15,801. While I am very proud of this success, today I would like to focus on some of our agency's priorities for the upcoming Fiscal Year. To put our budget in perspective, it is important to understand that the majority of DCAS expenses cover utility costs for city agencies. Out of our \$1.3 billion budget, \$739 million is allocated for heat, light and power. These are fixed costs based on forecasted energy usage and utility rates. The good news is that DCAS has helped city agencies become more energy efficient and is generating an all-time high amount of green energy on city properties. The second largest expense is the salaries of our over 2500 employees. These are the high skilled and dedicated men and women who make sure we can adequately support government operations. In addition to these expenses, DCAS performs a wide range of function that

impacts the lives of all New Yorkers. Of all of this work, there is perhaps no greater challenging we are confronting than fighting climate change. At a time when Washington is turning its back on climate change, the City is committed to reducing green house gas emissions. Recently, Mayor de Blasio announced the New York City Green New Deal. Under this plan, the City will accelerate its emissions reduction targets. This includes a new goal of reducing all green house gas emissions in New York City 40% by 2030 and achieving full carbon neutrality by 2050. To help us get there, DCAS is taking action. Thanks to the leadership of this Council, legislation that was passed and signed into law earlier this year, paves the way for us to reduce emissions from city government operations 40% by 2025 and 50% by 2030. This work includes expanding our efforts to improve energy efficiency in city buildings and infrastructure, transforming our municipal vehicle fleet by reducing its size and using the greenest fueling options available and pursuing a deal to power 100% of city operations with clean electricity sources such as hydropower. Reaching these new more aggressive goals requires making investments. Under



COMMITTEE ON FINANCE JOINTLY WITH  
COMMITTEE ON GOVERNMENTAL OPERATIONS

41

this budget, DCAS received \$59 million to expand our efforts, to identify additional viable energy efficiency projects and to bring them to fruition. This funding will allow us to add 34 new staff members at DCAS, expand our agency energy personnel program to place energy management staff at other agencies, audit energy use and install real time metering of energy consumption in city facilities and improve operations and maintenance practices among other measures. The New DCAS staff members will focus on the delivery of energy efficiency, retrofit projects at partner agencies. They will undertake strategic planning, oversee project budgeting and contracting, track and analyze data and something that will be music to your ears, they will pursue available financial incentives for project delivery. This fiscal year we will also fight climate change by building upon our success creating the cleanest and greenest municipal vehicle fleet in the country. After a successful demonstration period over the last fiscal year, we will finalize a contract to make renewable diesel a fixture in our fleet. Renewable diesel is a game changer. Diesel fuel is one of the dirtiest fuels and now we will have a cleaner

COMMITTEE ON FINANCE JOINTLY WITH  
COMMITTEE ON GOVERNMENTAL OPERATIONS

42

alternative. In contract to traditional diesel,  
renewable diesel is 99% petroleum free and reduces  
carbon emissions 60%. In addition to our work on  
sustainability, DCAS has an important role in  
developing training programs for all City Employees.  
In this year's expense budget, we received \$500,000  
that will be used to purchase the required software  
and engage consultants to develop a learning  
management system to expand e-learning capabilities.  
This is in addition to the \$1.5 million in our  
capital budget allocated for systems integration and  
\$100,000 for upfront setup costs. There are many  
advantages to administering employee training via e-  
learning including decreasing the length of time to  
create training courses, increases productivity but  
having participants take training classes at their  
work locations rather than going off-site and  
allowing mandatory training to be offered in a much  
more efficient and cost-effective manner. During the  
upcoming fiscal year, we will also invest in the City  
workforce by taking new steps to reduce the wait  
times between administration of civil service exams  
and the publishing of lists. For Civil Service Exams  
that are education and experience based, we will roll

COMMITTEE ON FINANCE JOINTLY WITH  
COMMITTEE ON GOVERNMENTAL OPERATIONS

43

out a system where exams are automatically rated as candidates answer questions. After exams are completed, candidates will receive a tentative result, an explanation of the result and a way to submit an appeal if they would like to contest their score. This fiscal year we will also make new investments in cybersecurity. Executive order 28 was issued by the Mayor to meet one of the major challenges that all organizations now face which is the safe guarding of IT systems and operations. DCAS received \$600,000 to help in this effort. This funding will be used to purchase necessary software and tools that will be used to detect and help prevent any viruses and threats from infiltrating and harming our IT systems. While we are making new investments, DCAS has also identified budget reduction initiatives as requested by OMB that will not adversely affect the agencies delivery of core services. These initiatives include identifying savings from city governments, heat, light and power bills. The work we are doing to improve energy and efficiency in city buildings and infrastructure has already resulted in \$800,000 in baseline savings beginning in FY20. DCAS is also working with various

COMMITTEE ON FINANCE JOINTLY WITH  
COMMITTEE ON GOVERNMENTAL OPERATIONS

44

agencies to reduce energy consumption via the energy load management program. We assess agencies energy consumption and identify operations that can be transferred from periods of peak energy demand when energy costs are highest to off peak times when energy costs are lower. We will also save money through the current hiring freeze. DCAS will eliminate six vacant positions in FY20 resulting in \$400,000 in savings. The Agency will implement this reduction in areas that will create the least adverse impact to agency operations. DCAS also anticipates earning an additional \$1.2 million in FY20 through our auto surplus auctions. Mayor de Blasio recently signed Executive order 41 to reduce the size of the city's vehicle fleet. We will eliminate at least 1,000 vehicles leaving us with more vehicle we can put up for auction. In terms of generating revenue, the FY20 budget is \$65.4 million primarily due to three factors. One a projected \$43.1 million in private rentals of city owned property, DCAS largest source of recurring revenue. Two, \$10.1 million for the sale of surplus vehicles and other city owned equipment. And three, \$3.8 million from applicant filing fees for Civil Service Exams. For our capital

COMMITTEE ON FINANCE JOINTLY WITH  
COMMITTEE ON GOVERNMENTAL OPERATIONS

45

plan, the Executive Budget reflects an updated four-year plan of \$2.8 billion from FY20 through FY23. This plan includes maintenance and enhancement to DCAS facilities, obtaining lease spaces and continuing our energy conservation work. The Executive Capital Budget from FY20 is \$772 million and will allow us to complete a few core initiatives. DCAS Capital Construction Program for City owned court and non-court buildings total \$376 million in FY20. While this includes the routine operations and maintenance of our buildings, it is also part of a broader focus on helping agencies more efficiently use office space in our municipal buildings. The Capital Plan for FY20 includes \$284.5 million for energy efficiency and clean energy programs. It features \$10.8 million and allocated to install 500 fast electric vehicle chargers. These chargers will speed up the charging process keeping fleet vehicles on the streets serving New Yorkers and not docked at an outlet. It also includes \$17.4 million allocated to renovate leased office space to support the Raise the Age Initiative. DCAS has a clear vision for how it will continue to provide effective shared services to support the operations of City Government. Under

1  
2 the leadership of Mayor Bill de Blasio and with the  
3 dedication of our entire DCAS team we have made  
4 enormous strides in advancing our mission and doing  
5 so with a clear focus on equity effectiveness and  
6 sustainability but you are vital partners in this  
7 work. As the elected leaders of communities across  
8 our City the Council has an important role to play in  
9 making sure we are responsive to the needs of our  
10 constituents. We always welcome your ideas, your  
11 feedback and your support. Thank you for the  
12 opportunity to testify and I would be happy to answer  
13 any questions. Thank you very much Commissioner.

14 CHAIRPERSON DANIEL DROMM: Let me start  
15 off with some talk about the hiring freeze savings.  
16 In the preliminary budget response, the Council  
17 called on the administration to implement a partial  
18 hiring freeze of 50 positions in DCAS, in the asset  
19 management division in order to generate personnel  
20 savings. In response to the Council's call, DCAS has  
21 eliminated six vacant positions across the agency to  
22 realize a total savings of \$395,000 in Fiscal 20 and  
23 \$431,000 in 21. Why were only six vacant positions  
24 eliminated in the Executive Budget if the agency has  
25 83 city funded vacancies as of March?

1  
2 RICHARD BADILLO: Okay well, the, the  
3 reduction that you are seeing was implemented by OMB  
4 we did not offer that as one of our saving programs  
5 related to the pay. My understanding is that OMB,  
6 that this type of peg impacted all of the agencies,  
7 or most agencies across the City uhm when they did  
8 their calculation of the six positions for DCAS, they  
9 exempt facilities management which is our largest  
10 component of head count in this agency, also they  
11 excluded energy management from the reduction due to  
12 the mandates that they have in climate change for the  
13 City of New York. The 3%. The reduction represents  
14 0.3% of our total head count but again city funded  
15 head count but those two exclusions of energy  
16 management and facilities which is again the largest  
17 portion of DCASs head count resulted in this, in this  
18 calculation six positions.

19 CHAIRPERSON DANIEL DROMM: So, do you  
20 intend to fill those positions?

21 RICHARD BADILLO: Not, which positions?

22 CHAIRPERSON DANIEL DROMM: The management  
23 positions that you are talking about?

24 RICHARD BADILLO: Facilities management.  
25 Yes I mean facilities management as you may know

1  
2 deals with the life and safety of all of our  
3 employees in both public buildings and in court  
4 facilities and the, with that comes the largest  
5 component, custodians, that ensure that the spaces  
6 are clean, uhm that we have our stationary engineers  
7 and boiler pled individuals, our trade stiles so it's  
8 a you know a core function of this agency and  
9 therefore yes we expect to always fill our facilities  
10 head count.

11 CHAIRPERSON DANIEL DROMM: And can you  
12 let us know what those six vacant positions are going  
13 to be?

14 RICHARD BADILLO: Absolutely.

15 CHAIRPERSON DANIEL DROMM: Okay thank  
16 you. Uhm, just talk a little bit about the nonpublic  
17 school security reimbursement program. In the  
18 preliminary budget response, the Council called on  
19 the administration to add additional funding to reach  
20 19.8 for the nonpublic school security reimbursement  
21 program, a program that reimburses qualifying  
22 nonpublic schools for the cost of onsite security  
23 services. Although the current fiscal year contains  
24 \$14 million for private security reimbursement there  
25 is no funding for this program in Fiscal 2020 as of



the release of the Fiscal 2020 Executive Budget. Can you explain DCAS role in the administration of the nonpublic school security reimbursement program.

LISETTE CAMILO: Sure, I mean I will kick it off. Uhm we have been working with OMB and we have put in a request for funding of the program and those discussions are ongoing but we are the agency tasked with managing the program from its inception uhm so we had, we created the rules that is a part of the program, developed the application process, the memorandums of understanding within each school and we've done that for the past several years. We work with each agency to establish a yearly budget for each participating school and then work with them to process the intake process and pay out invoices throughout the year in order to reimburse for the expenditures.

CHAIRPERSON DANIEL DROMM: How many nonpublic schools are currently reimbursed for these security services under this program.

COMMISSIONER LISETTE CAMILLO: 163.

CHAIRPERSON DANIEL DROMM: 163. And what is your estimate of number of schools that could be eligible under this program?

COMMITTEE ON FINANCE JOINTLY WITH  
COMMITTEE ON GOVERNMENTAL OPERATIONS

50

RICHARD BADILLO: When the law, when the bill was being analyzed it estimated that there is about 300 non... uhm Board of Education or Department of Education schools that can participate. You know when depend on the New York State Education Department to tell us who has what they call a beds number, uhm because the beds number is the indicator that represents how many students are in a particular school but that is you know the number one indicator is the beds. We just finished the filing period just closed May 15 for the school year 2019/2020. We received an additional 42 applications uhm so therefore you know we are evaluating those applications and for those schools that we see that there is an issue with the application we are getting back to them within 5-10 business days and having that dialog for those schools that their application has been completed correctly, they will receive notification no more than 30 business days that their application has been accepted. Now from the point of application acceptance there is another process that has to take place and that process cannot begin until they certify their beds number with the New York State Education Department which can't happen until

COMMITTEE ON FINANCE JOINTLY WITH  
COMMITTEE ON GOVERNMENTAL OPERATIONS

51

the first Wednesday of October and once they self-certify their beds number with the New York State Education Department, they provide that information to us and that kicks off the secondary portion of this, this process which is if they have to have an MOU because they are a new school, they have to, we have to develop the MOU, they have the template and our assistance in doing that and ultimately at some point obviously when the MOU is assigned by all parties that we have to go to for registration with the controllers office. During the course of this application period, we held five informational sessions, invited all the schools who are eligible for this program to attend uhm 69 schools participated in this informational session so we ensure that there was always an outreach. There were multiple notifications sent to all schools about the filing period being opened for those that had not sent their application in or participated in the program, multiple communications, so my understanding is that all of the schools that have participated in a program that needed to reapply within the application did and like I said 42 new schools have

1  
2 applied for the program so if everyone is accepted in  
3 totality we should have 205 participating schools.

4 CHAIRPERSON DANIEL DROMM: Before last  
5 year did any schools, drop out of the program?

6 RICHARD BADILLO: There may have been  
7 maybe a couple of schools that were approved and we  
8 never heard back from them. That, that does happen.  
9 I don't know the specifics but I know that in the  
10 past there has been a couple of schools that apply  
11 and for whatever reason they will come forward with  
12 the required self-certification of their beds number.  
13 Or you know the completion of the MOU.

14 CHAIRPERSON DANIEL DROMM: And the bed  
15 number is important because you have to have 300 or  
16 more students, right?

17 RICHARD BADILLO: Correct.

18 COMMISSIONER LISETTE CAMILLO: It is also  
19 required in the legislation to that establishes the  
20 threshold.

21 CHAIRPERSON DANIEL DROMM: Okay can you  
22 provide us with a list of the schools that are being  
23 reimbursed for Fiscal 19.

24 RICHARD BADILLO: Absolutely.  
25

COMMITTEE ON FINANCE JOINTLY WITH  
COMMITTEE ON GOVERNMENTAL OPERATIONS

53

CHAIRPERSON DANIEL DROMM: Okay. Uhm and what is the process for a security guard company to become qualified under the program?

COMMISSIONER LISETTE CAMILLO: Do we have a prequalified list? Uhm we did outreach and pretty much every year, security guard companies can come in. They have to submit a number of documents in order to demonstrate their ability to perform the services, uhm we do a number of outreach events as well to inform the security vendors of what it takes to work or participate in the program. We do our due diligence and if they pass through that they make it on to the prequalified list. Uhm then schools are able to utilize anyone, any vendor that was approved and located on this list.

CHAIRPERSON DANIEL DROMM: Do you know the number of incidents in fiscal 19 that have been reported to DCAS has involved criminal activity or other significant incidents?

COMMISSIONER LISETTE CAMILLO: So, we, between 2016 and 2018 a total of 65 incidents had been reported. When there have been about 49 that had been referred to the NYPD and about 2 that required EMS.

COMMITTEE ON FINANCE JOINTLY WITH  
COMMITTEE ON GOVERNMENTAL OPERATIONS

54

CHAIRPERSON DANIEL DROMM: And can you  
tell us what those incidents were?

COMMISSIONER LISETTE CAMILLO: Do we have  
those details?

RICHARD BADILLO: They are not required  
to give us any information on the terms of the  
documents that were reported by the NYPD for the  
incident uhm that's, it's not required. It's only  
required for them to report any incident that may  
have occurred. And you know we, we, request that in  
October at, following the school years closer and  
there is no requirement other than you know you have  
any incidents reported no that's fine. If you have,  
how many, were they referred to the NYPD? And we  
collect that data and just have it on file.

CHAIRPERSON DANIEL DROMM: Okay. Uhm in  
the preliminary budget response, the Council called  
on the administration to include an indicator in the  
MMR, PMMR in order to track the progress of the 80 x  
50 initiative, will you agree to include this  
indicator in the release of the next MMR, PMMR?

COMMISSIONER LISETTE CAMILLO: So, the 80  
x 50 goal, spans across multiple agencies, it is not  
just DCAS so if there have been discussions from a

larger perspective, from a City perspective, we haven't been a part of those discussions. We are happy to be a part of those discussions.

CHAIRPERSON DANIEL DROMM: You haven't been a part of them or you have been?

COMMISSIONER LISETTE CAMILLO: For the larger discussions on whether or not to include PMMR indicators about the 80 x 50 process, we have not. I have not been directly involved in those discussions but we are happy to have them or be a part of them.

CHAIRPERSON DANIEL DROMM: Alright thank you, with that I am going to turn it over to my co-chair to ask questions.

CHAIRPERSON FERNANDO CABRERA: Thank you, thank you so much. Uhm how many, when do the uhm the non-public schools when do they get reimbursed?

COMMISSIONER LISETTE CAMILLO: They get reimbursed.

CHAIRPERSON FERNANDO CABRERA: Is there a schedule?

COMMISSIONER LISETTE CAMILLO: They get reimbursed as invoices come in, we will pay those invoices. So, it is on a rolling basis throughout the year.

CHAIRPERSON FERNANDO CABRERA: And was,  
from the point that they are submitted to the point  
that they get their reimbursement; how long it  
usually that process?

RICHARD BADILLO: Uhm after we receive  
the invoice and if everything checks in terms of the  
invoice, all the proper documentation, which you know  
they have to show that they actually pay the security  
guard through a you know, EFT transaction or actual  
check, it should be no more than 30 days after.

CHAIRPERSON FERNANDO CABRERA: Really, so  
I'm going we will talk off line. I was in an event  
literally out on my District and someone actually was  
a priest who told me the they had not gotten  
reimbursed and I was a bit surprised. So, uhm.

RICHARD BADILLO: Yeah, we, we have you  
know we are always available. We always notify  
schools if there are issues promptly. You know we  
are more than happy to have them come to our office  
and sit down and we can, you know rather than emails,  
phone conversations, pinpoint where the issues are.  
Just we will talk off line and we will absolutely  
assist them in getting them paid because that's,  
that's, for all of us that is very important.



COMMITTEE ON FINANCE JOINTLY WITH  
COMMITTEE ON GOVERNMENTAL OPERATIONS

57

CHAIRPERSON FERNANDO CABRERA: Okay.

COMMISSIONER LISETTE CAMILLO: I think part of the challenge is making sure that an invoice has all of the supporting documentations and I think that is where some of the delay might come in, where we required certain pieces of paper that they might not have, that they might have missed, or that adds to the delay but like Rich said we are happy to, to sit down and walk them through what is necessary.

CHAIRPERSON FERNANDO CABRERA: What I'm happy to hear is just one month because. You know for a lot of this non-public school, you know, it is a heavy lift.

RICHARD BADILLO: Absolutely you know they may not obviously have a surplus to deal with a month's invoice from the invoice payments.

CHAIRPERSON FERNANDO CABRERA: Absolutely. Question, how many, how much space do we have uhm in terms of city owned property? How much space do we have available?

COMMISSIONER LISETTE CAMILLO: It depends on what you, how you?

CHAIRPERSON FERNANDO CABRERA: Office space?

COMMISSIONER LISETTE CAMILLO: How you ask that question. So DCAS manages 55 buildings, half of which are for courts. Other agencies have their own buildings stock that they would manage. We don't have line of sight into other agencies space, uhm that said, we've started a project related to the space savings initiative to measure and map out, starting with our fa... our buildings, and we've completed, I believe two buildings from top to bottom measuring those. Uhm but notwithstanding for our office space, I'm working off of a dusty memory. I believe we have about 13 million square feet of DCAS owned space, non-court facilities.

CHAIRPERSON FERNANDO CABRERA: And how much of that is free?

COMMISSIONER LISETTE CAMILO: I'm sorry.

CHAIRPERSON FERNANDO CABRERA: How much of that is available at this moment to be used?

COMMISSIONER LISETTE CAMILO: We don't have that total. There's not much availability across our building portfolio that is vacant. The places where we do have nooks and crannies here and there, we have tried to fill out. For example, one of the buildings that we have that was recently up

1  
2 until a few years ago was almost vacant, 22 Reed,  
3 over the past couple of years, we have completely  
4 filled it up given the needs of other city agencies,  
5 so where, so where we do have vacant space that can  
6 accommodate more than you know a couple of cubicles  
7 here and there we definitely repurpose.

8 CHAIRPERSON FERNANDO CABRERA: So, the  
9 \$43 million that we are able to collect every year in  
10 terms of rental from city-owned building, what type  
11 of buildings do you have a break down of?

12 COMMISSIONER LISETTE CAMILO: We can  
13 provide that for you?

14 CHAIRPERSON FERNANDO CABRERA: But do you  
15 have like an average that you can give us right now?

16 COMMISSIONER LISETTE CAMILO: There are  
17 businesses that operate on some of our properties, so  
18 you know. I will turn it over to Laura who can talk  
19 more about that.

20 CHAIRPERSON FERNANDO CABRERA: Alright  
21 thank you.

22 LAURA RINGELHEIMER: Hi, so for those \$43  
23 million it is mostly short term leases, we have about  
24 350 and we have 80 long-term leases, so some of those  
25 are ground, Carnegie Hall for example, but the 350

COMMITTEE ON FINANCE JOINTLY WITH  
COMMITTEE ON GOVERNMENTAL OPERATIONS

60

short-term most of those are small lots, some are small buildings but the majority are lots that are leased for purposes like ancillary parking or parking to businesses or other community needs, but if you want a more detailed list yeah we can provide that.

CHAIRPERSON FERNANDO CABRERA: Please state your name for the record and just swear you in? If you could give us your name for the record?

LAURA RINGELHEIM: Laura Ringelheim.

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

LAURA RINGELHEIM: I do.

COUNSEL: Thank you.

CHAIRPERSON FERNANDO CABRERA: The reason I'm asking is because we just had the Law Department uhm here and we are spending quite a bit of money for the Raise the Age and I'm just wondering if it is more cost effective for us to use our own building rather than to lease, you know, very expensive space and why, why are we leasing when we could use our own buildings?

LAURA RINGELHEIM: Sure, so we are looking at that portfolio and when we decide to leave

out to a private tenant to use our space it is not space that the City has any use for, so for example very small lots that might go to a business for parking that the city can't use otherwise for parking like police parking. Uhm then we do an analysis of space such as some of the retail spaces and if the city has a retail space need which is generally more expensive than an office space, we can actually make more money from leasing to the private sector and paying. It will net effective more revenue for the city than the cost but certainly if we come across space that is being leased to someone else, we have on occasion now started to take any of those spaces back. So, some are not for profits that do work on behalf of the city. Say perizons for example, but for other ones where the city can use that space, we absolutely are going to look with an eye for everything of what we can use. But the majority of the ones that we have talked about are either very old long term leases where the businesses have leases that were done in the 60s, 70s, and 80s and they go for quite some time but for the ones that come up regularly, we definitely look at those and are not

intending to lease any space the city can use to a private sector.

CHAIRPERSON FERNANDO CABRERA: Do you have an average uhm number that you can give us on how much we are making per square feet?

LAURA RINGELHEIM: For each lease?

CHAIRPERSON FERNANDO CABRERA: Yeah, for the lease.

LAURA RINGELHEIM: That we send out. So, it widely varies because it is based on borough and use and zoning.

CHAIRPERSON FERNANDO CABRERA: But average? Can you give us an average citywide?

LAURA RINGELHEIM: Probably not an average, we can probably be more specific by looking at each lease. Uhm some of the long-term ground leases might be a few dollars per square foot and some of the retail locations are going to be market value so \$150 per square foot. So, to average it, wouldn't, I don't think give you an accurate reflection.

CHAIRPERSON FERNANDO CABRERA: Uhm let me uhm move to the census. We have 5 positions that are \$490,000 that we are going to baseline. Why are we

baselining these positions when pretty much in a year we are not going to have these positions anymore I assume.

LISETTE CAMILO: That is a very good question which I don't have an answer for. I think this would be better suited for OMB to answer. we are definitely assisting census in hiring those five uhm lines but ultimately, they are being managed by some, I think Deputy Mayor Phil Thompson's team in terms of the day to day operation of that project.

CHAIRPERSON FERNANDO CABRERA: So, you will get back to us in terms once you speak with them?

LISETTE CAMILO: For? I think we can certainly facilitate an OMB conversation for sure.

CHAIRPERSON FERNANDO CABRERA: Yeah, I mean it just from this end it just doesn't make sense why? I'm sure from your end as well.

LISETTE CAMILO: Fair question.

CHAIRPERSON FERNANDO CABRERA: Okay, fantastic. Uhm I have two more questions but do you have questions? Let me give them a turn and then I will come back.

COMMITTEE ON FINANCE JOINTLY WITH  
COMMITTEE ON GOVERNMENTAL OPERATIONS

64

CHAIRPERSON DANIEL DROMM: Okay thank  
you, we have been joined by Council Member Rosenthal  
who has questions.

HELEN ROSENTHAL: Thank you so much  
chairs and thank you Commissioners. It is great to  
see you here again. I appreciate all the great work  
that you and your staff do for DCAS. I wanted to  
touch on three points, uhm let's start with uhm in  
your testimony, page five you talk about renewable  
diesel. And then on page uhm I think it is on page 8  
you talk about the char, the electric vehicles. Do  
you have an opinion about which is better, which you  
should be, the city should be investing in, renewable  
diesel or electric?

LISETTE CAMILO: So, we need all the  
tools that we can get. So, there is a lot. There is  
a lot of equipment and vehicles particularly the  
heavy duty uhm larger vehicles that have typically  
run on diesel that don't have the technology to run  
on electricity as of yet. So, we need cleaner fuels  
in order to make sure that those vehicles operate.  
Uhm what we also do believe that you know we have to  
get the cleanest fuel available and we are actually  
really excited to roll out the renewable diesel on a



broader scale than just the pilot that we, that we successfully completed last year. Uhm on the electric vehicles for any vehicle where we can go electric, we want to push that as much as possible and in fact yesterday we announced, made an announcement that we are going to double the citywide goal from 2000 to 4000 by 2025, so we are really pushing on all levels. Did I miss anything?

HELEN ROSENTHAL: Uhm could you provide to the Council just a list of the vehicles that are appropriate for the renewable diesel and how many you are there and what your projections are and the same with electric?

LISETTE CAMILO: We can. We can.

HELEN ROSENTHAL: How many you have and what your projections are for getting there? How many you need to change over to get to your goal? For both the renewable diesel and for the electric? Okay thanks. Uhm I wanted to ask you about, the, the school guards. Are there any criteria around need? In other words, uhm its my understanding there are a number of schools that are taking advantage of this opportunity for reimbursement that had already had security guards historically but are now using tax

1  
2 levy to cover the cost that was privately paid for  
3 before. Do you have a sense of how many schools are  
4 in that situation? Or and also whether or not there  
5 is a criterion for need?

6 LISETTE CAMILO: So, we then, the program  
7 uhm.

8 HELEN ROSENTHAL: Thank you just two,  
9 this one and one more.

10 LISETTE CAMILO: The program that we are  
11 implementing we are basing on the legislation that  
12 created the program and the only requirements that  
13 the law included was the beds number as well as the  
14 basic level of students that the program needed to  
15 have, or the school needed to have enrolled in order  
16 to qualify for the..

17 HELEN ROSENTHAL: The 300?

18 LISETTE CAMILO: Right. In order to  
19 qualify for the security services. So, we are  
20 following the policy set for by the legislature, not  
21 if you look at the participants, you do see schools  
22 that have the charge a significant amount of tuition  
23 but the law that created the program didn't account  
24 for any other factors in order to qualify for the  
25 program.

COMMITTEE ON FINANCE JOINTLY WITH  
COMMITTEE ON GOVERNMENTAL OPERATIONS

67

1  
2 HELEN ROSENTHAL: Sure, my concern is  
3 that there are so many schools that really need.  
4 Well I mean, let me ask it a different way, of the  
5 number of incidents that you reported, the, 49, the  
6 2, the 65. Did any of them occur around these  
7 schools that really?

8 LISETTE CAMILO: I do not have that  
9 information off hand but we could certainly check and  
10 get back to you.

11 HELEN ROSENTHAL: Yeah, I'd be interested  
12 to know that and uhm do you have any information on  
13 uhm whether or not the demand for uhm the security  
14 guards outweighs the supply? Because if I remember  
15 right there is a cap on how much money can be  
16 allocated for this?

17 LISETTE CAMILO: Uhm we have not seen an  
18 overwhelming uhm demand for this program.

19 HELEN ROSENTHAL: Okay.

20 LISETTE CAMILO: We, we process the  
21 invoices as we get them.

22 HELEN ROSENTHAL: Sure, sure. Do you  
23 have an idea of how much money we are putting into  
24 schools that otherwise would have the security  
25 services? Had them before.

1  
2           LISETTE CAMILO: We don't collect that  
3 information in terms of did you have?

4           HELEN ROSENTHAL: Oh no, I'm saying you  
5 mentioned that you know there are schools that...

6           LISETTE CAMILO: Yeah, sure, a few maybe  
7 five. At least that I am aware of. There could be  
8 others but I don't know.

9           HELEN ROSENTHAL: One in particular that  
10 I am aware of collects over \$1 million a year from  
11 this fund. Uhm, and uhm has an endowment of over \$60  
12 million and uhm you know the, the income level, if we  
13 looked at AMI of the school, I don't think we would  
14 see tremendous poverty. Do you think there would be?  
15 What are your thoughts about that? Could you come  
16 back to us with how much money is being spent of tax  
17 payer dollars on schools that could otherwise pay for  
18 it? That maybe even are secular schools?

19           LISETTE CAMILO: We could certainly  
20 provide you the list of schools that are  
21 participating. I don't know, I don't know what  
22 measures or criteria that we would use to call those  
23 schools out but we could certainly share with you the  
24 list of schools that are participating and then I  
25 think you could make your own decision.

COMMITTEE ON FINANCE JOINTLY WITH  
COMMITTEE ON GOVERNMENTAL OPERATIONS

69

HELEN ROSENTHAL: Okay thank you and then  
lastly, I just want to ask about the burden to DCAS  
of collecting the information on sexual harassment  
training and the other work around that. So, if I am  
recalling correctly off the top of my head, uhm  
you've produced the report on how many people which  
agencies have done the training? Is that right?

LISETTE CAMILO: Yes. And if which.

HELEN ROSENTHAL: And the number of  
people participated at each? That one came out in  
maybe January?

LISETTE CAMILO: I believe so, yes.

HELEN ROSENTHAL: Okay. Uhm and then you  
have the climate survey 1.

LISETTE CAMILO: Uh-huh.

HELEN ROSENTHAL: And then you have the  
number of complaints for each agency? How's it going  
at DCAS for collecting that information, do you feel  
you have good systems in place in order to do that  
work?

LISETTE CAMILO: So, it is definitely  
been a Herculean effort by the team. We had to  
implement that incredibly quickly and as you can  
imagine, uhm managing you know 50 mayoral and another

40 non-mayoral entities to try and get, collect information in a streamlined way, set up a computer-based training and deploy them across the City.

HELEN ROSENTHAL: First year is always tough.

LISETTE CAMILO: I'm sorry?

HELEN ROSENTHAL: First year, always a challenge.

LISETTE CAMILO: But we also were working with a system that is pretty much at the end of its lifespan so I'm not so the IT portion was a lift but the people portion was certainly a lift. We worked intensely closely with all city agencies to really push and make sure that everyone was trained. Yes, it was very difficult; however, we know at the beginning of last year we definitely received some resources to aid in this project. Uhm and you know we are building up that team currently and expanding it on all issues of the, sexual harassment prevention training was the big one that we did this year but we are working on expanding other EEO trainings as well. Part of my testimony I highlighted that we also got some funds to upgrade our IT system in order to make the development of additional trainings uhm easier so

1  
2 that we can add more to our library but also the  
3 learning management portion of it, for it to be an  
4 easier lift in order to track all of the completions  
5 because that, that was actually the biggest challenge  
6 for us is to try and corral all of the information  
7 across almost a 100 different entities.

8 HELEN ROSENTHAL: So, when you report and  
9 I just haven't seen the report on training so I'm  
10 doing this off of the top of my head, my apologies,  
11 but when you report on trainings, it's all mayoral  
12 and non-mayoral?

13 LISETTE CAMILO: I can't remember exactly  
14 but we are training, we certainly are training  
15 mayoral and non-mayoral. I can't remember if the  
16 report, well actually I'm working off of memory and  
17 forgive me but I believe the first report for the  
18 training is actually next January that is due.  
19 Because that is.

20 HELEN ROSENTHAL: Oh.

21 LISETTE CAMILO: Because the law, because  
22 the law went into effect, yes, I believe that is the  
23 case.

24 HELEN ROSENTHAL: The sponsor is agreeing  
25 with you.

1  
2               LISETTE CAMILO: I'm glad that my memory  
3 is working. Uhm so oh good. It will show that  
4 everyone. The number of people who have been trained  
5 at every agency.

6               HELEN ROSENTHAL: And mayoral and  
7 nonmayoral?

8               LISETTE CAMILO: I can't remember that  
9 distinction. We certainly are training nonmayoral.  
10 I can't recall if the legislation requires reporting  
11 on the nonmayoral but we are keeping track of that  
12 anyway.

13              HELEN ROSENTHAL: And do you keep track  
14 of the number of people who are employees and the  
15 number of people who are trained?

16              LISETTE CAMILO: Yes.

17              HELEN ROSENTHAL: Okay and then I would  
18 like to ask if we could sit down on the climate  
19 survey results. I found that report very challenging  
20 to understand.

21              LISETTE CAMILO: Okay.

22              HELEN ROSENTHAL: And I'm wondering if we  
23 could work together to find a way to represent the  
24 material in a more comprehensible fashion so as to  
25 dice it and slice it a different way.



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2

LISETTE CAMILO: Absolutely.

3

4

HELEN ROSENTHAL: Okay, I appreciate that  
and then there was a bill that risk assessment  
surveys. Were supposed to be completed? Were those  
ever done or am I wrong about the date on that one  
too?

7

8

9

LISETTE CAMILO: No, that was issued to  
agencies and they, the agency EEO officers who  
completed them. The requirement for that bill was to  
take the results of that, create a risk mitigation  
plan and include that in their quarterly EEO plan  
updates. That's all happening.

10

11

12

13

14

HELEN ROSENTHAL: That's all happening.  
Is that information public?

15

16

LISETTE CAMILO: I don't know. I'd have  
ot get back with you on that.

17

18

HELEN ROSENTHAL: I'd like to followup  
more and we will just set up meetings and continue.  
No. Your staff is saying no, not public, it's okay.

19

20

21

LISETTE CAMILO: No, it's not public.  
It's not required to be public. Agency EEO plans are  
not public.

23

24

HELEN ROSENTHAL: I'm looking forward to  
meeting with you. Thank you so much for your time.

25

COMMITTEE ON FINANCE JOINTLY WITH  
COMMITTEE ON GOVERNMENTAL OPERATIONS

74

LISETTE CAMILO: I'm happy to do that.

HELEN ROSENTHAL: And all of your hard work in getting this off of the ground. I really do think first year is the hardest and what's so critical about this and I commend you on, we are opening the door to transparency. That is really just the first goal of all of this is to be more, let's try to get out in the open what is happening behind closed doors. Uhm and I think we are on our way to achieving that first goal. I think there is a lot more work to be done but I really do want to extend my gratitude to DCAS for starting this good important work.

LISETTE CAMILO: I think we share that goal and I think all of the work of the team and also the support also from the, from this side of the house and the other side of the house, uhm we were all very much aligned in really pushing this issue forward, starting with sexual harassment prevention and I think every agency head has been called in and said hey where are you numbers and you are missing x percent so there is a lot of work going on in order to push this issue through, starting from the top all

the way down and across. So, we are very much aligned.

HELEN ROSENTHAL: Thank you, thank you chair.

LISETTE CAMILO: Welcome.

CHAIRPERSON DANIEL DROMM: Thank you, we have been joined by Council Member Francisco Moya and Robert Cornegy and we have questions from Council Member Adrienne Adams.

ADRIENNE ADAMS: Thank you so much Commissioner for being here today. Your testimony is very, very insightful. I thank my colleague Helen Rosenthal for following through with all of those questions and your, your answer really, really important legislation that we are really proud of and just thank you and your staff for following through uhm on that Legislation. So, just one, one particular question that I had, in line with the new legislation that we have ongoing regarding the diaper bill. Can you give us an update on the status on the implementation of local law 182 of 2018, can you give us an update on that?

LIZETTE CAMILO: Absolutely. So, the law only recently became effective in March of this year

1  
2 however before March of this year we had the  
3 contracts set up uhm for, for the diapers. We have  
4 been working with agencies to make them aware that  
5 this is a resource that is available to them in order  
6 to use and comply on their end.

7 HELEN ROSENTHAL: Do you know how uhm how  
8 the agencies will provide written notice to parents  
9 in designated languages regarding the availability of  
10 diapers and wipes?

11 LIZETTE CAMILO: So, the way that uhm  
12 city procurement, our role in city procurement is  
13 that we set up the contracts for agencies not just  
14 limited to this bill but for all of the goods that we  
15 provide for city usage. The way this bill is written  
16 my understanding is that the social services agencies  
17 would be required to comply with additional portions  
18 that you mentioned like notice, uhm, I think signage  
19 is part of it. We don't have insight into their  
20 operations or practices and I think you know we would  
21 be happy to work with if there is an issue on our  
22 side on the contracts that we would work with them  
23 but on terms of implementing on their different  
24 sites, we don't have line of sight into that piece.  
25

COMMITTEE ON FINANCE JOINTLY WITH  
COMMITTEE ON GOVERNMENTAL OPERATIONS

77

HELEN ROSENTHAL: Okay my final question is the cost of the program? Do you know the cost of the program?

LIZETTE CAMILO: So again we have contracts set up with which I might have the total value of them somewhere but in terms of usage because you know the contracts, the law went into effect in March, our numbers aren't you know super high what we can do though is come back and give you an updated utilization rate on a quarterly basis if you would like just so that you can see progress of that.

HELEN ROSENTHAL: Okay, that would be great, thank you so much. I appreciate that.

CHAIRPERSON DANIEL DROMM: Okay we have questions from Council Member Cornegy.

ROBERT CORNEGY: Thank you Chair Dromm. Hi Commissioner.

LIZETTE CAMILO: How are you?

ROBERT CORNEGY: Uhm in the past, I've asked as the former chair of small business to try to get an assessment on DCAS properties in their portfolio and as new contracts begin to emerge or new lease agreements begin to emerge to have the City demonstrate its commitment to retail affordability by

1  
2 being the first to use DCAS properties in a way not  
3 at market rate but to begin to uhm you know, first of  
4 all do a round of assessments, see when new leases  
5 are becoming available and begin to offer those  
6 leases to small businesses in the City at below  
7 market rent. Do you where we are with that?

8 LIZETTE CAMILO: So, we are always  
9 looking for, for ways to maximize the city owned  
10 properties and I think we undertook that analysis. I  
11 think we looked at our current leases that we have  
12 now and we were able to determine the number of small  
13 businesses that are actually on our leases. Do you  
14 have those numbers?

15 LAURA RINGELHEIM: Oh yeah, out of the  
16 current leases that we have in place now, our  
17 calculations are about 80% are small businesses. But  
18 what we are trying to do is roll out a new.

19 ROBERT CORNEGY: I'm sorry, did you say 8  
20 or 80?

21 LAURA RINGELHEIM: 80, 80% go to small  
22 businesses. So, individuals or small businesses, not  
23 something that on the face of it looks like a large  
24 corporation. We are trying to roll out a new program  
25 to actually have more communications about what

1  
2 constitutes a small business and I know we have  
3 reached out and would like to sit down with you  
4 before we, you know finalize what this would look  
5 like but it would ensure such leases that go to you  
6 know larger corporations are paying full market value  
7 and that we can give a discount and ensure that we  
8 can keep the small businesses in place and that they  
9 have you know an edge that the City can give them by  
10 giving a discount. So, in looking at that and we  
11 are, we are almost ready to share our thoughts on  
12 what this new policy would look like and would  
13 welcome the opportunity to review it with you.

14 ROBERT CORNEGY: Right, so I guess I  
15 don't have to argue the point then that you know we  
16 as a city have a responsibility in this affordability  
17 crisis especially around commercial businesses, with  
18 all of high vacancy rates and warehousing and those  
19 kind of suggestions that we as a city can't,  
20 shouldn't participate in it. We've had that  
21 conversation, I'm going to be, to beat that. But,  
22 uhm as soon as you can get back to me on that, I'd  
23 love to be able to report that the city is meeting  
24 its responsibility as we have articulated of being a  
25 responsible kind of landlord in that way.

COMMITTEE ON FINANCE JOINTLY WITH  
COMMITTEE ON GOVERNMENTAL OPERATIONS

80

LAURA RINGELHEIM: We would love to sit down and walk you through our current portfolio and what we, what we are thinking of moving forward.

ROBERT CORNEGY: Thank you.

CHAIRPERSON DANIEL DROMM: Okay thank you very much. I have some followup questions. Uhm let me start off with solar panels. In Fiscal 2018, the city installed a cumulative total of 10.5 megawatts across the city; however, we have a goal of installing 100 megawatts by 2025, uhm can you give the Committee an update on how many solar panels we have installed up to date?

LIZETTE CAMILO: Yes. Okay, so, currently we have completed 57 projects for a total of 10.6 megawatts; however, we are currently that are in progress, currently being installed 103 projects that total 18 megawatts. We have identified another 106 that will be coming on, or that we will be starting soon that will be, that have the equivalent of 27.1 megawatts, so overall between completed, in progress, pipeline, uhm it totals 266 projects that total 55.7 megawatts and I'm.

CHAIRPERSON DANIEL DROMM: How much in total? I'm sorry.



COMMITTEE ON FINANCE JOINTLY WITH  
COMMITTEE ON GOVERNMENTAL OPERATIONS

81

LIZETTE CAMILO: I'm sorry.

CHAIRPERSON DANIEL DROMM: What was the  
total?

LIZETTE CAMILO: The total megawatts  
55.7, either completed, in progress or identified and  
I am just going to quickly turn it over to see, to  
make sure that I didn't.

CHAIRPERSON DANIEL DROMM: Okay let me  
swear you in.

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

ANTHONY FIORE: I do.

COUNSEL: Thank you.

ANTHONY FIORE: I think the Commissioner  
covered that but if you have additional questions,  
I'll be happy to answer them.

CHAIRPERSON DANIEL DROMM: Okay so are we  
on track to get up to the 100 by 2025?

ANTHONY FIORE: Uhm I think we got a 10-  
fold increase since 2014 in the number of megawatts  
installed but we have a long way to go. We have  
identified approximately 75 megawatts of the 100-  
megawatt goal of where they can be installed, but ii

think we are going to need to ramp up the scale of deployment each year in order to achieve that goal.

CHAIRPERSON DANIEL DROMM: Okay, thank you. Just a little bit about the capital budget. In your 10-year capital strategy DCAS has a lump sum line titled energy efficient measures that totals \$2.9 billion; however, this offers little transparency on the types of capital projects that fall under this funding as it is all held in one uhm huge lump sum line. Have you identified ways in which you can break this funding down into numerous budget lines?

LIZETTE CAMILO: I'm sorry, can you complete the last part?

CHAIRPERSON DANIEL DROMM: Have you identified any ways you can break those numbers down into numerous budget lines? It is a \$2.9 billion lump sum line?

ANTHONY FIORE: Yeah. So that's all for energy efficiency and clean energy programs. Typically, the way that we operate it is each year we go out with solicitations to the agencies for projects to do. Uhm both on the capital and the expense side. So, each year we get that project list

1  
2 and then we build that in going forward we are going  
3 to supplement those practices with a more strategic  
4 alignment with agencies capital plans so that we can  
5 tie these energy efficiency projects and clean energy  
6 projects to capital projects that they may already be  
7 doing in the out years and in this way we can build  
8 our cube of out year work to match that. So, on a  
9 going forward basis we should have more projects  
10 probing.

11 CHAIRPERSON DANIEL DROMM: Do we have  
12 those lists that you are talking about? That you  
13 mentioned when you started?

14 ANTHONY FIORE: I'm sorry, which lists?

15 CHAIRPERSON DANIEL DROMM: Do we have  
16 those lists that you mentioned when you started of  
17 the projects?

18 ANTHONY FIORE: Uhm we can provide a  
19 project list. If there is a specific list you are  
20 looking for, we can provide that.

21 CHAIRPERSON DANIEL DROMM: Okay, thank  
22 you for that. And I have one other one, uhm reverse  
23 auctions. DCAS executive budget includes projected  
24 savings of \$10 million in Fiscal 2020 through reverse  
25

1  
2 auctions. Can you tell the Committee how you plan on  
3 realizing these savings in Fiscal 2020?

4 ANTHONY FIORE: This is a citywide  
5 savings program initiative led by OMB. They are  
6 running point on what they perceive can be the  
7 savings realized from doing reverse auctions. My  
8 understanding is they are working with the Mayor's  
9 Office of Contracts, through passport to be able to  
10 hopefully program reverse bids for subsidy  
11 commodities into the passport system but they placed  
12 the savings in DCASs budget temporarily until that  
13 program gets off of the ground and those agencies  
14 that participate if it is applicable and is allowed  
15 by the law, uhm they would then remove or reduce that  
16 allocation savings from our budget and program those  
17 savings into the agencies that are realizing those  
18 savings but for DCAS it was just a repository in  
19 terms of where they wanted to centrally place it  
20 because they don't know citywide by agency where  
21 these savings will be occurring.

22 CHAIRPERSON DANIEL DROMM: Okay thank  
23 you, Chair Cabrera.

24 CHAIRPERSON FERNANDO CABRERA: Thank you  
25 so much. Uhm let me get back to energy management.

COMMITTEE ON FINANCE JOINTLY WITH  
COMMITTEE ON GOVERNMENTAL OPERATIONS

85

Which initiative from the Mayor's Green New Deal Plan that was just announced will be related to DCAS \$59.3 million for energy management initiative, would it include the increase electric vehicle chargers? Would these initiatives lead to budgetary savings and if so, what is your anticipated saving protection?

LIZETTE CAMILO: So, the Green New Deal Proposal or Plan, uhm our portion has to do with governmental operations and that really does focus both on out buildings and fleet primarily. So, the \$59 million within uhm the Department of Energy Management group really is to ramp up all of our energy efficiency programs and Anthony can speak to more details on how we expect to effectuate that. Uhm actually I will just turn it over but there is a free component as well.

ANTHONY FIORE: Uhm good morning. Uhm, so the \$60 million will be for projects that you know span again in retro commissioning, lighting controls, HVAC, steam optimization and so forth to improve the buildings that are energy efficiencies and we expect that will hit between 300 and 400 buildings with that. This is not a uhm savings program in terms of dollars. Some of these things cost additional money

1  
2 to do. The metrics that I can give you are on a  
3 dollar per metric ton of emissions from implementing  
4 these projects as well as a payback period. And so  
5 you depending on what actual projects get completed  
6 will change those two metrics that I just mentioned  
7 but just for context, overall, historically all of  
8 our projects so far is about \$4000 per metric ton in  
9 avoidant emissions and payback ranges depending on  
10 the type of project anywhere from three years to you  
11 know it could be 70 years if it is an insulation of  
12 walls and things like that.

13 CHAIRPERSON FERNANDO CABRERA: So, there  
14 is no savings then? It is just?

15 ANTHONY FIORE: No.

16 CHAIRPERSON FERNANDO CABRERA: A good  
17 environmental practice but are there any savings?

18 LIZETTE CAMILO: For the, for the  
19 building side it is not a savings program.

20 CHAIRPERSON FERNANDO CABRERA: Okay.

21 LIZETTE CAMILO: Uhm however from the  
22 fleet side and Keith Kerman you can join me here.  
23 Can, you can continue the discussion but on a  
24 parallel track are included in this within this  
25 climate change uhm plan. The Mayor recently

1  
2 announced an executive order to reduce our fleet by  
3 1000 vehicles and to increase our use of electric  
4 vehicles, reduce the number of commuters and  
5 downsizing a number of going from SUVs to sedans.  
6 All of those things, those proposals there actually  
7 is a cost savings component to it and I'm going to  
8 toss it over to Keith.

9 CHAIRPERSON FERNANDO CABRERA: Before we  
10 go to the vehicle, why, I would imagine if a building  
11 is more environmentally sound that there would be a  
12 cost saving. If you are using for example, solar  
13 panels, if you you know, if you changed to windows.  
14 I know the building, our colleague Constantinides was  
15 championing and was able to pass, you know this  
16 changing of the windows and so forth why, why are  
17 those not, what wouldn't that translate into savings?

18 KEITH KERMAN: Yes, so let me clarify uhm  
19 we, we measure the savings through the payback  
20 period, so how long does it take to pay back the  
21 investment that you've made. And so that, that  
22 varies widely as I mentioned before it could be less  
23 than a year to 70 years or plus depending on the type  
24 of project that you install but yes eventually there  
25

1  
2 is a savings and so that's measured by the number of  
3 years that it takes to pay back the investment.

4 CHAIRPERSON FERNANDO CABRERA: But we  
5 don't know what that is.

6 ANTHONY FIORE? I can give you average  
7 numbers depending on the type of intervention that we  
8 are talking about. So, if there is a specific  
9 intervention, I am happy to provide you data.

10 CHAIRPERSON FERNANDO CABRERA: But  
11 overall when it comes to the building do you have  
12 like, what an average? I'm just trying to get a  
13 picture of what that looks like.

14 ANTHONY FIORE: If you, if you lump in  
15 every type of intervention possible from you know say  
16 a simple lighting upgrade to something that is much  
17 more intrusive, intensive and putting insulation in  
18 walls, triple pane glass windows and so forth,  
19 lumping all of that together it is probably around 20  
20 year payback.

21 CHAIRPERSON FERNANDO CABRERA: Okay that  
22 is very helpful. Thank you and then the vehicle  
23 piece, I know you wanted to interject.

24 CHAIRPERSON DANIEL DROMM: I need to  
25 swear you in.



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

KEITH KERMAN: Yes.

COUNSEL: Thank you.

KEITH KERMAN: Hi, Keith Kerman, I am the Chief Fleet Officer. So, on the electric vehicle side that you are mentioning and the chargers there is a saving programs it is four years, Fiscal Year 19 to 22 across agencies that operate cars and it is \$9.7 million over the four years. And where that savings comes from, and it is good news, for those following electric vehicle adoption is that what we are finding, especially in light duty electric vehicles is the maintenance is extraordinarily low. As it should be, you don't have a gas engine to maintain, even the brake maintenance is less. There are basically fewer things to break on electric cars. It is a very simple car so.

CHAIRPERSON FERNANDO CABRERA: Let me stop you right there. Isn't it true though that within eight years you have to change the main battery?

1  
2 KEITH KERMAN: There, you know it is very  
3 interesting question about battery life. We used to  
4 hear that about the Toyota Prius and the Hybrid you  
5 would have to change the batteries. In 20 years, I've  
6 never changed a battery unless we crashed a vehicle.  
7 On the electric vehicle side, there is always, you  
8 really don't have to replace a battery. There will  
9 be some lessening of the battery, right? Batteries  
10 will lose some of their holding capacity if you have  
11 a 220-mile range, maybe in eight years, you are going  
12 to be at 180-mile range but we don't replace  
13 batteries in scale like that fear that has been out  
14 there. It just doesn't happen. I can't think of a  
15 battery replacement for maintenance we have ever  
16 done. And so, the maintenance cost right now and we  
17 put out a report publically on this very recently,  
18 about 60% less for the electric vehicles than for  
19 their, their counterparts. As well as of course you  
20 are getting the fuel savings. So, when that side,  
21 maintenance and fuel and we have worked with OMB and  
22 actually put in a savings program that.

23 CHAIRPERSON FERNANDO CABRERA: Then I can  
24 tell my wife to buy me an electric car?

25 KEITH KERMAN: Absolutely.

COMMITTEE ON FINANCE JOINTLY WITH  
COMMITTEE ON GOVERNMENTAL OPERATIONS

91

CHAIRPERSON FERNANDO CABRERA: Let me ask you, when it comes to uhm to the chargers, uhm are they only for city vehicle or are we going to be able to allow the public to use them and, and then collect some revenue?

LIZETTE CAMILO: So, the, the one, the project that we are leading and Keith can talk more about that. It is solely for city government operations but I don't know if you want to elaborate?

KEITH KERMAN: Yeah so there are two project streams. One is the DCAS \$10 millions which you see in the budget. That is mostly focused on the city fleet, almost 1/3 of all of the electric vehicles in the city at the moment, registered are in fact operated through DCAS by city agencies. So, we have an enormous charging demand and honestly, we just announced that we had hit 2200 electric cars. We are bringing in somewhat electric cars somewhat quicker than we can charge them so we need to focus. Certainly, wherever we can offer public availability as we go along on this project we will. But then DOT and the Mayor's Office of Sustainability are also leading what has been publically announced, the public charging focus component of that which is

1  
2 really about public charging so there are two  
3 projects running simultaneously.

4 CHAIRPERSON FERNANDO CABRERA: Are these  
5 hybrid vehicles or strictly all electric?

6 KEITH KERMAN: The city has both. So, we  
7 have about 600 of our units are all electric then we  
8 have the rest that are hybrid electric.

9 CHAIRPERSON FERNANDO CABRERA: And how  
10 many are the rest?

11 KEITH KERMAN: That would be about 1600  
12 that are hybrid plug in electric. Not hybrid but  
13 plug in electric. You know one reason is.

14 CHAIRPERSON FERNANDO CABRERA: You know  
15 what my fear is right remember when we had the black  
16 out and it lasted three days, what would happen in  
17 that instance and then all of your city vehicles  
18 can't be recharged?

19 KEITH KERMAN: Well interestingly one of  
20 the reasons we invest in plug in hybrids is to have  
21 emergency options, right. So, you plug it on a  
22 regular day and most days are regular days and you  
23 are not using fuel but if you are in a hurricane  
24 emergency or another emergency and you just can't  
25 wait to charge, then you, you are going to have that

1  
2 option. But interestingly enough, one of the  
3 charging projects that we put in place for the very  
4 issue that you just mentioned is we are the largest  
5 investor in the world in the solar carports. They  
6 are freestanding independent carports. There is one  
7 at the municipal building and they are all over the  
8 city now, we have 86 of them and so those do not  
9 depend on the grid.

10 CHAIRPERSON FERNANDO CABRERA: Are they,  
11 how many can they service?

12 KEITH KERMAN: On a regular day, it is  
13 about three a unit but certainly in an emergency you  
14 know on a regular day we are also not tapping out the  
15 batteries and using every piece to charge.

16 CHAIRPERSON FERNANDO CABRERA: Right.

17 KEITH KERMAN: You know.

18 CHAIRPERSON FERNANDO CABRERA: How many  
19 anticipate you need?

20 KEITH KERMAN: Excuse me?

21 CHAIRPERSON FERNANDO CABRERA: How many  
22 anticipate? How many more do you anticipate that you  
23 will need so you don't have to rely.

24 KEITH KERMAN: We have our last 20 being  
25 delivered now, that will bring us to 86 and then we

1  
2 have to establish, you know, we haven't, we haven't  
3 funded the next round with OMB yet but we will do  
4 that. We are finishing up the project that we have.

5 CHAIRPERSON FERNANDO CABRERA: What's  
6 the, what's the cost per charger? One of those  
7 charging stations?

8 KEITH KERMAN: The large, the solar  
9 carport freestanding is about \$60,000. So, it's, a  
10 you know, we are an early investor. It is a  
11 tremendous product. Obviously, like many things we  
12 invest in in the sustainable world, we would love to  
13 see that price come down and scale it up but we see  
14 that a lot. You know when we first bought Priuses  
15 and hybrid vehicles, they were very expensive. Now  
16 they are less expensive than anything. We had the  
17 Nissan leaf contract for \$32,000 four years ago, it  
18 is now on contract for \$22,000. So, we, we do try to  
19 invest in these technologies early. You know and we  
20 do expect to see reductions but they also operate as  
21 emergency generators which is the issue that you are  
22 bringing up, so as emergency generators they are a  
23 pretty good insurance policy.

24 CHAIRPERSON FERNANDO CABRERA: How long?  
25 Well two questions, one in terms of the economy

1 scales, uhm do you buy in bundles or do you just buy  
2 three or four units at a time? At what point do we  
3 end up seeing a cost saving if we are able to buy uhm  
4 a large amount of them? And second, what are, what  
5 do you estimate uhm in terms of the charging, which  
6 by the way I am very happy about, to hear I'm going  
7 in the direction that I would like to see as many as  
8 we need so we don't have to rely uhm you know.  
9 Petroleum gas and all of the emissions that come out  
10 of that, as well. But what point does it start  
11 paying for itself? How many years?

12 KEITH KERMAN: Well these, these are you  
13 know with the solar carports we are an energy  
14 producer now. So, they will more or less pay for  
15 themselves in about 30 years of life. So, you know  
16 go over 30 years they will pay for themselves on the  
17 offsets of fuel. That's a little bit higher than we  
18 would want, we are early but you know part of what we  
19 are doing is creating a marketplace. Yesterday we  
20 met with another company who is selling the same  
21 product who wants to get into this business. And  
22 what we see in a lot of cases is we start as an early  
23 adopter but then we are creating a more competitive  
24 marketplace, more companies are coming in offering  
25

1  
2 these products and that's where you see the price  
3 reduction. In the truck side guard program, we have  
4 saw that. We started; we were paying \$3000. One  
5 company in North America provided them. We now had  
6 five companies and we are down to \$1800 a unit. So,  
7 we are hoping to see that same kind of trend and  
8 again I will tell you just yesterday a new company  
9 came into the solar carport business talking about  
10 how they could do just as good and lower price  
11 carports so that's what we want to hear.

12 CHAIRPERSON FERNANDO CABRERA: Do the,  
13 do the companies that you are dealing with right now  
14 for the chargers, are they uhm have they indicated  
15 that we can, that we can upgrade the system so they  
16 could charge quicker, let's say three years down the  
17 line. You know just like Tesla they come with  
18 technology just like every couple of years. Would  
19 they be able to upgrade take part of their battery  
20 retention?

21 KEITH KERMAN: It's already, the first  
22 set that we bought in had a 30-kilowatt battery, the  
23 last 50 have a 40-kilowatt battery. So yeah that is  
24 already happening.  
25



COMMITTEE ON FINANCE JOINTLY WITH  
COMMITTEE ON GOVERNMENTAL OPERATIONS

97

CHAIRPERSON FERNANDO CABRERA: But for the first ones were they able to change that battery to 50 kilos? You see what I am saying?

KEITH KERMAN: Well we went from 30 to 40 and you know with the next round we will keep pushing that forward but. So...

CHAIRPERSON FERNANDO CABRERA: No, but maybe I'm not explaining my question right. So, the one you started with 30, are they able to remove that battery and say hey now we got a 50 kilo and replace that 30 so you can retain more.

KEITH KERMAN: There would be, obviously if you were to do effectively a retrofit there would be a cost, there would be a cost implication to that. It is probably more cost effective to just keep expanding the number of units with the best technology, right. Generally, we don't go back in vehicle technology in that matter, uhm we just get the next best thing and keep replacing. But certainly, we are trying to grow and create this marketplace and we have done this before. Hybrids used to be rare and now they are not. And we are going to, we are going to build this marketplace on solar carports.

CHAIRPERSON FERNANDO CABRERA: And in terms that we have 1000 less vehicles, does that mean that, why do we need less vehicles? I mean is it like do we have less workforce in need of the vehicle? You need an analysis that now you are running the vehicles 24 hours a day, uhm instead of 12-hour shifts?

LIZETTE CAMILO: How we want to approach the vehicle reduction will be assisted by technology that we are currently installing on all of the fleet called Telematics that we will be able to deter... let us know how much vehicles are being used. Whether or not they are used effectively. We want to make sure that we hit, was it 60%, 80%. Uhm I can't remember the standard.

KEITH KERMAN: Through, through the Commission intervention, we've put in a live Telematic system that lets us understand the daily use of vehicles in a way we never could do before. And we are looking for efficiency, so working with the Council so we have a car share, fleet share law so we are looking at where you can share vehicles as opposed to the traditional model of fleet which is you know I've got a unit, or I'm an important person

1  
2 transport issues but you can share cars and we can  
3 share across technology. We put zip car technology  
4 now on city cars. So, we don't give you a key, a car  
5 key, we give you a card key and you go online and  
6 reserve the cars. So, we can look for where there  
7 are efficiencies in vehicles, where we can share  
8 vehicles uhm and that is going to be how we achieve  
9 the reduction.

10 CHAIRPERSON FERNANDO CABRERA: I'm happy  
11 to hear that you are doing that. I mean that's  
12 pretty innovative. Are any other cities doing the  
13 zip approach?

14 KEITH KERMAN: We are, we are certainly  
15 the largest adopter for that, but to be honest we  
16 actually partnered originally with the City of  
17 Chicago on our original contract, so Chicago actually  
18 was a real partner on this. I believe Houston also  
19 has a program here, uhm but we are certainly the  
20 largest implementer by far.

21 CHAIRPERSON FERNANDO CABRERA: And how  
22 much is the card contract for that?

23 KEITH KERMAN: Uhm there is a fee. I  
24 would have to get you the particular fee. But  
25 actually, the shared program is also a savings

COMMITTEE ON FINANCE JOINTLY WITH  
COMMITTEE ON GOVERNMENTAL OPERATIONS

100

1  
2 program. We are not spending more money by sharing  
3 vehicles, we are reducing 1000 vehicles and cutting  
4 the budget by sharing vehicles. But there is a  
5 subscription cost, a monthly cost for the sharing  
6 technology. I would have to get that cost for you.

7 CHAIRPERSON FERNANDO CABRERA: 1000  
8 vehicles that you are about to put into auction.  
9 What are the years? What is the make? And.

10 KEITH KERMAN: So, agencies are actually  
11 finalizing and developing their plans now. It is  
12 going to be a mix so it is going to include about 70%  
13 light duty vehicles and 30% medium and heavy-duty  
14 vehicles, so there are efficiencies as well in the  
15 trucking side.

16 CHAIRPERSON FERNANDO CABRERA: Do you  
17 know the years? Like? 2015?

18 KEITH KERMAN: Well, it will always be  
19 the older, you know we don't salvage vehicles that  
20 are, that are newer, we are always going to look to  
21 the older fleet so usually 10 or more years is when  
22 we look to auction vehicles.

23 CHAIRPERSON FERNANDO CABRERA: Okay, thank  
24 you, thank you so much. Okay.

25

COMMITTEE ON FINANCE JOINTLY WITH  
COMMITTEE ON GOVERNMENTAL OPERATIONS

101

CHAIRPERSON DANIEL DROMM: Okay, I just want to say that we were joined by Council Member Maisel. Uhm and uhm that is it for this panel and we thank you for coming in and we look forward to working with you.

LIZETTE CAMILO: Thank you so much.

CHAIRPERSON DANIEL DROMM: Thank you Commissioner.

LIZETTE CAMILO: Have a good one.

CHAIRPERSON DANIEL DROMM: So, we will take a little break for about 10 or 15 minutes. (long break). (gavel pounding). Okay we will now resume the City Council's Hearing on the Mayor's Executive Budget for Fiscal 2020. The Finance Committee is joined by the Committee on Governmental Operations chaired by Council Member Fernando Cabrera. We have been joined by my colleagues, Alan Maisel, Mark Gjonaj, Council Member Jimmy Van Bramer and I think others will be joining us shortly. We just heard from the Department of Citywide Administrative Services and now we will hear from Michael Ryan Executive Director of the Board of Elections. In the interest of time, I will forgo an opening statement but before

COMMITTEE ON FINANCE JOINTLY WITH  
COMMITTEE ON GOVERNMENTAL OPERATIONS

102

we hear testimony, I will open the mic to my co-chair  
Council Member Cabrera.

CHAIRPERSON FERNANDO CABRERA: Thank you  
so much co-chair and I would like to welcome  
Executive Director, Michael J. Ryan, Executive  
Director of Board of Elections. Thank you, Executive  
Director, for testifying before us today. The BOE  
Fiscal 2020 Executive Budget totals \$246 million  
including \$150.8 million in personnel services  
funding to support 517 full-time positions. The BOE  
is responsible for conducting all elections in the  
City of New York, Federal, State, and local, it  
registers voters, maintains the City's Voter  
Registration List and maintains and operates poll  
sites among various other election related function.  
The New York State Legislature recently passed a  
major package of electoral forms that will have a  
dramatic impact on the way that elections are  
conducted in the State of New York including early  
voting, synchronization of Federal and State  
Primaries and Registration Portability across the  
State. Excuse me, following up on the oversight  
hearing, the governmental operations committee held  
last month on this topic we would like to hear from

COMMITTEE ON FINANCE JOINTLY WITH  
COMMITTEE ON GOVERNMENTAL OPERATIONS

103

1  
2 the BOE about the logistics of implementing this new  
3 election reform as well as the cost, in addition, we  
4 would like to discuss the cost for future elections  
5 and BOEs ongoing plans to implement early voting  
6 among other topics and with that I will give it back  
7 to the Co-chair Danny Dromm.

8 CHAIRPERSON DANIEL DROMM: Okay thank you  
9 I'm going to ask Counsel to swear the panel in.

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

13 ALL: I do.

14 COUNSEL: Thank you.

15 CHAIRPERSON DANIEL DROMM: Okay thank  
16 you, would you like to start?

17 MICHAEL RYAN: (muffled talking in the  
18 background).

19 CHAIRPERSON DANIEL DROMM: Is your mic  
20 on?

21 MICHAEL RYAN: Once more. There you go.  
22 Good afternoon, Chair Cabrera and Chair Dromm and  
23 members of the New York City Council's Committees on  
24 Governmental Operations and Finance. Uhm thank you  
25 for the opportunity to appear before you to give

COMMITTEE ON FINANCE JOINTLY WITH  
COMMITTEE ON GOVERNMENTAL OPERATIONS

104

testimony with respect to the Board's Fiscal Year 2020 budget. Joining me at the table to my left is Deputy Executive Director Dawn Sandow. Uhm as we have done in the past, the Board has prepared testimony and worked very closely with the administration with respect to the budgetary needs for the upcoming Fiscal Year. I will, with the approval of the Committee forgo the formal reading of the testimony, give an overview and then we can move to the media portion of the program which I know you all are interested in asking questions about various topics. Uhm so, uhm we have gone over Fiscal Year 2019 in some detail in other hearings, uhm, a couple of things that have been address, in perhaps in hearings that were not addressed in previous hearings. We did have a citywide special election on February 26, 2019, we also as a result of that special election had to have a special election this week in the 45<sup>th</sup> Council District on Tuesday in Brooklyn and we have worked closely with the administration to cover those funds as new needs as special elections cannot be predicted, so that we are covered for those and we don't have any issues related to current funds owed by the City of New York



COMMITTEE ON FINANCE JOINTLY WITH  
COMMITTEE ON GOVERNMENTAL OPERATIONS

105

for any shortfalls. Uhm, starting in January 2019, as many of us are aware, we will be commencing early voting starting with the November 2019 General Election which really bleeds back into October, I believe October 26 is the first day. That will be the first florae into early voting and then they will be conducted each, for each election event moving forward for a period of 9 days. Uhm for early voting plus election day and that will be inclusive of two Saturdays and two Sundays. Uhm, we also have a bit of good news. That is a challenge but another bit of good news is the primary date has been unified from September into June so primaries moving forward will be unified on the last or the fourth Tuesday, not the last Tuesday but the fourth Tuesday in June each year moving forward and in part due to the early voting passage but also in part due to just good improvement for the system, the State Legislature has authorized the use of electronic poll books. I'm going to stop right there for a second and just remind everyone as we testified in the early voting hearing a few weeks back that the vendors for the e-poll books must be approved by the State Board of Elections. They are not going to go through a certification process the

COMMITTEE ON FINANCE JOINTLY WITH  
COMMITTEE ON GOVERNMENTAL OPERATIONS

106

same way as the voting systems do but they do have an approval process. That approval process is ongoing and our understanding is that it will be completed by June the 6<sup>th</sup> and so uhm once that process is completed, we will be able to move forward with our plans. Uhm the state procurement process, the OGS process is not going to be completed in time for the City Board of Elections to make use of it. That is expected to be completed in July and that will be too late for us to act and then expect that we are going to be able to complete our poll worker training and procure the devices in time. So, moving on to the balance of this coming Fiscal Year the current Executive Budget gives the agency \$246 million, \$115.8 million is allocated for personal services which includes both poll worker pay and staff pay. Uhm as well as \$130.1 million for OTPS. You will note that is a substantial increase over what has been previously allocated and that is to accommodate the early voting bills that were passed. \$75 million of that is allocated for the three early voting periods that would be presently uhm November, the Presidential Primary which looks like it is going to be the end of April and then the June primary which

COMMITTEE ON FINANCE JOINTLY WITH  
COMMITTEE ON GOVERNMENTAL OPERATIONS

107

will occur now at the end of the Fiscal Year as opposed to in September and an additional \$21 million for the procurement of poll books. These figures were discussed and determined in conjunction with the Mayor's Office of Management and Budget, keeping in mind that the early voting statute passed January 24, 2019 and our initial budget testimony before the City Council was on March 12, 2019 so we came to these numbers uhm very quickly and to be responsible budgetarily and fiscally. The idea was to establish an outside number and if less funds were expended, that would put the city in a better position than if we grossly underestimated the budget and then had to scramble to try to find additional funds elsewhere and that was something that was discussed in some detail with our budget folks and the Office of Management and Budget when these numbers were established. I would also like to remind the members of this committee that all of these numbers are as yet, are a work in progress and that until all of the plans are finalized, until we know exactly what machines we are going to be using and what additional extra services we might have to pay for in order to get the electronic poll books implemented it is

COMMITTEE ON FINANCE JOINTLY WITH  
COMMITTEE ON GOVERNMENTAL OPERATIONS

108

impossible in this particular year to really sharpen that pencil and put a fine point on it. Moving forward, we of course will be able to do that as we have uhm the knowledge and the experience and some of these expenses will in fact be more or less one-time expenses. We always know that equipment does wear out and break down over the course of time but the uhm PS portion of the budget with respect to poll workers and with respect to our staff will be ongoing repetitive costs with respect to the budget. Uhm so uhm moving on to the next piece of the puzzle that I want the Committee to understand to keep in mind, we are working under a very compressed time frame. We want to make sure that this process works. We want to get it off of the ground and have it been a firm foundation upon which we can rest the balance of the process. There has been a lot of talk about the number of sites that is something that has been getting a lot of attention. Uhm, and one of the things that I want to make sure that we don't end up, we don't end up like Howard Hughes when he built the spruce goose, that we build this big beautiful thing but it really doesn't fly. We want to make sure that we take it, build that foundation, work with all of

the communities if there are any assumptions or assessments that we made, that require adjustment. We should have a fair and reasonable and open conversation with all of the individuals uhm that have an interest in this process. We, commit to this Council and to the voters of the City of New York that we will make that process as open and as inclusive as time allows. We also have to understand that we are really working under very, very, compressed time frames. We do have weekly meetings. There have been people showing up. We've had uhm some meetings with at least a meeting with leadership from the State Legislature. There is another meeting scheduled with elected officials for next week, I believe in the borough of Queens and we are happy to do that on a round robin bases and get to everybody and get all of the input uhm that will be necessary to make sure that A) the process works and B) that people have faith in it and that they feel that whatever concerns they had were at least heard and hopefully addressed. But I do want to stress, November is a launching point, not an ending point. November is not the destination. November is the start of the journey and I want us all to hopefully

COMMITTEE ON FINANCE JOINTLY WITH  
COMMITTEE ON GOVERNMENTAL OPERATIONS

110

work together and say we've created over the course of time in an evolutionary way and early voting process that works for everybody. Uhm we can certainly talk with respect to the e-poll books and what they, what they might mean for us. It is a bit daunting. We have to make sure that we engage in a program according to the state rules where nobody can double vote, so the e-poll books are an essential element of that. But there is some good news here, we are going to use them for election day too and so we are finally going to move past the A-L, M-Z and you know all of these lines that, that cross over, we are going to rework our poll sites moving forward so that you can go to check in stations and we will certainly build that into the process and that will help in moving the lines along more quickly. So, when we get to the uhm, the question and answer period of this, I would like this Committee to think about a couple of things. Sites are important, they are, the number of sites are important but while we are doing that, we also have to remember that the sites have to be staffed and they have to have equipment. And in a city as large and diverse as New York City and with needs, differing needs, there has been some hay made

1 over Staten Island having a certain number of sites  
2 and another borough having a certain number of sites.  
3 There are logistical challenges in Staten Island that  
4 are different than the logistical challenges in  
5 Brooklyn or Queens. Staten Island is spread out. It  
6 doesn't have as much access to public transportation,  
7 there is one train that runs from St. George to  
8 Tottenville and the other boroughs have some access,  
9 better access to public transportation but there are  
10 challenges in Queens as well where the main hubs of  
11 how people commute back and forth into the City are  
12 not as perhaps convenient as the MTA or others would  
13 like if they had an opportunity to redesign the  
14 process and the system moving forward. So, our  
15 testimony is there, I'm happy uhm to answer any  
16 questions if there is something that I did not  
17 highlight sufficiently. I'm certain as the questions  
18 go around the dais will have an opportunity to  
19 answer.  
20

21 CHAIRPERSON DANIEL DROMM: Thank you Mr.  
22 Executive Director and yeah, we have some questions.  
23 Uhm I, I went up to the City Council and where we had  
24 a demonstration for the machines, that was, those are  
25 the machines that you are talking about?

COMMITTEE ON FINANCE JOINTLY WITH  
COMMITTEE ON GOVERNMENTAL OPERATIONS

112

MICHAEL RYAN: So present, presently there was, I am certain one machine that was a touch screen machine. That machine is not presently certified by the State Board of Elections and that was a machine that we had asked if it would be available for early voting and the State Board of Elections said no. So, what we are talking about here is for the early voting sites, I'm sure that is your point of interest, electronic poll books, right, so a way to access the voter information electronically in a tablet style device that links to a ballot on demand system so that once we check you in at your poll site or your early voting site, it will then tell the ballot on demand system what ballot to print for you. And then we will be able to distribute that ballot to the voters. The other choice would have been to essentially print double the amount of paper ballots that we would ordinarily print for an election and then have stacks of ballots available at the early voting sites for distribution in what is termed as a pick and pull system. So, if you could envision a 200-slot interoffice mailbox with all of the different ballots in there and then you come in, you want your ballot and some poor poll



1 worker has to go fish through these ballots. That  
2 system would have been implemented if we had no other  
3 choice but it would have been a disaster. This  
4 ballot on demand system at least lets us take a step  
5 forward and process the voters better than they might  
6 have been otherwise.  
7

8 CHAIRPERSON DANIEL DROMM: So, the  
9 ballots will be printed after you sign in?

10 MICHAEL RYAN: Correct. So basically,  
11 what happens is you sign in at the poll book and  
12 there is a link between that device and the, and the  
13 ballot on demand printer and it tells the ballot on  
14 demand what ballot to print for you based on the  
15 information that is in the voter registration system.

16 CHAIRPERSON DANIEL DROMM: Okay, you know  
17 I used to work for the Department of Education. I  
18 was a teacher for 25 years. One of the biggest  
19 problems that we face and they still continue to face  
20 today is band width in schools. So, do you think  
21 that that is going to be a problem at some of these  
22 sites?

23 MICHAEL RYAN: So, in addition to and  
24 that is some of the other technology money that we  
25 are looking for. We have had conversations with

1 vendors and they have indicated to us what our needs  
2 should be and the idea behind this would also to be  
3 to have cradle points that would also serve as you  
4 know beefier, more substantial battery back up  
5 systems in the event of a loss of power. So, right  
6 now for the tablets that we use to transmit the  
7 results, we use MiFis that are leveraged through our  
8 Verizon contract and for what we are asking them to  
9 do, they are fine. They are, we are just asking them  
10 to push numbers at the end of the night for the most  
11 part or emails.

13 CHAIRPERSON DANIEL DROMM: Often times  
14 when you go into a school, you cannot, we give them  
15 laptops, we give them and, in some cases, schools  
16 will buy Ipads and stuff, they can't get online.

17 MICHAEL RYAN: Right, so, so the cradle  
18 points will um have a more industrial capacity. So,  
19 it is not the same thing as the MiFi, which has a  
20 weaker signal and we have also had some  
21 conversations, preliminary yet, but AT&T and Verizon,  
22 we are going to work with them to hopefully create a  
23 dedicated system. They said it is doable but the  
24 details haven't been worked out but for them to give  
25 us access to more bandwidth on election days so that

1 we don't have these problems. That said the devices  
2 themselves will have the entirety of the voter  
3 records stored on them as well. So even if you lost  
4 your bandwidth for the day, they would still be able  
5 to communicate within the four walls of that poll  
6 site with the ballot on demand system. So, the  
7 external communication to the outside world might be  
8 interrupted but the internal communication at the  
9 poll sites would not.

11 CHAIRPERSON DANIEL DROMM: Okay good,  
12 good luck with that because the uhm it's been  
13 difficult dealing with the DOE on this issue, believe  
14 me. But anyway, I just let me talk a little bit  
15 about Rank Choice Voting. The Charter Revision  
16 Commission's Preliminary Staff Budget published on  
17 April 19 proposes a system of Rank Choice Voting for  
18 City Elections. Excuse me, do you anticipate taking  
19 a public position on Rank Choice Voting in advance of  
20 the vote on the Charter Revision?

21 MICHAEL RYAN: So we were invited to  
22 testify at the Commission Hearing and we did testify,  
23 uhm the Board of Commissioners typically given the  
24 political nature of these votes, refrains from  
25 offering yes this is a good idea or no this is a bad

COMMITTEE ON FINANCE JOINTLY WITH  
COMMITTEE ON GOVERNMENTAL OPERATIONS

116

idea advice but we did give information about what it would mean to implement. Ranked Choice Voting as a general term means one thing, but really the devil is in the details. It's how does this Commission determine how we are going to implement Rank Choice Voting? What does it mean? Is it going to be weighted and Rank Choice Voting? Are you going to get more points if you will for a first-place vote as opposed to a second-place vote? All of that has to be determined and the other thing that I want this Committee to understand is we don't control the operating systems of the, of the operating system of the voting system. That has to be approved, tested and certified by the State Board of Elections. So, if there is a Ranked Choice Voting statute that is passed on you know the City Charter I should say, uhm the current system is not set up to deal with it and that would then have to go back to the State Board for certification. The other choice is that if it was an immediate implementation and this is something that I made the Committee aware of, what you would have to do is look at the ground rules that they have established for early for Rank Choice Voting and then come up with an acceptable algorithm to apply to the

1 results. So, for those offices that prior to  
2 certification by the State, for those offices that  
3 were the subject of Rank Choice Voting, depending on  
4 how complex they make the rules, you might not know  
5 the results of the that election. Well you certainly  
6 won't know it within the 20 minutes that we had for  
7 the 45<sup>th</sup> in Brooklyn on Tuesday but it likely will be  
8 delayed for several days so that we can gather all of  
9 that information. And we can't, just to be clear, we  
10 don't have the authority to implement it on our own.  
11 The State Board of Elections would have to take a  
12 look at it. They would have to recommend changes to  
13 the, to the system. The vendor would also have to  
14 take a look at it and see what their technological  
15 solution was going to be and then at that point, uhm  
16 they would certify a new system and the system would  
17 take care of itself but that is going to take some  
18 time so at a bare minimum we would hope that it would  
19 not be an immediate implementation that it was be a  
20 sufficient date for implementation and that needs to  
21 be done in consultation with our election system  
22 vendor and the, and the State Board of Election so I  
23 would hope prior to that that they Committee would  
24 reach out to the State Board and say if we pass this  
25

COMMITTEE ON FINANCE JOINTLY WITH  
COMMITTEE ON GOVERNMENTAL OPERATIONS

118

1  
2 how long is it going to take for you guys to get your  
3 work done?

4 CHAIRPERSON DANIEL DROMM: I gather from  
5 what you are saying that if the, Rank Choice Voting  
6 would be implemented you would need additional  
7 resources overall but also because the new systems  
8 that you are bringing in for voting, the new  
9 machines, the new, uhm vote counting system that we  
10 were talking about before is not set up for this  
11 either?

12 MICHAEL RYAN: Right, so right now we  
13 don't have any plans to bring any new systems in. We  
14 would still be dealing with paper ballots and the  
15 DS200 scanners. What I am saying is, the DS200  
16 operates on what they call firmware. I don't know  
17 why its not software, its firmware. Uhm and that has  
18 to be changed in order to do the mathematical  
19 calculation to accommodate Rank Choice Voting. We  
20 don't have the authority to tell the vendor to change  
21 it. That authority rests with the State Board of  
22 Elections. So, this is, this is at least a two-step,  
23 maybe even a three-step process. State Board Vendor.  
24 We are actually honestly, until the certification  
25 happens, we are the least important element of that.

COMMITTEE ON FINANCE JOINTLY WITH  
COMMITTEE ON GOVERNMENTAL OPERATIONS

119

1  
2 Because if the system is set up to calculate the  
3 results, then our work gets done by the, by the  
4 machine. If they are not and we are forced to  
5 implement, then we have to develop an acceptable  
6 algorithm taking all of the factors into account and  
7 working with the vendor to then apply that algorithm  
8 after the election and the thing that I don't like  
9 about that and this is just me talking as the  
10 Election Administrator. The minute you start talking  
11 about applying algorithms to election results I think  
12 you run the risk of undermining public confidence.  
13 It sounds spooky when you say that. And the fact  
14 that we now, the one thing that I am proud of for  
15 certain and I am very, very proud of our staff for  
16 how well they do it. We are very good at getting the  
17 election results done on election night and that is  
18 the one piece of the puzzle that we absolutely 100%  
19 control and we do it very well, to now suddenly find  
20 ourselves in a situation where not of our doing  
21 election results are delayed, uhm it's not a path  
22 that I would prefer to go down but certainly these  
23 are decisions that will get made outside of the Board  
24 of Elections.

25

COMMITTEE ON FINANCE JOINTLY WITH  
COMMITTEE ON GOVERNMENTAL OPERATIONS

120

CHAIRPERSON DANIEL DROMM: Okay thank  
you. Uhm the New York State Budget for Fiscal 2020  
includes \$10 million to reimburse the New York City  
Board of Elections for costs related to implementing  
the early voting and includes \$14.7 million for  
electronic poll books. Anticipating the State will  
not reimburse the City's total cost of implementing  
early voting, what amount will be the BOE ask the  
City to provide to make up the difference and when  
will that ask be made?

MICHAEL RYAN: So, the ask is already,  
the ask has already been made within the Budget  
numbers that we have submitted. Uhm the \$21 million  
that is uhm also allocated for e-poll books and well  
for e-poll books was based on a high price point  
early in this process and as its unfolded we believe  
that will be sufficient to cover the cost of the e-  
poll books and the ballot on demand system in  
tandem. And so, we think that that \$21 will be  
sufficient. We understand from the State Board of  
Elections that the \$14.7 for the e-poll books will be  
allocated this way. That it will be \$700,000 held  
off to the side in reserve for any unanticipated  
costs so that they have a little bit of padding and



COMMITTEE ON FINANCE JOINTLY WITH  
COMMITTEE ON GOVERNMENTAL OPERATIONS

121

1 that the remaining \$14 million would be divided based  
2 on the number of voters per, per jurisdiction. So,  
3 we should anticipate to get somewhere in the 38-40%  
4 of that money do \$5.3, \$5.5 million by reimbursement  
5 but the city would have to outlay. The other money,  
6 the \$10 million which is an aid to localities money  
7 is to be allocated as we understand it, \$15,000 per  
8 poll site per jurisdiction as a one time  
9 reimbursement and I would suppose that they would  
10 have to revisit uhm that uhm in each budget year and  
11 see how they are going to continue that aid to  
12 localities money but for right now it runs from April  
13 1<sup>st</sup> through March 30<sup>th</sup> of 2020.

15 CHAIRPERSON DANIEL DROMM: Okay. The  
16 Administration provided the BOE with \$75 million for  
17 early voting sites and provided a list of 222  
18 potential sites that could be used. The  
19 Administration expressed an intention that the money  
20 fund the opening of at least 100 sites. The BOE in  
21 response is using that money to open only 38 sites  
22 citywide. So why did you uhm choose to go with only  
23 38 early voting sites? And what the methodology used  
24 for choosing those specific sites?

25

COMMITTEE ON FINANCE JOINTLY WITH  
COMMITTEE ON GOVERNMENTAL OPERATIONS

122

1  
2           MICHAEL RYAN: So, there were numerous  
3 considerations that we had to take into account. Uhm  
4 its proximity to transportation. Uhm I have my, my  
5 notes. I had them some place and I don't know what I  
6 did with them. I have the laundry list of, of  
7 information and as a matter of fact, myself and Mr.  
8 Richmond went over this just before we came here and  
9 I misplaced the sheet but its proximity to the uhm,  
10 to public transportation, its population density, uhm  
11 also commuter patterns. All of these factors that we  
12 have taken into consideration but one of the over  
13 arching things that we have taken into consideration.  
14 Of course, we have to meet the State Law Mandates  
15 without question. We have discussed this matter with  
16 at least eight other jurisdictions including Miami  
17 Dade, Harris County Texas and others, Chicago. We  
18 went staff, Ms. Sandow and another staff member went  
19 out to Chicago to observe early voting. Every  
20 jurisdiction including our election consultant,  
21 election center has said don't bite off more than you  
22 can chew the first time out of the box. You have to  
23 get this thing moving. Now we've announced 38 sites.  
24 I can tell you, although I cannot speak for the  
25 Commissioners that there is additional consideration

COMMITTEE ON FINANCE JOINTLY WITH  
COMMITTEE ON GOVERNMENTAL OPERATIONS

123

being given which is part of the reason why we are having meetings with uhm you know with elected officials and we plan on meeting with community groups to make sure that what we are doing meets you know a basic standard that we can build on. The other thing that we have to keep in mind is the statutory scheme that was devised here, presupposes that all elections are not created equally. That you might have greater needs in one election and lower needs in another and the reason that we know that is they have built into the statutory scheme a 45-day site designation prior to you know future election events. So, by May 1 every year we are going to have to designate the, the general election sites but for a special election or a primary we can designate sites no later than 45 days before. That presupposes that you will increase and decrease and although other jurisdictions have told us that you don't want to fluctuate your early voting sites too much because it causes voter confusion so these are the things that have uhm considered but I would also like to remind the City Council, my testimony from a few weeks back, we've got to look at the timing of this. January 24<sup>th</sup> bill passes. We had to designate our

COMMITTEE ON FINANCE JOINTLY WITH  
COMMITTEE ON GOVERNMENTAL OPERATIONS

124

poll site by March 15<sup>th</sup>, we didn't have to announce the early voting sites until May 1<sup>st</sup> but we had to designate by March 15<sup>th</sup> and we over designated and I will tell you we are getting stacks of letter, I had them with me the last time, as a matter of fact, I will have some of them right here of all of a sudden poll sites that have been designated don't want to be poll sites. That is a challenge. And I want to also point out that the list of 220 sites that we got from the administration are overwhelmingly school and overwhelmingly sites that we have already used. When you look at the State Board Rules and Regs with respect to 25, for every 25,000 voters we have to have a scanner machine and for every 4000 voters we have to have a privacy booth. We have to have a certain footprint for these rooms so certainly in the last week we have not gone over all 220 schools but I also want to point something else out. There is no exemption for smaller election events from early voting. Each election event has to have a total of 9 days of early voting. Four days are on the weekend but you also have to have a day to deliver the equipment and a day to pick up the equipment so you are talking about impacting these sites for a minimum

COMMITTEE ON FINANCE JOINTLY WITH  
COMMITTEE ON GOVERNMENTAL OPERATIONS

125

of 11 days for each election event. Now let's think about Queens for a second. 1.1 million voters. A bity City on its own if it was not part of New York City, right? We are going to have a, we are going to have a general election in November which now starts in October, October 26, depending on the outcome of that general election, we may have a special election in February, depending on who wins. The special election rules already don't meet the requirements for early voting because we have to designate our early voting sites 45 days in advance. That means we have to be standing there ready when the Mayor issues his proclamation and then, and then you know publish the early voting sites. Then, a presidential primary in April then a general in uhm in June. If you talk about call it 12 days, four election events in one of the largest, in what would be one of the largest cities in America if it was a stand alone City, Queens County, you would have an impact of almost 50 days on whatever facility we use over an 8 month period. All of us have to be cognizant of that. We can't put the schools out of business either and because of the requirements that we have and the square footage that we need to take up, can you

1  
2 imagine going to a principal and telling we are  
3 taking your gym away for 12 days or we are taking  
4 your, we are taking your lunch room away for 12 days  
5 oh and by the way we are not doing it once, we are  
6 doing it four times for 50 days over 8 months. We've  
7 had these discussion Councilmen these are difficult  
8 things and so what I am suggesting here is that we  
9 all keep the lines of communication open and that we  
10 all remain patient and understand that this is a work  
11 in progress and when we started to look at early  
12 voting sites initially we were asked and we were  
13 thinking about it on our own so I'm not lying it at  
14 anybody's feet to try to minimize the impact on  
15 schools and see if there was other locations that  
16 would be more suitable, particularly you know for the  
17 younger children. Certainly, we would like to see  
18 CUNY be more forthcoming in terms of, in terms of  
19 their willingness and other, other locations as well.  
20 We're not, we're like the dinner guests you don't  
21 want to ring your doorbell sometimes with these  
22 locations.

23 CHAIRPERSON DANIEL DROMM: Mr. Ryan one  
24 of the objectives that I think of the State  
25 Legislation was to uhm with early voting was to

1 encourage or allow those, those areas, those  
2 districts where you have low voter turn out to  
3 increase voter turnout. So I am, was a district  
4 leader in the 39<sup>th</sup> Assembly District. I think that  
5 39<sup>th</sup> Assembly District has the lowest voter turnout  
6 in the whole state but yet there is not one early  
7 voting site in anywhere near there. I think the  
8 early voter site is located at LaGuardia Community  
9 College if I am not mistaken.  
10

11 MICHAEL RYAN: Yes.

12 CHAIRPERSON DANIEL DROMM: My question to  
13 you is did you take voter turn out into consideration  
14 when selecting the sites?

15 MICHAEL RYAN: Well in that particular  
16 location was the subject of a meeting that I was at  
17 recently so I'm more familiar with some of the  
18 challenges there than I might be you know throughout  
19 the City. One of the challenges there is the  
20 requirement to make sure that it is a longer  
21 transportation hub and to try to take into  
22 consideration commuter patterns, because it's not  
23 just the residents of a particular area, it's also  
24 how will people get there? So, I can also say  
25 without offering specificity today that that

1 particular location is the subject is one of the  
2 subjects of further discussion and being reevaluated.  
3 So, we put out our list, we expected that we would  
4 get some feedback although our offices are on the  
5 canyon of heroes we weren't expecting a parade once we  
6 announced our early voting sites. We figured that  
7 folks would have now questions and, and probably some  
8 criticism but we look at that as an invitation for  
9 conversation and also ask that we all understand that  
10 this is the first step and that certainly, whatever  
11 we do for November is not going to sit stand pat for  
12 the presidential primary. We know that that is going  
13 to be a bigger event and we have to build towards  
14 that but we want to build towards it on a solid  
15 foundation not do something shaky, not do something  
16 that undermines voter confidence or makes it so  
17 inconvenient that nobody wants to avail themselves.

19 CHAIRPERSON DANIEL DROMM: I'm glad that  
20 you are looking at that district. But it does, you  
21 know the #7 train does go right down the middle of  
22 the 39<sup>th</sup> Assembly District. So, you should be able  
23 to locate somewhere where we can have that site.

24 MICHAEL RYAN: And so, the other thing  
25 and Ms. Sandow reminded me as well that I didn't



share but it's a point that needs to be made. Part of that PS money that we are asking for requires us to have additional staffing. Everyone of these jurisdictions that we spoke to has told us that we would be making a grave error if we attempted to run early voting out of the same unit that we run election day voting, because the needs are divergent. One of the challenges that we also face and we are going to overcome it in partnership with the Council and the Mayor's Office as well we presently don't have sufficient square foot in our borough offices to accommodate large numbers of additional staff. We could probably have Brooklyn we are bursting at the seams, Queens we probably could fit a few people but if we are going to have an early voting unit that is going to meet the challenges of this process and be what we all demand it to be, a top notch unit, we need additional square footage for people to sit. So, it's one thing to identify the body and who is going to do the work. It is another thing to have a desk for them a computer for them to work on. We all know that space, office space, OSHA, ADA compliant office space it at a premium in New York City and the further challenge that we have is that we would like

1  
2 to find it in locations that are sufficiently  
3 proximate to where we currently are so we are not  
4 engaging in uhm you know inefficient staff allocation  
5 and create some problems with the management. So,  
6 that is another reason why we need to build.

7 CHAIRPERSON DANIEL DROMM: Are all of  
8 these early voting sites handicap accessible?

9 MICHAEL RYAN: The ones that we presently  
10 have on our list, yes, but like all of our poll  
11 sites, we are operating under a federal court  
12 concentricree so they would all have to be evaluated,  
13 but his also and Councilmen we have some experience  
14 in this. We've made, we've made at least one  
15 decision that you disagreed with in your, in your  
16 District some years back and you contacted us and we  
17 worked with you to find a more suitable location.  
18 Uhm we envision this process to be no different than  
19 that process, we are not all seeing, we are not all  
20 knowing and you folks represent people and know your  
21 Districts often better than we do and so suggestion  
22 and communication are a wonderful thing.

23 CHAIRPERSON DANIEL DROMM: And I total  
24 appreciate what you were able to do there with us  
25 working together on that, and I've always said that.

MICHAEL RYAN: Yes, I know.

CHAIRPERSON DANIEL DROMM: Alright, have you looked at using link kiosks to notify residents of early voting?

MICHAEL RYAN: Pardon?

CHAIRPERSON DANIEL DROMM: The link kiosk? Have you looked at those to help advertise the fact that we know?

MICHAEL RYAN: That is not something that we uhm that we specifically considered but it is an interesting proposition because we already do have a good cooperative working relationship with 3-1-1 so that sounds like that would simply be an extension of our 3-1-1 relationship but we, we are in the process of preparing a robust and it is in our testimony, a robust public education plan uhm like we did with the early, with the roll out for the machines in 2010 and some of the other stuff that we've been able to take a look at. We liked the ad campaign that was done on the flip the ballot when that was done for the proposition questions on the back. So, we are going to look at all of that, tv, radio, certainly if that can dove tail into our 3-1-1 conversations with relative ease, that sounds like a good idea.

COMMITTEE ON FINANCE JOINTLY WITH  
COMMITTEE ON GOVERNMENTAL OPERATIONS

132

1  
2 DAWN SANDOWS: Transportation hubs as  
3 well.

4 MICHAEL RYAN: I'm sorry.

5 DAWN SANDOW: Transportation hubs as  
6 well, like we've been advertising for coworkers and  
7 interpreters in the past, we are going to continue  
8 that with the early voting.

9 CHAIRPERSON DANIEL DROMM: Uhm I'm going  
10 to let.

11 MICHAEL RYAN: I have an adjustment to  
12 my testimony, Ms. Vasquez just whispered in my ear  
13 that she is waiting on a price quote for that and it  
14 is already in her media plan.

15 CHAIRPERSON DANIEL DROMM: For link?

16 MICHAEL RYAN: As usual the staff is  
17 further along than I am but that is good news because  
18 we want to use all available means to effectively  
19 communicate uhm with the voters including expanding  
20 from our normal legal ads that nobody reads into the  
21 more of the neighborhood and language specific  
22 newspapers throughout the City so that everyone has  
23 the information that they need to participate.

24 CHAIRPERSON DANIEL DROMM: Okay good, I'm  
25 going to turn it over to Chair Cabrera now because

1 we've been going on for a while and let him take of..  
2 take over from here.

3  
4 CHAIRPERSON FERNANDO CABRERA: Thank you  
5 so much. Uhm referring to the link I've been  
6 informed that the links are free for 5% of everything  
7 they put out is free for the city. I don't now how  
8 that applies to Board of Elections?

9 MICHAEL RYAN: Well I think she was  
10 talking about the artwork and such necessary for the.

11 CHAIRPERSON FERNANDO CABRERA: Oh, the  
12 artwork.

13 MICHAEL RYAN: Right to you know have  
14 that. So, the portal I think is free but you still  
15 need to put some content on there that looks like of  
16 nice.

17 CHAIRPERSON FERNANDO CABRERA: Well that  
18 shouldn't be too expensive.

19 MICHAEL RYAN: I mean I could type it out  
20 if you would like but it probably wouldn't be so.

21 CHAIRPERSON FERNANDO CABRERA: We will  
22 work on something. Let me uhm I was just checking  
23 the Chicago since you mentioned the other  
24 municipality, you mentioned Chicago. It was kind of  
25 interesting because you know they are very close to

1  
2 the number of districts that they have, the common  
3 wards and they have 50, we have 51 but in every  
4 single one of them for early voting they have a site?

5 MICHAEL RYAN: Yes.

6 CHAIRPERSON FERNANDO CABRERA: Is that  
7 something, and they are much smaller than we are.

8 MICHAEL RYAN: They are about the size of  
9 Brooklyn.

10 CHAIRPERSON FERNANDO CABRERA: Population  
11 wise they are about the size of Brooklyn. So, it  
12 would seem to me that if they have been through this  
13 movie before. Right? They have already been through  
14 early voting. They saw that it was wise to have one,  
15 at least one on each of the wards. Doesn't it make  
16 sense in a place where we are much larger, in a city  
17 that is much larger that we should have at least one?  
18 So, for example, Vanessa Gibson's District, Council  
19 Member Gibson is one of the lowest, socioeconomic  
20 districts in the City now we are asking people to go  
21 outside of that district and spend you, it's a  
22 financial hit that they are going to take to go in  
23 early voting? So, doesn't it make sense, if it makes  
24 sense for them doesn't it make sense for us or?  
25

COMMITTEE ON FINANCE JOINTLY WITH  
COMMITTEE ON GOVERNMENTAL OPERATIONS

135

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2           MICHAEL RYAN: So, and Dawn and speak in  
3 a little bit more detail on what she observed. There  
4 are a couple of differences between us and Chicago.  
5 First of all, Chicago started out with e-poll books.  
6 Right?

7           CHAIRPERSON FERNANDO CABRERA: They  
8 started out with?

9           MICHAEL RYAN: They started out with e-  
10 poll books right out of the bat. Chicago also allows  
11 for their voting machines to be networked. We don't  
12 allow for our voting machines to be networked. So,  
13 they are able to monitor from a central location  
14 these machines, whether they are on, whether they are  
15 operating off of electric, whether they are operating  
16 by battery, all of those things can be monitored  
17 centrally we can't do that. The other thing is their  
18 machine is purely touchscreen. It is not a paper  
19 ballot situation so they have an ease of ballot  
20 delivery to their voters that we don't have. It will  
21 also be interesting to note that the Congress right  
22 now is talking about passing Legislation that does  
23 away with purely touchscreen voting machines because  
24 of all of the cybersecurity concerns and the lack of  
25 a paper back up as, as not having a sufficient audit

1  
2 trail so I don't know how that would impact Chicago  
3 moving forward but right now their voting system is  
4 different than ours.

5 CHAIRPERSON FERNANDO CABRERA: So, but  
6 regardless of what they are allowed to do and not  
7 allowed to do, okay.

8 DAWN SANDOW: Can I just...

9 CHAIRPERSON FERNANDO CABRERA: Yeah go-  
10 ahead Dawn.

11 DAWN SANDOW: Being that I went out to  
12 Chicago if you, you can google it but if you look at  
13 their first few years of implementation and I have  
14 the articles I can definitely email them to you, uhm  
15 there were lines and lines and lines of people.  
16 Because they bit off more than they can chew. And  
17 you know its not about.

18 CHAIRPERSON FERNANDO CABRERA: Wait,  
19 wait, how did you come to that conclusion? It wound  
20 seem to me that the reason there would be lines and  
21 lines of people is because people got excited about  
22 it?

23 DAWN SANDOW: Well there was, there was  
24 issues with staffing all the sites. Uhm there were  
25 issues where they actually had to postpone early



1  
2 voting. They actually had to change Legislation in  
3 the first three years of early voting because of the  
4 timing of the ballots. What Mike and I and the  
5 agency is trying to say is we can give you the 100  
6 sites and we can throw everything out there. We are  
7 trying to do it in a way that we are successful and  
8 have a foundation so that there is not chaos at the  
9 polls.

10 CHAIRPERSON FERNANDO CABRERA: But Dawn.

11 DAWN SANDOW: I understand that you are  
12 saying that we need more sites and we are actually  
13 looking. If we were doing just the minimum, we would  
14 be at 34 sites, we are at 38 and climbing. There  
15 are, there are talks among you know in each borough  
16 with elected officials we are not sitting here saying  
17 this is 38 and that is all we are doing. We are  
18 trying to do it in a process that is going to enable  
19 our voters of the City of New York to have a good  
20 experience that's what we are looking to do and we  
21 are not saying that okay we are going to end up with  
22 41 or 42 at the end of this election period and that  
23 is what you are going to have for the presidential  
24 primary.  
25

COMMITTEE ON FINANCE JOINTLY WITH  
COMMITTEE ON GOVERNMENTAL OPERATIONS

138

CHAIRPERSON FERNANDO CABRERA: No, we are  
not saying that either.

DAWN SANDOW: The primary is the super  
bowl and we have to lead up to you.

CHAIRPERSON FERNANDO CABRERA: I hear you  
but what I am saying is this. This is all about  
leadership for me. When there a failure in a poll  
site, it does not have an impact on another poll  
site. What happens in a poll site is because of  
management and stewardship issues. So, if we have  
the right people doing the right operation. So, what  
I, do I hear you saying is that we don't sufficient  
trained people yet to be able to manage close to 100  
sites? Is that what I hear you saying?

DAWN SANDOW: It is a concern.

MICHAEL RYAN: That is a concern and so  
poll worker recruitment is an issue in general. In a  
very, very small sampling going out onto the poll  
sites on Tuesday it seemed that poll workers are  
interested in working more days. So, our fears might  
not be as, as bad as we, you know as bad as we think  
but we still have to go through the process of  
reaching out to our 42,000 poll workers, find out how  
many of them will be available for 9 or a portion of

1  
2 9 continuous days. All of that is a concern and the  
3 other thing that we have been saying and we are going  
4 to say it again and now we are going from saying it  
5 to pleading for it. We need to get the municipal  
6 workers as poll workers process moving forward. We  
7 are beyond critical mass now. We've been hearing you  
8 know for more than a decade about the union issues  
9 and the challenges associated with that and we've  
10 been good partners, you know saying okay, well maybe  
11 next year, you kind of like the Brooklyn Dodgers,  
12 wait until next year and now we are at a point where  
13 we are going to be introducing technology into the  
14 poll sites in a way that has never been done before  
15 and we are going to be doing a completely different  
16 way of conducting voting. We need this to happen.  
17 And I can't say it any more clearly.

18 CHAIRPERSON FERNANDO CABRERA: And we  
19 have, the Council is still with you in that issue and  
20 we will continue to do so and we will continue to  
21 push but here is the reality, the reality if I could  
22 keep it real is that a few months after November we  
23 are going to have the same issue at a level that we  
24 have never seen here, a level that you have never  
25 managed before. So, it would seem to me that it is

1  
2 better to and we are going to have a lower, obviously  
3 turn out in November, so it would seem to me, I would  
4 rather have 100 people, 100 sites with the people  
5 that you need up there to do your job. They are  
6 going to work out through the kinks so they are  
7 prepared for the April one because that is going to  
8 be a huge operation. And I sympathize with the level  
9 of responsibility that has been given unto you but  
10 this is what you do and so, so it doesn't it make  
11 more ... you are still going to have the same problem  
12 in April of next year. You are still going to have  
13 to do recruitment, you are still going to have to do  
14 training. It is better to have them train during a  
15 lower turnout than it will be in April.

16 MICHAEL RYAN: Right. And as I said  
17 earlier in my testimony, it's sites, it's ...

18 CHAIRPERSON FERNANDO CABRERA: Okay so  
19 let's stop, go on out of time. So, sites the Mayor  
20 put forth 200 and something. From what I have been  
21 told is those sites are ready to go?

22 DAWN SANDOW: No, they are not.

23 CHAIRPERSON FERNANDO CABRERA: They are  
24 not. How many of those do you suspect that are not  
25 ready? Did you check all 220?

COMMITTEE ON FINANCE JOINTLY WITH  
COMMITTEE ON GOVERNMENTAL OPERATIONS

141

1  
2           DAWN SANDOW: Each borough is working on  
3 the list that was given to them uhm we receive the  
4 list after of course it was announced to the press  
5 but we received the list later and then it was  
6 distributed to the borough offices who looked over  
7 the list. I can give you an example of one in the  
8 Bronx, there was Columbus High School. We went our  
9 staff out to Columbus High School, Columbus High  
10 School now has benches inside the cafeteria and now  
11 it is not the amount of square footage it was before.  
12 They give us sites but they didn't give us sites that  
13 are ADA accessible for sure, or sites with the square  
14 footage that we need. So now staff is going through  
15 every one of those sites, they are checking them but  
16 it wasn't a hey here you go everything is set. They  
17 are ready to go; they are going to be a poll site.

18           CHAIRPERSON FERNANDO CABRERA: And I  
19 appreciate that bit of information because I did not  
20 know that you guys have. You are going through an  
21 assessment period right down by when are you going to  
22 have, being able to assess how many of those are  
23 ready to go?

24

25

COMMITTEE ON FINANCE JOINTLY WITH  
COMMITTEE ON GOVERNMENTAL OPERATIONS

142

1  
2           MICHAEL RYAN: So, I can go back to each  
3 borough and we can get that information back to you  
4 as a followup.

5           CHAIRPERSON FERNANDO CABRERA: But what  
6 are you anticipating by when?

7           MICHAEL RYAN: When I go through the  
8 list, the, the anecdotal feedback that I have gotten  
9 from the Chiefs and Deputies and we have spoken to  
10 all different counties is the overwhelming number of  
11 the sites are schools and the overwhelming number of  
12 those schools are sites that we already use. So,  
13 these are sites that we are familiar with and some of  
14 them were just positively crossed off of the list  
15 because the boroughs were familiar with them and knew  
16 that they didn't meet the needs based on the criteria  
17 that we have to follow. Keep in mind it, I didn't  
18 mention it just for the sake of mentioning it, we  
19 have to keep to keep these things in mind, state regs  
20 require one scanner for every 25,000 voters and one  
21 privacy booth for every 4,000 voters, right? Right.

22           CHAIRPERSON FERNANDO CABRERA: Let's say  
23 that half of them do not seem feasible to you by the  
24 we way we are looking at a Gottamus article here. If  
25 I may, if I may Director, I'm just trying to save

time I want to get to my colleagues but this is really, really important and maybe it's because my level of confidence of your ability to be able to do this. So, according to the Gottamis uhm there as a matter of fact I can read this really quick, the de Blasio Administration believes that the number of early voting, let, instead City Hall offered 220 location they said were accessible and willing to host early voting starting this November. The sites lean heavily on public partners like the Department of Education, NYCHA along with several other public libraries. But you remember at the last hearing and I keep saying this that we need to go outside of also our public schools and that we need to offer them I you know a monetary incentive and they... we have plenty of locations. I don't think we have a site issue. I think your biggest issue that I am feeling from this end coming from you is that I know you want to do it well and you want to do it with excellence. I know that you don't want, let me keep it very real, you don't want the day after for us to come and say how come you did not do this? And you know this went this way? And so forth. But what I am seeing here from this end is that my biggest fear is that we are

1 going to have many people come out including myself I  
2 am planning to vote early that and we are going to,  
3 all of our Council Members here, all of our  
4 colleagues, not just in the Council, there is going  
5 to be a buzz and the worst thing that could happen is  
6 that we have a zillion of people coming out. Let's  
7 say you up it to 60 and I just don't believe that  
8 might be enough and at the same time I think you have  
9 a grand opportunity to be able to train people. You  
10 are still going to need more people than ever. So,  
11 it is a good pull to be able to draw people from for  
12 the April one. Already trained, there is some of  
13 them could be the leadership, you will have an  
14 updraft of leadership because it is really about  
15 leadership at the end of the day. You are going to  
16 need an updraft of leadership for other poll sites  
17 because you have a pool to draw from.

18  
19 MICHAEL RYAN: Yes, provided that we have  
20 the people to do it.

21 CHAIRPERSON FERNANDO CABRERA: But if you  
22 don't have it for now. I'm trying to help you here.

23 MICHAEL RYAN: Right, I understand.

24 CHAIRPERSON FERNANDO CABRERA: If you  
25 don't have it for now, I'm telling you you are not



1  
2 going to have it for April. It just, and I know you  
3 have a challenge to be able to pull people from and,  
4 and we have to push for municipal workers to get  
5 engaged here. I know you are going to have a  
6 challenge but this is the test to be able to say  
7 alright we will do 100, Mr. Mayor, we will do 100  
8 Council and we are going our best to get all of that  
9 filled and that's going to let us know the variables  
10 are not going to change for April. Are we going to  
11 be able to handle April? And if we are able to put  
12 the pressure that we need to get the municipal  
13 workers on board.

14 DAWN SANDOW: Can I ask you a question?

15 CHAIRPERSON FERNANDO CABRERA: Sure,

16 DAWN SANDOW: Uhm so if we have the 100  
17 sites and we fall short of poll workers, and now we  
18 have people waiting in line because instead of having  
19 the 10 poll workers or 20 poll workers we are  
20 supposed to have in the site we only have 5. That is  
21 going to cause chaos. I, I understand what you are  
22 saying that we of course, you are thinking in your  
23 mind well if you can't get them now, what makes you  
24 think you can get them for April. Time, time is what  
25 is making us think that we can get them for April.

COMMITTEE ON FINANCE JOINTLY WITH  
COMMITTEE ON GOVERNMENTAL OPERATIONS

146

Uhm recruitment, uhm working with the City Council and the Mayor, he wants to help. We have been asking for poll workers, this is going back to before I came to the Board and I came in 2005. There is other jurisdiction, everybody is taughting LA, LA has poll workers, municipal poll workers, all of these other jurisdictions that everyone is looking to, they are equipped in a sense where they are way ahead of us and they have the ability to have municipal poll workers and they have their police officers like in LA coming in by helicopter with ballots. You know things are made quite a lot easier and I'm not saying that we have it hard, I'm not complaining but I'm saying we are trying to do it and we are trying to it the right way and we are trying to go by experience from other jurisdictions. We took the time to sit down and have conference calls with 7 other jurisdictions and everyone said the same thing, dip your toe in the water, go in slow, we would love to be able to sit here and say we are going to give you the 100. We would love to be able to do that. But we can't promise you that they are going to filled with poll workers. We can't promise that and I personally, now you are asking people to work not 9

1  
2 days because they have to come the day before and do  
3 a trial run, so 10 days straight.

4 CHAIRPERSON FERNANDO CABRERA: Well do  
5 they have to work all 10 days?

6 MICHAEL RYAN: No. But this is one of  
7 the challenges that we are trying to figure out.

8 CHAIRPERSON FERNANDO CABRERA: But I  
9 agree with you Dawn because you asked me a question.  
10 I believe we are the ones asking questions but, but  
11 to. Yeah but to answer your questions you are cor...

12 DAWN SANDOW: What is the Council going  
13 to say to us when there is chaos because there are  
14 not enough poll workers in the sites? What? How are  
15 we going to be received?

16 CHAIRPERSON FERNANDO CABRERA: My  
17 inclination is that you will have enough people out  
18 there who are interesting. I am willing to bet on  
19 that.

20 DAWN SANDOW: Are you also going to help  
21 us to recruit these poll workers?

22 CHAIRPERSON FERNANDO CABRERA: Well I  
23 think we all need to be definitely engaged. I think  
24 that one thing that you could do now is to do a  
25 survey with the, with the poll workers right now and

1  
2 ask them now, how many of you will be willing and  
3 that will give you good stats. Regardless of the  
4 outcome of that survey you are going to have data, if  
5 it is not, if we don't have enough then that's data  
6 to say that we need municipal workers and that makes  
7 your argument every stronger.

8 DAWN SANDOW: Okay that's great.

9 CHAIRPERSON FERNANDO CABRERA: And if it  
10 is then you can say hey, we are ready. I have more  
11 questions but I know my colleagues are dying to ask.

12 DAWN SANDOW: I have one more question.  
13 So, if we move forward and we have already started  
14 doing our surveys and sending out our letters to see  
15 who is available of our pool and we don't have 37,000  
16 in a pool but we have about 28,000 to 29,000 uhm  
17 these are the people that work for us on election  
18 day. So, if it comes back that we don't have enough  
19 for 100 sites are we going to get a guarantee from  
20 the City Council that they are going to help us feel.

21 CHAIRPERSON FERNANDO CABRERA: You know  
22 what Dawn that's exactly what I am saying. Again, I  
23 am trying to help you.

24 DAWN SANDOW: Okay.  
25

CHAIRPERSON FERNANDO CABRERA: Which is now you have the argument to say to the City, we need, we are beyond need for the municipal workers but you need that data because right now I will be honest with you. We are speculating, we are assuming and an assumption is the lowest form of knowledge. I'm trying to up the knowledge level here through data so we can make a better decision. I have this thing about letting my colleagues get involved here because I know they've been waiting for a long time so I am going to pass it along to my co-chair but I will come back, I have more questions.

CHAIRPERSON DANIEL DROMM: Okay we have been joined by Majority Leader Cumbo and Council Member Gjonaj has questions.

MARK GJONAJ: Thank you chairs. That was really interesting. I have a straightforward question; do you feel that this is setup for you to get a black eye because there is no way that you are going to be able to deliver?

MICHAEL RYAN: No, what I think is that there was an appetite that was brewing in the State Legislature for many years uhm to have New York join many other jurisdictions and do early voting. At

COMMITTEE ON FINANCE JOINTLY WITH  
COMMITTEE ON GOVERNMENTAL OPERATIONS

150

some point you have to do it and you have to move forward and that is what we are doing. What we are having, having, we are difficult with is and I want everybody to understand this. Presently there is no infrastructure in place to do early voting in New York City. We are building this house from the ground up. So, we have to build the house and we have to find out who the occupants of that house are going to be. So, we are trying to do it in a step by step reasonable and measured way because the timing of it really put us up against you know the wall. March the 15<sup>th</sup> we had to designate the poll sites within six weeks of the statute passing. May 1<sup>st</sup>, we had to announce, oh by the way we were in the middle of certifying an election that was a citywide election and had to prepare for another small election event. We are trying to juggle all of these balls simultaneously. Not drop any of them, right, and then once we put out the sites that we are going to use for ele... for early voting, there is nothing that prevents us from building on that, no one is going to object if we do more. What we were concerned about is what if we can't staff the sites that we have and we've overcommitted and now we can't pull back

COMMITTEE ON FINANCE JOINTLY WITH  
COMMITTEE ON GOVERNMENTAL OPERATIONS

151

1 because we made a statutory designation by May 1<sup>st</sup> so  
2 yes some of it was protective of the agency and its  
3 reputation but more than that it was to meet the legal  
4 requirements that was set by the State Legislature.  
5 So, if we are at a lower number and we build we are  
6 safe. If we are at a higher number and we can't meet  
7 that standard, then we have to pull back and we are  
8 not safe, now we are in violation of the law because  
9 of the May 1<sup>st</sup> designation.  
10

11 MARK GJONAJ: For this to be convenient,  
12 reliable, accessible and less, the least amount of  
13 disruption, in particular, our schools which I am  
14 completely opposed to. The threat of 50 days will  
15 have our administrators in our local schools up in  
16 arms. That is a nonstarter. So, it sounds like if  
17 its time or is it money? Or is it money?

18 MICHAEL RYAN: It's check all of the  
19 boxes. Its time, its suitable locations and, and.

20 MARK GJONAJ: No time for you to do this  
21 right. Meaning convenient, reliable and less  
22 disruptive and in a New York second because that's  
23 how we want things.

24 MICHAEL RYAN: Right, it's primarily its  
25 time I think that the resources are ultimately the

1 financial resources are ultimately going to be there.  
2 But we are trying to build something that has never  
3 been done. No other jurisdiction has had to do 5  
4 counties simultaneously. Chicago is a single county  
5 jurisdiction. LA is big but it is also a single  
6 county jurisdiction. So, it operates under one  
7 umbrella. We have now the state.

9 MARK GJONAJ: I'm optimistic, I know you  
10 are optimistic, you've got the talent, we've got the  
11 bodies, we've got the knowledge, how do we get this  
12 done? My followup to that is I want to give everyone  
13 else a chance to speak. What is the pay, what are  
14 the poll workers receiving?

15 MICHAEL RYAN: The poll workers, the  
16 coordinators receive \$350 a day and the poll workers  
17 receive \$250 a day.

18 MARK GJONAJ: What is the average day on  
19 election day? How many hours does that break down  
20 to?

21 MICHAEL RYAN: Early voting days will be  
22 shorter, but the average election down is about 15 or  
23 16 hours.

24 MARK GJONAJ: So that breaks down to 15,  
25 I always bring my calculator, \$20 no less.



COMMITTEE ON FINANCE JOINTLY WITH  
COMMITTEE ON GOVERNMENTAL OPERATIONS

153

1  
2           MICHAEL RYAN: On a regular election day  
3 at \$250 its about \$16-\$17 an hour depending on how.

4           MARK GJONAJ: I don't imagine you are  
5 having people line up to make \$16 an hour so they can  
6 work these long days and get up at 3 o'clock in the  
7 morning and stay there until 9 p.m. and wait to be  
8 told that they are clear to go home.

9           MICHAEL RYAN: That's correct.

10          MARK GJONAJ: So, let's call it what it  
11 is, it is a budget problem. If you double that  
12 salary, I would imagine you would have quite a few  
13 people out there that would be interested in saying  
14 you know what, I can make \$500 a day, I would be  
15 interested.

16          MICHAEL RYAN: The Board has  
17 consistently.

18          MARK GJONAJ: Oh, I may take a day off, I  
19 don't make that much.

20          MICHAEL RYAN: But the Board has  
21 consistently asked for and it is actually since  
22 before I became the Executive Director which is  
23 almost six years, we wanted at least \$400 for  
24 coordinators and \$300 for poll workers.

25          MARK GJONAJ: What is that dollar amount?

COMMITTEE ON FINANCE JOINTLY WITH  
COMMITTEE ON GOVERNMENTAL OPERATIONS

154

1

2

MICHAEL RYAN: Pardon?

3

MARK GJONAJ: What's the dollar amount?

4

MICHAEL RYAN: Total?

5

MARK GJONAJ: Total.

6

MICHAEL RYAN: Our total for poll workers

7

say \$300 times it by 32,000 uhm that's almost \$10

8

million, \$9.6 million.

9

MARK GJONAJ: When negotiation.

10

MICHAEL RYAN: For citywide election

11

events.

12

MARK GJONAJ: And it will be a lot of

13

less for a special election, right?

14

MICHAEL RYAN: Right.

15

MARK GJONAJ: In a \$90 plus billion budget

16

we can't find \$10 million is that what we are saying?

17

And I'm going to point to my chairs on this. If this

18

is what we have been fighting for, for years, I'm

19

talking about early voting and opportunities and what

20

New Yorkers are entitled to the democracy that is

21

supposed to be so readily available and transparent,

22

it is \$10 million, lets do this. I can't image why

23

we won't.

24

CHAIRPERSON DANIEL DROMM: Is that a

25

State assessed amount?

1  
2           MICHAEL RYAN:   Actually New York City  
3 pays the poll workers more than the State mandate.  
4 What we have now is by Mayor's Executive Order so  
5 recently up until recently they were at \$200 and \$300  
6 for coordinators. We asked for \$400 and \$300, we got  
7 \$250 and \$350 which was a step in the right direction  
8 but still, I believe it is Councilman Gjonaj is  
9 saying, there is still room or meat on this bone that  
10 we can.

11           CHAIRPERSON DANIEL DROMM: Is that  
12 something that you are asked based on what my  
13 colleague is suggesting, is that something that would  
14 be an incentive that we should be pursuing?

15           MICHAEL RYAN: Anything that we can do  
16 that will expand the pool of individuals that would  
17 be willing to work on election day would be  
18 wonderful. I can share a moment uhm some feedback.  
19 I literally got five minutes and it is hard for me to  
20 speak in five minutes to address the UFT retirees  
21 last week. And there seemed to be some excitement  
22 amongst the retired teachers to be willing to be poll  
23 workers and I explained to them that there was more  
24 opportunity because of the extended days and they  
25 seemed to be willing to work but certainly if you put

1  
2 a little bit more of an incentive out there, then I  
3 think that will help in the recruitment efforts  
4 without question.

5 DAWN SANDOW: I just want to make note as  
6 well that taxes are taken out which was never done  
7 before.

8 MARK GJONAJ: I thought of something if  
9 that dollar amount if we multiply that will that hurt  
10 some of the potential poll workers that may exceed  
11 the threshold which will be another problem that they  
12 may not want to make.

13 MICHAEL RYAN: Possibly.

14 MARK GJONAJ: A few dollars over a  
15 threshold to avoid losing programming and other  
16 entitlements.

17 MICHAEL RYAN: So what happened was a  
18 number of years ago, I believe Dawn said it might  
19 have been as early back as 2010 or 2009 the IRS  
20 enforced a regulation that requires the Boards of  
21 Elections, not just us but everybody to treat their  
22 poll workers as employees, so we have say 32,000 for  
23 an election, we have to put them on the books and  
24 take them off of the books and for that \$250 that we  
25 are paying them or \$350 taxes are being taken out of

1  
2 them based on how they fill out their W9 so uhm it is  
3 a challenge. You know and you talk to these folks.  
4 I remember a few years back we had an issue when they  
5 we reprocessing raises and there was a freeze on  
6 processing poll worker payroll for workers that had  
7 prior city service and it had to do with FISA and OMB  
8 and processing and processing the raises. Dawn, not  
9 me, Dawn specifically grabbed the bull by the horns.  
10 She had people calling her in tears in advance of  
11 Christmas because their poll worker checks, a few  
12 were being held up because of this issue with the  
13 city ID number. And she was able to on a case by  
14 case basis get them their checks process. These  
15 people use it almost like a Christmas club you know a  
16 way to provide for their families around the holidays  
17 and its, it's a tough thing when you see people that  
18 really did the work in a desperate situation. If we  
19 could treat them better, certainly it would be a good  
20 thing.

21 DAWN SANDOW: So, I just want to hit on  
22 that one issue too that you brought up about them  
23 going over the mark. Uhm that's a concern for us  
24 because now its not they are going to be working two  
25 elections now we are going to be asking them to work

1  
2 3 and 4 or 5 days 6 days and they don't want to go  
3 up, the seniors can't go over. Some of them can't go  
4 over the mark. We are really trying to target  
5 college kids. We are trying to get the younger  
6 generation in there. To come in and work the polls.  
7 Not that we want to do away with the seniors, we  
8 don't, we want the seniors but they can only work a  
9 certain amount of days before it hurts them?

10 MARK GJONAJ: Could this be a paid  
11 internship? Can we look at it in that regard and  
12 maybe that would be a way to circumvent the hurdles  
13 that you have, our, uhm especially our high school,  
14 well high school maybe too young but our college  
15 students.

16 MICHAEL RYAN: We do have a...

17 MARK GJONAJ: Have to do community  
18 service that we could make this part of their  
19 curriculum and that is something we could think about  
20 but certainly could use the money and the extra  
21 credit for graduating.

22 DAWN SANDOW: We've done this with the  
23 high school students, Queens has great success.

24 MICHAEL RYAN: That's 50 days, and that  
25 is another concern, how many days can we get them out

COMMITTEE ON FINANCE JOINTLY WITH  
COMMITTEE ON GOVERNMENTAL OPERATIONS

159

1 of class and... The other side of it though is it is 50  
2 days total but we also have weekend time available  
3 for the first time on Saturdays and Sundays which we  
4 didn't have before. So, to your point earlier Mr.  
5 Chairman yes, we anticipate having to do a mix and  
6 match. It's not you are going to work all 10 days or  
7 you are not on the list. You know we are going to  
8 try to get as much continuity as we can but  
9 recognizing that you know the Administrative side is  
10 going to go up a little bit for us but we have to be  
11 able to staff.  
12

13 MARK GJONAJ: My last question is you  
14 brought up this early voting on the transl... the  
15 printer factor. You walk them to a help center; they  
16 are going to be able to print for you your unique  
17 Voter Registration Form.

18 MICHAEL RYAN: The ballot.

19 MARK GJONAJ: That ballot itself  
20 depending on you're the area that you can vote in.  
21 Can we also have that, what's the time frame first?  
22 So, what's the expectation? Is it a three second  
23 delay by the time I check in with you it comes out of  
24 the printer? How many printers are you going to  
25 have? What if they fail?

COMMITTEE ON FINANCE JOINTLY WITH  
COMMITTEE ON GOVERNMENTAL OPERATIONS

160

MICHAEL RYAN: Right so.

MARK GJONAJ: Is it going to be hard wired, is it going to be wireless? I'm concerned about based on what we experienced in many elections, the unexpected, Murphy's Law. Whatever can go wrong will go wrong. What happens then? Shall I yell at you today for what is going to happen in the future because I certainly expect major complications?

MICHAEL RYAN: Right so there are a few things going on with that. Right now, there is a push particularly from some of the smaller counties to ask the State Legislature to do away with the color requirements for primary ballots because then we would be able to use black and white only printers and that would be less of an issue. Our current plan in ours heads at least anyway before we engage the tech folks is to have two check in stations, for each printer and to do 20 check in stations and 10 printers for each early voting site. So that you really overbuild it but if you've ever stood in front of your office printer waiting for something to come out when you are a little bit impatient it doesn't seem to print as quickly as you want it to when you are in a rush, right, so they print fairly quickly,



1  
2 they said 15-20 seconds. But you are talking about  
3 in New York City mostly are going to be around a 19-  
4 inch page and it is going to take some time, but  
5 that's why we are going to do the two for one and we  
6 are going to have people at the back distributing it  
7 out.

8 MARK GJONAJ: And while we are at it and  
9 I think length of paper is going to be a problem  
10 depending on the number, is there going to be.

11 DAWN SANDOW: We should be okay with the  
12 length of paper. So, when you are walking in, there  
13 is going to be a greeter. We are going to have  
14 people greeting them as they are walking in. There  
15 is going to be an electronic.

16 CHAIRPERSON DANIEL DROMM: Can you turn  
17 your mic on please?

18 DAWN SANDOW: I'm sorry an electronic  
19 poll book with two teams and behind that team is a  
20 BOD. So, when the voter comes, the voter checks in  
21 will go a lot smoother, a lot quicker, we are hoping.  
22 Uhm and the voter signs a receipt, comes out of the  
23 electronic poll book and also that gets transmitted  
24 directly to the ballot on demand system.  
25

1  
2 MARK GJONAJ: So, if I got creative can  
3 we also have language translators for these documents  
4 being they are being printed out. Is there a  
5 possibility if we can start working on this now where  
6 it can be done in a language that the voter prefers?

7 MICHAEL RYAN: So.

8 DAWN SANDOW: That is down the road.

9 MICHAEL RYAN: That certainly would be a  
10 down the road consideration but in the short term in  
11 the jurisdictions uhm you know the Bronx is English  
12 and Spanish so the ballots will be printed in English  
13 and Spanish. Manhattan has English, Spanish, Chinese  
14 and some Eds, Brooklyn the same. Staten Island is  
15 English and Spanish and Queens has some jurisdictions  
16 that require five languages English, Spanish,  
17 Chinese, Korean and Bengali. So, the ballot on  
18 demand systems will be able to replicate the ballots  
19 the same way that we get them from the printer. So,  
20 you would get the ballot in your choice of language  
21 if it is one of the covered languages that we  
22 presently service.

23 MARK GJONAJ: Thank you.

24 DAWN SANDOW: Now don't forget that we  
25 have to roll this out for early voting but we also

1  
2 have to roll out electronic poll books for election  
3 day to 37,000 poll workers, so 37,000 poll workers  
4 rolling out a new electronic device for them,  
5 training them and getting this done because let's not  
6 forget we have election day as well. Everybody is  
7 focusing on early voting, yes, but there is election  
8 day that we have to focus on, also testing. We have  
9 to test all of those scanners, our BMTs which are  
10 limited, which we need an increase in most definitely  
11 they have to test all the scanner and the BMDs that  
12 are going out for early voting while they are also  
13 preparing for election day and that is a lot more  
14 scanners that are going out and BMDs.

15 MARK GJONAJ: Chair, the last question  
16 that I have that 220 proposed sites, so we have a  
17 better understand can we actually request that list  
18 with an explanation to which qualify and which don't  
19 and for the reason that they don't so we are better  
20 informed. We are getting questions already within  
21 our districts as to why so few voting possibilities.

22 MICHAEL RYAN: We can ask the  
23 administration.

24 MARK GJONAJ: And we would actually be  
25 able to get back and say well here is why,

1  
2 transportation, square footage, accessibility and all  
3 of the other components.

4           MICHAEL RYAN: Mr. Councilman we have the  
5 spreadsheet from the administration. What we don't  
6 have is that other information that you are asking  
7 for the methodology that was used uhm to suggest  
8 those sites.

9           MARK GJONAJ: How long before you can get  
10 an explanation for each one of those sites that don't  
11 qualify or that, according to your requirements?

12           MICHAEL RYAN: Well our borough offices  
13 are in the process of doing that, I can get you an  
14 answer to that you know early next week but if you,  
15 if you want, if you simply want the list?

16           MARK GJONAJ: No, I want the list with  
17 your explanation as to why they don't qualify or they  
18 don't meet the criteria and it should be sent to the  
19 chairs.

20           MICHAEL RYAN: Okay thank you.

21           CHAIRPERSON DANIEL DROMM: Alright we are  
22 going to go to Chair Cabrera who is going to take us  
23 out because we have another hearing which we are  
24 already late on the starting.

COMMITTEE ON FINANCE JOINTLY WITH  
COMMITTEE ON GOVERNMENTAL OPERATIONS

165

CHAIRPERSON FERNANDO CABRERA: As a  
matter of that this is the only hearing we had today  
we were late, all the others ones we finished early.

CHAIRPERSON DANIEL DROMM: That's because  
we love them very much.

MICHAEL RYAN: Well you said that we were  
your favorite. Oh no most interesting. I'm sorry, I  
didn't want to put words in your mouth. I'm sorry.

CHAIRPERSON FERNANDO CABRERA: I know you  
love coming here. I know you love it but I have to  
say today was the first date that we got to hear your  
fears and where the fear. We heard your fears before  
but I got to hear where they are stemming from and I  
think it is very important to vocalize and to share  
that. Uhm last question, two quick questions and  
that is how will the BOE train poll workers to verify  
voter uhm identity with poll books. Can you do this  
with existing resources? And very important to be  
what level of cybersecurity have been implemented to  
prevent any personally identifying information being  
taking from electronic poll books.

MICHAEL RYAN: So, with respect to the  
training, the vendors I suspect that make the final  
cut of the state list have all indicated that they

1 have robust implementation plans because they have  
2 expressed to us that if we fail, they fail and that  
3 they have training programs that can make the  
4 adjustments that we need made for our particular  
5 jurisdiction but that they can assist us and provide  
6 the staffing necessary to get that training done  
7 because we are not experts in those devices either.  
8 So that is one thing and the other thing is the State  
9 Board of Elections in its criteria has included  
10 cybersecurity elements within that so any of the  
11 vendors that we end up using will have passed uhm the  
12 State's Cybersecurity mandates. So then buttoning it  
13 into our system then we work not only with our own  
14 internal cyber folks but we also work very closely  
15 with our outside vendors that provide us  
16 cybersecurity oversight 24 hours a day 7 days a week,  
17 365 days a year and the City Cybercommand so all of  
18 these pieces will come together and the other piece  
19 of it I don't think that we've ever discussed but a  
20 couple of years about a year and a half ago the  
21 Federal Government declared election systems critical  
22 infrastructure and there is an elections system,  
23 election infrastructure group that is nationwide and  
24 so that there is standards that they set as well to  
25

1  
2 make sure that all of the jurisdictions are operating  
3 at a good level.

4 MARK GJONAJ: But is there any, last  
5 question related to this. Is there an independent  
6 group that gets hired, company to verify whatever  
7 they are claiming because I mean a company can say we  
8 have this?

9 MICHAEL RYAN: Yes.

10 MARK GJONAJ: Okay.

11 MICHAEL RYAN: We use off, we have  
12 leveraged a cybercommand contract but we are the  
13 contract manager with fire by median. They have had  
14 defense department contracts, etc. they are one of  
15 the leaders in the industry. The city has provided  
16 that for us and they get paid a good chunk of change  
17 every year but they, they do a good job but they are  
18 our 365 day a year, 24 hours a day, 7 days a week  
19 overseeing and they, the monitor. But in our budget  
20 testimony is our desire to create a more robust  
21 cybersecurity team you know internal to the Board of  
22 Elections so that we are closing whatever gaps there  
23 may be on the overnight in particular and to have the  
24 individual borough offices have cybersecurity folks  
25 on staff on site.

COMMITTEE ON FINANCE JOINTLY WITH  
COMMITTEE ON GOVERNMENTAL OPERATIONS

168

1  
2           DAWN SANDOW: Especially now with the  
3 electronic poll books.

4           MARK GJONAJ: Yeah, I am happy to hear  
5 that in light of what happened in Florida. We got  
6 limited information. You know the Russians got into  
7 two systems. I don't want to give more information  
8 but that is two that we know of, so, I'm happy to  
9 hear that. With that, I will turn it back to the  
10 chair.

11           CHAIRPERSON DANIEL DROMM: Okay we do  
12 have one last question for Council Member Kallos.

13           BEN KALLOS: I think I have to go back to  
14 the office. I would like to thank the Finance Chair  
15 and Gov Ops Chair for their indulgence. I will make  
16 this very, very quick. Are you aware of any possible  
17 vulnerabilities with a hybrid paper-based system  
18 wherein when a paper ballot is past it must go past a  
19 printing mechanism where additional votes could be  
20 added to an under voted ballot?

21           MICHAEL RYAN: My understanding and I am  
22 not a techy and we've had this conversation  
23 Councilman so excuse me if I have limited  
24 information. Every paper-based voting system, every  
25 single one operates off of some type of bar code



1  
2 system, everyone, so for example, the current system  
3 that we have right now, much perhaps to your chagrin,  
4 the system doesn't recognize Ben Kallos from Ben  
5 Kallos on the ballot. The system recognizes an oval  
6 at a particular location.

7 BEN KALLOS: I'm okay with that.

8 MICHAEL RYAN: Right so what happens is  
9 just so you understanding.

10 BEN KALLOS: Let me put my thing in  
11 language, so one model is you take a piece of paper  
12 and you mark it by hand and you feed it into a  
13 machine, that machine doesn't have a print head in it  
14 so it can't do anything with the vote other than scan  
15 it. Another model is that the printer gets a piece  
16 of paper that you put into it and then the printer  
17 than adds what should be add on your ballot and then  
18 cast your vote from the same mechanism. So in  
19 between casting the vote and the ballot box is a  
20 print head. So, I guess what I'm, what I'm saying is  
21 any system and I'm not endorsing one or the other, we  
22 deal with whatever the State Board of Elections tells  
23 us are the machines that we can use. Uhm, what makes  
24 our system work, it is not the read head and it is  
25 not the oval. It's the set up on the medium that,

1  
2 that flash drive is giving the scanner the  
3 instruction on how to interpret a piece of  
4 information and that is all these machines do so the  
5 vulnerability is in the setup not in the physical  
6 action of a particular machine. If that medium is  
7 not set up properly then those votes wont tally  
8 properly. But that having been said, that having  
9 been said New York State has the most robust uhm  
10 post-election canvas process to verify that the  
11 machines are working properly and we are in the  
12 process of hopefully finalizing a contract where we  
13 can do that with an independent auditing system so  
14 that we have confidence that all of that is done  
15 across the board for all ballots cast as opposed to  
16 limiting it to the 3% audit that we presently do.  
17 I'm out of time, thank you.

18 CHAIRPERSON DANIEL DROMM: Thank you very  
19 much I want to say that we've also been joined by  
20 Council Member Gibson and with that we thank you for  
21 coming in and we look forward to continuing to work  
22 with you.

23 MICHAEL RYAN: Thank you very much.

24 CHAIRPERSON DANIEL DROMM: We will take a  
25 five-minute break and then we will have the campaign

COMMITTEE ON FINANCE JOINTLY WITH  
COMMITTEE ON GOVERNMENTAL OPERATIONS

171

1  
2 finance board. Go. (gavel pounding). Okay we will  
3 now resume the City Council's Hearing the Mayor's  
4 Executive Budget for Fiscal 2020; the Finance  
5 Committee is joined by the Committee on Governmental  
6 Operations chaired by Council Member Fernando  
7 Cabrera. We have been joined by Council Member Ben  
8 Kallos. We just heard from the Board of Elections  
9 and now we will hear from the Executive Director of  
10 the Campaign Finance Board Amy Loprest. In the  
11 interest of time I will forgo an opening statement  
12 but before we hear testimony, I will open the mic to  
13 my co-chair Council Member Cabrera.

14 CHAIRPERSON FERNANDO CABRERA: Thank you  
15 so much co-chair and thank you for the wonderful job  
16 you have done since early this morning. Now I would  
17 like to welcome Amy Loprest, Executive Director for  
18 the Campaign Finance Board and Rick Schaefer CFBs  
19 Chair. Thank you for testifying before us today.  
20 The CFB 2020 Executive Budget totals \$28.1 million  
21 including \$12.4 million in personal services, funding  
22 to support 121 full time positions. The CFB is a  
23 nonpartisan independent city agency that administers  
24 the matching funds program in city elections by  
25 matching private donations with public fund to

1  
2 increase transparency. The CFB also publishes  
3 detailed public information about the money raised  
4 and spent in city elections but participating and  
5 nonparticipating candidates. The Committee would  
6 like to hear from the CFB about the financial impact  
7 of ballot proposal 1 which was approved by voters in  
8 the 2018 general election in which among other  
9 changes to our charter increase the public match  
10 participating candidates can receive and raise the  
11 cap on the total funds a participating candidate may  
12 receive per election. The Committee would like to  
13 hear about the CFB staffing needs as it prepares for  
14 oncoming elections and with that, I will turn it back  
15 to my cochair.

16 CHAIRPERSON DANIEL DROMM: Thank you very  
17 much I'm going to ask Counsel to swear the panel in.

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

21 ALL: I do.

22 COUNSEL: Thank you, you may proceed.

23 AMY LOPREST: Thank you uhm good  
24 afternoon Chair Cabrera and Chair Dromm and members  
25 of the Committee on Governmental Operations and

COMMITTEE ON FINANCE JOINTLY WITH  
COMMITTEE ON GOVERNMENTAL OPERATIONS

173

Finance. My name is Amy Loprest and I am the Executive Director of the New York City Campaign Finance Board. With me is Board Chair Frederick SCHAFFER. Thank you for the opportunity to provide testimony the CFBs budget for Fiscal Year 2020 and to answer any questions you might have. This last year has been active one for the CFB. This includes a February special election for Public Advocate as well as a special election this past Tuesday for City Council District 45. We have also seen the matching funds program undergo significant changes during the past year which we will address later in the testimony. We are now looking ahead to an even busier calendar and accordingly part of this year's budget includes voter engagement efforts for the 2020 Presidential Federal and State elections. We are also preparing for the 2021 citywide elections. 2021 will be the largest election cycle the CFB has ever seen in its 30-year history. By 2021, 42 current office holders will be term limited. Consequently, we are expecting as many as 500 candidates to appear on a primary general election ballot in 2021. The volume expected candidates in the early election calendar will require us to begin

COMMITTEE ON FINANCE JOINTLY WITH  
COMMITTEE ON GOVERNMENTAL OPERATIONS

174

1 hiring and training additional staff during the next  
2 Fiscal Year. Before I get into the specifics of this  
3 year's budget, I would like to discuss some of the  
4 program changes that the program has undergone the  
5 past year. As mentioned, the legal frame work for  
6 the matching funds program has been transformed over  
7 the past 12 months. The first of three charter  
8 revision proposals approved by voters in November  
9 2018 made multiple changes to the programs aimed as  
10 encouraging more candidates to build viable campaigns  
11 for office, especially citywide office that are  
12 fueled by small dollar contributions rather than  
13 large contributions. First, the matching rate was  
14 increased from 6:1 to 8:1 for candidates seeking  
15 citywide office. The program will match the first  
16 \$250 from New York City Residents instead of \$175  
17 that applies to all other candidates. Along with the  
18 increased matching rate, contribution limits were  
19 lowered for all offices. Additionally, candidates  
20 running in 2021 will be able to choose between the  
21 6:1 or 8:1 systems and their respective contribution  
22 limits. Furthermore, the Charter Revision Commission  
23 increased the amount of public available from 55% of  
24 the spending limit to 75% and required the CFB to  
25

COMMITTEE ON FINANCE JOINTLY WITH  
COMMITTEE ON GOVERNMENTAL OPERATIONS

175

1  
2 make matching funds available to candidates starting  
3 in February of the election year. Additionally,  
4 these changes were put forth by the Charter Revision  
5 Commission were set to take effect with the 2021  
6 elections to allow CFB staff to prepare thoroughly  
7 for implementation of the significant changes to the  
8 program. Local Law 1 of 2019 sponsored by Council  
9 Member Benjamin Kallos put these changes in place for  
10 the February special election for public advocate as  
11 well as all elections leading up to 2021. Ultimately  
12 the Board paid \$7.2 million in matching funds to 11  
13 candidates for that, the public advocate special  
14 election. All but one of whom chose the new 8:1  
15 system. Recent changes in the State Election Law  
16 also require us to take action earlier than in  
17 previous years. With the consolidated primary  
18 election date now in June part of this year's budget  
19 reflects our ongoing preparation to accommodate an  
20 earlier election cycle. As we analyze the impact of  
21 these changes and assess the substantial  
22 administrative work and are required to implement  
23 them, we are continuing to perform our audits for  
24 campaigns from the 2017 election cycle. Excuse me.  
25 Our improved audit process is already yielding

COMMITTEE ON FINANCE JOINTLY WITH  
COMMITTEE ON GOVERNMENTAL OPERATIONS

176

results more efficiently. To date we have completed 35% of all audits for candidates in 2017 elections. For reference at this point in 2015, we had completed 19% of the audits for the 2013 elections. The CFBs Budget for the Fiscal Year 2020 that was submitted to the Mayor and included in his Executive Budget is \$28 million. Since we submitted this Budget to the Mayor and in preparing for this testimony, we have identified approximately \$500,000 in OTPS cost that can be eliminated. This is from a combination of delaying some projects and proactively looking for cost reductions. The largest increase in this year budget is due to our citywide print voter guide for this year's general election which is expected to include ballot proposals from the 2019 Charter Revision Commission. We have also budgeted for a potential print guide for the June primary election next year. This funding will also cover a robust citywide advertising campaign for the voter guide. Additionally, we will publish an online voter guide for the 2020 Presidential, Federal and State Primary Races. We are also including \$250,000 for upgrades to the voter guide submission application in order to streamline and improve the user experience for



COMMITTEE ON FINANCE JOINTLY WITH  
COMMITTEE ON GOVERNMENTAL OPERATIONS

177

1 candidates submitting their profiles for the voter  
2 guide. As we continue to seek ways to better engage  
3 New Yorkers with limited English proficiency in our  
4 elections, we have allocated \$570,000 in our budget  
5 for translation services to make our materials  
6 available to more New Yorkers in a broader range of  
7 languages. This budget also includes unavoidable  
8 increases including \$300,000 for an anticipated rent  
9 increase, personnel cost increases reflect salary  
10 increases from new union contracts and longevity  
11 increases. As mentioned earlier, the program has  
12 undergone a number of changes in the past year even  
13 as we begin preparations for the largest election our  
14 program has ever seen. It is inevitable that the  
15 work load will increase and our additional staff will  
16 be necessary to meet the demands of the 2021  
17 elections. The Fiscal Year 2020 budget includes new  
18 staff to help administer the program, specifically in  
19 candidate guidance which will help more candidates  
20 navigate the program more efficient, audit and  
21 document processing. We will also be converting some  
22 of our existing system staff from the seasonal roles  
23 to permanent lines. This will help implement  
24 Legislative changes over the past year that will  
25

1  
2 require changes to our systems and overhauls of our  
3 internal software. Given this historic volume of  
4 candidates, we expect for the 2020 elections, we want  
5 to ensure that we are taking every administrative  
6 step to make the process as smooth as possible for  
7 candidates. Before concluding I would like to draw  
8 your attention to our 2018, 2019 voter analysis  
9 report which was delivered to all members of the City  
10 Council at the end of April. The report highlights  
11 our ongoing efforts to increase turn out in New York  
12 City as well as an in-depth analysis of the turnout  
13 and registration rates across the City. Our finding  
14 in this report will serve as a basis for our outreach  
15 moving forward. Thank you for the opportunity to  
16 testify and we are happy to answer any questions you  
17 have.

18 CHAIRPERSON DANIEL DROMM: Thank you very  
19 much Ms. Loprest I just have a couple of questions  
20 for you. The first one regards campaign matching  
21 funds program. So as provided by Ballot Proposal 1  
22 approved by the city voters in the 2018 General  
23 election the private donations a candidate receives  
24 will be matched 8:1 instead of 6:1 up to a maximum  
25 donation of \$250. Do you anticipate candidates will

1  
2 still opt to use the old 6:1 ratio rather than the  
3 new 8:1 as permitted prior to the 2021 Primary?

4           AMY LOPREST: Uhm it is hard to know what  
5 people are going to ask but the experience in the two  
6 special elections that have happened that people have  
7 the option, the vast majority of candidates opted  
8 into the new program uhm the information that we have  
9 to date candidates do not have to make their option  
10 decision until later this year but the majority of  
11 candidates have opted toward for option A.

12           CHAIRPERSON DANIEL DROMM: Okay thank  
13 you.

14           AMY LOPREST: For the new program.

15           CHAIRPERSON DANIEL DROMM: Uhm what  
16 impact will this change have on your campaign  
17 matching funds program. Do you anticipate having to  
18 put out more or is it equal?

19           AMY LOPREST: Its hard to.

20           CHAIRPERSON DANIEL DROMM: Spending?

21           AMY LOPREST: Spending, we anticipate  
22 that this will be an increase. It will cause it will  
23 be an increase in the, when we testified before the  
24 Charter Revision Commission, we estimated that the  
25

COMMITTEE ON FINANCE JOINTLY WITH  
COMMITTEE ON GOVERNMENTAL OPERATIONS

180

increase that they were proposing would be about a  
47% increase in public funds.

CHAIRPERSON DANIEL DROMM: Okay thank you  
and as State Election Law Reform. Will the New York  
State Legislations recent action to consolidate  
local, state and federal primaries to a single date  
in June have an impact on the administration of the  
City's Campaign Finance System and are there new  
resources needed for the timelines now that the  
timelines have shift?

AMY LOPREST: Uhm now they certainly will  
have an effect. Again it is sometimes hard, it is  
somewhat hard to predict what the exact fact of  
having the earlier primary will on campaigns the way  
campaigns are run but certainly as far as the impact  
on our budget, we are starting earlier, so I mean  
whereas this Fiscal Year in election in a year that  
there was a September primary we probably wouldn't be  
anticipating hiring additional staff this year  
because the primary is in June, because we anticipate  
those early payments as early as February that we are  
going to have to start hiring staff and training them  
so that we are ready for the, the increased activity  
earlier in the election cycle.

COMMITTEE ON FINANCE JOINTLY WITH  
COMMITTEE ON GOVERNMENTAL OPERATIONS

181

CHAIRPERSON DANIEL DROMM: And for 2021,  
the primary will be in June for City Council?

AMY LOPREST: Yes.

CHAIRPERSON DANIEL DROMM: Okay and then  
uhm is there an election two years after that for  
City Council?

AMY LOPREST: Yes.

CHAIRPERSON DANIEL DROMM: And then the  
following would be for four years after that?

AMY LOPREST: Two years after that so  
2021, 2023, and 2025.

CHAIRPERSON DANIEL DROMM: Okay that is  
similar to what happened in 2001.

AMY LOPREST: It happens every 20 years  
because it is for the redistricting for the City  
Council for after the census.

CHAIRPERSON DANIEL DROMM: Okay good,  
thank you very much I'm going to turn it over to  
Chair Cabrera.

CHAIRPERSON FERNANDO CABRERA: I only  
have a few questions. Thank you, co-chair. Uhm how  
many CFB staff are in the Agencies IT Division or  
have information technology uhm as a substantive  
portion of their day to day job?

1  
2           AMY LOPREST: So, there are 34 employees  
3 in our, in our systems division. The vast majority  
4 of them are developers but there are people who also  
5 do the networking, IT and people who are analysts.

6           CHAIRPERSON FERNANDO CABRERA: So, what  
7 percentage of full time CFB you would say fall in  
8 this category?

9           AMY LOPREST: You are going to make me do  
10 math. You always make me do math. Its 34 out of the  
11 130 employees so I guess it is about that should be  
12 relatively easily so it is like a 1/3, is that right.  
13 Less than a 1/3.

14          CHAIRPERSON FERNANDO CABRERA: That's  
15 pretty high. Is the, well, what would be the reason  
16 for it again. If you could be more specific. That's  
17 pretty high right? Don't you think in total?

18          AMY LOPREST: Well we have, so we have I  
19 think about 7 or 8 interlocking internal and external  
20 systems that provide you know the software, we have  
21 developed in house some software that candidates use.  
22 The NYC votes contribute, application that provide  
23 candidates the facility to take contributions for  
24 their credit card over the internet. Uhm we have our  
25 internal databases that our auditors use and all the

COMMITTEE ON FINANCE JOINTLY WITH  
COMMITTEE ON GOVERNMENTAL OPERATIONS

183

1  
2 staff use to perform the work to review all of the  
3 candidate's submissions. This, one of the reasons we  
4 are staffing up is because we are in the process of  
5 replacing or updating an antiquated dock and database  
6 system. It was the database that was created in  
7 1989.

8 CHAIRPERSON FERNANDO CABRERA: Wow.

9 AMY LOPREST: And I was updated in 93 to  
10 be a network base from a main frame but I mean the  
11 infrastructure needs to be, very much needs to be  
12 updated and the part of that update will result in a  
13 number of efficiencies for the audit staff for the  
14 rest of the staff, hopefully the goal is that the  
15 audit staff will be able to perform the reviews at  
16 50% faster after this new more modern database is  
17 created.

18 CHAIRPERSON FERNANDO CABRERA: I will  
19 have to ask my colleague Ben Kallos, in 1989 that's  
20 when they had the 46 computers? That's how far back?  
21 That's a long time ago.

22 BEN KALLOS: 386.

23 CHAIRPERSON FERNANDO CABRERA: 386, wow.  
24 That's been a long time. Why did it take so long? I  
25 mean.

COMMITTEE ON FINANCE JOINTLY WITH  
COMMITTEE ON GOVERNMENTAL OPERATIONS

184

1  
2           AMY LOPREST: Well I mean its not been  
3 static since 1989 but it has and also it was updated,  
4 the 1989 system was a mainframe and it was updated to  
5 be a network in the 90s but it has been added on to  
6 and changed and as we built all of these other  
7 systems in the early part of the program people filed  
8 on paper, you know.

9           CHAIRPERSON FERNANDO CABRERA: Gotcha.

10          AMY LOPREST: Filled out their forms on  
11 paper, we created a system that you could file with a  
12 diskette and now you can file you know online. Its  
13 you know there has been upgrades all along but it  
14 this is now the having the time and taking to rebuild  
15 the entire infrastructure is a complicated process.

16          CHAIRPERSON FERNANDO CABRERA: Are there  
17 temporary hires related to your ongoing CSMART  
18 overall and if so, how many of these positions will  
19 disappear when the overhaul is.

20          AMY LOPREST: The idea is that after this  
21 overhaul which is going to take you know a number of  
22 years, the through attrition you know we will reduce  
23 the number of people.

24

25



COMMITTEE ON FINANCE JOINTLY WITH  
COMMITTEE ON GOVERNMENTAL OPERATIONS

185

CHAIRPERSON FERNANDO CABRERA: Okay I'm  
easy today. Very easy. Let me turn it back to my  
co-chair. Thank you.

CHAIRPERSON DANIEL DROMM: We have  
questions from Council Member Kallos.

BEN KALLOS: Good afternoon, how are you?

AMY LOPREST: Good.

BEN KALLOS: I see how many of the  
candidates in the special election for District 45  
made public matching?

AMY LOPREST: Uhm I think that all but  
two but I'm trying to remember how many people it  
was. It was six candidates received public funds.

BEN KALLOS: And the other ones that  
didn't make it didn't even make the threshold, also  
so there was one was ceased their campaign after  
raising \$4000 and two that did not actually even  
raise more then \$2000.

AMY LOPREST: I mean the other people  
didn't meet the threshold yes.

BEN KALLOS: Okay and in previous hearing  
one of the concerns that was brought up was about  
candidates finding it difficult to make matching to  
have their contributions counted and just some of the

1  
2 issues with the NYC votes platform uhm what, what is  
3 your plan moving forward. I understand one of the  
4 people came, Dawn Small said that she actually had a  
5 previous CFB employee who actually did candidate  
6 services on my race and actually even fixed by bike  
7 once at a New York City Century but what types of  
8 programs are you rolling out to help candidates with  
9 compliance and I see that I have a clock and so I  
10 guess the other question that I had is relating to  
11 the voter guide?

12 AMY LORPEST: Excuse me.

13 BEN KALLOS: As a constituent the voter  
14 guide tends to have one or it tends to have two  
15 versions per borough and so do you end up with a list  
16 of like four or five candidates in Manhattan and then  
17 you have to know which one of the candidates is your  
18 candidate in order to engage which can be confusing.  
19 Is there additional funding being requested at the  
20 outset so that you can actually design 51 version of  
21 the voter guide and is there a cost savings if you  
22 print less? And along that I've been looking at  
23 disclosure but is there a way to ask questions in the  
24 voter guide that can show discrepancies between  
25 candidates in a system where all the candidates if

1  
2 they know what they are doing are going to have the  
3 exact same answer to every question that have in the  
4 past.

5           AMY LOPREST: Well that's a lot of  
6 questions. So, I let me talk about the matching  
7 funds and the compliance work that we are doing  
8 first. You know in the Council District 45 I we paid  
9 six candidates, two of them receive the maximum on  
10 two other candidates came quite close to receiving  
11 the maximum and again this is the enhanced maximum at  
12 75% of the spending limit. So, you know this is a it  
13 was I think it was very successful you know those  
14 candidates in receiving the matching funds. So,  
15 everyone knows that special elections are you harder  
16 they are quicker, they are, the time frames for  
17 responding to things are much more difficult. There  
18 are a couple of things that are going to happen to  
19 help compliance one is we are looking at ours. I'm  
20 sorry is my time up?

21           BEN KALLOS: That's on me, not you.

22           AMY LOPREST: Okay that time it is you.

23 Okay. The so we are looking at, we are doing an  
24 internal review and to make sure that they're our  
25 guidance is clear and that there the questions we ask

COMMITTEE ON FINANCE JOINTLY WITH  
COMMITTEE ON GOVERNMENTAL OPERATIONS

188

are the what we expect as responses are very clear to candidates. One thing that the new schedule will do definitely is give more guidance to candidates earlier. With the February payment now the first public funds payments are made five weeks before the election with the February payment the great advantage of that is that candidates will know where they stand as far as compliance issue and will have more time at a less busy time in the election cycle to respond to those questions. So that should ease the b8rden for many candidates. It doesn't help in a special election but it certainly would help in a primary and general election situation. The other question about the voter guide. Is the voter guide for this year, the budget for next year doesn't include? It's a citywide voter guide so it doesn't have any of what you are talking about. It is not going to be printed by district it is a citywide guide. It's the same guide goes to everybody in the entire city. We have looked at this issue of printing. You know one district per guide and it would significantly increase the cost so we can continue looking at that and seeing ways to better do that but as far as the current techn9ology and our

1  
2 current research into that it would be significantly  
3 more expensive to print a guide for each district.  
4 And then as far as your final question about uhm the  
5 questions one thing that we do have in our budget Is  
6 a budget line to improve our voter guide submission  
7 application so to make it more flexible and to allow  
8 for different kinds of questions and hopefully elicit  
9 different kinds of responses from candidates so that  
10 they can demonstrate their differences more clearly  
11 to the voters in their responses. I certainly can't  
12 guarantee that that is going to happen because people  
13 will be answer their own question, will be asking  
14 everyone the same 2question because that is the only  
15 fair way to do it but what their responses are,  
16 hopefully this will be more flexible and allow people  
17 to have a more varied response.

18 CHAIRPERSON DANIEL DROMM: Okay we were  
19 joined by Council Member Gjonaj. This is a very  
20 shorting hearing. We are going to end here then and  
21 we thank you for coming in. One question.

22 MARK GJONAJ: Thank you uhm what were the  
23 cost estimated for the match8ing funds with the  
24 increase now 8:1 or is it 10:1.  
25

COMMITTEE ON FINANCE JOINTLY WITH  
COMMITTEE ON GOVERNMENTAL OPERATIONS

190

1  
2           AMY LOPREST: Well again we are trying.  
3 We are just starting to do the estimate models for  
4 2021 but when we testified before the Charter  
5 Revision Commission and talked about this potential  
6 change we give an estimate that there would be about  
7 47% increase in public funds with but it is coupled  
8 the 8:1 to higher match able amount for citywide  
9 offices and the higher total amount of public funds  
10 available to each candidate.

11           MARK GJONAJ: What's that total.

12           AMY LOPREST: Uhm.

13           MARK GJONAJ: 47%.

14           AMY LOPREST: We don't have an actual  
15 budget total because we don't, well one in this next  
16 Fiscal Year we don't anticipate paying, I mean there  
17 might be a special election but we won't be paying on  
18 a citywide. Our estimate is that it will be about  
19 47% increase. So, for example in 2013, we paid \$38  
20 million public funds, uhm and so it would be about a  
21 47% increase in that.

22           MARK GJONAJ: We are looking at roughly  
23 \$60 million as an estimate.

24           AMY LOPREST: yeah about. I mean yes but  
25 that again is using the numbers from the 2013 it is

COMMITTEE ON FINANCE JOINTLY WITH  
COMMITTEE ON GOVERNMENTAL OPERATIONS

191

have to model what will happen in 2021 what we, how many more candidates there might be and how people do their fundraising but all we can do in our predictions is apply the new limits to the old data.

MARK GJONAJ: What if you are grossly underestimating that number?

AMY LOPREST: Well.

MARK GJONAJ: I'm envisioning people coming out of the woodworks now to take advantage of this matching fund opportunity to and try to build a name for themselves and using tax payer dollars so that they can benefit from it versus intent.

AMY LOPREST: Well when we prepare our budget estimate for the 2021 election which will be next year in next year's Fiscal year, we will be using employing a modeling to look at what we know about the election at that time, how many open seats there are. Because things will change between now and we anticipate that there will be 42 open seats, there may be fewer open seats when we get closer to making that prediction but again we will be working on a model and we have every time we have put money in for the public fund in in our budget we have always done it conservatively, you know overestimated

COMMITTEE ON FINANCE JOINTLY WITH  
COMMITTEE ON GOVERNMENTAL OPERATIONS

192

1  
2 the amount that we might need just to ensure that if  
3 you don't come to the date of the election then there  
4 is no money even though the law provides for an  
5 emergency provision to transfer additional money if  
6 it is necessary. We hope not to use that provision  
7 but we have always somewhat overestimated and then  
8 immediately after the election returned any  
9 additional funds that we didn't need right back to  
10 the city right after the election was over.

11 MARK GJONAJ: I just expect a much larger  
12 use of matching funds for various reason and I would  
13 caution that we should budget appropriately.

14 AMY LOPREST: Yeah, I imagine that you  
15 are correct in that as the intention to encourage  
16 more people to run and to get more small dollars into  
17 the election system so you know that but we will  
18 certainly be cautious when we do our budget estimate  
19 next year.

20 MARK GJONAJ: Thank you.

21 CHAIRPERSON DANIEL DROMM: Thank you one  
22 thing else that I will say is I thought that the uhm  
23 I guess that you would call them preliminary audits  
24 maybe each period you know was very helpful to my  
25 campaign and I think other Council Members as well



COMMITTEE ON FINANCE JOINTLY WITH  
COMMITTEE ON GOVERNMENTAL OPERATIONS

193

in terms of correcting any mistakes before you  
actually you know hit for it and so I think that was  
a good thing to do this last election cycle.

AMY LOPREST: Yes, thank you and again as  
we as it is earlier in the election as we make  
payments earlier in the election =people will  
hopefully focus on those and respond to them as they  
go along.

CHAIRPERSON DANIEL DROMM: Good. Alright  
well thank you very much and we appreciate you coming  
in. This hearing is adjourned at 2:30 in the  
afternoon.

C E R T I F I C A T E

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



Date June 25, 2019