

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

NYC CHARTER REVISION COMMISSION

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June 18, 2019
Start: 6:11 p.m.
Recess: 9:47 p.m.

HELD AT: Council Chambers - City Hall

B E F O R E: GAIL BENJAMIN
Chairperson

COMMISSIONERS: Sal Albanese
Dr. Lilliam Barrios-Paoli
Lisette Camilo
James Caras
Eduardo Cordero, Sr.
Stephen Fiala
Lindsay Greene
Alison Hirsh
Rev. Clinton Miller
Sateesh Nori
Dr. Merryl Tisch
James Vacca
Carl Weisbrod

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

[sound check] [pause] [gavel]

CHAIRPERSON BENJAMIN: Good evening and welcome to tonight's public meeting of the 2019 New York City Charter Revision Commission. I'm Gail Benjamin, the Chair of the Commission. I'm joined by the following Commissioner members: Commissioner Albanese, Commissioner Lilliam Barrios-Paoli, Commissioner Camilo, Commissioner Caras, Commissioner Cordero, Commissioner Fiala, Commissioner Gavin, Commissioner Greene, Commissioner Hirsh, Commissioner, Nori and Commissioner Weisbrod. With these Commissioners present, we have a quorum. Before we begin, I will entertain a motion to adopt the minutes of Commission's meeting held on June 12th here at City Hall, a copy of which has been provided to our Commissioners. Do I hear a motion? A

COMMISSIONER: Motion.

CHAIRPERSON BENJAMIN: Second?

COMMISSIONER: Second.

CHAIRPERSON BENJAMIN: Discussion? All in favor?

COMMISSIONERS: [in unison] Aye.

CHAIRPERSON BENJAMIN: Opposed? The motion carries. Last week we discussed, debated and

2 voted on many proposals for Charter changes to put
3 people with the voters in November, but we did not
4 get to everything, and that is what brings us back
5 this evening. To the members of the public who have
6 joined us, while we know you may have very strong
7 feelings about some of the items that we discussed, I
8 want to run an orderly meeting, and so I will ask
9 that you please refrain from any cheering, jeering,
10 or verbal comments, and instead indicate your
11 agreement or disagreement as I've before, using jazz
12 hands or reverse jazz hands. With that, let's begin
13 with the two items that we sent back to staff last
14 week for further refinement, which were--the two
15 items were [pause] Revised Budget Proposal 8, which
16 is the guaranteed CCRB Budget, and Revised Proposal
17 No. 16, which was the guaranteed budgets for the
18 Public Advocate and borough presidents. The language
19 that is proposed now would require that the CCRB
20 Personnel Budget be no less than 3% of the Personnel
21 Budget for the New York City department--Parks
22 Department unless the Mayor makes a written
23 determination of fiscal necessity setting forth in
24 detail (1) The basis for that determination, and (2)
25 that the proposed reduction to the CCRB Personnel

2 Budget is part of an overall plan to address a
3 downturn in city revenues of unforeseen financial
4 circumstances. Oh, I'm sorry. I'm told I said 3%
5 instead of .3%. If you would like to give CCRB 3%,
6 I'm sure they would be thrilled, but I think they'd
7 have no way to spend that amount of money. I would
8 also ask if everyone could turn off their phones or
9 put them on airplane mode, that would be helpful, and
10 I will actually do the same to mine. Is there any
11 discussion?

12 COMMISSIONER GREENE: I would like to
13 sort of reopen, and I guess propose an updated
14 version of the PPM that I proposed last week, which
15 at a high level was to instead of paying CCRB's
16 budget to the overall NYPD Personnel Budget, I would
17 propose to peg CCRB's Personnel Budget to—as a ratio
18 of people to people for CCRB's people to the NYPD's
19 uniformed officers, and the—the reason for that is
20 that the total PD Personnel Budget includes officers,
21 not officers but—but Police Department employees that
22 have nothing to do with CCRB's General Mandates.
23 That includes crossing guards, Traffic Enforcement
24 Agents, 911 Call Center operators. The—the—how we
25 fluctuate those evident in administration is just not

2 germane to the work of CCRB. Whereas, the number of
3 uniformed police officers actually is. So--so that's
4 sort of the high levels for changing the calculation
5 I wanted to propose, and in terms of the specific
6 ratio, I want to--to have that ratio be .61% and that--
7 that's a very specific number, but what that derives
8 from is essentially to say CCRB's current personnel
9 is I think 195, which is I think .54%, which was I
10 think the Amendment I proposed before, and I'm
11 proposing an increase to that Amendment to reflect
12 levels of people they had indicated is what they feel
13 like adequate staffing currently. So, instead of
14 being the 195 or so, it would be I think 219 or
15 something like that. So, the ratio would actually be
16 .6 of the NYPD uniformed officers.

17 CHAIRPERSON BENJAMIN: Okay, hold on.
18 We're joined by Commissioner Jimmy Vacca. Thank you.
19 Jimmy, would you like to vote on the adoption of the
20 minutes from the meeting last week.

21 COMMISSIONER VACCA: Yes, thank you. I
22 vote yes. I'm sorry I'm--

23 CHAIRPERSON BENJAMIN: Thank you.

24 COMMISSIONER VACCA: --I'm sorry I'm
25 late, but the rain. Thank you.

2 CHAIRPERSON BENJAMIN: Okay, can I ask a
3 question, Lindsay?

4 COMMISSIONER GREENE: Yes.

5 CHAIRPERSON BENJAMIN: Is—am I to
6 understand that the .61 that you are proposing
7 represents the 2020 Executive Mayor's Budget?

8 COMMISSIONER GREENE: No, the—the .5 was
9 the 2020 Executive Budget ratio. That reflects
10 CCRB's current headcount as of the Executive Budget.
11 I am aware that CCRB has been advocating for more
12 staff count, and it's the fundamental plan. So this
13 is to try to resource them more effectively, the .6
14 corresponds the level that they feel like they would
15 need now to be adequately resourced. So, it's an
16 increase over what they have.

17 CHAIRPERSON BENJAMIN: It's an increase
18 over the budget that is going to be adopted shortly?

19 COMMISSIONER GREENE: I don't—I'm not
20 familiar with the intimate details of what their
21 headcount may be in the Adopted Budget, but it—it—
22 I'm—I'm just going based on what's reflected in the
23 Executive Budget, .54, which was the previous ratio I
24 proposed correspond to their current headcount at-at
25

1 CHARTER REVISION COMMISSION

8

2 195. .6 corresponds to a headcount of 219. So, it's
3 an increase over that.

4 CHAIRPERSON BENJAMIN: And that is—it's
5 my understanding that is their—the budget that is now
6 in the budget that is to be adopted shortly by the--?

7 COMMISSIONER GREENE: I—I can't
8 personally verify that. I know that's what they've
9 been—what they have requested.

10 CHAIRPERSON BENJAMIN: Okay. Discussion.
11 [pause]

12 COMMISSIONER GAVIN: So, maybe it's just
13 repetition, but it's definitely an increase over
14 their current level of funding?

15 COMMISSIONER GREENE: Yes.

16 COMMISSIONER GAVIN: Does it? What's the
17 difference between like the .6% of uniformed officers
18 and the .3%?

19 COMMISSIONER GREENE: Of the Personnel
20 Budget?

21 COMMISSIONER GAVIN
22 : The Personnel Budget, yes?

23 COMMISSIONER GREENE: I don't know if I
24 ran that particular calculation. I think it's—it's
25 material.

2 COMMISSIONER GAVIN: It is material?

3 COMMISSIONER GREENE: Yes.

4 COMMISSIONER GAVIN: The point, it
5 represents a lower increase?

6 COMMISSIONER GREENE: The .6, the-the--

7 COMMISSIONER GAVIN: The .6 is one of the
8 uniform budget represents--it represents a lower--a
9 lower increase to the CCRB Budget.

10 COMMISSIONER GREENE: [interposing] If
11 you're speaking to overall PD Personnel Budget. Yes.

12 COMMISSIONER GAVIN: At .3%?

13 COMMISSIONER GREENE: Yes. I think by
14 definition because that budget is--is so large and has
15 so many other things, which I--I still think is by a
16 matter of course, not apples to apples is what CCRB
17 is doing, but yes, what I'm proposing is--is a lower
18 increase.

19 COMMISSIONER GAVIN: Of an increase over
20 this?

21 COMMISSIONER GREENE: Correct. It's an
22 increase over what they have now.

23 CHAIRPERSON BENJAMIN: It's an increase
24 over what was proposed--
25

1 CHARTER REVISION COMMISSION 10

2 COMMISSIONER GREENE: In the Executive

3 Budget.

4 CHAIRPERSON BENJAMIN: Right, but not

5 over what is to be adopted is my understanding. It's

6 exactly what is being adopted?

7 COMMISSIONER GREENE: In their FY 2020

8 Budget.

9 CHAIRPERSON BENJAMIN: Correct.

10 COMMISSIONER GREENE: Yes.

11 CHAIRPERSON BENJAMIN: [pause] I am going

12 to [pause] vote on the Amendment first, and then we

13 will vote on the proposal. So, I will call the

14 question on the Amendment seeing no further

15 discussion. Is there a second?

16 COMMISSIONER: Second.

17 CHAIRPERSON BENJAMIN: Please call the

18 roll on the Amendment.

19 LEGAL COUNSEL: Commissioner Albanese?

20 COMMISSIONER ALBANESE: Yes.

21 LEGAL COUNSEL: Commissioner Barrios-

22 Paoli.

23 COMMISSIONER BARRIOS-PAOLI: Yes.

24 LEGAL COUNSEL: Commissioner Camilo.

25 COMMISSIONER CAMILO: Yes.

1 CHARTER REVISION COMMISSION 11

2 LEGAL COUNSEL: Commissioner Caras.

3 COMMISSIONER CARAS: One thing. This is

4 the equivalent of .7 one?

5 CHAIRPERSON BENJAMIN: No, this is the

6 point-

7 COMMISSIONER CARAS: [laughs] Very

8 gently.

9 CHAIRPERSON BENJAMIN: This is .61, which

10 represents what was in the budge that is now being

11 adopted, but is not the 20% increase that was asked

12 for by CCRB.

13 COUNCIL MEMBER CARAS: [pause] Pass.

14 LEGAL COUNSEL: Commissioner Cordero.

15 COMMISSIONER CORDERO: No.

16 LEGAL COUNSEL: Commissioner-

17 COMMISSIONER CAMILO: No, not present.

18 Commissioner Fiala voted for Commissioner Cordero--

19 LEGAL COUNSEL: Oh.

20 COMMISSIONER CAMILO:--accidentally.

21 [laughter]

22 COMMISSIONER CORDERO: I have to get a

23 hearing aid. I'm sorry.

24 LEGAL COUNSEL: I'm going to call that

25 again. Commissioner Cordero.

CHARTER REVISION COMMISSION

12

COMMISSIONER CORDERO: Yes.

LEGAL COUNSEL: Commissioner Fiala.

COMMISSIONER FIALA: Are you sure? No.

LEGAL COUNSEL: Commissioner Gavin.

COMMISSIONER GAVIN: Yes.

LEGAL COUNSEL: Commissioner Greene.

COMMISSIONER GREENE: Yes.

LEGAL COUNSEL: Commissioner Hirsh.

COMMISSIONER HIRSH: Sorry. I just want
to be clear. We're voting on the Amendment that
Commissioner Greene put forward--

CHAIRPERSON BENJAMIN: Yes.

COMMISSIONER HIRSH: --to the staff, put
forward

CHAIRPERSON BENJAMIN: That's correct.

COMMISSIONER HIRSH: No. [pause]

LEGAL COUNSEL: Commissioner Nori.

COMMISSIONER NORI: No.

LEGAL COUNSEL: Commissioner Vacca.

COMMISSIONER VACCA: No.

LEGAL COUNSEL: Commissioner Weisbrod.

COMMISSIONER WEISBROD: Yes.

LEGAL COUNSEL: Commissioner Caras.

COMMISSIONER CARAS: No.

LEGAL COUNSEL: Chair Benjamin.

CHAIRPERSON BENJAMIN: No. [pause]

LEGAL COUNSEL: The total is 7 votes in the affirmative, 6 votes in the negative. The motion carries. [pause]

CHAIRPERSON BENJAMIN: On the Amended Motion, discussion? [pause] Jimmy.

COMMISSIONER VACCA: I would just think that we would want to be supportive of the CCRB and their request, but I think that we're ending up giving them less than we were last week. We've—we've cut what we're giving them, yet so many people in our city feel that the CCRB is a priority. So, how are we representing those who come forth. We say it's a priority for failing us and equity issues if we give them a budget, which will impede them from doing their charter mandated responsibilities, and that's why I voted no on the Amendment.

COMMISSIONER HIRSH: But could we clarify again. I believe the Amendment we just approved increases their budget by the amount they have asked for. My understanding is that the Amendment that we just approved basically matches their budget to what

1 CHARTER REVISION COMMISSION

14

2 was approved in the 2020 Fiscal Year Budget Agreement
3 between the Adopted Budget and City Hall--

4 COMMISSIONER GREENE: That is correct.

5 COMMISSIONER CAMILO: --Which not--it may
6 be an increase from last year, and maybe what they
7 asked for in this budget cycle, but is not in line
8 with what they've asked for through this Charter
9 Revision process.

10 CHAIRPERSON BENJAMIN: That is my
11 understanding also.

12 COMMISSIONER CAMILO: Do they have a
13 sense of what--

14 COMMISSIONER GREENE: [interposing] In a
15 sense, it's a--it's a base.

16 COMMISSIONER CAMILO: --I-I say that--

17 CHAIRPERSON BENJAMIN: [interposing]
18 Commissioner Green has the floor.

19 COMMISSIONER GREENE: I-I-I guess, I-I
20 was--I was to be cognizant of--of what was--what we had
21 heard was there--I didn't know there was a
22 differential between what they had asked the
23 Commission for versus for what they had been
24 negotiating in--in the budget. Is it--is it a matter--I
25 guess it's--it's a question for the floor. Are--are

1 CHARTER REVISION COMMISSION

15

2 folks comfortable with the--with the personnel to the
3 uniformed officer ratio, and it's a matter of not
4 being comfortable that the .61 ratio adequate given
5 what CCRB has asked for. That's what I'm
6 understanding, but I wanted to clarify that, and if--
7 if so, do we know what it--either--either in terms of
8 the number of people right what is it that CCRB had
9 asked for of this commission?

10 CHAIRPERSON BENJAMIN: I believe what
11 they asked for is 20%--

12 COMMISSIONER GREENE: Increase.

13 CHAIRPERSON BENJAMIN: --increase in
14 personnel.

15 COMMISSIONER GREENE: Okay.

16 CHAIRPERSON BENJAMIN: And that I think
17 would take you a number to .7.

18 COMMISSIONER GREENE: Okay.

19 CHAIRPERSON BENJAMIN: Is that something
20 you would contemplate?

21 COMMISSIONER GREENE: I mean generally
22 speaking, I think the ratio is--the--the methodology is
23 more--is more significant, is the most significant
24 piece in terms of my perspective on the issue. I
25 think it's worth-- If--if folks really want to debate

2 the specific ratio, I think that is useful. Yes,
3 sure.

4 CHAIRPERSON BENJAMIN: Sateesh was next,
5 and then Lilliam, and then Lisette.

6 COMMISSIONER NORI: Frankly, I don't see
7 why the ratio is so important. There's an elegance
8 in the simplicity to just saying .3%. The-I fear any
9 ratio in which we're obfuscating how much is really
10 being given especially in relation to what's already
11 been agreed up. So, frankly I think .3% is simple.
12 There's no need to-to count, you know, apples and
13 oranges here. Let's just give them the money they
14 need to do their job.

15 CHAIRPERSON BENJAMIN: Commission Barrios
16 Paoli?

17 COMMISSIONER BARRIOS-PAOLI: So, I guess
18 my question was I mean I-I think what I'm hearing you
19 say for the most important thing is the-the-the-using
20 the base, the number of uniformed officers as opposed
21 to the older staff of the Police Department, which
22 may or my not be relevant to what the CCRB does.

23 COMMISSIONER GREENE: Yes. That includes
24 traffic enforcement agents, 911 call center
25 operators, crossing guards. It-it's totally

2 irrelevant to—to where CCRB's mission is, and can
3 fluctuate based on other priorities that are not
4 about police accountability.

5 COMMISSIONER BARRIOS-PAOLI: And does the—
6 does your proposal—is it stagnant or would it be a
7 floor or would that—like how—?

8 COMMISSIONER GREENE: It—it's—it's meant
9 to be a floor, right. It's to serve—it's to
10 establish that CCRB would have no less than that
11 ratio. So, if during the budget negotiations at a
12 subsequent period they feel like they want more, they
13 can always ask for more. This is just the—the—the
14 minimum requirement.

15 COMMISSIONER BARRIOS-PAOLI: So, it would
16 protect—it would protect the budget from any incoming
17 Mayor who might be philosophically opposed and--

18 COMMISSIONER GREENE: Correct.

19 CHAIRPERSON BENJAMIN: Alison.

20 COMMISSIONER HIRSH: The motion that we
21 just voted, the Amendment to the motion that we just
22 voted on includes changes to the staff proposal
23 around what then—how the Mayor can reduce--

24 COMMISSIONER GREENE: Correct.

2 COMMISSIONER HIRSH: --that as well,
3 right?

4 COMMISSIONER GREENE: Yes.

5 COMMISSIONER HIRSH: Is it out of order
6 to make an Amendment to the Amendment once it's
7 passed or to vote?

8 CHAIRPERSON BENJAMIN: You would have to
9 ask whether this is a friendly Amendment.

10 COMMISSIONER GREENE: If we're a second.
11 Can I ask, you're talking about the fiscal necessity
12 language?

13 COMMISSIONER HIRSH: Yes. I am concerned
14 that--in the Amendment that you put forward that the--
15 the Mayor could write, and then I assume the board is
16 the CCRB in this instance?

17 COMMISSIONER GREENE: Uh-hm, uh-hm.

18 COMMISSIONER HIRSH: The Mayor could
19 write a memo to the CCRB saying: I don't think that
20 we need to fund police oversight at this level,
21 submit that letter, and that--and he-he or she--
22 hopefully one day--will have to fulfill their
23 obligation under this Amendment and to--to lower or
24 decrease the amount of funding the CCRB gets, and I
25 don't believe that it is strong enough.

2 COMMISSIONER GREENE: That. So-so-so,
3 you're-you-you want to work further to strengthen the
4 fiscal necessity written explanation and sort of more
5 specifically define what that is?

6 COMMISSIONER HIRSH: Correct. I don't
7 believe that we should be making a cut in the budget
8 of the CCRB unless it is in line with a broader cut,
9 and fiscal necessity that the entire city is.

10 COMMISSIONER GREENE: With that-is-is
11 that the kind of language we could refine in a
12 subsequent thing or do we have to iron it out now for
13 the a ballot?

14 CHAIRPERSON BENJAMIN: I think we need to
15 iron it out now so staff can work on the ballot.
16 Could you accept that part of the language that was
17 in the Revised Staff Proposal?

18 COMMISSIONER GREENE: I'm-I'm generally
19 sort of inclined to the concept. I think there are
20 sort of technical experts that I think the staff
21 should consult with about what is sort of
22 artificially boxing in fiscal necessity. It's the
23 spirit of what Alison is saying is totally what we are
24 trying to-to set up but I don't disagree with that.

1 CHARTER REVISION COMMISSION 20

2 I just don't know. I think it really matters the
3 specific wording. [pause]

4 CHAIRPERSON BENJAMIN: I would suggest
5 then, an amendment that would replace the last 2, 3,
6 4, 5, 6, 7, 8, 9, 10. The last 11 words of the
7 Amended Motion with the--what follows the sentence:
8 NYPD in the Revised Proposal 8.

9 COMMISSIONER GREENE: Yes.

10 CHAIRPERSON BENJAMIN: The highlighted
11 portion. Yeah.

12 COMMISSIONER CARAS: A point of
13 clarification, Madam Chair.

14 CHAIRPERSON BENJAMIN: Yes. I made a
15 motion. Yes.

16 COMMISSIONER CARAS: Would you mind
17 reading that out in some form--

18 CHAIRPERSON BENJAMIN: Yes.

19 COMMISSIONER CARAS: Or would Counsel
20 mind reading that out.

21 CHAIRPERSON BENJAMIN: Yes. Counsel,
22 would you--?

23 LEGAL COUNSEL: The chair has made a
24 motion to strike the following language from the
25 Amended Motion, starting in the final sentence: And,

transmits to the Board a written determination of fiscal necessity. Strike that language and replace it with the highlighted language in the original Amendment, which reads as follows: Unless the Mayor makes a writer determination of fiscal necessity setting forth in detail (1) the basis for that determination, and (2) that the proposed reduction to the CCRB Personnel Budget is part of an overall plan to address a downtown in city revenues or unforeseen financial circumstances. [pause]

CHAIRPERSON BENJAMIN: Any discussion? Yeah, I don't think it was a friendly amendment. I don't think it's an amendment to the amended item.

COMMISSIONER GREENE: Yes. [laughs]

COMMISSIONER HIRSH: Yes, I'll—I will take it. I didn't interpret it as not friendly.

CHAIRPERSON BENJAMIN: Right. I mean if you say it's friendly then [laughter] we can just do it and okay.

COMMISSIONER GREENE: [interposing] Or to just say we wanted personal terms. (sic) [laughs]

CHAIRPERSON BENJAMIN: So what else? I call the question. Is there a second? [pause] Yes, we should know more. (sic)

LEGAL COUNSEL: On the Chair's Proposed
Amendment. Commissioner Albanese.

COMMISSIONER ALBANESE: Aye.

LEGAL COUNSEL: Commissioner Barrios-
Paoli.

COMMISSIONER BARRIOS-PAOLI: Aye.

LEGAL COUNSEL: Commissioner Camilo.

COMMISSIONER CAMILO: Just to clarify,
first on these?

LEGAL COUNSEL: Yes.

COMMISSIONER CAMILO: The second part?

LEGAL COUNSEL: This is just on the
Amendment--this just on Chair Benjamin's Amendment.
Not on the main question still. So, it's just
whether the main question should be further amended
as Chair Benjamin suggested.

COMMISSIONER CAMILO: I think so, yes.

[laughs]

COMMISSIONER BARRIOS-PAOLI: We're voting
on the Amendment again, right?

LEGAL COUNSEL: Commissioner Caras.

COMMISSIONER CARAS: Yes.

LEGAL COUNSEL: Commissioner Cordero.

2 COMMISSIONER CORDERO: Yes, I'm a little
3 confused on the--on most of this because I thought we
4 were looking to increase the budget for the CCRB, and
5 we are but we're not doing it to the level that they
6 wanted.

7 CHAIRPERSON BENJAMIN: Well, you can
8 propose that, but we have to deal with this amendment
9 and then that amendment can be proposed and we can
10 vote on that. Okay.

11 LEGAL COUNSEL: So, you're clear on what
12 this amendment is I can read it again, if that's
13 helpful.

14 COMMISSIONER CARAS: Please.

15 LEGAL COUNSEL: Sure. So, the current
16 amended motion is the--on your sheet Revised Proposal
17 8--

18 COMMISSIONER CARAS: Uh-hm.

19 LEGAL COUNSEL: --the bottom par, that
20 part that's in italics. The end of that reads: And
21 transmits to the Board a written determination of
22 fiscal necessity. Chair Benjamin has proposed to
23 strike that language, and replace it with the
24 highlighted text from above, which reads: Unless the
25 Mayor makes a written determination of fiscal

2 necessity setting forth in detail (1) the basis for
3 that determination and (2) that the proposed
4 reduction to the CCRB Personnel Budget is part of an
5 overall plan to address a downturn in city revenues
6 of unforeseen financial circumstances.

7 COMMISSIONER CARAS: [pause] I'm going
8 to vote yes for that.

9
10 LEGAL COUNSEL: Commissioner Fiala.

11 COMMISSIONER FIALA: No.

12 LEGAL COUNSEL: Commissioner Gavin.

13 COMMISSIONER GAVIN: Yes

14 LEGAL COUNSEL: Commissioner Greene.

15 COMMISSIONER GREENE: Yes.

16 LEGAL COUNSEL: Commissioner Hirsh.

17 COMMISSIONER HIRSH: Yes.

18 LEGAL COUNSEL: Commissioner Nori.

19 COMMISSIONER NORI: No.

20 LEGAL COUNSEL: Commissioner Tisch.

21 COMMISSIONER TISCH: I've been consistent
22 on CCRB. I have—I have to abstain.

23 LEGAL COUNSEL: Commissioner Vacca.

24 COMMISSIONER VACCA: What I have to say
25 is that a majority of the members of the CCRB are

2 appointed by the Mayor. So, we are saying that as
3 long as the Mayor tells the members he appoints that
4 I don't have the money, they won't get it.

5 CHAIRPERSON BENJAMIN: And it's part of
6 an overall plan. It can't just be a CCRB—

7 COMMISSIONER VACCA: [interposing] But he
8 says it's an overall plan. He can still exempt his
9 office so he can exempt Parks Department. I—I can't
10 go with that. I—I—it's not fair to police officers
11 or to those—

12 COMMISSIONER GREENE: Yes.

13 COMMISSIONER VACCA: --who bring cases to
14 have an inordinate amount of time that—that exists
15 when complaints are filed. It's not fair to those
16 who do things in error or those who feel that justice
17 should be served, and I want to support a CCRB in
18 that vain, and to say that the Mayor is going to let
19 his members know I don't have the money, and to think
20 that his members will do anything but say, okay, you
21 don't have the money. We have to operate and do what
22 you want us to do, I think is very naïve. So, I vote
23 no.

24 LEGAL COUNSEL: Commissioner Weisbrod.

25 COMMISSIONER WEISBROD: Yes.

2 LEGAL COUNSEL: Commissioner Albanese.

3 COMMISSIONER ALBANESE: Yes.

4 LEGAL COUNSEL: Chair Benjamin.

5 CHAIRPERSON BENJAMIN: Yes.

6 LEGAL COUNSEL: 10 in the affirmative, 3
7 in the negative, 1 abstention. The motion carries.

8 CHAIRPERSON BENJAMIN: Would you now like
9 to offer your amendment Commissioner Cordero to
10 increase the percentage. [pause]

11 COMMISSIONER CORDERO: Or I—I sincerely
12 believe that we have to do everything we can to—to
13 better the CCRB, but I’m—I’m going to hold off right
14 now.

15 COMMISSIONER CARAS: [off mic] I have a—I
16 have a question. [on mic] The—could somebody go
17 through with me. I apologize, the .3 versus the .61
18 and where that comes out in terms of where the CCRB
19 was. Last year I believe they were at 15 point
20 something million, and where this will put them?

21 CHAIRPERSON BENJAMIN: I can’t give you
22 those numbers off the top of my head. So, I’m going
23 to ask staff to come over and give you the numbers.

24 COMMISSIONER CARAS: That would be great.
25 I just feel like I’m operating in a vacuum and I’m

2 not sure what I'm actually doing. [background
3 comments/pause]

4 CHAIRPERSON BENJAMIN: Are there any
5 other amendments while Commissioner Caras is getting
6 that information? Are there any other amendments
7 that people would like offer? [pause]

8 COMMISSIONER CARAS: Just to add to the
9 obfuscation as I described it before, given that we
10 don't know where .3% compares to .6%--.61% of the
11 number of uniformed budgeted headcount, I would offer
12 a 1.0% of the number of uniformed budgeted headcount
13 of the Police Department, and we can't figure out
14 either of those numbers, then that takes me back to
15 my original, you know, the elegance and simplicity of
16 .3% of the Personnel Budget.

17 CHAIRPERSON BENJAMIN: I believe that
18 .71% is equivalent of the personnel services of the
19 full-time--the uniformed budgeted headcount of the
20 Police Department that .71 would be roughly
21 equivalent to what the CCRB asked for.

22 COMMISSIONER CARAS: Okay. So, I would
23 modify my Proposed Amendment to amend the proposal
24 that we just voted on to read .71% of the number of
25

2 uniformed budgeted headcount of the Police
3 Department.

4 CHAIRPERSON BENJAMIN: Is there
5 discussion? Call the question?

6 COMMISSIONER BARRIOS-PAOLI: Can you
7 repeat it? Can you repeat it?

8 COMMISSIONER CARAS: So, as I understand
9 it because we've been through a number of twists and
10 turns here, we are talking about the first portion of
11 the Amendment to Proposal 8 with the last portion of
12 the original proposal except that the number .61% is
13 now .71%.

14 CHAIRPERSON BENJAMIN: That's what you're
15 proposing?

16 COMMISSIONER CARAS: That's proposed
17 amendment.

18 CHAIRPERSON BENJAMIN: Discussion? Call
19 the question?

20 COMMISSIONER: Second.

21 CHAIRPERSON BENJAMIN: Call the roll on
22 the amendment, which is to change from .61 to .71 of
23 the number of uniformed budgeted headcount of the
24 Police Department in the Amended and further amended
25 Re-Proposal 8.

1 CHARTER REVISION COMMISSION

29

2 LEGAL COUNSEL: Commissioner Albanese.

3 COMMISSIONER ALBANESE: Yes .

4 LEGAL COUNSEL: Commissioner Barrios-
5 Paoli.

6 COMMISSIONER BARRIOS-PAOLI: Yes.

7 LEGAL COUNSEL: Commissioner Camilo.

8 COMMISSIONER CAMILO: To clarify, .71 of
9 uniformed.

10 CHAIRPERSON BENJAMIN: Yes.

11 COMMISSIONER CAMILO: And this is just on
12 the motion of city Amendment?

13 CHAIRPERSON BENJAMIN: It's just on the
14 Amend-the Amendment to the motion.

15 LEGAL COUNSEL: Okay.

16 COMMISSIONER CAMILO: Yes. [laughter]

17 LEGAL COUNSEL: Commissioner Caras.

18 COMMISSIONER CARAS: Yes.

19 LEGAL COUNSEL: Commissioner Cordero.

20 COMMISSIONER CORDERO: Yes.

21 LEGAL COUNSEL: Commissioner Fiala.

22 COMMISSIONER FIALA: No.

23 LEGAL COUNSEL: Commissioner Gavin.

24 COMMISSIONER GAVIN: Yes.
25

1 CHARTER REVISION COMMISSION

30

2 LEGAL COUNSEL: Commissioner Greene.

3 COMMISSIONER GREENE: Yes.

4 LEGAL COUNSEL: Commissioner Hirsh.

5 COMMISSIONER HIRSH: Yes.

6 LEGAL COUNSEL: Commissioner Nori.

7 COMMISSIONER NORI: Yes.

8 LEGAL COUNSEL: Commissioner Tisch.

9 COMMISSIONER TISCH: Abstain.

10 LEGAL COUNSEL: Commissioner Vacca.

11 COMMISSIONER VACCA: Yes.

12 LEGAL COUNSEL: Commissioner Weisbrod.

13 COMMISSIONER WEISBROD: Yes.

14 LEGAL COUNSEL: Commissioner Albanese.

15 COMMISSIONER ALBANESE: Yes.

16 LEGAL COUNSEL: Chair Benjamin.

17 CHAIRPERSON BENJAMIN: Yes.

18 LEGAL COUNSEL: 12 in the affirmative, 1
19 in the negative, 1 abstention. The motion carriers.

20 CHAIRPERSON BENJAMIN: Now, I would like
21 to vote on Proposal 8 as amended and as twice further
22 amended. Any discussion? [pause] This is--

23 COMMISSIONER CAMILO: [interposing] Can I
24 say--(sic)?
25

1 CHARTER REVISION COMMISSION

31

2 CHAIRPERSON BENJAMIN: Commissioner
3 Camilo.

4 COMMISSIONER CAMILO: [off mic] I just
5 had--does anybody know--

6 CHAIRPERSON BENJAMIN: [interposing] Your
7 mic is not on.

8 COMMISSIONER CAMILO: Yeah, it is.

9 CHAIRPERSON BENJAMIN: Oh, okay.

10 COMMISSIONER CAMILO: Do we have a sense
11 of what the .71 translates into in terms of either
12 headcount or budget? [pause]

13 CHAIRPERSON BENJAMIN: While you're
14 getting that answer, I am going to read what I
15 believe the [background comments/pause] [off mic]
16 The appro--[on mic] The appropriations available to
17 pay for the personnel services of the Civilian
18 Complaint Review Board shall be at a minimum
19 sufficient to fund personnel services costs of full-
20 time CCRB personnel headcount at least equal in
21 number to 0.71% of the number of uniformed budgeted
22 headcount of the Police Department as determined
23 consistent with published budgeted headcount
24 documents of the Office of Management--Management and
25 Budget provided, however, that the restriction in

2 this paragraph shall not apply in the event that the
3 Mayo makes a written determination of fiscal
4 necessity setting forth in detail (1) the basis for
5 that determination, and (2) that the proposed
6 reduction to the CCRB Personnel Budget is part of an
7 overall plan to address a downturn in city revenues
8 or unforeseen financial circumstances. Call the roll.

9 COMMISSIONER HIRSH: Oh, sorry.

10 CHAIRPERSON BENJAMIN: Oh, I'm sorry.

11 COMMISSIONER GREENE: Can I ask a
12 clarifying question?

13 CHAIRPERSON BENJAMIN: Yes.

14 COMMISSIONER GREENE: Is-is-is the--
15 We're talking about something that takes effect in
16 what budget cycle because I-I-I imagine the one that
17 has been agreed upon--

18 CHAIRPERSON BENJAMIN: Well, the voters--

19 COMMISSIONER GREENE: --that

20 CHAIRPERSON BENJAMIN: --the voters won't
21 be voting on it until November of this--

22 COMMISSIONER GREENE: [interposing] But I
23 mean, is it presumed to affect the FY21 Budget or-or
24 after-after actually the conclusion of this current
25 administrative and Council terms? So are we talking

2 about really this ratio comes into effect for Fiscal
3 22? [background comments/pause]

4 CHAIRPERSON BENJAMIN: Okay, the
5 Resolution is silent on that. Do you want to amend
6 it further to--?

7 COMMISSIONER GREENE: [laughs] I-I-I
8 mean for-for the sake of-of-of knowing the tenuous
9 like nature of whether the budget is balanced or not.
10 I mean it-it--

11 CHAIRPERSON BENJAMIN: Well, I don't
12 believe that this could take--even if the public voted
13 on it, frankly it would take a budget amendment to
14 amend the budget, the Executive Budget once it's been
15 adopted. So, the Mayor would have to have a budget
16 amendment. The Council would have to approve it. I
17 think we're in charge of that process nor I--nor can
18 we be, I don't believe. So, I think it would have to
19 be 2021, but--

20 COMMISSIONER GREENE: Okay.

21 CHAIRPERSON BENJAMIN: Alison.

22 COMMISSIONER HIRSH: Lindsay, I couldn't
23 tell that you were suggesting that it should not take
24 effect until 20--Fiscal Year 2023 I guess would be the
25

2 next administration or are you just asking that point
3 of information.

4 COMMISSIONER GREENE: I was asking—I was
5 trying to ask a—a—primarily a point of information
6 first.

7 COMMISSIONER HIRSH: So, I—I would then
8 like to offer an amendment [laughter] that this—that
9 this ratio take effect in the budge cycle following
10 its passage.

11 CHAIRPERSON BENJAMIN: Okay. Discussion?
12 Carl.

13 COMMISSIONER WEISBROD: I don't want to
14 be difficult situation here, but I'm—I'm really
15 troubled by the fact and I think Jim has asked the
16 question to which I still don't think I have answer.
17 How many people are we talking about here and how
18 many people—do we know how many people are on the
19 staff of the CCRB now? What increase in the .61
20 would be in terms of an additional headcount, and
21 what in an—what an additional number of people would
22 be if we increased it from what it is now to .71 or
23 from .61 to .71 so at least we know what we're
24 talking about. I mean I—I think all of us want to
25 see the CCRB function efficiently and all of us want

1 CHARTER REVISION COMMISSION

35

2 to make sure that CCRB doesn't—doesn't cut through a
3 malevolent relationship with whoever, but I don't
4 even know of the CCRB can absorb in the first
5 instance an increase from whatever it is now to .71
6 in a budget year.

7 CHAIRPERSON BENJAMIN: I am told that it
8 would increase from in—in Lindsay's number it would
9 be 24 approximate personnel depending on the levels,
10 et cetera, and—

11 COMMISSIONER WEISBROD: [off mic] And
12 that's about—

13 CHAIRPERSON BENJAMIN: From 195.

14 COMMISSIONER GREENE: [interposing] 195.

15 COMMISSIONER WEISBROD: [off mic] And an
16 increase to .71 would be what?

17 CHAIRPERSON BENJAMIN: Would be four
18 additional people.

19 COMMISSIONER WEISBROD: Four additional
20 people?

21 CHAIRPERSON BENJAMIN: Four.

22 COMMISSIONER GREENE: [off mic] I thought
23 you said 24.

24 CHAIRPERSON BENJAMIN: No, four.
25

1 CHARTER REVISION COMMISSION

36

2 COMMISSIONER WEISBROD: Four from .61 to
3 .71 would be so an increase from 24 additional people
4 to 28 additional people?

5 CHAIRPERSON BENJAMIN: It would be 27.
6 Something.

7 COMMISSIONER WEISBROD: Thank you.

8 COMMISSIONER GREEN: Okay, I-I-I did my
9 math wrong. Sorry.

10 CHAIRPERSON BENJAMIN: Oh. [pause]
11 Okay, Steve.

12 COMMISSIONER FIALA: I want to--thank you,
13 Madam Chair. I-I want to associate my concerns with
14 Commissioner Weisbrod. You know, right in this
15 chamber and in the committee halls across the street
16 for the last many months City Council committees have
17 been wrestling with budget proposals for the next
18 Fiscal Year, and they are right now wrestling with
19 this in the final stages. The idea of a body trying
20 to import into the Charter what should be left in my
21 view to the normal legislative process is a slippery
22 slope. The question I have, Madam Chair is right now
23 there is a--a 92--I believe it is a \$92.8 billion
24 budget, the framework of which was accepted by the
25 Legislative and Executive Branch yesterday or the day

2 before. What was the increase in CCRB's Budget from
3 last year in this new Budget? And we realize that--

4 CHAIRPERSON BENJAMIN: It's the 6.1.

5 COMMISSIONER FIALA: They got a 6.1?

6 CHAIRPERSON BENJAMIN: That's the 6.1

7 COMMISSIONER FIALA: In, well and the
8 City Council and Mayoral--?

9 CHAIRPERSON BENJAMIN: [interposing] .61.
10 I'm sorry. .61.

11 COMMISSIONER FIALA: They got a .61, and
12 a head count, right?

13 CHAIRPERSON BENJAMIN: Yes, a headcount,
14 and a head count not in--not in person, not in--I'm
15 talking--I'm talking about the current budget that's
16 about to be adopted. CCRB is getting an increase
17 over its present fiscal year, which ends in matter of
18 what, days, or July 1st, right?

19 CHAIRPERSON BENJAMIN: Right, and it's my
20 understanding that the--that the number that is here
21 .61 equals the amount of the handshake budget, which
22 is approximately 24 additional persons.

23 COMMISSIONER FIALA: Thank you for the
24 clarification, and to Commissioner--

2 CHAIRPERSON BENJAMIN: [interposing] And
3 that the 7.1 would add an additional four people.

4 COMMISSIONER FIALA: Thank you, and to
5 Commissioner Green's point, you know, there is and to
6 follow-up on Commissioner Weisbrod's comments, this
7 will be voted on in November. We will be in the
8 second quarter of the Fiscal Year of the 2021 city
9 budget, and I think--

10 CHAIRPERSON BENJAMIN: 2020.

11 COMMISSIONER FIALA: --2020/2021, right?

12 CHAIRPERSON BENJAMIN: Well, no, it's
13 Fiscal Year 2020. It's a calendar--

14 COMMISSIONER FIALA: [interposing] That
15 bleeds over into my--okay, the-the Fiscal Year 2020
16 Budget. Rather than over-complicate this with a lot
17 of additional language, that's what a Council and a
18 Mayor do. In a budget modification, shouldn't we
19 leave something in their hands to determine whether
20 or not in 2020 these new numbers could be absorbed or
21 are we saying we're going to imposed our own
22 determination as to what then number should be
23 irrespective of the fiscal condition of the city at
24 that time.

2 CHAIRPERSON BENJAMIN: Well, it's not--
3 sorry. I would argue that it's not irrespective
4 because we do have that language that the Mayor can,
5 in fact be relieved of this requirement--

6 COMMISSIONER FIALA: Point taken.

7 CHAIRPERSON BENJAMIN: --and we have an
8 amendment currently before us from Alison that would
9 lock in the fiscal year, and we need to do something
10 with it. Alison.

11 COMMISSIONER HIRSH: I can explain why I
12 introduced that amendment based on the--Lindsay's
13 question, I--I'm concerned that if we leave it open
14 and to interpretation, we could be in a situation in
15 which the budget increase does not actually go into
16 effect until there is a new Mayor and the new
17 Council, and I think that would not be in line with
18 what the majority of this Commission intends ,and so
19 it seems to me we might as well be clear and say that
20 we expect the provision to go in place in the next
21 budget cycle.

22 CHAIRPERSON BENJAMIN: Any further
23 discussion?

24 COMMISSIONER WEISBROD: Just a point of
25 clarification. There is slightly different language

2 in the amendment from the proposal particularly the
3 amendment describes funding personal service costs
4 whereas the proposal describes personnel budget. So
5 what is the difference between those two terms? Why
6 was the term change in the Amendment? What meaning
7 does it have?

8 COMMISSIONER GREENE: [off mic] It-what-
9 [on mic] Sorry. I turned it off. So, the-the
10 difference you're pointing is personnel versus
11 personal is like a-a weird technical thing like the
12 personnel services or the personnel budget, which
13 like in a ledger says personal services and other
14 than personal services, but it wasn't really (sic)
15 budget stuff. Personnel is the means to the same
16 thing. It's the people or it's the stuff, but the
17 Personnel Budget in total and for PV includes all
18 this other stuff that I had said before I don't think
19 is relevant to CCRB, because it's every-it's traffic
20 enforcement, et cetera, et cetera, but-but are you
21 asking about the--

22 COMMISSIONER WEISBROD: Well, what I'm
23 asking is why is there a different term? Is there a
24 limitation on the term personal service costs?
25 Should it be personnel service costs?

2 COMMISSIONER GREENE: Sorry.

3 COMMISSIONER WEISBROD: Is that what
4 Commissioner Gavin is saying?

5 CHAIRPERSON BENJAMIN: That's why that
6 particular one. In the New York City Budget, there
7 are two categories in the Executive Budget. There is
8 P.S., which is Personal Services and then there's
9 OTPS, Other Than Personal Services.

10 COMMISSIONER GREENE: Yes.

11 CHAIRPERSON BENJAMIN: In the Budget
12 itself there was nothing called Personnel. So,
13 sorry-for-for purposes of this Amendment, the
14 Personnel Budget for the New York City Police
15 Department is a less specific term than the Personal
16 Service.

17 COMMISSIONER GREENE: That is-that is
18 correct, but I have to-so, so let me-let me sort of
19 codify.

20 CHAIRPERSON BENJAMIN: Okay.

21 COMMISSIONER GREENE: Based on what I
22 understand, .3% of the total NYPD Personnel Budget,
23 which in the Ledger shows up as Personal Services is
24 equivalent to the CCRB current level of staffing.
25 That-that is what I understand. Do you guys have

2 different--does the staff have different math because
3 I feel like that was an open question for the record.
4 What is--what is like the overall Person--Personnel
5 Budget compared to the Uniformed headcount ratio?
6 What does--what does the--the original proposal mean in
7 terms of CCRB staff?

8 CHAIRPERSON BENJAMIN: I believe that the
9 3%--.3%, I'm sorry, gave the CCRB an increase.

10 COMMISSIONER GREENE: Gave them an
11 increase? Okay.

12 CHAIRPERSON BENJAMIN: Yes.

13 COMMISSIONER GREENE: Got it. Okay
14 because I feel like that was--that was the root of
15 your question, right?

16 COMMISSIONER WEISBROD: My question is
17 why is the language different? [laughter]

18 CHAIRPERSON BENJAMIN: Different people--
19 it's because different people, where they--where they
20 were looking at different things.

21 COMMISSIONER GREENE: Yes, that's a--
22 that's a technical thing.

23 COMMISSIONER WEISBROD: But it's the
24 same?
25

COMMISSIONER GREENE: It means the same thing.

COMMISSIONER WEISBROD: Yes?

COMMISSIONER GREENE: Yes.

CHAIRPERSON BENJAMIN: Okay, so now we're back on the last Amendment, which is Alison's Amendment. Is there further discussion on Alison's Amendment, which would add a further [coughing] clause to this item that it would take effect at the first budget cycle after adoption? Further discussion? Call the question? Second.

COMMISSIONER GREENE: Second.

CHAIRPERSON BENJAMIN: Call the roll please on the Third Amendment to the Amended item. [background comments/pause] That budget cycle would be Fiscal Year 2021, just so everybody is aware. Okay.

LEGAL COUNSEL: Commissioner Albanese?

COMMISSIONER ALBANESE: Yes.

LEGAL COUNSEL: Commissioner Barrios-Paoli.

COMMISSIONER BARRIOS-PAOLI: Yes.

LEGAL COUNSEL: Commissioner Camilo.

COMMISSIONER CAMILO: Yes.

1 CHARTER REVISION COMMISSION

44

2 LEGAL COUNSEL: Commissioner Caras.

3 COUNCIL MEMBER CARAS: Yes

4 LEGAL COUNSEL: Commissioner Cordero.

5 COMMISSIONER CORDERO: Yes.

6 LEGAL COUNSEL: Commissioner Fiala.

7 COMMISSIONER FIALA: No.

8 LEGAL COUNSEL: Commissioner Gavin.

9 COMMISSIONER GAVIN: Yes.

10 LEGAL COUNSEL: Commissioner Greene.

11 [pause]

12 COMMISSIONER GREENE: Yes.

13 LEGAL COUNSEL: Commissioner Hirsh.

14 COMMISSIONER HIRSH: Yes.

15 LEGAL COUNSEL: Commissioner Miller.

16 COMMISSIONER MILLER: Yes.

17 LEGAL COUNSEL: Commissioner Nori.

18 COMMISSIONER NORI: Yes.

19 LEGAL COUNSEL: Commissioner Tisch.

20 COMMISSIONER TISCH: Abstention.

21 LEGAL COUNSEL: Commissioner Vacca.

22 COMMISSIONER VACCA: Yes.

23 LEGAL COUNSEL: Commissioner Weisbrod.

24 COMMISSIONER WEISBROD: Yes.

25 LEGAL COUNSEL: Commissioner Albanese.

2 COMMISSIONER ALBANESE: Yes.

3 LEGAL COUNSEL: Chair Benjamin.

4 CHAIRPERSON BENJAMIN: Yes.

5 LEGAL COUNSEL: 13 in the affirmative, 1
6 in the negative, and 1 abstention. The motion
7 carries.

8 CHAIRPERSON BENJAMIN: Now, on Revised
9 Proposed four-time amended Proposal 8, is there any
10 discussion? Can we call the question? [background
11 comments/laughter] Second.

12 COMMISSIONER TISCH: Second. [pause]

13 CHAIRPERSON BENJAMIN: Please call the
14 roll.

15 LEGAL COUNSEL: Commissioner Albanese?

16 COMMISSIONER ALBANESE: [off mic] I vote
17 yes. (sic)

18 LEGAL COUNSEL: Commissioner Barrios-
19 Paoli.

20 COMMISSIONER BARRIOS-PAOLI: Yes.

21 LEGAL COUNSEL: Commissioner Camilo.

22 COMMISSIONER CAMILO: Yes.

23 LEGAL COUNSEL: Commissioner Caras.

24 COUNCIL MEMBER CARAS: Yes.

25 LEGAL COUNSEL: Commissioner Cordero.

1 CHARTER REVISION COMMISSION

46

2 COMMISSIONER CORDERO: Yes.

3 LEGAL COUNSEL: Commissioner Fiala.

4 COMMISSIONER FIALA: No.

5 LEGAL COUNSEL: Commissioner Gavin.

6 COMMISSIONER GAVIN: Yes.

7 LEGAL COUNSEL: Commissioner Greene.

8 COMMISSIONER GREENE: Yes.

9 LEGAL COUNSEL: Commissioner Hirsh.

10 COMMISSIONER HIRSH: Yes.

11 LEGAL COUNSEL: Commissioner Miller.

12 COMMISSIONER MILLER: Yes.

13 LEGAL COUNSEL: Commissioner Nori.

14 COMMISSIONER NORI: Yes.

15 LEGAL COUNSEL: Commissioner Tisch.

16 COMMISSIONER TISCH: Abstain.

17 LEGAL COUNSEL: Commissioner Vacca.

18 COMMISSIONER VACCA: [off mic] Yes. (sic)

19 LEGAL COUNSEL: Commissioner Weisbrod.

20 COMMISSIONER WEISBROD: Yes.

21 LEGAL COUNSEL: Commissioner Albanese.

22 COMMISSIONER ALBANESE: Yes.

23 LEGAL COUNSEL: Chair Benjamin.

24 CHAIRPERSON BENJAMIN: Yes.

25

2 LEGAL COUNSEL: 13 in the affirmative, 1
3 in the negative, and 1 abstention. The motion
4 carries.

5 CHAIRPERSON BENJAMIN: Now onto revised
6 Proposal 16 with which there was a direction with
7 staff, which is reflected in Revised Proposal 16
8 essentially adding the same fiscal necessity language
9 that we added to CCRB and allowing for an adjustment
10 there had been an issue about what to index and the
11 increase to. Should there be one and the proposal
12 now reads that it would be adjusted upward of in
13 future fiscal years by the lesser of (1) inflation or
14 (2) percentage increase in the City's total budget.
15 Discussion. Jim.

16 COMMISSIONER CARAS: I really—I believe I
17 should know this but I don't. Are there ever cases
18 where the city's total budget decreases due to cuts?

19 CHAIRPERSON BENJAMIN: Uh-hm.

20 COMMISSIONER: [off mic] Would you repeat
21 that question?

22 COMMISSIONER CARAS: Are there or have
23 there ever been cases where the city's total budget
24 has decreased due to cuts? I'm assuming that in the
25 '80s there were a lot of—

2 COMMISSIONER GREENE: I don't know.

3 COMMISSIONER CARAS: That was before my
4 time.

5 CHAIRPERSON BENJAMIN: I was here.

6 COMMISSIONER GREENE: Yes, sure.

7 CHAIRPERSON BENJAMIN: In the '80s there
8 were reductions.

9 COMMISSIONER CARAS: [off mic] The '70s.
10 [off mic] In the '70s there certainly were--

11 CHAIRPERSON BENJAMIN: Jim, and there
12 were also--

13 COMMISSIONER CARAS: --serious cuts and
14 layoffs.

15 COMMISSIONER GREENE: In the '80s, too.

16 CHAIRPERSON BENJAMIN: And what also
17 occurred was the Mayor's Plan to Eliminate the Gap--

18 COMMISSIONER CARAS: Right.

19 CHAIRPERSON BENJAMIN: --which was
20 adopted any number of years when the revenues that
21 were projected did not equal--

22 COMMISSIONER CARAS: Right.

23 CHAIRPERSON BENJAMIN: --or exceed
24 various percentages.
25

2 COMMISSIONER CARAS: That is what I
3 remember, right.

4 CHAIRPERSON BENJAMIN: The Mayor required
5 agencies to eliminate the gap.

6 COMMISSIONER CARAS: So, in Part 1 of
7 this notwithstanding a letter by the Mayor detailing
8 the fiscal necessity, the lesser of inflation or
9 percentage increase in the city's total budget. A
10 decrease in the city's total budget would effectuate
11 a decrease even if inflation were going up.

12 CHAIRPERSON BENJAMIN: Yes.

13 COMMISSIONER CARAS: I'm make sense and
14 try to understand.

15 CHAIRPERSON BENJAMIN: Yes.

16 COMMISSIONER FIALA: My I-may I question
17 that, Jim?

18 COMMISSIONER CARAS: Sure.

19 COMMISSIONER FIALA: Commissioner Caras,
20 to your point, are you just questioning that in the
21 event of a downturn when everybody is absorbing cuts
22 that it would be automatic to not be held harmless.
23 They, too, would get their proportionate share.

24 COMMISSIONER CARAS: Without a letter
25 from the Mayor.

2 COMMISSIONER FIALA: Right. I understood.
3 That's what I want to make sure I understood, yes.
4 Okay. [coughing] [background comments/pause]

5 CHAIRPERSON BENJAMIN: Okay.

6 COMMISSIONER VACCA: I move that we adopt
7 the alleged Proposal 16.

8 COMMISSIONER CAMILO: [off mic] I just
9 have on thing.

10 CHAIRPERSON BENJAMIN: Sure.

11
12 COMMISSIONER CAMILO: [off mic] The
13 Proposed Amendment.

14 CHAIRPERSON BENJAMIN: We have an
15 amendment, Jim.

16 COMMISSIONER CAMILO: So, I wanted to
17 follow up on the discussion that we had in the
18 previous. I guess it was last week raising some
19 issues with tying they--any increases or budgets to
20 inflation of the budge. There are things that occur
21 for example even when there is a recession inflation
22 increases. There are collective bargaining increases
23 that would affect the budget that wouldn't
24 necessarily affect or should affect the--the-the
25

largely administrative offices of the elected officials. So, was going to move—

CHAIRPERSON BENJAMIN: [interposing] Why— why wouldn't they affect the offices of elected officials?

COMMISSIONER CAMILO: If it's for collective bargaining for police officers or-or things—titles that don't, they don't--that don't-- function within those offices. So, I Talk about the motion to amend that I believe was shared with the staff, and I think was actually also made by Commissioner Paoli to tie the—the—well, I'll just read it. The appropriations available to pay for the expenses of the Public Advocate and each borough president during each fiscal year shall not be less than the FY20 Executive Budget per centum of the city funded appropriations available to pay for the expenses of the Office of the Mayor. So tying it to the Office of the Mayor excluding the Office of Management and Budget, the Office of Labor Relations, and the Office of Contract Services during such fiscal year provided, however, that the restriction in this paragraph shall not apply in the event that the Mayor makes and transmits to the Council of

2 written determination of fiscal necessity similar to
3 the proposal associated with the CCRB.

4 CHAIRPERSON BENJAMIN: Well, except Chair
5 prerogative, the Mayor is not the same as an agency.
6 They Mayor has and does farm lots of people out or
7 borrow people from agencies that are not included in
8 the Mayoral Budget that are rather included in the
9 agency budgets, but they work here at City Hall, and
10 in the Tweed Building and the Op-eds, and in other
11 Mayoral establishments. So, that number can be
12 completely, and is completely manipulated by a Mayor
13 who wants to show that his budget and his office is
14 smaller. So, I would recommend against using that as
15 the indexing because it's not real.

16 COMMISSIONER CAMILO: In the past—I know
17 that in the past—sorry.

18 CHAIRPERSON BENJAMIN: Sorry. Alison.

19 COMMISSIONER HIRSH: You can answer that.
20 You can just talk about it however it is. I know
21 that decision.

22 COMMISSIONER CAMILO: I—I understand that
23 that's your point, but certainly in the past, and
24 there have been many instances where the Mayor's
25 Offices—the Mayor's Office has grown as it's not a

2 fact to be accepted as truth that it will always be
3 that case that it won't always stand firm or
4 stagnant. So, certainly, you know, we can point to
5 instances where--where the--where the headcount has
6 increased in their operating budget, and-and, you
7 know, I think that that's a fair--as they're an
8 elected official much, much like these are as well,
9 we would--that would be the proposal that I would
10 prefer.

11 CHAIRPERSON BENJAMIN: Alison.

12 COMMISSIONER HIRSH: So, I--I may just not
13 have heard you because it was hard to hear, but I--I
14 don't quite understand what the problem you're trying
15 to solve with this amendment is because the proposal
16 on the table is not like the CCRB Proposal. It's not
17 tying these office--the budgets of these offices to
18 any percentage index or any connection to any other
19 office. It's simply taking the existing budget
20 agreement and whatever their budgets are right now
21 and saying they'll stay the same or sort of increase
22 based on inflation or a percentage increases. So, I
23 don't quite understand why we would want to tie them
24 percentage wise to any other office.

2 COMMISSIONER CAMILO: So, if we tie it to
3 I think inflation is one of the markers, right,
4 during the last--during the last recession for example
5 where there were reduction in--in citywide personnel
6 headcount, et cetera, inflation still went up. So,
7 when you have a situation where, you know, there is
8 an economic downturn, where it cuts need to be made,
9 inflation, which is a bit--it might not necessarily
10 relate to an economic, a condition would still be
11 increasing. The dollar value of money continues to
12 increase over time. So, separating inflation we
13 thought, I thought might be the--the way to--to tie the
14 budgets rather than that index.

15 COMMISSIONER HIRSH: But doesn't the
16 proposed language solve for that both by suggesting
17 that the increase is only--it's either inflation or
18 the percentage increase of a budget of the citywide
19 budget, and whichever is less, and Jim just clarified
20 that that means if the city budget goes down, the
21 budget for these offices would also go down.

22 COMMISSIONER CARAS: [off mic] Or go down
23 half their size. (sic)

24 COMMISSIONER HIRSH: Oh.
25

2 COMMISSIONER CARAS: [off mic] It's off
3 the worksheet.

4 CHAIRPERSON BENJAMIN: Yeah, I would move
5 to strike upward, and just say adjusted so that if it
6 moves downwards, it moves downwards. Okay, I'll make
7 that amendment after you're done.

8 COMMISSIONER HIRSH: So, assuming--so you
9 make, assuming we were able to--

10 CHAIRPERSON BENJAMIN: [interposing]
11 Allowing such a movement.

12 COUNCIL MEMBER HIRSH: --I mean could
13 run--amend the original language to remove the word
14 upward. Wouldn't the problem that you're trying--
15 isn't the problem that you're trying to solve already
16 incorporated in the proposed language? [pause]

17 COMMISSIONER CAMILO: There might be a
18 situation and I believe and I believe that there has
19 been a situation where though there was an economic
20 downturn because of contractual requirements or what,
21 et cetera, the cost that we would have to pay that
22 the budget actually increased anyway. So, I think
23 that that's what we were trying to divorce the--the
24 budgets for these offices from the overall city's
25

2 budget to tie it some-something else that can be-that
3 would expand or contract or-but similarly.

4 COMMISSIONER HIRSH: But the original
5 statement also allowed for the Mayor to submit
6 rationale for why that can't work anyway.

7 COMMISSIONER CAMILO: That's if it's not-
8 if-if there's a-a move to specifically call out or-or
9 change the-the current arrangement as written.

10 COMMISSIONER GREENE: Like I just kind
11 of-I guess I don't-I think based on the way we've
12 been talking about the fiscal necessity language,
13 being in a situation where the overall city goes up
14 because of collective bargaining, but trying to sort
15 of turn off that because of the-the recession. I-I
16 guess I-

17 CHAIRPERSON BENJAMIN: [interposing]
18 Well, if OMB. If-if-if DC37--if the Mayor, a Mayor
19 reaches a collective bargaining agreement with DC37
20 and Borough Presidents have DC37 employees, et
21 cetera, they are going to give--

22 COMMISSIONER GREENE: Yes.

23 CHAIRPERSON BENJAMIN: --the Borough
24 Presidents that money, too.

25 COMMISSIONER GREENE: Yeah.

2 CHAIRPERSON BENJAMIN: So, if it's the
3 collective bargaining, they're going to be made whole
4 for the collective bargaining anyway whether there's
5 an upturn or downturn.

6 COMMISSIONER GREENE: Well, if it's not
7 everyone in of a BP's offices, Public Advocate's
8 office is-is part of those collective bargaining
9 arrangements. So, it's right that-

10 CHAIRPERSON BENJAMIN: [interposing] OMB
11 gives you the money for all of-for the headcount--

12 COMMISSIONER GREENE: Right.

13 CHAIRPERSON BENJAMIN: --and then you can
14 determine how you want to allocate it. If the
15 settlement with a DC37 is 4%, you get 4% times your
16 employees, and if they are not unionized, you can
17 give person 12% and another person 2% is how it
18 works, but you get the full pot of money. [pause] Mr.
19 Vacca.

20 COMMISSIONER VACCA: I rise to oppose the
21 amendment, and I think the proposal submitted by the
22 staff really does indicate how I would proceed. To
23 tie the budgets of the Public Advocate and the
24 Borough Presidents to the Office of the Mayor is
25 something I-I would want to first the question: What

is the budget of the Office of the Mayor. The Mayor's Budget has never been fully transparent because there are people that the Mayor, whoever the Mayor is, hires and puts on lines of other city agencies, the Special Assistants, the Deputy to the Special Assistant, the Assistant to the Special Assistant, the Assistant to Deputy to the Special Assistant. We all know about this. I've been around for years. The Budget of the Mayor whoever the Mayor is, is not transparent, and why we should link other elected officials to that budget or to the budget of the labor-of the Office of Labor Relations, Contract Services. It-it-it just doesn't make sense, and I-I don't know how this was written. I think that we're on the right path. We-this money that they're proposing to give to the Public Advocate or the Borough Presidents, the money is peanuts. I said it last week. I say it again: Peanuts. Yet, are we going to make a commitment to having effective borough presidents and an effective Public Advocate? Well, that's the decision we have to make, and we do have a formula, which is not going to break the city's bank. Let's be honest.

CHAIRPERSON BENJAMIN: Any further-

2 COMMISSIONER CARAS: I'll just ask Jim:
3 Would you prefer walnuts. [laughter]

4 COMMISSIONER VACCA: [off mic] And he's
5 got his light on.

6 CHAIRPERSON BENJAMIN: Any further
7 discussion on [background comment]—any further
8 discussion on the Amendment? Call the question on
9 the Proposed Amendment that offered by Commissioner
10 Camilo? Call the question?

11 COMMISSIONER HIRSH: [off mic] Yes.

12 CHAIRPERSON BENJAMIN: Is there a second?

13 COMMISSIONER CARAS: [off mic] Second.

14 CHAIRPERSON BENJAMIN: Call the roll,
15 please on the Amendment, which is referred to as the
16 Anticipated Motion to Amend on the sheet you have in
17 front of you.

18 LEGAL COUNSEL: Commissioner Albanese.

19 COMMISSIONER ALBANESE: [off mic] I'll
20 pass.

21 LEGAL COUNSEL: Commissioner Barrios-
22 Paoli.

23 COMMISSIONER BARRIOS-PAOLI: No.

24 LEGAL COUNSEL: Commissioner Camilo.

25 COMMISSIONER CAMILO: Yes.

1 CHARTER REVISION COMMISSION

60

2 LEGAL COUNSEL: Commissioner Caras.

3 COMMISSIONER CARAS: No.

4 LEGAL COUNSEL: Commissioner Cordero.

5 COMMISSIONER CORDERO: No.

6 LEGAL COUNSEL: Commissioner Fiala.

7 COMMISSIONER FIALA: No.

8 LEGAL COUNSEL: Commissioner Gavin.

9 COMMISSIONER GAVIN: Yes.

10 LEGAL COUNSEL: Commissioner Greene:

11 COMMISSIONER GREENE: Yes.

12 LEGAL COUNSEL: Commissioner HIRSH:

13 COMMISSIONER HIRSH: No.

14 LEGAL COUNSEL: Commissioner Miller.

15 COMMISSIONER MILLER: Yes.

16 LEGAL COUNSEL: Commissioner Nori.

17 COMMISSIONER NORI: [off mic] Yes. (sic)

18 LEGAL COUNSEL: Commissioner Tisch.

19 COMMISSIONER TISCH: No.

20 LEGAL COUNSEL: Commissioner Vacca.

21 COMMISSIONER VACCA: No.

22 LEGAL COUNSEL: Commissioner Weisbrod.

23 COMMISSIONER WEISBROD: Yes.

24 LEGAL COUNSEL: Commission Albanese.

25 COMMISSIONER ALBANESE: Yes.

2 LEGAL COUNSEL: Chair Benjamin.

3 CHAIRPERSON BENJAMIN: Yes. Oh, I'm
4 sorry. Scratch that. No. [background
5 comments/coughing] I've jumped ahead of myself.
6 Sorry.

7 LEGAL COUNSEL: 6 in the affirmative, 9
8 in the negative. The motion fails.

9 CHAIRPERSON BENJAMIN: And now on the
10 Revised Proposal 16. [pause] I'm sorry, everyone.
11 I'm just—

12 COMMISSIONER VACCA: I make a motion to
13 accept Reso—Revised Proposal 16.

14 LEGAL COUNSEL: Yes, sir.

15 CHAIRPERSON BENJAMIN: Okay. Yes. I
16 would like to make one amendment, and then I think we
17 can vote to change the language to read in the second
18 clause: Adjusted removing the word upward. So that
19 if there is a downward trend in future years, it
20 would be adjusted downward. With that amendment,
21 discussion? Call the question? Second? Call the
22 roll.

23 COMMISSIONER GREENE: We're voting on
24 the--?
25

2 CHAIRPERSON BENJAMIN: Revised Proposal
3 16 with the one change--

4 COUNCIL MEMBER GREENE: Of the--?

5 CHAIRPERSON BENJAMIN: --that says--I'm
6 being asked to read. I can tell Ed moves over my
7 shoulder. Require that the budgets for the--
8 [background comments/pause] I'm told that my
9 amendment to remove the word upward, can we vote on
10 that by unanimous consent removing the word upward.
11 All in favor?

12 COMMISSIONERS: [in unison] Aye.

13 CHAIRPERSON BENJAMIN: All opposed?
14 Okay, so now, I'm going to--I will read the proposal:
15 Require that the budgets for the Public Advocate and
16 Borough Presidents be set at or above their
17 respective Fiscal Year 2020 Budgets adjusted upward
18 in future Fiscal Year--I'm sorry. Adjusted in future
19 fiscal years by the lesser of (1) inflation or (2)
20 percentage increase in the city's total budget.
21 Notwithstanding the above, the Mayor may propose and
22 the Council may adopt a lower budget for the Public
23 Advocate of Borough Presidents if the Mayor makes a
24 writer determination of fiscal necessity setting
25 forth in detail (1) the basis for that determination,

1 CHARTER REVISION COMMISSION

63

2 and (2) that the proposed reduction for that office's
3 budget is part of an overall plan to address a
4 downturn in city revenues or unforeseen financial
5 circumstances. [pause] [coughing] Call the question?
6 Yes. Second? Please call the roll.

7 LEGAL COUNSEL: Commissioner Albanese.

8 COMMISSIONER ALBANESE: [off mic] I'll
9 pass. (sic)

10 LEGAL COUNSEL: Commissioner Barrios-
11 Paoli.

12 COMMISSIONER BARRIOS-PAOLI: Yes.

13 LEGAL COUNSEL: Commissioner Camilo.

14 COMMISSIONER CAMILO: No.

15 LEGAL COUNSEL: Commissioner Caras.

16 COMMISSIONER CARAS: Yes.

17 LEGAL COUNSEL: Commissioner Cordero.

18 COMMISSIONER CORDERO: Yes.

19 LEGAL COUNSEL: Commissioner Fiala.

20 COMMISSIONER FIALA: Yes.

21 LEGAL COUNSEL: Commissioner Gavin.

22 COMMISSIONER GAVIN: No.

23 LEGAL COUNSEL: Commissioner Greene:

24 COMMISSIONER GREENE: No.

25 LEGAL COUNSEL: Commissioner HIRSH:

1 CHARTER REVISION COMMISSION

64

2 COMMISSIONER HIRSH: Yes.

3 LEGAL COUNSEL: Commissioner Miller.

4 COMMISSIONER MILLER: Yes.

5 LEGAL COUNSEL: Commissioner Nori.

6 COMMISSIONER NORI: Yes.

7 LEGAL COUNSEL: Commissioner Tisch.

8 COMMISSIONER TISCH: Yes.

9 LEGAL COUNSEL: Commissioner Vacca.

10 COMMISSIONER VACCA: Yes.

11 LEGAL COUNSEL: Commissioner Weisbrod.

12 COMMISSIONER WEISBROD: No.

13 LEGAL COUNSEL: Commission Albanese.

14 COMMISSIONER ALBANESE: Yes.

15 LEGAL COUNSEL: Chair Benjamin.

16 CHAIRPERSON BENJAMIN: Yes.

17 LEGAL COUNSEL: 12 in the affirmative, 4
18 in the negative. The motion carries.

19 CHAIRPERSON BENJAMIN: Thank you. Now we
20 move onto our next items of business, which were
21 additional Commissioner proposals, which were sent to
22 us by a number of you. The first one of which is
23 establishing a democracy voucher system for financial
24 electoral campaigns. Is there any discussion?
25

2 COMMISSIONER ALBANESE: Yes, of course.
3 There's a malfunction here.

4 CHAIRPERSON BENJAMIN: You've broken the
5 microphone. You will now have to pay for it.

6 COMMISSIONER ALBANESE: Okay we're all
7 set. Before I begin my presentation of Democracy
8 Vouchers, which is relatively lengthy. Let me—let me
9 say that I've listened to a lot of comments about
10 Democracy Vouchers. Democracy Vouchers from different
11 folks so a lot of reservations about implementation,
12 about whether it—it's ready for the 2021 elections,
13 and whether a hybrid works for the 2021 election. I
14 don't think those arguments are—are strong. I—I
15 don't subscribe to them, but I'm willing to amend my
16 proposal, amend my proposal so that if Democracy
17 Vouchers is adopted by the voters, that New York City
18 begin its implementation in the City Council races in
19 2023 and that implemented in all races in 2025. So,
20 that's my proposed amendment. The Charter's most
21 important responsibility is organizing our political
22 system so that we have a true democracy where the
23 voice of every citizen counts. There's no denying of
24 the influence of big money is ruling our democracy.
25 That's why I'm recommending we adopt Democracy

2 Vouchers as our—as a reform in this city. Let me
3 begin by analyzing what I consider a flawed matching
4 money campaign finance law, and followed up with a
5 discussion of the Democracy Vouchers adopted by
6 Seattle and would be voted on and Albuquerque and
7 Austin and in the fall elections. In addition,
8 Senator Gillibrand had proposed vouchers on the
9 national level as a presidential candidate. I was a
10 Council Member in the late '80s when we voted to
11 adopt this matching money system as a method to curb
12 Pay-to-Play corruption after a series of scandals
13 rocked the city. The goal was to empower some more
14 donors eliminating the influence of conflicted big
15 money contributors. I voted for it despite doubts
16 about its effectiveness. The law initially matched
17 small contributions on a one-to-one basis. Over the
18 years, the match increased to 6 to—6 to 1. Now we're
19 at 8 to 1. Pay-to-Play corruption under the 6 to 1
20 match as anyone who reads the papers knows has been
21 on steroids, and it won't be addressed with an 8 to 1
22 match. However, it will cost taxpayers more money,
23 help incumbents, consultants, lawyers. It's throwing
24 good money after bad. This spin sound great. You
25 hear that a \$10 donation from a city resident will

2 turn to \$90. What you don't hear is the qualifying
3 for the match. As a candidate for mayor for example
4 you have to raise \$250,000 in matching dollars, and
5 have a total of city resident donors. In other
6 words, a thousand people have to give you money.
7 Therefore, if you're running for Mayor with the real
8 powers in this city, depending on \$10 donors, you
9 would need to have 25,000 people to reach the
10 matching threshold, 25,000. The 1,000 city resident
11 is fair. I think you—in order to be a credible
12 candidate you need to—you need to show that you've
13 got support of a 1,000 people. However, it's a
14 different story when it comes to \$250,000 match.
15 Here's what happens. Political insiders have a
16 Rolodex or the fix is in the city, they're well
17 healed donors. They get on the phone. They
18 immediately raise—raise money from these folks who
19 have—many of them have commercial interest in the
20 city. Our law allows a \$2,000 contribution as a
21 match, which is really very high. The insiders will
22 ask and receive \$2,000, which of the first \$250
23 they'll be matched by the city—by the Campaign
24 Finance Board, and they'll quickly reach the matching
25 threshold. They'll get there very quick. The

2 independent, the credible independent may have a
3 thousand city residents who have donated small
4 amounts of money like \$10 would be left in the
5 proverbial dust, written off by the press and
6 incumbents is poorly funded, a long shot with no
7 chance of winning, which further erodes that person's
8 ability to raise money. Basically, you become a non-
9 candidate still being on the ballot because you can't
10 compete because these folks have already reached the
11 matching threshold with this private money. For
12 example, today as we sit here the-the Mayoral
13 contenders have already raised over \$5 million in
14 private money, already. Most of that money doesn't
15 come from the Queens Bridge Houses or all the
16 residents or the working class residents of Staten
17 Island. It comes from wealthy folks who have-many of
18 them have-have conflicts-not conflicts. They have
19 interest in the city, city government, businesses and
20 what have you. Incredibly, under this system
21 lobbyists and conflicted parties are able to bundle
22 cash for their favorite candidate. In other words,
23 if I'm a lobbyist, I get 20 people in a room and say,
24 I want to \$2,000 from all of you. You raise \$40,000
25 like that. It does-once again, ordinary people are

left out of the process. Ironically, these folks now they have to spend less-less cash because the taxpayers will pick up the rest of the tab. Russell Berman wrote an article in the Atlantic on campaign finance. Here's what he said about the New York City's matching fund program: Where it has been held up as a model by good government groups, it has done little to disrupt domination by the political class. The matching systems are a bureaucratic nightmare. Don't take my word for it. Ask anyone who has dealt with the Campaign Finance Board. Candidates are forced to hire lawyers, consultants. An entire cottage industry has been created to deal with this \$17 million agency. It has failed miserably to curb Pay-to-Play. It doesn't empower small donors, and for the city's most important race in 2017, 8%, 8% of the money came from small donors, those contributing \$250 or less, and I'll bet you half of the people within that category are from the wealthiest zip codes of this city. Another failure to matching law is very important, but seldom mentioned when they call this system a model. There's a huge economic and racial gap among donors. The vast majority of donors are white and from the higher income strata.

I asked the Campaign Finance Board on how many people of color donate to campaigns and they can be only to have—didn't have any data. Seattle had the data. It was available. I suspect that the answer in New York City is embarrassing as well. This expensive system helps insiders or large lobbies and other conflicted actors to bundle campaign cash, has not mitigated Pay-to-Play and has little participation from ordinary people and should be replaced. This leads me to Democracy Vouchers and likes are much superior campaign finance system. It's considered the gold standard. Seattle adopted vouchers by referendum in 2015, the first of its kind in the United States and implemented for the 2017 election cycle. Every voter in the city received four \$25.00 vouchers to use in the City Council and City Attorney races, which by the way, citywide races, and even one cycle the program nearly tripled the number of citizens participating in the Campaign Finance system. Voucher users were substantially more diverse in terms of race, age and especially income. This year in City Council contests, those numbers are already significantly higher than 2017, and the final numbers are not in. At this point in 2017, about 13,000

vouchers were received. In 2019, the number has grown to nearly 57,000. I provided data from researchers for your packet, by the way, on that issue. In 2017, six candidates for large City Council seats and City Attorney participated in the program. This year there are a whopping 42 candidates on track to collect Democracy Vouchers. Seattle is now on pace on to use vouchers in all races in 2021 including the Mayor's race. The 2019 tour is trending to bring in a record number of citizens into their local campaign finance system, and far surpasses the number of private donors that funded elections before vouchers were adopted. The Democracy Voucher system is significantly less bureaucratic and perhaps cheaper than the New York City. It might even—it will save taxpayers money. To be eligible for vouchers, you must be a credible candidate by garnering signature donations. In Seattle, you need 600 signatures and 600 people have to give you at last \$10 to qualify for vouchers. Unlike New York City the maximum donation is \$500. The beauty of this program, and the secret to its success is whether you're a wealthy resident, a working class or a poor citizen, you will receive the

same four vouchers, and you can donate to anyone running for municipal office. I always use this example that if you're a resident of NYCHA earning \$30,000 a year, you will be mailed the same four \$25 vouchers as the hedge fund manager who lives in the wealthiest zip code. Vouchers change the game. The candidates whether incumbents or challengers so that they spend their time talking to ordinary voters rather than the donor class vouchers turn every single voter into a donor, influence peddlers, and there are many in this city. Lobbyists and other conflicted donors are no longer in the fundraising equation, effectively end Pay-to-Play, and boy, the Pay-to-Play scammers in this city have been nothing short of outrageous including comments from the U.S. Attorney and the D.A. about Pay-to-Play in this town. I'm familiar with arguments which some will make against vouchers. I don't agree with them, but they include the distributors (sic) more time to see if it works. While two cycles is a lot of time and the results have been sterile. This is why Seattle will be moving forward with the program in their races in 2021. This is why Albuquerque and are sort of comfortable with the program. It will be on the

ballot for adoption in November. This is why presidential candidates Joe Brandon and Yang have proposed vouchers, and they're actually on the level. Another argument is that that New York City is too large. With others in terms of scaling, that may be an issue. I don't—I don't subscribe to that argument. Ms. Gillibrand is proposing this on a national level. So, you could imagine that its scaling will not be an issue, and we just adopted Ranked Choice Voting. Talk about something that's confusing. Democracy Vouchers were a lot easier to adopt, and it's pretty straight forward than Ranked Choice Voting. I don't buy the arguments, but one, I'm willing to compromise and as per my amendment, and finally, will vouchers upset the political quest by truly providing regular people with a voice in the elections? Yes, it will. Will vouchers create real competition in our elections? Absolutely. Will vouchers minimize or eliminate Pay-to-Play corruption? Absolutely. Will it increase citizen participation? Absolutely. My fellow commissioners we have a chance to be part of history. We will be on the leading edge of addressing one of the major defects of our political system, the corrosive

influence of money on our politics. Let's not blow this opportunity.

CHAIRPERSON BENJAMIN: Well, thank you, Sal. Discussion? Fiala and then Reverend Miller

COMMISSIONER FIALA: Thank you. [coughs] Thank you, Madam Chair. Commissioner Albanese, I confess that no position under consideration by this Commission has proven to be more vexing to me than your signature issue of Democracy Vouchers. After the appointment of this Commission, but before we even held our first organizational meeting, you were reaching out to me and other commissioners to enlist support for your proposal. I told you then that I was not philosophically supportive of public finance campaigns as a general proposition, and that I believe such systems have resulted in a mixed record at best, and often with more hype about being a genuine reform of success than being an actual success. The forecasted outcomes and promises about such systems—systems are laudable goals to be sure. I agree with you that the obscene levels of money in political campaigns is perverse, and cries out for redress, but I have not been convinced that taxpayers subsidize campaigns are the anecdote. Nor to I

believe that the evidence to date has shown that the forecasted increases in political competitiveness in races and reduced levels of corruption, which in recent years have been staggering, have materialized. A Gotham Gazette opinion piece this past January pointed to the historical hoped for impact on civic engagement that has indeed not materialized since the creation of publicly funded campaigns. In 1989, the piece went on to note voter turnout in the mayoral election, the first to occur under a publicly financed plan, was 60%. In 1993, it was 57%. The Board of Elections reports indicate that in 1997, voter turnout was 40%. In 2001, 41%; 2005, 33%; 2009, 28%; 2013, 26%; 2017, our last mayoral race under 25%. Interestingly, more eligible voters than ever are registered in our city, but a 42% decline, a 42% decline in turnout over a 30-year period that happens to coincide with the publicly financed campaigns. Even worse, in 2017, the citywide primary elections, citywide primary elections, the decisive round let's face it in this city, to determine our citywide officials, saw only 12% of eligible voters come out to the polls and vote. The trend lines are beyond refute, and they speak to a civic crisis

demanding a solution. Politics is about contested ground. It's a forum of for reconciling our differences through civil, informed, competitive yet responsible debate. The alternative to politics is barbarism. It was no accident with the very first words of our nation's Constitution began with: We the people. You, Sal, Jimmy, myself how many hundreds of time, hundreds of meetings have we been in that room during a Stated Meeting, and pointed up to the beautiful mosaic above the Speakers rostrum with that artwork? You know it, Madam Chair. We the people. I ask you to pause for one moment and reflect on that, and if you do, you realize something. You realize that the birth of America was the longest of longshots. It was the very first of its kind, and it wasn't supposed to happen. That birth was dependent upon two essential and mutually re-enforcing ingredients. The first still remains I hope obvious even today. It was a new vision of what a government's relationship to its citizenry could and should be. It was a near perfect vision for a self-governing people crafted by a very capable yet imperfect group of founding fathers. The second essential ingredient was the participation and the

support of ordinary people, we the people. If those two sides of that same coin were not aligned and fused together in one accord, we would not be able to be sitting here today debating the issues of our own time. In Federalist Paper No. 51, James Madison offered in a reflection on government and human nature, but what is government itself, but the greatest of all reflections of human nature? Madison asked. If men were angels, no government would be needed. If angels were to govern men, neither external nor internal controls on government would be necessary. Informing a government that is to be administered by men over men, the great difficulty lies in this: You must first enable the government to control the governed, and in the next place force it to control itself. Federalist 51 is my favorite of the 85 Federalist Papers. Hamilton, Madison and Jay really got something right. In my mind that paper speaks to the great challenge every succeeding generation has in perpetuating our 230-year experiment as the world's leading democratic republic. We are delusional if we believe our form of government can be run on auto pilot for very long. Our political system like the world itself is not

static, but dynamic. It's success and survival depend on every generation being able to meet the evolving challenges of an aging democracy, and make not mistake, we are an old democracy. Both the political class and the people are jointly responsible for preserving, improving and maintaining a vibrant election system. One of my favorite authors C.S. Lewis once said: A sick society must—must think about politics as a sick man must think about digestion. We think about such things to be able to think about something else. I interpret C.S. Lewis' words to mean that we should take great care of what we have because it might not be there tomorrow. Last year when I started—when we started our work, I said I would I would do what Saint Benedict admonished his monks to do in his rule. The very first words of the Benedictine Rule was listen, listen. As I've wrestled with my position on your proposal, Councilman Albanese, I thought about that pledge and of all the people who have stopped me after these meeting we've had across the city this year and last, and told me I owed this issue a fair hearing, not a closed mind simply because of my philosophical predispositions against public

financing, and I've see Mr. Manning. I see Mr. Morano and others who traverse the city with us. I thank you for being here tonight, and I think you for having attended then. As of tonight, my philosophical opposition remains. The efficacy of public financing of campaigns is still suspect in my mind. In working through this vexing conundrum, I came to a conclusion late Sunday night after thinking about something Saint Augustine said regarding philosophy and life. I turn to him often. He said this: If I have said something reasonable, then follow not me, but reason itself. John Henry Newman, the great theologian and poet, priest and cardinal was the greatest convert to my faith in the 19th Century. He converted because he realized like Augustine, that to live is to change, and to be never content with the last formulation of a particular issue. I may prefer an apple to a lemon, but the choice I'm called upon today isn't a choice between an apple and a lemon. It's not a question of shall we have a publicly funded finance campaign system in New York City or shall we not? New York City has had for 30 years, and will continue I imagine to have for many years to come a publicly finances campaign

2 system. The question tonight rather is whether a
3 different method of public financing, one that offers
4 hope and portends better outcomes in the areas of
5 campaign competitiveness, efficiency, increased
6 grassroots campaigning, a lost art by candidates, and
7 empowering—empowering voters who have for too long
8 felt too disconnected from and dismissed by their own
9 government. My choice tonight isn't between an apple
10 and a lemon. There is only one choice, the choice is
11 between a 30-year-old lemon with a spotty record at
12 best of a lemon characterized as the next generation
13 and logical extension of campaign finance systems.
14 Therefore, in my judgment notwithstanding my personal
15 feelings or apprehensions a compelling case has been
16 made and has been excitingly made, and the threshold
17 test has been met for allowing the question of
18 Democracy Vouchers to be placed before the voters
19 themselves this November and debated in the court of
20 public opinion in earnest between now and Election
21 Day. With that Sal, I hope I've delivered on my
22 commitment to keep an open mind, and I support your
23 measure. [background comments/pause]

24 CHAIRPERSON BENJAMIN: Reverend Miller,
25 you were next.

2 COMMISSIONER MILLER: Thank you, Madam
3 Chair. I think I'm in total agreement with the
4 proposed amendment that's on the-about to be on the
5 floor, hopefully. Last we decided to adopt Ranked
6 Choice Voting for the people of the City of New York
7 to consider on the ballot. So, if we're going to be
8 about change, and I think we have a wonderful
9 opportunity here, and why stop there. We can take it
10 further, and establish a Democracy Voucher system for
11 the people to consider on the back of the ballot.
12 The character that New York City always touts itself
13 politically as progressive. I feel like we have
14 Seattle, Washington, Albuquerque, Austin, and other
15 municipalities around the country are going to adopt
16 Democracy Vouchers, New York City will be not
17 progressive, but reactors as far as this-this
18 measure. So, for two reasons I think it's important
19 for us to give this our whole time and attention, it
20 will revive the spirit of the electorate and number 2,
21 it will offer a legitimate and clear avenue for new
22 potential elected officials to come to the floor,
23 lesser known officials that are-lesser known
24 candidates that don't have access to-to great
25 resources. So, I think the argument against

Democracy Vouchers is that the City Council can adopt it by virtue of the existing statutes of-of the city.

One problem I have with that argument is that the pattern that I see from my position as a pastor I see a lot of people who first start out as concerned citizens who become candidates, candidates who become electives, and when they become elected, something changes. They-they become real turned on by the access to resources and wealth, and so the pattern that I see is one that starts in-in surges that ends up in complacency, and so, the only two things that stop elected officials from being elected officials is in my estimation are term limits and scandal. So, to again reference Mr. Fiala's reference to Saint Augustine, which I appreciate. There was so much theological material in your presentation. I think I have a sermon for Sunday. Thank you very much.

[laughter] Saint Augustine also wrote City of God, and-and I think when it comes to campaign financing and how elections are swayed in this city, there are some very ungodly things that go on in this city not that Democracy Vouchers will make elections and campaign financing perfect, but it will make it better than it is right now. So, I think it's

2 totally worth our time and attention, and I think it
3 should end up on the ballot as proposed.

4 CHAIRPERSON BENJAMIN: Thank you Reverend
5 Miller. Is there any other discussion? [pause]
6 Commissioner Cordero. (sic)

7 COUNCIL CORDERO: Well, I'd like to just
8 add there's a—I think it's a—we were talking about
9 being bold and I think this is possibly one of the
10 boldest moves we could make. I don't know if it's
11 actually going to work for the city, but I am in
12 support of it, and I move to call the question.

13 CHAIRPERSON BENJAMIN: Any other
14 discussion. Call the question.

15 COMMISSIONER GAVIN: Second.

16 CHAIRPERSON BENJAMIN: Call the roll.

17 LEGAL COUNSEL: Commissioner Albanese.

18 COMMISSIONER ALBANESE: [background
19 comments] Can I offer another amendment at this
20 point procedurally?

21 CHAIRPERSON BENJAMIN: You can't offer it
22 now that the question has been called.

23 COUNCIL MEMBER ALBANESE: Subsequent?

24 CHAIRPERSON BENJAMIN: Depending on what
25 happens.

2 COUNCIL MEMBER ALBANESE: Of course, aye.

3 LEGAL COUNSEL: Commissioner Barrios-
4 Paoli.

5 COMMISSIONER BARRIOS-PAOLI: Yes.

6 LEGAL COUNSEL: Commissioner Camilo.

7 COMMISSIONER CAMILO: No.

8 LEGAL COUNSEL: Commissioner Caras.

9 COMMISSIONER CARAS: I want to commend

10 Sal and his passion. I think it's a rally

11 interesting, intriguing idea. I love the thought of

12 people in communities that have not been included

13 being included. I've talked to experts, though and

14 they have told me that, you know, questions should be

15 studied such as should this replace our current

16 system? Should this be added onto our current

17 system? And I just feel like it's-it's precipitous

18 to act now. So, I vote no.

19 LEGAL COUNSEL: Commissioner Cordero.

20 COMMISSIONER CORDERO: Yes.

21 LEGAL COUNSEL: Commissioner Fiala.

22 COMMISSIONER FIALA: I'd just point out,

23 Sal, that in 1998 when you adoptee Campaign Finance

24 system, New York didn't lead at that time either. It

25 actually followed Seattle, Washington. I vote aye.

2 LEGAL COUNSEL: Commissioner Gavin.

3 COMMISSIONER GAVIN: [off mic] Hold on.

4 [on mic] I, too, want to thank Commissioner Albanese
5 for his passion, and his commitment to this, but I,
6 too, feel that there's a need for further study. So,
7 I will have to vote no.

8 LEGAL COUNSEL: Commissioner Greene:

9 COMMISSIONER GREENE: No.

10 LEGAL COUNSEL: Commissioner Hirsh.

11 COMMISSIONER HIRSH: I, too, want to
12 thank Commissioner Albanese, and I just, you know,
13 this is an issue that we've been—I've been studying
14 personally and through my work in all of the cities
15 in which we work, and I think it is something I
16 really want to spend a lot more time figuring out. I
17 think any point that we're not quite sure whether it
18 works in New York City is what gives me pause at this
19 moment on putting something so bold onto the ballot
20 without enough thought and—and figuring out how to—
21 how it impacts our current system, et cetera. So,
22 I'll be voting no.

23 LEGAL COUNSEL: Commissioner Miller.

24 COMMISSIONER MILLER: Yes.

25 LEGAL COUNSEL: Commissioner Nori.

2 COMMISSIONER NORI: Yes.

3 LEGAL COUNSEL: Commissioner Tisch.

4 COMMISSIONER TISCH: No, but I do want to
5 say when I spoke to Sal I promised him I was going to
6 read up on it, and speak to some people, which I did,
7 and a lot of them consider themselves national
8 political experts, and they--to the person before them
9 today said to me that this is an idea whose time may
10 not be today in New York, but you can be sure over
11 the next decade it is coming at us with full speed.
12 So, Sal, I vote no, but I like to know a pioneer.

13 LEGAL COUNSEL: Commissioner Vacca.

14 COMMISSIONER VACCA: I, too, want to
15 thank Sal, and I want to thank Commissioner Fiala for
16 his fantastic, fantastic explanation, and clarity on
17 the issue. I'm committed to campaign finance reform,
18 very much so, and I'd be willing to look at this as
19 other members have indicated as a part of a
20 commission that would study it at public hearings,
21 get public input, flesh it out. We've spent so much
22 time here on so many specific things, and I think
23 that that's the same opportunity we should afford
24 that proposal. So I will vote no on this motion, and
25 I would be open to further study.

2 LEGAL COUNSEL: Commissioner Weisbrod.

3 COMMISSIONER WEISBROD: I'm also going to
4 vote no, and again, commend Sal and--and Stephen Fiala
5 for their passion and Reverend Miller and Mr.
6 Cordero. I do note that we as a commission are
7 taking for New York City a very bold step here in
8 recommending Ranked Choice Voting to go to the voters
9 this November, and that in and of itself is likely to
10 have profound impact and I hope a very positive
11 impact on the concerns that have been raised about
12 voter participation. I think we will get a much
13 better feel and a handle on whether Democracy
14 Vouchers are appropriate for New York after we see
15 the effect of Ranked Choice Voting, and I hope that
16 the voters will embrace our recommendation on that--on
17 that matter, and just want to agree with Dr. Tisch
18 that this may be something that is on the horizon,
19 but it's on--it has not come yet, and I think it
20 should be examined in the light of hopefully a very
21 new world of voting that we will see in 2020.

22 LEGAL COUNSEL: Chair Benjamin.

23 CHAIRPERSON BENJAMIN: I, too, would like
24 to thank all of the people who have been involved in
25 this discussion. Sal and I have certainly had many a

2 discussion about this item. I certainly agree that
3 the fact that voting participation is so low is
4 criminal. Whether that in part is because of the
5 candidates who run, because of people's disaffection
6 for government, because of a lack of voting
7 opportunities or voter suppression. All of those
8 things add into where we find ourselves that
9 Commissioner Fiala talked about, which is that every
10 year participation goes down. I think that is a
11 critical issue facing our entire country, and trying
12 to understand why that is, is something that I am
13 interested in doing. I don't find at this stage that
14 Democracy Vouchers are the answer for me to that
15 question. So, I will be voting no on that, but I
16 would really like to be involved in studying the
17 question of participation, and ways to increase it.
18 [coughing] I vote no at this time on this matter.

19 LEGAL COUNSEL: Five in the affirmative,
20 10 in the negative, the motion fails.

21 COMMISSIONER ALBANESE: Madam Chair, I'd
22 like permission since we've had a number of
23 Commissioner express interest in a study, I'd like to
24 offer an amendment.

2 CHAIRPERSON BENJAMIN: You're going to
3 have to wait 'til the end on that. That's not what
4 is on this question, and will you put that off to the
5 end when new business comes?

6 COMMISSIONER ALBANESE: Yeah.

7 CHAIRPERSON BENJAMIN: Okay. I think it's
8 you again Sal, establishing a 5-Year Post-Employment
9 lobbying ban for elected officials and senior
10 appointed officials. I-I would just add, as you know,
11 there is a time-a 5-minute time limit that we went
12 way beyond, and I would just ask you to be mindful of
13 that.

14 COMMISSIONER ALBANESE: I will definitely
15 keep to that timeframe. My proposal calls for a 5-
16 year-a 5-year ban on-on lobbying for elected
17 officials and other appointed, high appointed
18 officials. There is a wide swath of agreement on
19 this issue that legislators, some legislators at the
20 end of their term could be influenced as they look
21 for new a new job and-and may look favorably on
22 issues that in-that are being promoted by-by
23 lobbyists and others hoping to wind up there with a
24 big lobbying job, and it's-I think it's a-a conflict
25 of interest and it's something that not only I'm

2 proposing, but we have folks at the federal level
3 from Congresswoman Ocasio Cortez to Senator Ted Cruz.
4 They're proposing lifetime ban on-on lobbying by
5 elected officials. I mean we are New York City.
6 This is a very, you know, a town full of lobbyists
7 and-and elected officials that-that obviously would
8 like those jobs and-and it-it brings about conflicts
9 of interest, and we have a one-year ban in Albany,
10 which is a-not a bastion of ethical comportment, and
11 has a two-year ban. So, I'm proposing a five-year
12 ban and-and hope that my fellow Commissioners support
13 it.

14 CHAIRPERSON BENJAMIN: Discussion? Mr.
15 Fiala.

16 COMMISSIONER FIALA: Thank you, Madam
17 Chair. Commissioner Albanese, would you be open to a
18 friendly amendment at this time?

19 COMMISSIONER ALBANESE: From you, of
20 course. [laughter]

21 COMMISSIONER FIALA: I applaud what
22 you're trying to do. I think you-you-you-you've been
23 a thoughtful maverick through your whole career and
24 trying to clean up government, wanting to good
25 government. I just have concerns about the length of

the ban and how unique this would be. Would you consider adopting the staff proposal that had been discussed in--in our Preliminary Staff Report that brings us into alignment with the state, but doesn't go beyond? That would in effect be, and please correct me if I'm wrong Madam Chair and--and Executive Director that--the--the staff--the Preliminary Staff Proposal was a two-year.

CHAIRPERSON BENJAMIN: That's correct.

COMMISSIONER FIALA: I--I--and I--I--I'm trying to build a bridge and meet you half way, that you could--

COMMISSIONER ALBANESE: [interposing] I now you could.

COMMISSIONER FIALA: I--I couldn't go five years. I just want to--I--I don't want to sandbag you in a vote, and I'm going to be a no vote, but would you consider amending your proposal--

COMMISSIONER ALBANESE: To a two-year ban. (sic)

COMMISSIONER FIALA: To be--to be consistent with--

2 COMMISSIONER ALBANESE:[interposing] I
3 would—I would certainly consider that, yes, and would
4 support that.

5 COMMISSIONER FIALA: And I would—I would
6 be in favor of voting on that.

7 COMMISSIONER VACCA: I'll second the
8 amendment. [pause]

9 CHAIRPERSON BENJAMIN: Just to be clear,
10 you're proposing to reduce it to two years. The
11 staff, what the staff has looked at was a two-year
12 post-appearance ban. You couldn't appear before the
13 body for two years, which I believe is the Albany
14 ban.

15 COMMISSIONER FIALA: My understanding in—
16 my understanding when we looked at this previously
17 and please correct me if I'm wrong, and the
18 preliminary staff talked about a two-year, which
19 would mirror New York State. That's—that's about as
20 far as I think at this time we—we-we should probably
21 go. So, I'm looking—I'm looking to adopt—well, I
22 would—I should say I would be favorable in an
23 amendment that corresponded to the discussion we had
24 some moths back about the—the two-year and the exact
25 language was articulated previously.

2 COMMISSIONER TISCH: It was my
3 understanding--having spent time in Albany, it is my
4 understanding that the two-year ban is an appearance
5 ban that you are not allowed to appear before the
6 elected body. The is no two-year ban on having
7 meetings that are not--that are known polls of the
8 body. (sic) That is just my understanding, and I
9 would--I would like to say that I am in favor of your
10 amendment--

11 CHAIRPERSON BENJAMIN: Would you--

12 COMMISSIONER TISCH: --who are aligning
13 with the Albany--with the state because there is so
14 much contiguous work between the city and the state.
15 So, a natural alignment in these policies I think
16 would be--would go a long way.

17 COMMISSIONER ALBANESE: Well, when we
18 talk about appearances or--or appearance before. So
19 someone leaves the--leaves the Legislature, and then
20 they can not appear before that--before that body for
21 two years, right.

22 COMMISSIONER TISCH: That's correct.

23 COMMISSIONER ALBANESE: --right, it
24 they're lobbyists, but you said something about
25 meetings. What--what does that mean?

2 COMMISSIONER TISCH: Fortunately—I'm not
3 an expert on this subject.

4 COMMISSIONER ALBANESE: Okay.

5 COMMISSIONER TISCH: So, I don't lobby.
6 I don't get involved in that.

7 COMMISSIONER ALBANESE: Right. I
8 understand.

9 COMMISSIONER TISCH: So, my understanding
10 from my time in Albany is that individual legislators
11 can take meetings with people who have previously
12 served in the body.

13 COMMISSIONER ALBANESE: Within that two-
14 year period you mean?

15 COMMISSIONER TISCH: Yes, within that two
16 years, but I could be wrong, Sal. I'm—I'm not 100%
17 sure.

18 COMMISSIONER ALBANESE: Yeah, I mean it
19 doesn't sound—it doesn't sound—

20 COMMISSIONER TISCH: Yeah, staff assure
21 you Sal that the lobbyists those who are engaged in
22 this feel the burden of it. It is changing the
23 discourse and it is changing—

24 COMMISSIONER ALBANESE: [interposing]
25 That's good.

2 COMMISSIONER TISCH: --the attitude.

3 COMMISSIONER ALBANESE: This is a tiny
4 step, but we'll-we'll-I mean I am-I am concerned
5 about this meeting stuff because it's basically the
6 same. I mean it seems to me--

7 CHAIRPERSON BENJAMIN: [off mic] It's
8 all on the same theme. (sic)

9 COMMISSIONER ALBANESE: No, no, no I--

10 COMMISSIONER TISCH: [off mic] Hold on,
11 please.

12 COMMISSIONER ALBANESE: No, we-we have
13 plenty of--

14 COMMISSIONER CARAS: [interposing] Madam
15 Chair, may I-I--

16 COMMISSIONER TISCH: [off mic] Let him
17 speak for you. (sic)

18 COMMISSIONER ALBANESE: Jim, what's--
19 what's your view on it? I'm a lawyer.

20 COMMISSIONER CARAS: May I-may I read the
21 language of some of the actual. So, rather than me
22 guessing let me just read exactly what the Staff
23 Report talked about. The post-employment appearance
24 restrictions, and I'll only read the relevant part.
25 In these contexts the Charter defines the term appear

2 as any communication for compensation other than
3 involving administrative matters. New York State has
4 certain lengthier post-appearance restrictions. For
5 example, state officers and employees are prohibited
6 from appearing or practicing before the former agency
7 for two years. That was what I was intending to get
8 at to try to as Commission Tisch has said, you know,
9 to have, you know, an alignment with New York State.
10 There is a synergy or-or I think you used the word-
11 you used the word-you used a big word that I liked,
12 and I can't remember, but so-I-I'm-I'm-I'm simply
13 referencing what we had discussed previously, and it-
14 it refers to the post-employment restrictions, which
15 would bring us in accord with what New York State has
16 Commissioner.

17 COMMISSIONER ALBANESE: It's a sad day
18 when we have to bring ourselves up to the Albany
19 standard, but I, you know, I guess, you know, it is
20 what it is.

21 CHAIRPERSON BENJAMIN: Staff has proposed
22 that we extend the cities to two years, which I
23 believe that the city's post-employment restriction
24 is more-is one year, but it is more restrictive than
25 the state. So that we would I think want to be

consistent, and apply the city standard for a two-year period rather than adopting the state standard for a two-year period.

COMMISSIONER ALBANESE: Right. So, what that in effect would mean is it's actually a more robust and stronger system even though it's still only two, you know, two years.

CHAIRPERSON BENJAMIN: For that.

COMMISSIONER ALBANESE: It's actually a stronger version than the state has, but the same amount of time.

CHAIRPERSON BENJAMIN: Correct and Carl, you were next.

COMMISSIONER WEISBROD: Yeah, I—I can't—just, and it's really more of a point of clarification having looked at this and spoken to the Conflicts of Interest Board many, many, many times in order to avoid not only restrictions in the statute, but avoiding lobbying altogether, which—which I do not do, and clearly at least my understanding of the way the city's Conflicts of Interest Board interprets appear it is much, much broader than the—than the state, and it—it—it really refers to any

2 communication basically on behalf of a paying client
3 that--

4 CHAIRPERSON BENJAMIN: [interposing]
5 Appear is not just physical. It's telephonically,
6 it's--

7 COMMISSIONER WEISBROD: [interposing]
8 It's not just physical. I can't say that that would
9 necessarily be the same as--as Dr. Tisch pointed out
10 for legislators or Council Members as it is for
11 appointed officials, but certainly for appointed
12 officials it is appearances essentially any contact
13 with your former agency, and I dare say --

14 CHAIRPERSON BENJAMIN: [interposing] And
15 it's a lifetime ban on any type of--

16 COMMISSIONER WEISBROD: [interposing] Ms.
17 Barrios-Paoli has looked as well, and that--and--and
18 been on the very, very safe side of this--of this
19 issue and has been very conservative about it, and--
20 and as you know in certain positions in the city that
21 doesn't just apply to your prior agency, but applies
22 to any--any appearance before any city agency and this
23 is on the--on the senior official policy making side.
24 I can't speak for what the legislators do, but it is
25 much more--having been in both state and city

2 government, it's much more restrictive in the city
3 than the state.

4 CHAIRPERSON BENJAMIN: So you accept that
5 firm amendment?

6 COMMISSIONER WEISBROD: I do.

7 CHAIRPERSON BENJAMIN: And then Jim.

8 COMMISSIONER CARAS: Just really quickly
9 also although I don't know Albany well, I know the
10 city's lobbying laws very well, and things that
11 ordinary people would not necessarily consider
12 lobbying in the city are lobbying. So, for example,
13 an engineer testifying before City Planning can be
14 lobbying. So, it's—it's actually quite broad at the
15 city level.

16 CHAIRPERSON BENJAMIN: Any more
17 discussion? Call the question.

18 COMMISSIONER CARAS: [off mic] Question

19 CHAIRPERSON BENJAMIN: Second.

20 COMMISSIONER TISCH: [off mic] I make a
21 second.

22 COMMISSIONER WEISBROD: Can I just add a
23 few more questions.

24 COMMISSIONER TISCH: [off mic] Which
25 question are we on?

1 CHARTER REVISION COMMISSION 100

2 CHAIRPERSON BENJAMIN: The question we're

3 on

4 COMMISSIONER WEISBROD: [interposing] A

5 few more questions.

6 CHAIRPERSON BENJAMIN: The question we're

7 on is as I understand the Amended Proposal is to

8 establish a two-year post-employment appearance ban

9 for elected officials and senior appointed officials

10 consistent with the city's current ban. [pause]

11 LEGAL COUNSEL: Commissioner Albanese

12 COMMISSIONER ALBANESE: Yes.

13 LEGAL COUNSEL: Commissioner Barrios-

14 Paoli.

15 COMMISSIONER BARRIOS-PAOLI: Yes.

16 LEGAL COUNSEL: Commissioner Camilo.

17 COMMISSIONER CAMILO: Abstain.

18 LEGAL COUNSEL: Commissioner Caras.

19 COMMISSIONER CARAS: Yes.

20 LEGAL COUNSEL: Commissioner Cordero.

21 COMMISSIONER CORDERO: Yes.

22 LEGAL COUNSEL: Commissioner Fiala.

23 COMMISSIONER FIALA: Yes.

24 LEGAL COUNSEL: Commissioner Gavin.

25 COMMISSIONER GAVIN: Yes.

LEGAL COUNSEL: Commissioner Greene.

COMMISSIONER GREENE: Abstain.

LEGAL COUNSEL: Commissioner Hirsh.

COMMISSIONER HIRSH: Yes.

LEGAL COUNSEL: Commissioner Miller.

COMMISSIONER MILLER: Yes.

LEGAL COUNSEL: Commissioner Nori.

COMMISSIONER NORI: Yes.

LEGAL COUNSEL: Commissioner Tisch.

COMMISSIONER TISCH: Yes.

LEGAL COUNSEL: Commissioner Vacca.

COMMISSIONER VACCA: Yes.

LEGAL COUNSEL: Commissioner Weisbrod.

COMMISSIONER WEISBROD: Yes, and I'd—I'd

just like to stress or underscore one of the things
that Dr. Tisch said, which is even though the city's
restrictions are somewhat restrictive than the
state's I do think given the fact that so many
matters are intertwined between the city and the
state, bringing the city and state into alignment on
this at least in terms of time is I think a step
forward. So, I vote yes.

LEGAL COUNSEL: Chair Benjamin.

CHAIRPERSON BENJAMIN: Yes.

2 LEGAL COUNSEL: [Pause] 13 in the
3 affirmative, 2 abstentions. The motion carries.

4 CHAIRPERSON BENJAMIN: Thank you. The
5 next item: Prohibit members of the Conflicts of
6 Interest Board from making political donations.

7 COMMISSIONER ALBANESE: Yes, I'm
8 proposing that member of the Conflicts of Interest
9 Board should not be allowed to donate to municipal
10 campaigns. They can donate obviously to any other
11 kinds of campaigns. I-I think that that agency,
12 which is the arbiter of the conflicts of interest
13 should not have commissioners donating to office
14 holders. It--there's an appearance of impropriety,
15 and the--that body calls for those commissioners not
16 to be lobbyists, and not to run for office, but it
17 allows them to donate to campaigns, municipal
18 campaigns. I-I think it's a conflict. I'd like to--
19 I'd like to ban that practice.

20 CHAIRPERSON BENJAMIN: Discussion? Call
21 the question? Second. Oh, well.

22 LEGAL COUNSEL: Commissioner Albanese

23 COMMISSIONER ALBANESE: Yes.

24 LEGAL COUNSEL: Commissioner Barrios-
25 Paoli.

CHARTER REVISION COMMISSION

103

COMMISSIONER BARRIOS-PAOLI: Yes.

LEGAL COUNSEL: Commissioner Camilo.

COMMISSIONER CAMILO: No.

LEGAL COUNSEL: Commissioner Caras.

COMMISSIONER CARAS: No.

LEGAL COUNSEL: Commissioner Cordero.

COMMISSIONER CORDERO: Yes.

LEGAL COUNSEL: Commissioner Fiala.

COMMISSIONER FIALA: No.

LEGAL COUNSEL: Commissioner Gavin.

COMMISSIONER GAVIN: Yes.

LEGAL COUNSEL: Commissioner Greene.

COMMISSIONER GREENE: No.

LEGAL COUNSEL: Commissioner Hirsh.

COMMISSIONER HIRSH: Can I ask a point of clarification? The ban would be on current appointees of the Conflicts of Interest Board, but it would not where people who made a contribution in the past to municipal candidates--

CHAIRPERSON BENJAMIN: Right.

COMMISSIONER HIRSH: --would be allowed to be appointed to the Conflicts of Interest Board?

2 COMMISSIONER ALBANESE: Oh, yeah. I mean
3 when they're on the Board I mean when they're
4 Commissioners.

5 COMMISSIONER HIRSH: It's during the time
6 that they're commissioners.

7 COMMISSIONER ALBANESE: During the time
8 of their commissions they should not be donating to
9 candidates. Obviously, it would be difficult to-to
10 exclude folks that might have contributed in the
11 past. I don't think it's fair, hut I'm open to-do
12 you have a-

13 COMMISSIONER HIRSH: No news. (sic)

14 CHAIRPERSON BENJAMIN: It's--you can't
15 amend it now, it's-

16 COMMISSIONER HIRSH: Yeah.

17 CHAIRPERSON BENJAMIN: --in the middle of
18 the vote.

19 COMMISSIONER HIRSH: I'm curious. I'm
20 going to pass.

21 LEGAL COUNSEL: Commissioner Miller.

22 COMMISSIONER MILLER: Yes.

23 LEGAL COUNSEL: Commissioner Nori.

24 COMMISSIONER NORI: Yes.

25 LEGAL COUNSEL: Commissioner Tisch.

2 COMMISSIONER TISCH: Yes.

3 LEGAL COUNSEL: Commissioner Vacca.

4 COMMISSIONER VACCA: Yes.

5 LEGAL COUNSEL: Commissioner Weisbrod.

6 COMMISSIONER WEISBROD: No, and I'd like
7 to explain my vote. I think this is not an issue that
8 we have adequately discussed. I think there are
9 conceivably First Amendment issues regarding campaign
10 contributions that we haven't really thought about.
11 I think that there are concerns about whether there
12 is precedence of this in terms of which public boards
13 and is Justice, COIB or are there examples around the
14 country of--of boards where board members who are not
15 public employees are barred from making political
16 contributions. I--I just think this is not something
17 that has been--I understand the intent behind it. I
18 understand that we want to make sure that the
19 Conflicts of Interest Board members are beyond
20 reproach. We have already recommended an expansion
21 of the appointing authority to the Conflicts of
22 Interest Board, and I just think that barring people
23 from making contributions to this body when we
24 haven't really thought it all through, is an
25 impetuous step and, therefore, I vote no.

2 LEGAL COUNSEL: Commissioner Hirsh.

3 COMMISSIONER HIRSH: Abstain.

4 LEGAL COUNSEL: Chair Benjamin.

5 CHAIRPERSON BENJAMIN: I'm going to vote
6 no on this, and I'd like to be associated with the
7 comments of Commissioner Weisbrod. I think we
8 haven't really looked at this issue. I believe that
9 even Conflicts of Interest Board members can
10 contribute. I believe that in many instances
11 political contributions are considered political
12 speech, and I don't know enough about those issues to
13 vote yes at this time.

14 COMMISSIONER ALBANESE: Could I comment
15 on that?

16 CHAIRPERSON BENJAMIN: Sure.

17 COMMISSIONER ALBANESE: Well, I mean this
18 is not—we're not breaking new ground here. I mean
19 federal employees can't donate to certain candidates.
20 People who work in the security industries are banned
21 from contributing to folks that—that they appear
22 before to solicit business. I mean this is not—this
23 is not revolutionary, you know, and—and I don't think
24 it's a First Amendment issues. It's an issue of
25 conflict.

2 COMMISSIONER TISCH: Sal, I sit on a lot
3 of boards, and some of these boards come along with
4 real restrictions about what I might do politically
5 or not do politically. So, there's nothing new under
6 the sun, and when you sign onto a board, there are
7 often times those types of restrictions, and I think
8 in the Conflicts of Interest Board in the City of New
9 York given the headlines that we read everyday, I
10 think people would want that level of security in-in
11 knowing that. So, you know, I mean why should the
12 Conflicts of Interest Board be different than other
13 boards that other citizens sit on?

14 COMMISSIONER ALBANESE: I associate mine
15 with--

16 CHAIRPERSON BENJAMIN: [interposing] I
17 just don't-I'm just not aware of any boards in city
18 government that have that requirement.

19 COMMISSIONER VACCA: If I may, Madam
20 Chair, I wish to associate myself with the remarks or
21 Dr. Tisch. The Conflicts of Interest Board is held
22 in high esteem, and should always be held in high
23 esteem without question, and I think on that basis, I
24 would echo the Doctor's remarks.

25 COUNCIL MEMBER ALBANESE: And just--

CHAIRPERSON BENJAMIN: [interposing]

Okay, but I would also say we're in the middle of a vote here. If you have comments you get to explain your vote when you're doing it not--so I vote no.

LEGAL COUNSEL: 9 in the affirmative, 5 in the negative and 1 abstention. The motion carries.

CHAIRPERSON BENJAMIN: The next item is to clarify the bounds of the Mayor's Budget impoundment power. [pause]

COMMISSIONER CARAS: Okay. I'm going to make this quick. I think that legally the Mayor cannot impound for other than financial reasons, but it has happened before. It may not have been called an impoundment, but the money has been withheld duly appropriated funds, and my sincere belief is that it--the fact that a mayor was able to do something similar to that and get away with it, and create a situation where thousands of not-for-profits didn't get their funding, and descended on City Hall, and essentially I think it created a chill over the Council exercising its full budget authority for years after if not continuing to this day. I think given all the changes we've made in all these

amendments to fix budgets where the Mayor has the right to—to show an economic necessity for doing something that we can craft the same language around the impoundment powers, and ensure that the Mayor when he impounds, it's only for reasons of fiscal policy and keeping the budget balanced. So, I would ask you to please consider supporting this. I think it's probably the most important thing to the Council exercising its full budget powers.

CHAIRPERSON BENJAMIN: Discussion?

COMMISSIONER GREENE: Yes, I would like—I would like to make a comment. I—I know Jimmy feels very strongly about this. I think that changing the—the nature of the Impoundment Statute fundamentally takes the control of the Executive Budget away from the Mayor and—and puts it more in the hands of—the Council, which is just meant to be.

COMMISSIONER CARAS: Only if he wants to impound for political or policy reasons, which he should not be doing. Political reasons shouldn't be a consideration and policy reasons should be discussed in the budget negotiations. I—I would disagree.

2 CHAIRPERSON BENJAMIN: Any other
3 discussion, Paula.

4 COMMISSIONER GAVIN: I also feel that we
5 should not do any harm, and we've made great progress
6 in our financial position with institutions, and I
7 just do not think we should make any changes right
8 now.

9 CHAIRPERSON BENJAMIN: Carl.

10 COMMISSIONER WEISBROD: As one
11 Commissioner who shall remain nameless said--said to
12 me privately and maybe said publicly, this is a
13 solution looking for a problem, and this is an
14 instance that arose. The issue of impoundment being
15 used inappropriately is an issue that arose once some
16 looking for a problem, and this is an instance that
17 arose. The issue of impoundment being used
18 inappropriately is an issue that arose once some 25
19 years ago. I think we should be for reasons stated
20 by others extremely, extremely careful about messing
21 round with a budget process that is--has produced
22 balanced budgets, effective budgets, and has produced
23 well managed budgets over the last four decades, and
24 I for one who remembers well when the city did not do
25 this, and--and not do it well, and was not fiscally

managed. So, I—I really would urge that with respect to impoundment where that has not been an issue where the Mayor has to be the one who—whether that Mayor who addresses and deals with emerging challenges and we’ve had a few in all of our lifetimes that have stressed this city, and—and—and our fiscal condition. I just think we cannot erode the power of the Mayor to act responsibly in this area.

CHAIRPERSON BENJAMIN: Any other discussion? Call the question. Second.

COMMISSIONER: [off mic] Please call the roll.

LEGAL COUNSEL: Commissioner Albanese?

COMMISSIONER ALBANESE: I’ll pass.

LEGAL COUNSEL: Commissioner Barrios-Paoli.

COMMISSIONER BARRIOS-PAOLI: No.

LEGAL COUNSEL: Commissioner Camilo.

COMMISSIONER CAMILO: No.

LEGAL COUNSEL: Commissioner Caras.

COMMISSIONER CARAS: Yes.

LEGAL COUNSEL: Commissioner Cordero.

COMMISSIONER CORDERO: No. I vote no.

LEGAL COUNSEL: Commissioner Fiala.

2 COMMISSIONER FIALA: Just quickly to
3 explain. Commissioner Caras, you-if-if I had gold
4 stars, I'd put the whole packet on you. You have
5 been for as long as I've known you, and you were
6 there when it happened. So, I understand your great
7 concern, and I know it's for the-the betterment of
8 the city. I just-I think it's-it's just a stretch too
9 far. So, I'm going to vote no.

10 LEGAL COUNSEL: Commissioner Gavin.

11 COMMISSIONER GAVIN: No.

12 LEGAL COUNSEL: Commissioner Greene.

13 COMMISSIONER GREENE: No.

14 LEGAL COUNSEL: Commissioner Hirsh.

15 COMMISSIONER HIRSH: No.

16 LEGAL COUNSEL: Commissioner Miller.

17 COMMISSIONER MILLER: No.

18 LEGAL COUNSEL: Commissioner Nori.

19 COMMISSIONER NORI: No.

20 LEGAL COUNSEL: Commissioner Tisch.

21 COMMISSIONER TISCH: No.

22 LEGAL COUNSEL: Commissioner Vacca.

23 COMMISSIONER VACCA: No.

24 COMMISSIONER WEISBROD: No.

25 LEGAL COUNSEL: Commissioner Albanese.

2 COMMISSIONER ALBANESE: I vote no.

3 LEGAL COUNSEL: Chair Benjamin.

4 CHAIRPERSON BENJAMIN: No.

5 LEGAL COUNSEL: 1 in the affirmative, 14
6 negative. The motion fails.

7 CHAIRPERSON BENJAMIN: Establish a
8 commission to study the management and investment
9 performance of the city's Public Pension Fund.
10 Discussion?

11 COMMISSIONER ALBANESE: You all heard me
12 talk about the New York City pension system, and this
13 is no reflection on-on the folks running the system,
14 but structurally it is a-it's archaic. It's
15 underfunded, it's-it's not-it's not-its performance
16 is subpar when you-when you compare it to the
17 Canadian model, and some models in Europe, and even
18 some models in the U.S. It's cumbersome, and Mayor
19 Bloomberg and John Liu tried to restructure the-the
20 pension system, and they predicted that it would save
21 a billion dollars. That was years ago. My-my stats
22 say we would save \$2 billion a year. The city is
23 allocating about \$12 billion into the pension system.
24 It's a great system, but it's-it's a clunker. It
25 needs to be overhauled do its performance can be

2 upgraded, and it's controversial. Some of the labor
3 unions won't be happy with it. The Comptroller may
4 not be happy with it because I-I-I've called for
5 demolition of the pension system, and have that
6 office into an independent agency, but obviously
7 there are state laws involved, and there are some
8 conflicts. So, what I'm proposing is that a
9 commission of financial experts, a blue ribbon
10 commission study our pension system and come up with
11 a couple of models to see-to determine how we can
12 better improve its performance, and-and I've-I've shown
13 through a-through a couple of conversations with-with
14 staff how the Canadian system is significantly
15 better, and-and they're-they're saving an awful lot
16 of money because they're better-a state of the art
17 pension system, while New York City's a clunker.
18 We're the financial capital of the world, and we have
19 a cumbersome pension plan, and by the way, things
20 will get significantly worse in terms of dollars
21 going into that plan from the city because Baby
22 Boomers are retiring, and you're going to be pumping
23 a lot more money into that system, and if you look at
24 it in comparison to the Canadian Investment Board,
25 it's been, you know, it out-performs it by 2% every

year. That's an awful lot of money. So, I'm calling for a commission to study it to see if we can develop a better model.

CHAIRPERSON BENJAMIN: Comments? Any other discussion? Call the question? Second?

COMMISSIONER: [off mic] Second.

CHAIRPERSON BENJAMIN: [laughs] I've lost my mind for a minute. Call the roll, please.

LEGAL COUNSEL: Commissioner Albanese?

COMMISSIONER ALBANESE: Yes.

LEGAL COUNSEL: Commissioner Barrios-Paoli.

COMMISSIONER BARRIOS-PAOLI: No.

LEGAL COUNSEL: Commissioner Camilo.

COMMISSIONER CAMILO: No.

LEGAL COUNSEL: Commissioner Caras.

COMMISSIONER CARAS: No.

LEGAL COUNSEL: Commissioner Cordero.

COMMISSIONER CORDERO: [pause] Just dropped it. No.

LEGAL COUNSEL: Commissioner Fiala.

COMMISSIONER FIALA: Yes.

LEGAL COUNSEL: Commissioner Gavin.

COMMISSIONER GAVIN: No.

1 CHARTER REVISION COMMISSION 116

2 LEGAL COUNSEL: Commissioner Greene. Oh,
3 Commissioner Hirsh.

4 COMMISSIONER HIRSH: No.

5 LEGAL COUNSEL: Commissioner Miller.

6 COMMISSIONER MILLER: I don't think a
7 study would hurt. Yes.

8 LEGAL COUNSEL: Commissioner Nori.

9 COMMISSIONER NORI: No.

10 LEGAL COUNSEL: Commissioner Tisch.

11 COMMISSIONER TISCH: No.

12 LEGAL COUNSEL: Commissioner Vacca.

13 COMMISSIONER VACCA: I'll vote no.

14 COMMISSIONER WEISBROD: No.

15 LEGAL COUNSEL: Chair Benjamin.

16 CHAIRPERSON BENJAMIN: No. [pause] We
17 can hold the vote for a few minutes or announcing it
18 so that when Commissioner Greene returns, she'll be
19 able to vote. The next item I believe is— So, we're
20 going to set that aside at this moment. The next
21 item I believe Jim you wanted to speak about.

22 COUNCIL MEMBER CARAS: Yes. We had a lot
23 of people come before us about, you know,
24 comprehensive planning, procedure planning, and I—I
25 think it's a really important issues. I have sort of

sympathized everything people had come to us and said, and I—I think there is something that could be done here by taking—something that could be done by taking, you know, the goals that we heard, equity, resiliency, access to housing, a city where we have condition assessment, cording the various planning documents, and clarifying the timing of those documents. The agency is responsible for them with a, you know, robust community engagement process. I was going to move that we require the Council to do this by Local Law. I don't think most of the members here are there yet, but I think it's really important. I mean a lot of people spend a lot of time on this. Came to us. They have some really good idea, and I think if you look at everything they were saying, aside from the fact that many of them wanted it to binding, which I don't think there's any way we're there yet. But this sort of boils down to what theywere saying, and it seems to me that, you know, the—this—this could done as a, you know, sort of readily done as a first step. So, I won't raise as a motion now, but I would really like to emphasize that I think we should make clear in our report that we think the Council should proceed with this as a sort

2 of significant first step forward to some type of
3 organized and--and strategic planning.

4 CHAIRPERSON BENJAMIN: Thank you, Jim. As
5 you know, I was very concerned. This was the--I
6 thought originally when I agreed to sit on this
7 Commission this would be my signature issue, but then
8 I realized as time went on how difficult it was to
9 try and put forth a vision for a plan that somebody
10 else was going to have to carry out in a way that we
11 did not know, and you--we have my commitment that I
12 would like to have an after action type of report
13 from the Commission that would recommend both to the
14 Administration and to the Council for the steps that
15 we think could be taken and that would transmit some
16 of the information that we receive from both
17 interested groups and our expert testimony so that
18 they could take a look at what we heard and why
19 that's important in making their determination.

20 COMMISSIONER: [off mic] Can I just talk
21 a little?

22 CHAIRPERSON BENJAMIN: Certainly.

23 COMMISSIONER TISCH: [off mic] Sorry.

24 I'll turn it on. Thank you, though. Are you talking
25 about the first bullet or the collective of bullets?

2 Because I have to say I don't know much about land
3 use. My last name is Tisch not Tishman, and people
4 often think [laughter] we're related, but we're not
5 and we're in the real estate industry. So I plead it
6 when it's on the subject. However, I thought sitting
7 on this commission was a remarkable tutorial in the
8 advocacy of communities around development, and so
9 what you say now about your first bullet, I could
10 actually interpret through all these land use
11 bullets. So, I'm just wondering are you talking as a
12 collective of making an addendum to the suggestions
13 or are you just doing the first bullet?

14 COMMISSIONER CARAS: Right now I'm just--
15 I'm just talking about the first bullet, the
16 Strategic Planning, and I think what I provided on
17 the paper, although I'm not going to make the motion
18 is sort of a synthesis of what I thought people were
19 asking for, and what made sense given how far we've
20 gotten. I think any more--any more--to make a document
21 binding would require a Charter Commission, but I
22 think we're in a position that we could rather than
23 my make motion here for us to order the Council to
24 pass a Local Law, which is a little unusual. We're--
25 we're in a position that we should--I'm saying we

2 should strongly recommend that the Council and the
3 Administration pick up on this, and-and carry it
4 forward.

5 CHAIRPERSON BENJAMIN: Carl, you were
6 next.

7 COMMISSIONER WEISBROD: Yeah, I would
8 just like to--first of all, I appreciate Jim, your
9 receptivity to a staff report. I think one of the
10 things all of us recognize having sat through so many
11 of our meetings and hearings is how incredibly
12 complex this area is, and just going back to our
13 first maxim of do no harm, I think it's really
14 important that the issue be looked at and-and
15 examined very, very carefully by the Administration
16 and by the Council, and I do think that based on what
17 we've heard and the expertise of the staff and
18 Commissioners, that we can provide to the Council and
19 the Administration some thoughts that would help
20 guide them and enable them to make improvements and
21 be responsive to many of the things we've heard. So,
22 I appreciate what the Chair said, and appreciate what
23 you said, and I-I-I do think that--I hope that there
24 is a consensus that the staff will be able to draft
25

2 report with some guidance, and I think that will be
3 beneficial to the city as a whole.

4 COMMISSIONER CARAS: [off mic] YES.

5 CHAIRPERSON BENJAMIN: Now, we won't be
6 considering this one further, and as to your
7 question, Merry1, I think that the next item, the Ban
8 Employees is being proposed by a different member.
9 So, and that member was I believe Jimmy Vacca. Oh,
10 Commissioner Greene, we did hold the vote open on
11 the-establishing the commission to study the
12 management and investment performance of the City's
13 Public Pension Fund so that you would be able to
14 vote. How do you vote?

15 COMMISSIONER GREENE: [pause] I'm try to--
16 I'm sorry. No.

17 COMMISSIONER: Chair Benjamin. I was
18 distracted during that vote--

19 CHAIRPERSON BENJAMIN: Uh-hm.

20 COMMISSIONER: --and I said, but I wanted
21 to change the vote to yes.

22 CHAIRPERSON BENJAMIN: Okay. Let us read
23 the vote now.

24 LEGAL COUNSEL: [pause] On the motion
25 relating to pensions, 4 in the affirmative, 12 in the

negative. The motion carries. Oh, it fails. I'm sorry.

COMMISSIONER GREENE: Yes. [laughter]
It's a weekend.

CHAIRPERSON BENJAMIN: I'm sorry, Sal,
this is you. I thought it was Commissioner Vacca.
The banning employees of real estate funds and
advisors from serving on agencies--

COMMISSIONER ALBANESE: Well, the
Italians we all look alike.

CHAIRPERSON BENJAMIN: Maybe. I'm
married to one, [laughter] but you don't look like
him.

COMMISSIONER GREENE: Sal, you are a
prolific guy.

COMMISSIONER ALBANESE: I--well, I don't
know. I've certainly taken quite a few losses if
that's what you mean. [laughs] Yes, you know, we've
talked about real estate. Commissioner Tisch, you
just referred to it, and hue and cry around the city
over--over decisions made by planning boards, the City
Planning Commission, and--and it's--it's--and in real
estate in New York City is like--is a--I mean it's like
oil in Texas, and one of the things that we should be

doing as a Commission is I think it's the most important thing is checks and balances and minimizing conflicts of interest, and we've seen folks that have testified here that have--that have brought the issue of real estate employees and advisors to real estate firms sitting on the City Planning Commission on the Board of Standards and Appeals, Department of Buildings, HPD or what have you. All these areas, all these agencies I've listed them in--in the--in the proposal have crucial impact on the many neighborhoods around the city. So, in the spirit of minimizing conflicts of interest, I--I don't think that real estate employees, people who work in that business should be making these decisions sitting on--on those boards. So, I'm--I'm calling for a ban on--on those folks from sitting on those following--on those agencies I just listed.

CHAIRPERSON BENJAMIN: [off mic]

Discussion Sorry. [on mic] Discussion? Jimmy Vacca, then Carl, then Alison.

COMMISSIONER VACCA: I just think that in this motion we are combining boards with agencies. So, I would look to do a separate. I do not think you can ban individuals who have a history in real

estate or anything else from being a city employee,
but to have them making policy through commissions,
that could be another question. So, I just wanted to
bring that to your attention.

COMMISSIONER ALBANESE: I think
Commissioner Vacca made a very good point, and I—I
withdraw the agencies involved from the amendment,
HPD, but Landmarks, the Department of City Planning,
the Board of Standards and Appeal. Department of
Buildings should be omitted, and Landmarks should be
included, and EDC should be omitted.

CHAIRPERSON BENJAMIN: I would say,
though, that on the Landmarks Preservation Commission
they're required to have a--and BSA they're required
to have a person with real estate experience in the
industry so--

COMMISSIONER ALBANESE: Are we--is that
what this is back? Is that what the administrative
process is?

CHAIRPERSON BENJAMIN: I believe that's
what this--what the Charter says. We can certainly--
yes.

COMMISSIONER ALBANESE: Okay I will
withdraw that if that's the case. The City Planning

and Board of Standards and Appeals has been the source of complaints by advocates, land use folks. They—they—you know, they've submitted testimony. They decry what they conceive to be—what they perceive to be bias when these decisions are made. Some folks even talked about banning folks who work in real estate from chairing the Land Use Committee on planning boards. I'm—I wouldn't go that far, but certainly these major agencies should be considered for a ban.

CHAIRPERSON BENJAMIN: I would ask for questions of staff whether the Board of Standards and Appeals is required to have an appraiser, a real estate person on that board also. [pause]

COMMISSIONER ALBANESE: Well, let me—Madam Chair, [background comments] let me say that you could have an appraiser that's just—that doesn't work for a real estate outfit or doesn't—they—they could just--

CHAIRPERSON BENJAMIN: [interposing]
That's what they do.

COMMISSIONER ALBANESE: Well, but they—they may not—they may be retired. They may not be

professionally engaged in that area during that point in their career.

CHAIRPERSON BENJAMIN: But I know in the case of Landmarks that was put on specifically because people wanted--there's a--an issue of financial [pause/background comments]

COMMISSIONER: Hardship?

CHAIRPERSON BENJAMIN: Yes, and--and they wanted to have expertise in real estate to be able to evaluate that by the--

COMMISSIONER ALBANESE: [interposing] Do those folks make decisions, or they just provide an appraisal?

CHAIRPERSON BENJAMIN: No, they're Commissioners. They make decisions, but they wanted to have that expertise on--on those boards because there had been a sense on some of those boards that the Commissioners were acting without regard to the financial consequences, et cetera so they put people like that on. That's just--but staff is looking up whether BSA has that requirement. I'm not sure, but I do know that Landmarks and [coughing] Okay, now the BSA is a planner and architect and an engineer are

required, but they are--would you consider those real estate persons? [background comments/pause] I mean--

COMMISSIONER ALBANESE: I mean the--the-- can't that be contracted out and get--and get some feedback from folks who are in--who are in the arena? Why should they be making decisions?

CHAIRPERSON BENJAMIN: I think that the-- the thinking was to have a robust board with lots of-- of different opinions. They do have fairly robust I know conflict of interest as to individual matters that may come before them and what, in fact, they can vote on, what they can discuss. I mean Carl might be better able to talk about the restrictions at City Planning, but I just wanted to make you aware that there were these concerns. I know Alison--were you next, Jimmy or--Oh, I'm sorry. Carl was next and then Jimmy and Alison.

COMMISSIONER WEISBROD: Well, I--I--I'd just like to speak against the whole intent of this proposal and in many respects it's sort of like saying doctors shouldn't be on medical boards, and-- and to some extent, we really do want experts who are knowledgeable in a field to be able to assess the merits one way or the other of very complex matters

whether economic or real estate or whatever that are before them, and that's true of virtually every conceivable board of all kinds that are regulatory bodies. I think the crucial goal is to make sure that the body as a whole is representative of the city as a whole, and representative of a variety of different disciplines, interests, communities and the like, and that is why, as you know, I reacted to comments that came before us about the makeup of the City Planning Commission, which as I said at the time, and if you look at is broadly representative of communities representative of various different disciplines, representative of people who've been on community boards and the like, and that is not near, not-not even remotely the only board of this type like that. All boards should be like that. As the Chair said, and as we have examined here, the control on all of this is a robust, active disciplined Conflicts of Interest Board, and I can only attest to my own--

COMMISSIONER TISCH: [off mic]

[interposing] It's now not going to be able to make political contributions.

2 COMMISSIONER WEISBROD: Who's now not
3 going to be able, as my colleague Dr. Tisch points
4 out, will not be able to make political
5 contributions, and-but does establish rules that
6 assure transparency, assure no conflict of interest.
7 One of the reasons that we discussed here about
8 assuring that-or concerns about Landmark's
9 Commissioners getting salaries is because the
10 Conflict of Interest Rules that would apply to them
11 as they do apply at the City Planning Commission are
12 very, very strict if you have a salary. So, I think
13 this is to say that the intent of this is to actually
14 make things more robust and more transparent, I think
15 would end up eliminating a great deal of expertise
16 that's crucial to the city, and really leaving in
17 some respects the chicken coop unguarded.

18 COMMISSIONER ALBANESE: [interposing]

19 Well, I-

20 COMMISSIONER WEISBROD: --So, I think
21 this is a-a-really a step in the-absolutely the wrong
22 direction.

23 COMMISSIONER ALBANESE: Well, you know, I
24 respectfully disagree on--
25

CHAIRPERSON BENJAMIN: [interposing] I think—I think Jimmy Vacca was next--

COMMISSIONER ALBANESE: Oh, okay.

CHAIRPERSON BENJAMIN: --and then Alison and then--

COMMISSIONER VACCA: I—I thank you, Madam Chair. I do think that it's the City Planning Commission of all the agencies and Commissions mentioned in Sal's motion that would concern me the most because most people in communities throughout the city feel that it is a rubber stamp. The appointees on the Planning Commission do as those who appoint them tell them to do. The Commission is appointed in majority by the Mayor, and people who say that they would like a robust Conflicts of Interest Board and that—that Conflicts of Interest Board would look at the City Planning Commission. The Conflicts of Interest Board is controlled by the Mayor, and an attempt that I made here to do otherwise was—was defeated by the Commission. So, my point here is that we should look at the City Planning Commission. We should look at the fact that so much of what they give local neighborhoods when it comes to ULURP applications is cut and paste from one

2 application to another, and that's where there's a
3 lack of faith, and I do think that Sal is correct in
4 saying that their—that the Planning Commission that
5 there should be a period of time where developers and
6 real estate interest people should not be appointed
7 to the Commission that that would give that more
8 credibility. It's not going to change the fact that
9 they're going to vote as their principal tells them
10 to vote, but at least people will not be—will not
11 know that these individuals come from the developer
12 sector of our city when, in fact, what they're
13 considering day in and day out is further
14 development, zone changes that often promoted
15 development. So, I'm arguing to give this commission
16 a little bit of independence, a little bit of a step
17 back from the development community.

18 CHAIRPERSON BENJAMIN: Alison.

19 COMMISSIONER HIRSH: So, I—largely want
20 to associate myself with Commissioner Weisbrod's
21 comments, and also just raise a concern that, you
22 know, it's clear even in this conversation that we
23 don't even know what the definition of a real estate
24 firm or advisor is, and the ban could be taken to
25 such an extreme. We've had situations where members

2 of our union who work in buildings have been accused
3 of being real estate interests because they're
4 employed by real estate companies in buildings, and
5 so I just think it is a step too far, and I am—I am
6 also concerned about both the ambiguity and the fact
7 that it is hard to remove the folks who understand
8 how building function and get built from the idea of
9 development in the city. It's not—it doesn't seem to
10 me the right correction.

11 CHAIRPERSON BENJAMIN: Sal.

12 COMMISSIONER ALBANESE: I would—just like
13 to clear up the ambiguity, I—I think that
14 Commissioner Vacca made an excellent point. The City
15 Planning Commission is—is what most people in New
16 York City think is a rubber stamp. So, I would—I
17 would amend the language just to focus on the City
18 Planning Commission that people in—who are employees
19 or real estate firms or advising those firms should
20 not serve on the Commission. Well--

21 CHAIRPERSON BENJAMIN: [interposing] That
22 is a real estate firm. If I am an architectural
23 firm, is that a real estate firm?

24 COUNCIL MEMBER ALBANESE: If you're in
25 the real estate business, that's a real estate.

2 CHAIRPERSON BENJAMIN: No, if I'm-I work
3 for an architectural firm--

4 COMMISSIONER ALBANESE: That's--

5 CHAIRPERSON BENJAMIN: --and I design
6 buildings?

7 COMMISSIONER ALBANESE: That's--that's-I
8 wouldn't consider you a real estate professional, and
9 I would consider you an architect.

10 COMMISSIONER HIRSH: I think they would
11 considered themselves to be real estate
12 professionals.

13 COUNCIL MEMBER ALBANESE: Well, let's--let
14 me--let me also point out that you do need expertise.
15 You have an Executive Director on the City Planning
16 Commission correct that this--

17 COMMISSIONER WEISBROD: Yes.

18 COMMISSIONER ALBANESE: Those are the
19 folks that--that provide the technical expertise, and
20 you also in my opinion have a dearth of urban
21 planners. I mean we--we, you know, it--it's amazing
22 that the City Planning Commission I think one or two
23 urban planners are on that Commission, people that
24 have--if you are--

2 CHAIRPERSON BENJAMIN: [interposing]

3 Well, they have architects, they have engineers. I
4 mean--

5 COMMISSIONERS HIRSH: Lot of urban
6 planners work in the real estate industry.

7 COMMISSIONER WEISBROD: [interposing] Let
8 me, Sal, you need on the Planning Commission--I cannot
9 tell you how important it is to have an engineer on
10 the Planning Commission, how important it is to have
11 an urban designer on the Planning commission.

12 COMMISSIONER ALBANESE: Who said that
13 engineers are real estate professionals?

14 COUNCIL MEMBER WEISBROD: Well, that's
15 who their clients are. That's who they work for
16 Well, how important it is to have architects on the
17 Planning Commission, and planners on the Planning
18 Commission, and--

19 CHAIRPERSON BENJAMIN: Lawyers. [laughs]

20 COMMISSIONER WEISBROD: Lawyers on the
21 Planning Commission. I mean--I mean these are the
22 people who really from very, very different
23 perspectives help understand--how understand and help
24 guide development and bad development can be
25 eliminated because of their expertise, and I cannot

tell you how many times those experts because of their expertise have managed to assure that bad plans do not go forward, and I think all of us are concerned about conflicts of interest, but to eliminate a class of expertise, and say we're not going to have people who work for real estate companies even though their companies are now coming before the Planning Commission or people who have--are architects who work for real estate companies and their clients are now coming before the Planning Commission or people who are urban designers or--or--or open space designers. I mean these are the people who really should be looking carefully at projects that come before the Planning Commission, and along with people from the community, and as you know, the current Planning Commission has at least three or four people who are either community chairs or--or--or members and chairs of key subcommittees of community boards. So, that's the balance that you're trying to maintain, and I would point out also that other than the Chair, every single one of those people have to come before the City Council for advice and consent and approval. So, I--I--I just think that this is honestly a misguided attempt to deal with the issue

2 that Jimmy Vacca is talking about, which is, is a,
3 you know, is there—is there too much weight to one
4 person or another, but that's not going to be solved
5 by eliminating a whole class of expertise.

6 COMMISSIONER ALBANESE: Carl, would you
7 not acknowledge that there's a perception amongst
8 many in the city that the City Planning Commission is
9 dominated by big real estate interests?

10 COUNCIL MEMBER WEISBROD: I—I appreciate
11 that there is, as we've heard a lot about the view of
12 growth generally in the city before, but that's not
13 to say it can be addressed by simply saying, well,
14 let's just eliminate a whole category, a huge
15 category, and the Chair has suggested of individuals
16 who bring a great deal of expertise to the decision
17 making we want to see in the city.

18 COMMISSIONER VACCA: Madam Chair, perhaps
19 you know this, or Carl, but are—are lobbyists allowed
20 to be members of the City Planning Commission?
21 Registered lobbyists, are they allowed to be on the
22 Planning Commission? I think they are, and I raise
23 that question--

24 CHAIRPERSON BENJAMIN: [interposing] I
25 don't know of any.

2 COMMISSIONER VACCA: I'm-I'm asking your-
3 as to your knowledge.

4 COMMISSIONER WEISBROD: I'm-I'm-I'm not
5 aware. I-I don't know what the law is, but I'm not
6 aware of any current member of the Planning
7 Commission that's a lobbyist, and they certainly
8 obviously can't lobby the Planning Commission and, in
9 fact, I'm fairly convinced they can't have any
10 business with the city directly.

11 COMMISSIONER VACCA: Are there-I feel
12 that lobbyists are or people who lobby for business-
13 for people doing business with the city should not be
14 on the City Planning Commission. There is a data
15 bank that the Campaign Finance Board has doing
16 business as. If you're doing with data, if you're
17 doing-if you're doing business with the city you are
18 in a data bank of the Campaign Finance Board and you
19 can only contribute a very low amount to candidates
20 and that is not matched.

21 COMMISSIONER WEISBROD: Jimmy actually
22 let me just say something very specific in this
23 regard. At least when I was Chairing the Planning
24 Commission, I'm sure it's still true today, that it
25 was extremely difficult to get architects to come on

the Planning Commission if they're if they were a principal in a firm that was doing business with the city, they could not be in the Planning Commission, and that eliminated—that eliminated many architects who were in small firms. Now in a big firm, that person is excluded from doing business in the city, and, you know, it's a big wall around that person, but to your point a member o the Planning Commission cannot have a financial stake in a company that's doing business in the city or the can't be a principal in a company that's doing business with the city. And—and that's been an issue at the Landmarks Commission in finding appropriate Commissioners, and—and certainly has been a challenge in the Planning Commission. Again, I point out one of the reasons that we've been cautious about giving salaries and compensation to members of the Landmarks Commission is because of the heightened Conflict Rules that apply, and—and—and so, I—I just think that this is an areas we really should not go further in it.

COMMISSIONER VACCA: If—if I can clarify back to my point, and I thank Carl for his clarification. I do think the issue with the City Planning Commission is structural insomuch as control

2 of the Commission by the Mayor of the city of New
3 York whoever that is. I think people feel that
4 that's become a rubber stamp, and it's been a rubber
5 stamp for a while. However, the Commissioners
6 indicated that they're not going to change that power
7 dynamic. So, if they're not going to change that
8 power dynamic, then we are at least entitled to have
9 full knowledge, but if you lobby, if you are a
10 lobbyist for a firm defined by the Campaign Finance
11 Board as doing business with the City of New York,
12 that you cannot be on the City Planning Commission.
13 I would offer that as an amendment to Commissioner
14 Albanese's proposals.

15 COMMISSIONER ALBANESE: It's a friendly
16 amendment that I accept.

17 COMMISSIONER WEISBROD: Well, can you
18 please. Just I need clarification. Do you mind
19 repeating that?

20 COMMISSIONER VACCA: If you are a
21 lobbyist for a firm defined the Campaign Finance
22 Board as doing business with the City of New York
23 City that you are not eligible for membership on the
24 City Planning Commission, and by the way, that list
25 is transparent. It's online. These are people that

2 have city contracts. This is--this is not an
3 unlimited list of people, but that is at minimum
4 something that we can do as a matter of faith with
5 the people in our neighbor in our neighborhoods who
6 are looking for this type of action on the Planning
7 Commission.

8 CHAIRPERSON BENJAMIN: Several of the
9 members and staff have asked that Sal you restate
10 what your--

11 COMMISSIONER ALBANESE: Well, I've
12 accepted. I--I--my--my--my proposal is fairly simple,
13 but obviously there are complications with it as
14 pointed out by a number of the Commissioners, which I
15 understand, and I'm contemplating, but basically I--I
16 proposed that we ban folks that are in the real
17 estate business or advising real estate firms from
18 serving on the Commission on the City Planning
19 Commission. I--I--I would draw some of the other--some
20 of the other boards and--and agencies that I mentioned
21 in view of the comments that have been made, but I
22 think Commissioner Fiala in his whole thing--

23 CHAIRPERSON BENJAMIN: [interposing] No,
24 you think they all look alike.

25 COMMISSIONER ALBANESE: I'm sorry?

2 CHAIRPERSON BENJAMIN: [laughs] No, you
3 think they all look alike.

4 COMMISSIONER ALBANESE: Commissioner
5 Fiala [laughs] Commissioner Vacca, yeah, they're both
6 the-yeah, both Council Members, ex-Council Members.
7 Yeah, I-I think that Commissioner Vacca eloquently
8 pointed out a very clear issue that there is a Vindex
9 where you are able to ascertain whether you're doing
10 business with the City, right?

11 CHAIRPERSON BENJAMIN: But Vindex isn't
12 the same as the conflict of being a registered
13 lobbyist and I thought--

14 COMMISSIONER ALBANESE: But that--but it
15 tells you if you're doing business with the city,
16 doesn't it as that point

17 CHAIRPERSON BENJAMIN: But that wasn't
18 his amendment. His amendment was about lobbyists.

19 COMMISSIONER ALBANESE: Well, lobbyists,
20 but you also said doing business with the city.

21 COMMISSIONER VACCA: Yes, it's-it's-the
22 word Vindex is not the appropriate word, but my
23 motion-I'd-I'd like to move my amendment to the
24 motion. My amendment to the motion that then, if
25 Commissioner Albanese wants to get back to his,

that's fine. I'm sure you can say that, but my point is that if you are a lobbyist for a firm listed as doing business with the City of New York through the Campaign Finance Board, that you would not be eligible to serve on the City Planning Commission. Very clear.

COMMISSIONER CARAS: I'm—I'm just concerned that we're getting—we're putting things together that don't really go together. I see the person in the audience who helped write--they're doing business with this data, but it's really [laughs] a bunch of years ago, and for example the head of a not-for-profit may be in the doing business database because he comes to the City Council--he or she comes to the City Council to ask for money for a large not-for-profit every year. They may have nothing to do with land use, but under that they would be banned from serving on the City Planning Commission, and I'm just thinking we're going to have all sorts of unintended consequences, and while I fully support the idea of not have the City Planning Commission controlled by real estate interests, on the other hand I'm also worried when we're using terms like 'advise' that, you know, we'll end up with

2 a City Planning Commission without an architect and,
3 you know, often times it's the architect on the panel
4 that stops the city of the building--

5 CHAIRPERSON BENJAMIN: And because our

6 COMMISSIONER CARAS: --, and being built,
7 and just--

8 COMMISSIONER VACCA: [interposing] I did
9 not use the word 'advise'.

10 COMMISSIONER CARAS: No, no, no, that's
11 in the-I'm not-I'm not. [background comment] I'm
12 not and then finally, you know, and-and again, I'm
13 not sure what a real estate firm would do there, and
14 I heard somebody testify before the Commission that
15 one of the City Planning Commissioners was, you know,
16 in a real estate related business, not-for-profit
17 business, and that happens to be a City Planning
18 Commissioner who does a lot of work with not-for-
19 profits who's I-if I remember correctly, has often
20 supported our office against major developments. So,
21 I just feel like we're wading into this way too much
22 as the last minute, and there are just all sorts of
23 pitfalls here. So, I just caution with that.

24 CHAIRPERSON BENJAMIN: I'd like to--

25 COMMISSIONER ALBANESE: Can I--let me--

2 CHAIRPERSON BENJAMIN: Carl, then Sal and
3 then I'd like to call the question.

4 COMMISSIONER ALBANESE: Yeah, I mean-

5 COMMISSIONER WEISBROD: [interposing] Can
6 I just say, and this is just supporting what-what Jim
7 said. I-I think we just have to be a little careful.
8 We are getting a little far afield and on the fly
9 sort of making quick decisions, which we-on issues
10 that really haven't come before us, and I think we've
11 been very, very responsible up until now to think
12 through both staff recommendations, testimony that's
13 been before us on issues, and as we get close to
14 wrapping up, I just think we should be really, really
15 careful about not sort of manufacturing new policy
16 and new recommendations on the fly without really
17 understanding anything about what the potential
18 implications might be.

19 CHAIRPERSON BENJAMIN: Sal.

20 COMMISSIONER ALBANESE: Well, I-I think
21 that many of the Commissioners have made valid points
22 on-on this and I'm willing to withdraw my-my
23 proposal, and-and if Mister-if Commissioner Vacca
24 wants to move his, I'll certainly support it, but I-I
25 think there are a lot of issues that-that were

raised, which were valid during this discussion. I-I-I still believe that we need, and it's probably something we can do tonight or in this Commission to figure out how to minimize conflicts of interest at the City Planning Commission because they're there. I know that some of the appointees have no business sitting on that Commission. They are just political folks with no experience in either real estate or-or engineering and they are just appointed by-by some political leaders. I don't have the answer tonight to how we address that problem.

CHAIRPERSON BENJAMIN: Thank you, Sal.

COMMISSIONER VACCA: I just come back to the point. I understand this was not raised on the fly. I've long felt that lobbyists should not be on the City Planning Commission. I asked the Chair a question: Are lobbyists allowed to be on the Planning Commission. The answer is basically yes they are. So, I get that answer, and I then say well, wait a minute. If you're lobbying for--

CHAIRPERSON BENJAMIN: [interposing] But that's not exactly what I said.

2 COMMISSIONER VACCA: Well, did you say
3 that—I thought the answer from the group was that
4 yes, lobbyists are allowed.

5 CHAIRPERSON BENJAMIN: No, that wasn't
6 what I said. I said that there are people who are on
7 the Commission who may also in--at one stage or
8 another be on their firms, and they do business with
9 the city. They may--their firms if they are with a
10 firm or their employer may have items that go before
11 the Commission, and in the example that Jim gave one
12 of the Commissioners who does a lot of not-for-profit
13 housing, you would have to call that real estate, but
14 every time there is a vote that may involve her or
15 her firm or her concern she has to be--she may not
16 vote on those. She may not discuss them.

17 COMMISSIONER WEISBROD: And--and Jim, she
18 may well, now that Jim Caras has pointed this out and
19 the Chair has pointed this out, she may well be a
20 registered lobbyist. She is the head of a CEO of a
21 not-for-profit housing company that is I think Jim
22 well knows. It's been a voice--a voice for--against
23 real estate interest for the most part. She's a
24 registered lobbyist because she has to be a
25 registered lobbyist if she's coming before the city

on behalf of her organization for money or for a project, but that doesn't come before the Planning Commission. She's probably registered. She's not a lobbyist by profession, but she has to register as a lobbyist, as--that's--our lobbying laws are very tough.

COMMISSIONER VACCA: We have determined in this city long ago that we want to limit the influence of lobbyists. So, you just set a standard at the Campaign Finance Board where lobbyist contributions are limited and where their--the money that they provide is not matched. So, many candidates do not even accept any lobbyist money. So, here I will modify my motion, and I will just say that we do not want--we are prohibiting registered lobbyists from serving on the City Planning Commission.

COMMISSIONER WEISBROD: So, so, Jim--

CHAIRPERSON BENJAMIN: [interposing] Wait a minute--let me.

COMMISSIONER VACCA: [interposing] I'll modify my motion.

CHAIRPERSON BENJAMIN: Let me--

COMMISSIONER VACCA: It's very clear

CHAIRPERSON BENJAMIN: But what we have--

2 COMMISSIONER VACCA: what-what is a
3 lobbyist.

4 CHAIRPERSON BENJAMIN: Wait, wait, wait.
5 What we had was Sal's motion, which he has indicated
6 he no longer wishes to pursue. That motion is not
7 before us. If we-if you now want to propose a
8 different motion, you will have to wait until after -

9 COMMISSIONER VACCA: [interposing] No,
10 no, I am mod-I am modifying my amendment to remove
11 the reference from-to remove the reference to the
12 Campaign Finance Board, and to say that registered
13 lobbyists will not be allowed to sit on the Campaign
14 Finance-on the City Planning Commission.

15 CHAIRPERSON BENJAMIN: But you can't
16 amend--

17 COMMISSIONER VACCA: [interposing] I'm
18 modifying my motion.

19 CHAIRPERSON BENJAMIN: --a motion that's
20 been withdrawn by the sponsor. You need to go--

21 COMMISSIONER VACCA: [interposing] That's
22 true. He would do my-my motion. So, amendment
23 would--

24 CHAIRPERSON BENJAMIN: [interposing] He
25 would do his motion--

2 COMMISSIONER VACCA: He would do his
3 motion.

4 CHAIRPERSON BENJAMIN: --and you were
5 amending his motion, but his motion isn't there now.

6 COMMISSIONER VACCA: I'm amending my
7 amendment. I made an amended motion.

8 CHAIRPERSON BENJAMIN: You can't make an
9 amendment to a motion that's no longer there.

10 COMMISSIONER VACCA: So, whatever I do is
11 out?

12 CHAIRPERSON BENJAMIN: It's--right. So,
13 you have to wait until new business to offer that.

14 COMMISSIONER VACCA: I'll wait until
15 then.

16 COMMISSIONER ALBANESE: We can pursue
17 yet.

18 COMMISSIONER VACCA: Okay. So, I'll do
19 that.

20 CHAIRPERSON BENJAMIN: Okay. The next
21 item is from Commissioner Fiala.

22 COMMISSIONER FIALA: Thank you, Madam
23 Chair. With respect to the proposal before you, I
24 refer you to my memorandum to all of you last October
25 of 2018 wherein I submitted to you that in my

judgment there existed a strong evidentiary basis based on our now three decades of experience operating under the '89 framework to support the conclusion that the existing language in the Charter does not provide the sufficient institutional mechanisms allowing for the effective representation of borough interest and service delivery needs. As I outlined then and throughout many of our public meetings across the city, I seek to ensure a meaningful voice and a meaningful borough voice by way of strengthening the tools of the borough presidents in their role as a counter balance to a strong and often insulated central bureaucracy. If we start with this premise that there are there unique levels of representation and perspective in the city, a local level, a borough level, and a city level. We identify ourselves as members of a community or neighborhood, residents of a particular borough and citizens of a city. Three different unique entities. The threshold question then is this: Does the Charter as presently constructed provide the requisite tools and procedural leverage needed to position borough presidents as an influential even if not a binding decisional making

authority, but an influential nonetheless unifying voice as the intermediate level voice, namely the borough. I submit to you that the language does not. Instead what our 30 years of experience shows us is that borough presidents do indeed lack the procedural leverage to compel serious discussion and serious consideration of their viewpoints in their proposals. Nowhere in the Charter have the promises and forecasted outcomes articulated by the '89 framers falling short of being realized than in this area of borough interest, and the intended roles for borough presidents. In theory, borough presidents were to be meaningfully integrated into the major area of governmental decision making. Indeed that was the picture painted, a new governmental framework that included a new robust role for borough presidents in a post 1989 era, and it's important to understand this historical perspective because it will help guide you in making an informed decision on my proposal. As a Councilman, I testified at the very first Charter Revision Commission held after the '89 Commission. That commission in 1998 I expressed then my belief that the intended vision for the role of borough presidents had not materialized as espoused

by the '89 Commission. Some could have argued and did argue that it was merely growing pains, and that all of the institutional players, the City Council, the Public Advocate, the borough presidents and to a lesser extent the Mayor and the Comptroller were all still getting their sea legs, and that it would take time for them to sufficiently grow into their roles. There was an element of truth to that, and I--and concede to that assertion. Indeed as a member of the City Council--Gail, Jim we were there--I experienced first hand the growing pains that the Council faced as it continued to assert itself and exercise its recently new found powers. I was there when we went head to head with the Executive Branch and passed our own budget rather than act on and adopt the Mayor's budget. So, growing pains yes, but that does not explain it all. At least not with respect the borough presidents. Here we are now, 30 years later, not 8 years later, 30 years later into our experiment with the '89 framework. One could not argue now with a straight face that the problem with borough presidents are still a matter of growing pains. Rather, the diagnosis I believe is a systemic shortcoming in the existing Charter language. I've

used the following example over and over and over again over the past two decades to make this point—t make the point and here is: The '89 charter designed a picture of what they—the '89 Commissioners designed a picture of what they intended the office to look like. So, I want you now to envision a picture, a children's connect the dot by diagram numbered picture. You remember how that happens. You connect dot 1, dot 2, dot 3 and when you've connected all of the dots in the right order, the result is the design—the—the picture of the designer's vision, a beautiful horse, a picturesque landscape maybe a magnificent ship, but what happens if a few of those dots are missing or are misarranged or out of sequence? The result is you get an incomplete. Picture. The result the original vision of the designer doesn't match the reality of the finished product. That, my colleagues is a metaphor that I believe speaks to what happened with the design of the '89 framework. The role of the office of borough president has not been realized to the extent that the framers intended and forecast. That vision and that extent bears repeating today verbatim, verbatim, September 29, 1989: The overall thrust of charter

revision is not to diminish the role of borough presidents, but to give them new executive-executive functions within their boroughs, functions, which will enable-enable them to initiate proposals, require-require them to make fiscal, land use, and service delivery choices and compel-compel public deliberation and decision on their initiatives.

September 29, 1989, Chairman Fritz Schwartz and Executive Director Eric Lane. Fast forward to 1998 in New York School Law Review. They reaffirmed that position verbatim. The evidentiary basis I submitted over the last year and indeed over the last nearly quarter century, the proposals that I've advanced over our time together including the measure before us, and my opinions about the intended role and functions for the office were not simply made out of whole cloth by me with no grounding in facts. The proposal before you, the only one left of the borough presidential proposals that I believe has a shot at passing so the only one that I've advanced at this meeting wasn't crafted to bolster my vision of what the borough presidents should be. No, rather it was crafted to bolster and deliver on the original intent and the intended role for borough presidents as

expressed succinctly and unambiguously by Chairman Schwartz And Executive Director in 1989 and reaffirmed in 1998. Finally, you don't have to guess or stress over whether or not my interpretation of what the '89 framers were designing and intending as the role of borough presidents. I'm not tell you what I interpreted their intentions to mean. I'm reporting on their interpretations of what they intend it to mean. The proposal before you meets my standard of approaching our work as civic surgeons, and first ensuring we do no harm. It does not alter the structural integrity of the checks and balances system put in place by the '9=89 framers. Indeed, you heard from professors Doug Nunzio and Eric Lane two men there at the founding that they agreed, and confirmed that in their testimony, which changed (sic) with me earlier this year in that big room. The amendment before us also meets my standard of the Goldie Locks dilemma. It's not too cold, it's not too hot. It's a kind of just right. The proposal in truth is modest but meaningful. It provides a structural forum for dialogue, collaboration, coordination, procedural leverage to compel discussion and consideration of a borough president's

view and proposals. That's all it does. The ancient Greeks had a word that they used for season the occasion: Kairos. (sp?) I ask you to support this measure and take us one step closer to the '89 framers' view and commitment to ensuring a continued place and voice of the borough interest in our governmental ecosystem. Now is the time to do it. Thirty years is long enough. I just ask you all to please throw me--throw me a pity yes vote if you will.

[laughter]

CHAIRPERSON BENJAMIN: Jim, discussion.

COMMISSIONER CARAS: [off mic] I affirm that. (sic) [off mic] I affirm the amendment with that Steve--fitting all hostile and--[laughter] I would suggest two changes. One is to divide up the agencies a bit. So, I would leave what Steve had in terms of deputy commissioners, borough commissioners from the Department of Buildings, Department of Transportation, Department of Parks and Recreation, as well as the Borough Director the Department of City Planning, and then I would say something to the effect of and where applicable the Borough Commander, the New York City Fire Department, the New York City Police Department, the Economic Development

Corporation, HPD and relevant community board chair or designee thereof. So that way, you know, if you're talking about a park issue or a street closing issue, or a street demapping issue, we don't need the Fire Department and the Police Department, but you could have them there where relevant, and then I would also include a reference discussion of the pre-application materials in the—I was trying to get more of a pre-certification process. That didn't work. At least allow them to discuss those materials in this forum, and I'm fully on board with Steve. All we're asking for is a structured conversation. In a lot of the things I think that, you know, didn't go through we weren't asking to give the borough presidents or other officials necessarily powers of the Mayor, but just to sort of amplify their voices a bit and I—and I think this does that.

COMMISSIONER FIALA: And I'm going to very nicely say, Jim, you've given a lot of thought to them. I know you've done a lot of work on it. I am happy to accept your amendment. I think it does the right—the blending and balancing and it does speak to just amplifying a voice. That's all it is, and sadly today, you know what passes the Charter

Reform, getting people to talk to one another. Right, that's really what we're asking here. It does not bind any decision. It simply fosters dialogues. So, I accept your amendment.

COMMISSIONER CARAS: I agree.

CHAIRPERSON BENJAMIN: [interposing]

Would you read your amendment again? It doesn't apply to all city. I mean I noticed that DEP wasn't there, which and you said street closings. So-

COMMISSIONER FIALA: Have the power to call a borough joint agency technical review meeting, which commissioners, deputy commissioners or borough commissioners from the Department of Buildings, Department of Transportation, Department of Parks and Recreation, as well as the borough director of the Department of City Planning, and if relevant to a particular meeting agenda-oh, I'm sorry-and if relevant to a particular meeting agenda and requested by the borough president, representatives from the borough command of the Fire Department and the Police Department, the Economic Development Corporation, HPD and relevant community board chair or designee thereof. I'd be happy to include any other agency with a borough commissioner if that's-if that Steve

is okay with that. Shall attend to review, discuss and coordinate land use proposals, infrastructure and building projects within the borough including but not limited to review and describe-discussion of pre-application materials for land use applications within the borough. The joint agency technical review meeting shall be chaired by the borough president or his or her designee. [pause]

CHAIRPERSON BENJAMIN: Oh, I'm sorry.

Paula

COMMISSIONER GAVIN: I'm not clear why those structured conversations can't happen now.

COMMISSIONER CARAS: I'm not either, but they haven't happened appropriately for 30 years. This proposal has been around for 20 years, and I've been on two of the commissions where we vetted it. This proposal is the most modest of all of the proposals that have been suggested.

COMMISSIONER GAVIN: But it could happen now. There's nothing to prevent it happening now, a structured conversation.

COUNCIL MEMBER FIALA: Thirty years of experience, Commissioner, 30 years of experience. You know units of appropriation what we did last

2 week, it's the same thing. It's sadly—it's sadly
3 needed today. I wish it weren't but it seems that we
4 need to provide so much guidance as to what we expect
5 people to do today. It's just the way of the world,
6 but I—I just think that I've waited 22 years. This
7 is the last commission I'm ever going to be on. I
8 have news for you, there's nothing great about this
9 proposal. Here's—you remember what I wanted. I
10 wanted budgetary authorities, remember? I'm not
11 going to go into it. I talked about all of the
12 different languages. I realized that the
13 intersection there would have—would have addressed
14 the structural imbalance. This does nothing to the
15 structural integrity, but 30 years is a long time, a
16 long time indeed, and

17 COMMISSIONER CARAS: And I thank Paula
18 often—can I?

19 CHAIRPERSON BENJAMIN: Did you have your
20 hand up, Carl? Hold on one moment

21 COMMISSIONER WEISBROD: I did but I'll—
22 I'll let Jim go.

23 COMMISSIONER CARAS: Thank you, Carl. I
24 was just going to say really quickly I think often
25 what happens is if there is a major rezoning or

something where a bunch of agencies are involved, they will come in together to have a serious discussion literally in the waning days of the borough president's, you know, 30-day review period, but there's not anything for sort of regular discussion or ongoing discussion or advanced discussion, and I—I just think given the borough president this power again it's—it's very modest.

CHAIRPERSON BENJAMIN: Carl, you were next.

COMMISSIONER WEISBROD: Yes, I think—I appreciate both Steve and Jim's comments here. I have to say that—that we're talking about two just be—to be clear, two quite separate things that have been conflated. One is kind of Jim has focused largely on the land use development ULURP role of the borough president, and I admire his creativity in trying to re-litigate the issue of pre-applications that we already decided last week, and I think Steve—Steven is talking more, and obviously they're overlapping about the role of the borough president as service manager really in coordinating services within a borough. I—just to call his quest—question, my experience has been overseeing several city

agencies in my career that that does take place on an informal basis, and that agencies are responsive to borough presidents, and are responsive to them in a coordinated way when the borough president seeks it on a specific issue, and sometimes just on a monthly basis, and I would say that the—probably the best example of that is—is—is in Staten Island today with the current borough president Jimmy Otto where he does convene a monthly meeting. I think there's a real problem in what—what Stephen is proposing and what Jim is expanding. The role of the borough presidents pre-1989 was not as a manager and executive. In fact, that was the role of the borough president in—prior to 1898 before consolidation of the city, and I think we really—one of the great things New York did was consolidate in 1898 and to—and to put these departments under centralized Mayoral responsibility instead of having them as borough departments. I can say, and I dare say that at least Liliam Barrios-Paoli will probably confirm this, but you can't really manage a city agency if that agency is—thinks they have two bosses, and—and that they are responsible to different borough presidents and different policies in one borough than

they are in a different borough, and that's an issue that under current circumstances Commissioners already face because borough commissioners whether they're in HPD or City Planning, or Transportation or-or-or the Department of Buildings, do want to be responsive to their borough presidents, and at the same time want to be responsive to their central office. You can't do both if you feel that you have two different masters, and I think we should be really, really, really careful about codifying something that does now already take place on a regular basis, and I think Lilliam, you will certainly confirm that. I think any other Commissioner who is-who has been a Commissioner at lots of different agencies, will confirm that, and the-because I think commissioners and their agencies do respect the borough presidents, and they will be responsive to them, but to in effect, and I-I appreciate what Steve is suggesting that this is modest and not really giving the borough president managerial control. But, in fact, that's what it would be, and I really think that we should avoid proceeding on this issue.

CHAIRPERSON BENJAMIN: Jimmy.

2 COMMISSIONER VACCA: I support this, but
3 I do agree with the description that of it by its
4 sponsor namely that this is modest. This is—you don't
5 get more modest than this. This is a meeting where
6 the borough president is going to have city agencies
7 come and give a technical presentation on a project.
8 It's a meeting. Right now the borough presidents
9 have a district service cabinet meetings, or a
10 borough service cabinet meetings. Community boards
11 have district service cabinet meetings and agencies
12 come. An agency is an agency or an agency is an
13 agency. I've been at these meetings where the level
14 of representation agencies send is unbelievable. You
15 can have someone who is very low on the totem pole
16 come to these agency meetings that the borough
17 president or the community board calls, and not even
18 be in—not even be able to answer basic questions, but
19 they're there in the room. This, well, this motion
20 does not even entail the level of representation
21 issue, which the borough president and the community
22 boards face. So, I support this at minimum, at
23 minimum. It sends a message that we take the borough
24 president seriously and that these agencies should
25 take them seriously. Yes, that message has to come

from the Mayor and the Commissioners of every agency, but the reality is over the course of many years of my involvement, that's not been the case, and you have level-the level of agency representation at these meetings concerns me. So, this is modest, but we should adopt it.

CHAIRPERSON BENJAMIN: Anything else or call the question? [pause] Call the roll. [pause]

LEGAL COUNSEL: Commissioner Albanese.

COMMISSIONER ALBANESE: No.

LEGAL COUNSEL: Commissioner Barrios-Paoli.

COMMISSIONER BARRIOS-PAOLI: No.

LEGAL COUNSEL: Commissioner Camilo.

We're voting on the-Commissioner Fiala's BP Technical Review as amended by Commissioner Caras' memo.

COMMISSIONER CAMILO: No.

LEGAL COUNSEL: Commissioner Caras.

COMMISSIONER CARAS: Yes.

LEGAL COUNSEL: Commissioner Cordero.

COMMISSIONER CORDERO: I'll vote yes.

LEGAL COUNSEL: Commissioner Fiala.

COMMISSIONER FIALA: Yes.

LEGAL COUNSEL: Commissioner Gavin.

COMMISSIONER GAVIN: No.

LEGAL COUNSEL: Commissioner Greene.

COMMISSIONER GREENE: No.

LEGAL COUNSEL: Commissioner Hirsh.

COMMISSIONER HIRSH: No.

LEGAL COUNSEL: Commissioner Miller.

COMMISSIONER MILLER: Yes.

LEGAL COUNSEL: Commissioner Nori.

COMMISSIONER NORI: Yes.

LEGAL COUNSEL: Commissioner Tisch.

COMMISSIONER TISCH: [pause] I vote—I'm—

I'm just curious. About an hour ago, we had a conversation about the first bullet under land use, which had to do with asking staff to go back and think through very clearly the hours of testimony that we heard about the frustrations community wide on the issues of land use and land development. I am not sure why something like this, which if you listen carefully to the testimony I mean clearly appeared in multiple circumstances should not be part of the addendum prepared by staff to be reviewed by City Council. I just don't know that having a line in a charter review asking people to vote about the role of the borough president in City Planning really

gives voice to the frustration [coughing] and what was described to us as a lack of collaboration. I'm going to vote no, but I would clearly hope that if this amendment does not pass, that it becomes part of an overall structure report to the council and to the public about what we learned, what we heard, and what we feel should go back for further review by counsel.

LEGAL COUNSEL: Commissioner Vacca.

COMMISSIONER VACCA: I vote yes.

LEGAL COUNSEL: Commissioner Weisbrod.

COMMISSIONER WEISBROD: No.

LEGAL COUNSEL: Chair Benjamin.

CHAIRPERSON BENJAMIN: No. [pause]

LEGAL COUNSEL: 7 in the affirmative, 8 in the negative. The motion fails.

CHAIRPERSON BENJAMIN: I would certainly in response to Commissioner Tisch suggest that we put this in our report, and I would work with you, Commissioner Fiala, to structure language that you would find acceptable in order to make sure that this view—I do think it's important the borough presidential. I just think this way was not something I could support.

2 COMMISSIONER FIALA: Thank you, Madam
3 Chair. Thank you. Dr. Tisch.

4 CHAIRPERSON BENJAMIN: And the last item
5 is I believe Jimmy Vacca, Community Boards and
6 Borough Presidents Office—Offices must be included in
7 interagency pre-cert meetings or on ULURP items held
8 at City Planning Commission.

9 COMMISSIONER VACCA: I have raised this
10 issue before. I hope that the Commission will pass
11 this. Right now, the City Planning Commission staff
12 has agency meetings before an item is ULURPed. Those
13 agency meetings involve City Planning Commission
14 staff, and they involve the agencies involved in a
15 particular project. The community board is an agency
16 and the borough president is an agency. They are not
17 invited to those meetings. We do hear a lot of
18 people who testified here and they've spoken about a
19 lack of community engagement, and we always advocate
20 for community engagement, and the community boards
21 are really little city halls in their communities and
22 they are city agencies yet they are not at the
23 meetings. They are not there from the beginning.
24 So, when they get a ULURP item the community board
25 already often says we were not consulted. They get a

phone call. They may hear a rumor, but they're not in the room when discussions are-are asked. I must say when a project is proposed, City Planning Commission staff will meet with the MTA. They meet with DDC and DOT. So, certainly if they're going to put a bus on the 700 block of Revere Avenue, I'm the District Manager. I know the 700 block of Revere Avenue is between Randall and Phillip, and it's all two-family houses, and putting a bus route down that street will disrupt the quality of life of those people. I would be determined because I know that neighborhood to find a different bus route, but if I'm not in the room, that proposal is going to come to me with that bus route, and if I'm not in the room the planners and the bureaucrats from other city agencies who don't live in the community will think nothing of it and say well that bus has got to go somewhere. Community Board District Manager and the Borough President's office are not in the room, and if issues like that you and I may say that they're very parochial. No, they're not parochial. Those are issues that affect quality of life for people, and by not being in the room, they get the application and the city has already determined to go

1 CHARTER REVISION COMMISSION

170

2 through with what they want to go through with and
3 the community feels alienated and not included. So,
4 my motion is that we require the community boards and
5 borough president representatives be included in pre-
6 ULURP interagency meetings at the City Planning
7 Commission staff calls affecting proposals in their
8 district or borough.

9 CHAIRPERSON BENJAMIN: Any discussion?
10 Call the question? Is there a second.

11 COMMISSIONER GAVIN: Second.

12 CHAIRPERSON BENJAMIN: Call the roll

13 LEGAL COUNSEL: Commissioner Albanese.

14 COMMISSIONER ALBANESE: Yes.

15 LEGAL COUNSEL: Commissioner Barrios-
16 Paoli.

17 COMMISSIONER BARRIOS-PAOLI: [off mic]
18 No.

19 LEGAL COUNSEL: Commissioner Camilo.

20 COMMISSIONER CAMILO: No.

21 LEGAL COUNSEL: Commissioner Caras.

22 COMMISSIONER CARAS: I think even for me
23 this--[laughs] even for me--that this may--I think
24 there are a lot of--often times there are a lot of
25 interagency meetings that are very, very technical.

They're going, you know, people are going back and forth with City Planning staff. I could support this if it said "and interagency precertification meeting" but I worry about having elected official and--and I've discussed this with you, I think, Jimmy. I worry about having an elected official or representative of and elected official at the sort technical meeting that--that maybe doesn't want a meeting, but I support what you're trying to get at, I'm going to vote yes.

[pause]

LEGAL COUNSEL: Commissioner Cordero.

COMMISSIONER CORDERO: Yes.

LEGAL COUNSEL: Commissioner Fiala.

COMMISSIONER FIALA: I'm going to follow Jim Caras' lead and vote yes for the same reason.

LEGAL COUNSEL: Commissioner Gavin.

COMMISSIONER GAVIN: No.

LEGAL COUNSEL: Commissioner Greene.

COMMISSIONER GREENE: No.

LEGAL COUNSEL: Commissioner Hirsh.

COMMISSIONER HIRSH: No.

LEGAL COUNSEL: Commissioner Miller.

COMMISSIONER MILLER: Yes.

LEGAL COUNSEL: Commissioner Nori.

COMMISSIONER NORI: No.

LEGAL COUNSEL: Commissioner Tisch.

COMMISSIONER TISCH: [off mic] No.

LEGAL COUNSEL: Commissioner Vacca.

COMMISSIONER VACCA: Definitely yes.

LEGAL COUNSEL: Commissioner Weisbrod.

COMMISSIONER WEISBROD: No.

LEGAL COUNSEL: Chair Benjamin.

CHAIRPERSON BENJAMIN: No. [pause]

LEGAL COUNSEL: 6 in the affirmative, 9
in the negative. The motion fails.

CHAIRPERSON BENJAMIN: We will now move
onto I believe I have a request from Commissioner
Nori.

COMMISSIONER NORI: Okay, thank you
everyone. I'll make this brief. I notice that Frank
Morano has gone home. He's our number one.
[laughter] We know it's been a long meeting. It's
been an honor to serve on this Commission during the
past year, and as an immigrant, a person of color
someone who could easily have taken any number of
different paths to end up sitting at this table with
all of you is a great honor. To serve in this
capacity to help improve this great is a great

privilege. We at this table have the task of making the city fair for equal opportunity for transparency, for honesty. If those in power are dishonest, if those who wield the apparatus of state power are negligent or abusive we have an obligation to provide a check on that power especially when there are not legislative fixes. We must act to honor those public servants who are honest, brave and forthright who seek to do the right thing. I want us to hold truth and honesty as an ideal for our elected officials, for our judges, for our teachers, and maybe most importantly for our police officers. This isn't about being for or against cops. This is about the rule of law about accountability and about justice. So, I was disheartened last week when we lacked the will to take on one of the issues that I truly believe is a matter of life and death in this city. A meaningful change to the powers of the CCRB to address all statements. In my opinion, everything else we do here is just plumbing, moving the pipes of power, plugging leaks in our system, et cetera, but this one issue can be our legacy to ensure that our system is honest that those who act on its behalf are honest. The arguments against this proposal are

disheartening and dishonest. The police officers will make misstatements that this misstatements made inadvertently will hurt their careers. In the world of law and order, there is only truth. We can expect no less from the brave men and women who serve our city as police officers. So, today we either stand for truth and honestly or we stand against it. We either speak up against abuses of power or we stay silent and ignore the calls from most of the people in this city. Let's do the right thing. So, I call on you Commissioners. Is there anyone who voted against Proposal 7 last week who's willing to move to reopen this question? [pause]

CHAIRPERSON BENJAMIN: Carl.

COMMISSIONER WEISBROD: Yes, and I-I thank Commissioner Nori for his passionate remarks. I also want to thank Commissioner Hirsh, who after our meeting last where I did vote against this proposal, helped me really see the light on it for what it is, which is that we live in a world today that has discounted the truth where politicians talk about fake news where we have a leader who is-has a scorecard of 10,000 or more lives where people testified before Congress and simply lie and get away

with it, and I-I don't think that's the democracy of the world that we want, and certainly not the democracy in the world that I grew up in or I want. I wrestled a lot with this issue as to my vote last week, and I spend the better part of this past weekend thinking about the issues on both sides talking to representatives at the CCRB, people who did not think that this was necessary, and the CCRB, in fact, believes that it currently has the power to—within it's jurisdiction to consider false official statements. As Commissioner Nori said, I also have a great, great respect for the New York City Police Department, the work it does and the work it continues to do, and I spent 15 years of my life in Times Square working intimately day in and day out with the Police Department, and really appreciate the pressures that they're under and the work that—that they do think that we have an obligation to—an obligation to support the truth and not slide by when people don't tell the truth. And part of my investigation was to ask the CCRB itself what—what—what they—what they thought their powers were, and I did get a statement from the CCRB Executive Director, which I would read into the record saying that the

CCRB—I'm quoting now: The CCRB believes it has the broad power under the current Charter to interpret what constitutes excessive force, abuses of authority, discourtesy and defensive language. It asserted that power in 2018 when it took the step to change its prior policy of referring allegations of sexual misconduct to the NYPD for investigation. As part of her decision in the case of *Lynch v. State v. Davy*, Justice Crane upheld that power and the CCRB has been advised by the Law Department that while Judge Crane's decision is on appeal, the CCRB is like to prevail upon appeal. The CCRB commits to engaging in a process of considering false official statements similar to the process it took with respect to—with regard to sexual misconduct in the coming months. And while I appreciate the statement from the CCRB and I accept the fact that they, in fact, do have the residual power—inherent power to consider false official statements, and as we all know, not the independent power themselves to sanction, but only recommend sanctions for the Police Commissioner who has the final say and can use his judgment appropriately. I do believe that it's really important for this Commission to affirm what the CCRB

is--considers its power to not reject the notion or the optics of the notion that somehow we permit and dismiss allegations of false official statements as if they're not that important or maybe misstatements or maybe just errors. I think that can--those cases where there are simply misstatements that are inconsequential, police officers have the protection that the Police Commissioner offers. But I think it's really important for this commission to affirmatively assert that we won't tolerate as a society or as a city false official statements, and especially in the times in which we're now living and so I do as a member of the majority who voted against this proposal last week would urge its reconsideration.

CHAIRPERSON BENJAMIN: I--I'm going to read the Proposed--on reconsideration we--we--it's a majority vote, and I would like to take a two or three-minute recess so that I can go to another room, and I'll be right back. We'll be in recess for two or three minutes. [pause for recess] [background comments/pause] The meeting is back in order. The question is on reconsideration of a vote that we took

1 CHARTER REVISION COMMISSION 178
2 last week on Proposal 7. The reconsideration would
3 then put the item before us again.
4 COMMISSIONER GAVIN: Just a point of
5 clarification.
6 CHAIRPERSON BENJAMIN: Excuse me.
7 Discussion.
8 COMMISSIONER GAVIN: Point of
9 Clarification. So the process is we vote to
10 reconsider to put the item before us again and then
11 we vote on that item?
12 CHAIRPERSON BENJAMIN: Correct, correct.
13 We vote on the item if the reconsideration passes.
14 COMMISSIONER GAVIN: Right, right on it.
15 CHAIRPERSON BENJAMIN: On reconsideration
16 would you call the roll.
17 LEGAL COUNSEL: Commissioner Albanese.
18 COMMISSIONER ALBANESE: Yes.
19 LEGAL COUNSEL: Commissioner Barrios-
20 Paoli.
21 COMMISSIONER BARRIOS-PAOLI: [off mic]
22 No.
23 LEGAL COUNSEL: Commissioner Camilo.
24 COMMISSIONER CAMILO: No.
25 LEGAL COUNSEL: Commissioner Caras.

COMMISSIONER CARAS: I think even for me this--[laughs] even for me--that this may--I think there are a lot of--often times there are a lot of interagency meetings that are very, very technical. They're going, you know, people are going back and forth with City Planning staff. I could support this if it said "and interagency precertification meeting" but I worry about having elected official and--and I've discussed this with you, I think, Jimmy. I worry about having an elected official or representative of and elected official at the sort technical meeting that--that maybe doesn't want a meeting, but I support what you're trying to get at, I'm going to vote yes.

[pause]

LEGAL COUNSEL: Commissioner Albanese.

COMMISSIONER ALBANESE: I'll pass.

LEGAL COUNSEL: Commissioner Barrios-Paoli.

COMMISSIONER BARRIOS-PAOLI: Yes.

LEGAL COUNSEL: Commissioner Camilo.

COMMISSIONER CAMILO: Yes.

LEGAL COUNSEL: Commissioner Caras.

COMMISSIONER CARAS: Yes.

LEGAL COUNSEL: Commissioner Cordero.

CHARTER REVISION COMMISSION

180

COMMISSIONER CORDERO: Yes.

LEGAL COUNSEL: Commissioner Fiala.

COMMISSIONER FIALA: No.

LEGAL COUNSEL: Commissioner Gavin.

COMMISSIONER GAVIN: Yes.

LEGAL COUNSEL: Commissioner Greene.

COMMISSIONER GREENE: Yes.

LEGAL COUNSEL: Commissioner Hirsh.

COMMISSIONER HIRSH: Yes.

LEGAL COUNSEL: Commissioner Miller.

COMMISSIONER MILLER: Last week I voted
yes on this reconsideration. I'm voting yes again.

LEGAL COUNSEL: Commissioner Nori.

COMMISSIONER NORI: Yes.

LEGAL COUNSEL: Commissioner Tisch.

COMMISSIONER TISCH: [off mic] No. (sic)

LEGAL COUNSEL: Commissioner Vacca.

COMMISSIONER VACCA: No.

LEGAL COUNSEL: Commissioner Weisbrod.

COMMISSIONER WEISBROD: Yes.

LEGAL COUNSEL: Commissioner Albanese.

COMMISSIONER ALBANESE: Yes.

CHAIRPERSON BENJAMIN: Yes.

1 CHARTER REVISION COMMISSION

181

2 LEGAL COUNSEL: 12 in the affirmative, 2
3 I the negative, one abstention. The motion is now
4 being reconsidered.

5 CHAIRPERSON BENJAMIN: Discussion? Let
6 me read the motion. Proposal 7 allows CCRB to
7 investigate and recommend discipline against an
8 officer who is the subject of a CCRB complaint if
9 that officer makes a false material statement within
10 the course of CCRB's investigation or prosecution of
11 such complaint. Is there discussion? Seeing none,
12 call the question. Is there a second?

13 COMMISSIONER TISCH: Second.

14 CHAIRPERSON BENJAMIN: Call the roll
15 please.

16 LEGAL COUNSEL: Commissioner Albanese.

17 COMMISSIONER ALBANESE: Pass.

18 LEGAL COUNSEL: Commissioner Barrios-
19 Paoli.

20 COMMISSIONER BARRIOS-PAOLI: Yes.

21 LEGAL COUNSEL: Commissioner Camilo.

22 COMMISSIONER CAMILO: Move to explain my
23 vote-my vote.

24 CHAIRPERSON BENJAMIN: Yes.
25

2 COMMISSIONER CAMILO: Just quickly, I-I
3 want to thank all of the speeches by Commissioner
4 Nori and Weisbrod. I-I-I'm really--I agree with the
5 spirit of the reasons to put this motion forwarded
6 and I supported the reconsideration. I will vote no.
7 I do not believe that passing this will largely
8 change anything. This is more the symbolic action
9 and I and for that reason, I vote no.

10 LEGAL COUNSEL: Commissioner Caras.

11 COMMISSIONER CARAS: I want to thank
12 Commissioners Weisbrod and Nori and associate myself
13 with their comments. I think this is the most
14 important thing we're going to do. I vote yes.

15 LEGAL COUNSEL: Commissioner Cordero.

16 COMMISSIONER CORDERO: I wasn't here last
17 week, but I most definitely want to thank
18 Commissioner Nori for bringing it about and I most
19 definitely vote yes.

20 LEGAL COUNSEL: Commissioner Fiala.

21 COMMISSIONER FIALA: No.

22 LEGAL COUNSEL: Commissioner Gavin.

23 COMMISSIONER GAVIN: I too want to thank
24 the comments that have been earlier. I do believe in
25

truth and honestly, but I'm going to keep my vote as no because it has to do with structure. Thank you.

LEGAL COUNSEL: Commissioner Greene.

COMMISSIONER GREENE: I—I want to echo and associate myself with Commissioner Camilo's comments. I appreciate reconsidering this motion and I generally feel—wish we would have been in a different place for some of the more fundamental powership changes and what happens with CCRB recommendations. In the absence of that, I don't think this does enough. So, it—it feels more formal receptive, but I generally support any effort we are trying to pursue generally for more close accountability. My vote is no.

LEGAL COUNSEL: Commissioner Hirsh.

COMMISSIONER HIRSH: I'd like to explain my vote. I want to thank Commissioner Nori for raising this again tonight, and I particularly want to thank Commissioner Weisbrod for the honesty and integrity that you bring to all of the deliberations on this Commission, but for the thoughtfulness with which you came to this conversation and this discussion and your willingness to reconsider. So, thank you for that, and I'd also like to acknowledge

and thank Erica Baez the mother of Anthony Baez and
Hawa Bah (sp?) the mother of Mohammed Bah (sp) who
are here tonight and have sat through this
excruciating [laughs] meeting because you are here to
remind us that this is not an abstract issue we're
discussing today. Our ability to trust the men and
women whose job it is to ostensibly keep us safe is
paramount for our democracy and the functioning of
our society, and the argument that they should get
the benefit of the doubt is deeply unjust especially
when juxtaposed with the reality that most black and
brown boys in our city do not get the benefit of the
doubt. Your children certainly did not, and I—I'd say
I find this a very emotional issue, and I agree with
Commissioner Caras that, you know, there are a lot of
things that can do on this Commission, and there are
a lot of ways in which I wish we could go farther,
but at a minimum to say that the oversight agencies
that has—the agency that has oversight over our
Police Department is meant to ensure that the
civilians in our city are kept safe, has the ability
to investigate and pursue charges when an officer
lies. That feels like a minimum standard that would—
we can uphold and I am proud, and will be proud if

our Commission moves that forward today. So, proudly
vote yes.

LEGAL COUNSEL: Commissioner Miller.

COMMISSIONER MILLER: Yes.

LEGAL COUNSEL: Commissioner Nori.

COMMISSIONER NORI: Yes.

LEGAL COUNSEL: Commissioner Tisch.

COMMISSIONER TISCH: Abstain.

LEGAL COUNSEL: Commissioner Vacca.

COMMISSIONER VACCA: No.

LEGAL COUNSEL: Commissioner Weisbrod.

COMMISSIONER WEISBROD: Yes.

LEGAL COUNSEL: Commissioner Albanese.

COMMISSIONER ALBANESE: I would like to
associated my—I'd like to associate with the remarks
of Commissioner Camilo, and Commissioner Greene, and
say this is a structural issue, and I—I will vote no.

LEGAL COUNSEL: Chair Benjamin.

CHAIRPERSON BENJAMIN: Aye.

LEGAL COUNSEL: 8 in the affirmative, 6
in the negative, 1 abstention. The motion carries.

CHAIRPERSON BENJAMIN: And that is our
agenda for today, unless anyone would like to add
anything.

COMMISSIONER ALBANESE: Yes.

CHAIRPERSON BENJAMIN: Sal.

COMMISSIONER ALBANESE: Yes, the amendment. I'd like to offer the amendment on-that we discussed on the Democracy Vouchers. In anticipation of a possible defeat I put together an amendment that some of you have echoed that you really want to study this proposal, and I think that's-that's valid, and I would like to offer the following amendment: Shall there be a commission on Clean Government established in 2020 charged with studying, debating and educating the public on the imp-on the implementation of a Democracy Voucher Program as an improvement vehicle for the public financing of campaigns for city officers and granting that commission be empowered if it so determines that the adoption of a Democracy Vouchers program in New York City would have a beneficial impact on its law-on its electoral system to place before the voters in the November 2020 General Election a proposition creating a Democracy Voucher Program in New York City. Now, basically all I'm calling for is a commission to study this to debate it, to educate the public, and if at the end of it they decide that it's

2 good thing, we would consider putting It on the
3 ballot in 2020. So that's -that's my memos.

4 CHAIRPERSON BENJAMIN: Discussion?
5 Commissioner Fiala.

6 COMMISSIONER FIALA: I second it, if
7 that--

8 CHAIRPERSON BENJAMIN: Can you read it
9 again, or I mean it was pretty much---

10 COMMISSIONER ALBANESE: Shall there be a
11 commission on Clean Government established in 2020
12 charged with studying, debating and educating the
13 public on the implementation of a Democracy Voucher
14 Program as an improvement vehicle for the public
15 financing of campaigns for city officers and granting
16 that commission be empowered if it so determines that
17 the adoption of a Democracy Vouchers program in New
18 York City would have a beneficial impact on its law--
19 on its electoral system to place before the voters in
20 the November 2020 General Election a proposition
21 creating a Democracy Voucher Program in New York
22 City. So, it would be a commission put together
23 maybe reflective-reflective of the ratio or
24 Commissioners that we have on his board that would
25 study and in-depth debate it, and--and consider

putting on the ballot in 2020. I mean I think—as I said, you know how passionate I am about this issues and I—I—I have been in trying to get money out politics since I started in government. I sued the Federal Election Commission in 1980 because I think it—it-over-over denying average citizens equal protection. You know, we lost that lawsuit, and—and I’ve been championing this stuff because I think it’s the most important—the most important issue facing democracy. How do we get big money out of politics? How do we have a true democracy? I understand the objections that people have tonight, but you all said that you—that you want the—you want the opportunity study it. So, I’m asking that—that we ask the voters if the Commission on Clean Government can study this issue. That’s—that’ my proposal in general.

CHAIRPERSON BENJAMIN: I hear your proposal but I’m also told that a commission cannot recommend something—a commission established in that way cannot recommend something for a ballot proposal. Only a Charter Commission can recommend something for ballot for a ballot proposal. Alison and then Lindsay.

2 COMMISSIONER HIRSH: Sal, I'm wondering
3 if you would be willing to support a suggestion
4 instead of a proposal on the ballot to handle the
5 Democracy Vouchers the same way we're handling—oh,
6 right, the same way we're handling the strategic
7 planning conversation and the borough presidents
8 conversation, and have it be included in the Staff
9 Report that we're recommending there be
10 investigations and study and looking into it, and
11 legislation potentially to enact the Democracy
12 Voucher system?

13 COMMISSIONER ALBANESE: That one, I would
14 accept that. Do we know for sure that the Commission
15 can't—are—are we sure about that? There are a lot of
16 gray areas that I'm talking to .

17 COMMISSIONER CARAS: I'm not going to
18 speak for the Commission, Sal, but having drafted or
19 worked on this law that set up this Commission, my
20 understanding is that state law sets forth the ways
21 in which things can get put on a ballot and—and I—I
22 would be skeptical if we could change that.

23 COUNCIL MEMBER ALBANESE: That makes
24 sense. Okay.

CHAIRPERSON BENJAMIN: So, would you like to change this then that this would be--?

COMMISSIONER ALBANESE: Well, I think that—I think that--

CHAIRPERSON BENJAMIN: [interposing] And I would work—I would commit to work with you to make that happen.

COMMISSIONER ALBANESE: Okay, great.

CHAIRPERSON BENJAMIN: Okay.

COMMISSIONER ALBANESE: Okay.

CHAIRPERSON BENJAMIN: Okay? [laughter] We have a lot of people who are willing to do that work. Are there other items that people wish to add? If not, is there a motion to adjourn.

COUNCIL MEMBER VACCA: Are we voting on Sal's motion or how does this--

CHAIRPERSON BENJAMIN: No. He withdrew the motion.

COMMISSIONER HIRSH: Because it's his staff report now and not a--

COUNCIL MEMBER VACCA: It's a staff, or it's going to be the Staff Report.

COMMISSIONER ALBANESE: It's apparently a legal issue, which it probably has some credibility.

COUNCIL MEMBER VACCA: But I have my motion I have to bring back.

CHAIRPERSON BENJAMIN: That's what I just aske.

COUNCIL MEMBER VACCA: I know when you do. When I get a chance I want to bring back that we not allow lobbyists to serve on the City Planning Commission.

CHAIRPERSON BENJAMIN: Is there discussion? Is there additional discussion? If not, call the question. Is there a second.

COUNCIL MEMBER HIRSH: Second.

CHAIRPERSON BENJAMIN: Discussion? No, call the roll please.

LEGAL COUNSEL: Commissioner Albanese.

COMMISSIONER ALBANESE: Yes.

LEGAL COUNSEL: Commissioner Barrios-Paoli.

COMMISSIONER BARRIOS-PAOLI No.

LEGAL COUNSEL: Commissioner Camilo.

COMMISSIONER CAMILO: No.

LEGAL COUNSEL: Commissioner Caras.

2 COMMISSIONER CARAS: Jimmy, I could
3 support some narrow more thought out version of that,
4 but that lobbying—

5 CHAIRPERSON BENJAMIN: [interposing] It's
6 not. Let's make a deal. We have a—

7 COUNCIL MEMBER VACCA: Obviously if I put
8 is all in.

9 COMMISSIONER CARAS: No, no, no. I'm
10 putting that lane (sic) in but I can't here—I can't
11 the way it's written, you know, I said lobbyists
12 include engineers, architects. The way the city laws
13 are written I have too many concerns about that. I
14 wasn't bargaining.

15 CHAIRPERSON BENJAMIN: No, Jimmy is
16 trying to bargain with you. [laughter]

17 LEGAL COUNSEL: Commissioner Cordero.

18 COMMISSIONER CORDERO: I'm going to vote
19 yes.

20 LEGAL COUNSEL: Commissioner Fiala.

21 COMMISSIONER FIALA: Explain. I, too,
22 would like to—I agree with the sentiment of what
23 you're trying to do, Commissioner. I'm just
24 concerned that a not-for-profit executive—in essence
25 we would be—we're potentially trapping some of these

people and--and that I don't think would-- That's not what you're intending, I know, but because of the-- the--because the world runs by laws today, I think it's just too broad even though I agree with you, not lobbyist should be serving on the City Planning Commission or quite frankly any other in my view, but to Jim Caras' point this thing would have tentacles like an octopus, and I think we would wind up scooping up some really good people that just get scooped up because they happen to be in a--in a position of, you know, where it's a non-profit executive or some other--some other good works type of thing, but I--I--I agree. I want to associate my remarks with Commissioner Caras. I vote no.

LEGAL COUNSEL: Commissioner Gavin.

COMMISSIONER GAVIN: No.

LEGAL COUNSEL: Commissioner Greene.

COMMISSIONER GREENE: No.

LEGAL COUNSEL: Commissioner Hirsh.

COMMISSIONER HIRSH: No.

LEGAL COUNSEL: Commissioner Miler.

COMMISSIONER MILLER: No.

LEGAL COUNSEL: Commissioner Nori.

COMMISSIONER NORI: No.

LEGAL COUNSEL: Commissioner Tisch.

COMMISSIONER TISCH: No.

LEGAL COUNSEL: Commissioner Vacca.

COMMISSIONER VACCA: Yes.

LEGAL COUNSEL: Commissioner Weisbrod.

COMMISSIONER WEISBROD: No.

CHAIRPERSON BENJAMIN: Chair Benjamin.

CHAIRPERSON BENJAMIN: No.

LEGAL COUNSEL: 3 in the affirmative, 12
in the negative. The motion fails.

CHAIRPERSON BENJAMIN: Are there any
other—is there any other business? If not, I would
entertain motion to adjourn.

COMMISSIONER TISCH: So, moved.

[laughter]

CHAIRPERSON BENJAMIN: By unanimous
consent—can I do that? [background comments] I move
we adjourn. Aye?

COMMISSIONERS: [in unison] Aye.

CHAIRPERSON BENJAMIN: Any opposed? This
motion—this meeting--

COMMISSIONER CARAS: [interposing] I
assume—I assume, Madam Chair, we can keep our folders
tonight?

1 CHARTER REVISION COMMISSION

195

2 CHAIRPERSON BENJAMIN: No, we need them
3 one more time. [laughter] [background
4 comments/pause]

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C E R T I F I C A T E

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



Date June 26, 2019