

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON GOVERNMENTAL OPERATIONS

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June 26, 2009
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HELD AT: Committee Room
City Hall

B E F O R E:
HELEN SEARS
Chairperson

COUNCIL MEMBERS:
Erik Martin Dilan
Simcha Felder
Domenic M. Recchia, Jr.
James S. Oddo

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2 CHAIRPERSON SEARS: Good afternoon
3 and welcome to this hearing of the Committee on
4 Governmental Operations. My name is Helen Sears.
5 I'm chair of the Committee. I am joined by my
6 colleagues to my left, Erik Dilan from Brooklyn
7 and Councilman Simcha Felder from Brooklyn. I
8 also have to my right, Matt Gewolb and Josh
9 Gerber, our Policy Analyst and Counsel to the
10 Committee. Today, the Committee will consider two
11 important pieces of legislation. The first piece
12 is Intro 1022 by Council Members Oddo, Fidler,
13 James and Ignizio. This bill provides for the
14 establishment of a panel on regulatory review.
15 The purpose of the panel would be to study and
16 evaluate whether agency rules are currently
17 successful in meeting regulatory objectives in a
18 way that minimizes the costs and burdens borne by
19 City agencies, businesses, consumers, homeowners
20 and the public. In addition, we hope that this
21 legislation, if passed, will prove to be
22 particularly helpful to our small businesses here
23 in New York City. Under this legislation, a
24 special emphasis would be placed on examining
25 rulemaking burdens on small businesses and

1 exploring how those burdens might be lessened.

2 The panel would develop recommendations to enhance
3 the efficiency and effectiveness of the City's
4 regulatory system including those to amend or
5 modify the City's Charter's rulemaking process.

6 Such recommendations would have to be made in a
7 report to the Mayor and to the Speaker to be
8 delivered no later than December 31, 2009. The

9 second piece of legislation is Resolution 1891
10 which calls upon the New York State Legislature to
11 pass Bills Number A06138 and S5442-A which would
12 authorize the City to bypass the normal public
13 auction process and sell property that cannot be
14 independently developed directly to the abutting
15 property owner. Assembly Member James Brennan of
16 Brooklyn and State Senator Joseph Addabbo Jr., of
17 Queens are the sponsors of that State legislation.

18 This program has come to be known as the Sale Away
19 Program and it calls for the City to forego the
20 public auction process for certain parcels and
21 instead sell these properties directly to the
22 abutting owners. The City could stand to benefit
23 in the long term from selling the land directly to
24 adjacent property owners rather than at public
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2 auction because adjacent property owners have a
3 stake in purchasing and using the land not merely
4 as an investment but also to improve their
5 neighborhoods. Even with the contemplated change
6 in State law, all property sales would still be
7 subject to approval under the Uniform Land Review
8 Procedure of the New York City Charter. This
9 Resolution has become a priority of mine as Chair
10 of this Committee and I'm hopeful that we will be
11 able to pass this Resolution quickly. When it is
12 passed I will be working with the legislators in
13 Albany to make sure the Sale Away Program becomes
14 a reality for the New York City homeowners. I'm
15 very pleased that the Committee is considering
16 these two pieces of legislation this afternoon,
17 both of which will have a decidedly positive
18 impact on the quality of life of New Yorkers. I'm
19 now going to ask my colleagues before we heard
20 from the Administration if they have anything to
21 add to what I have said. If not, we'll call our
22 first panel that is already sitting. Welcome.
23 Thank you for joining us.

24 ANTHONY CROWELL: Thank you.

25 CHAIRPERSON SEARS: We have Sami

1
2 Naim and Anthony Crowell, Counselor the Mayor,
3 Office of the Mayor, thank you for joining us.

4 ANTHONY CROWELL: Sure. Good
5 afternoon Chair Sears and members of the
6 Committee. My name is Anthony Crowell, counselor
7 to Mayor Michael R. Bloomberg and I'm here on
8 behalf of the Administration to testify in support
9 of Intro number 1022. Joining me today is Sami
10 Naim, assistant counselor to the Mayor. Let me
11 first say that the Bloomberg Administration
12 remains steadfast in its commitment to businesses
13 and consumers. Indeed, businesses and consumers
14 are critical engines of our economy. Small
15 businesses in particular employ half of all New
16 Yorkers who work in the private sector. Small
17 businesses are also important contributors to our
18 quality of life, holding neighborhoods together
19 and instilling a sense of community. That is why
20 our Five Borough Economic Opportunity Plan
21 includes ways to strengthen and provide the tools
22 that these businesses need in order to succeed.
23 Some of these tools include NYC Business Express
24 which is a web-based resource for business owners
25 that serves as a one-stop portal for City permits

1 and licenses needed to open and operate a
2 business; Workforce One, which is an initiative
3 that helps business owners navigate the labor
4 market using a customized recruitment approach
5 tailored to accompany specific needs. Last year
6 we placed more than 17,000 employees with over 400
7 businesses. And this year, despite the economic
8 downturn, we've already reached more than 5,000
9 job placements and are on target to place a record
10 20,000 by the end of the year. Another area is
11 NYC Training Grants, which is a grant program that
12 provides financial incentives for employers to
13 invest in their workforce and provide them with
14 the latest training. Over the last year \$3
15 million in grants have been issued to more than 30
16 employers, training almost 2,000 workers. And in
17 the next year we expect to contribute an
18 additional \$4.5 million to employer-funded
19 training programs. Another area of the program is
20 NYC Capital Access Loans which is a loan program
21 that provides micro and small businesses access to
22 financing to help keep their doors open and to
23 meet their payroll. The program will generate an
24 estimated \$13 million in loans and help roughly
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2 400 businesses and more than 700 employees. And
3 finally we have NYC Business Solutions which is a
4 suite of services offered by the Department of
5 Small Business Services to help businesses start,
6 operate and expand. The services are provided at
7 no cost and address the needs of entrepreneurs and
8 businesses of any size and at any stage. Last
9 year, NYC Business Solutions helped 170 clients
10 secure over \$11.8 million in financing and over
11 400 businesses hire over 5,000 employees. We are
12 also working with the City Council on a number of
13 initiatives to help small businesses. For
14 example, our Mayor's Office of Operations is
15 pursuing a project proposed by Speaker Quinn and
16 Council Members Comrie, Felder, Gennaro and White
17 to transform and modernize the Environmental
18 Control Board, cutting red tape while making it
19 easier for thousands of small businesses to comply
20 with the law. But to preserve and build upon the
21 progress that we are making, we must do more than
22 provide the tools necessary for small businesses
23 to succeed. We must also create an environment
24 that facilitates their growth. This requires us
25 to look at the regulatory climate in which

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2 businesses operate, both the rules themselves, the
3 processes by which they are adopted, the mandates
4 they place on businesses and the ways in which
5 agencies enforce them. First, to encourage
6 compliance and avoid unwanted surprises we must
7 ensure that business owners have clarity on how
8 regulations, for instance consumer protection
9 regulations, apply to them. A lack of clarity can
10 result in otherwise avoidable enforcement actions
11 and subsequent adjudications in our Tribunals
12 which could impact the business owners' limited
13 resources. Second, we must ensure that
14 regulations impacting small businesses continue to
15 serve a relevant and ongoing public interest. At
16 the time regulations are enacted they are intended
17 to address pressing concerns, particularly health
18 or safety. However, over time agency rules and
19 the laws that mandate them could potentially fall
20 out of step with current conditions and
21 circumstances. If that is the case, then we need
22 to identify such outdated or outmoded laws and
23 regulations and update them to reflect modern day
24 issues and concerns. Third, we must look at the
25 process by which agencies adopt rules. This is

1
2 known as CAPA or the City Administrative
3 Procedures Act which is set forth in Chapter 45 of
4 the City Charter. Such a review should identify
5 opportunities to enhance public participation and
6 engage stakeholders throughout the rulemaking
7 process. A review of the process should also look
8 to encourage outcomes in rulemaking that are
9 operationally sound, easy to understand and
10 reasonably cost efficient to the extent that any
11 of them are falling short of that goal. Indeed,
12 we believe that a very focused but objective
13 coordinated legal operational and fiscal analysis
14 of our regulatory system is the most efficient way
15 to accomplish all three goals. Therefore, the
16 bill before you today would formally establish a
17 panel to carry out such a review and require City
18 agencies to provide assistance for this purpose
19 when needed. The panel would solicit feedback
20 from the public, both businesses and consumers, to
21 determine which regulatory issues should be given
22 primary focus. The panel would then analyze these
23 issues and where appropriate develop legal,
24 operational or policy recommendations to ensure
25 that our regulatory system works well and does not

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2 create impediments to economic productivity. In
3 making its recommendations, the panel would take
4 into account issues of transparency,
5 accessibility, stakeholder participation, public
6 benefit, fiscal impact, customer service, and the
7 use of modern technology. As you know, both the
8 Mayor and the Speaker called for a review of our
9 regulatory system in their State of the City
10 Addresses. Recognizing our shared goals on this
11 issue, the Mayor's Office and the Council agreed
12 to work together on this important initiative and
13 serve on the panel together. We thank the Council
14 for their collaboration and look forward to
15 tackling this important issue. Thank you and I'll
16 be happy to answer any questions you may have.

17 CHAIRPERSON SEARS: Thank you very
18 much. Before I ask a question or two, we're
19 introduced by our colleague, Jimmy Oddo, from
20 Staten Island. Thank you for being here. I mean
21 how will the panel ensure the public and
22 interested parties are included in this process
23 and that that process is as transparent as you'd
24 like it to be?

25 ANTHONY CROWELL: Sure. The panel

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2 will certainly establish an agreed-on set of
3 parameters for engaging the public. Obviously,
4 the panel would want to solicit input on a variety
5 of issues. We'd want to know the most pressing
6 issues that are facing businesses, and the public,
7 in terms of the rules. Because we have a limited
8 amount of time we'd want to make sure that we are
9 as focused as possible in tackling the most
10 pressing areas and then making sure you get that
11 right. So obviously, what the Administration's
12 been doing already is talking to a variety of
13 business stakeholders, has been reviewing its
14 records on areas where perhaps there could be
15 areas for reform in the rulemaking process and
16 developing an agenda once this panel, if this
17 panel is established, how it would operate. So by
18 engaging the public in a variety of ways through
19 written comments, and testimony that could be
20 offered at public meetings or hearings. There was
21 a focused meeting with industry stakeholders, you
22 know, sometimes they're known as charettes where
23 you can really have a focused in-depth discussion
24 on how the regulatory environment is affecting
25 them. So I would say in those three ways. That

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2 would ensure certainly visibility in what we're
3 trying to achieve, get a broad stakeholder input
4 and allow the public to have their input as well.

5 CHAIRPERSON SEARS: Would you have
6 defined before you meet with the panel when that
7 panel is formed as to what you think are some of
8 the most pressing areas and that you would like
9 the panel to address and hopefully they will?

10 ANTHONY CROWELL: Well I think the
11 panel has to define for itself what its objectives
12 are going to be and we've certainly done some
13 thinking in that area. So I think it's the panel
14 that will be working together that has to define
15 its work plan and I think that definition has to
16 be informed by what we hear through some initial
17 dialog with the public and industry stakeholders.

18 CHAIRPERSON SEARS: No I understand
19 that but certainly from what I hear there is some
20 very cumbersome processes in this. I'm asking if
21 there's any of that that you would like to see
22 addressed by the panel, some of those areas that
23 need to be changed. Because I understand what the
24 purpose of the panel is bit this panel must be
25 formed because you aren't cognizant of whether

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2 some of those changes that are necessary, so
3 that's basically what I'm asking.

4 ANTHONY CROWELL: Well I think the
5 way you do it is first off you look at the
6 rulemaking process generally that applies to any
7 rules. And rulemaking obviously is after the
8 Council enacts a Local Law, they often give
9 Administrative agencies rulemaking authority, sort
10 of the ability to set forth a set of regulations
11 to operationalize how the law will be enforced.
12 You want to look at two things in this case. One
13 you want to look at the process of rulemaking,
14 which is CAPA. And CAPA was enacted in the
15 Charter Revision of 1988. So you want to
16 understand how CAPA works given that there has
17 been a generation of CAPA. How does CAPA work
18 now? Are there ways to strengthen CAPA? Are
19 there ways to give the public individuals as well
20 as corporate entities, businesses, and the
21 regulated entities, a way to impact the process?
22 How do you do that? How do you engage them? How
23 to do you ensure that people understand that rules
24 are out there waiting to be commented on? And so
25 I think that bears a review and that's part of the

1 task of this panel. Another thing is to look at
2 individual rules themselves. And I think you
3 would want to look at areas where the City does
4 have significant authority in enforcing rules
5 small businesses and businesses generally. You
6 want to understand which ones are most pressing.
7 And sometimes it may not be, in fact, what the
8 rules say themselves. It may be the way agencies
9 have over time come to enforce them or understand
10 them. So it's understanding multiple agencies,
11 and the roles they all play in enforcing a suite
12 of rules that all work together and seeing if,
13 one, is there something wrong with that's being
14 mandated. And if there isn't, is there something
15 different that can be done in terms of how
16 agencies go about creating that enforcement
17 environment, that regulatory environment which
18 required a business to open up. Is there an
19 easier way? So I would really want to focus on
20 the operation surrounding the implementation of
21 rules. A lot of times what you find is if
22 information is provided in a clearer manner to the
23 regulated entity perhaps it will help them to
24 avoid a potential violation from being issued
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2 which then helps someone avoid from having to go
3 into adjudication. So it makes it easier for
4 people to comply. It makes it easier for people
5 to get on with their business, be productive and
6 help the City's economy grow. And it ensures that
7 our public health and safety goals are still met.
8 So there's a lot of things that we can do to
9 review whether agencies are getting it right and
10 how we interface with the public in giving the
11 regulated community appropriate information on
12 compliance. And then obviously part of that is
13 understanding what happens in the adjudications
14 process of a violation and asking some of the
15 Tribunals what their thoughts are on what are very
16 common violations that they see. What are things
17 that they see regulated entities doing wrong or
18 getting violations for and understanding is there
19 a way to help people comply better with existing
20 rules? Do the rules need to be changed or is
21 there something we can do to help create a better
22 climate of understanding and compliance?

23 CHAIRPERSON SEARS: Thank you. And
24 before I continue, I'm going to ask Council Member
25 Oddo, who is the sponsor of this bill, and I'm

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2 happy to have it in Committee, if you have some
3 comments?

4 COUNCIL MEMBER ODDO: Thank you
5 Madam Chair. And I apologize for being a little
6 bit late. We had a big long-awaited ribbon
7 cutting for the new Emergency Room at Staten
8 Island University Hospital today.

9 CHAIRPERSON SEARS: Oh very nice,
10 congratulations.

11 COUNCIL MEMBER ODDO: Knowing the
12 state of health care on Staten Island and our lack
13 of public acute care facility, this is a huge
14 issue for us. I apologize for being late. Let me
15 just thank you for the hearing. Thank the Speaker
16 and thank the Administration for coming together
17 and thank Anthony personally for creating this
18 panel. I think this panel is probably needed more
19 today than at any time in recent vintage. I'll
20 take it back to 1992 and 1993. The last few weeks
21 I feel like I've kind of been in a time warp
22 because I've been telling stories about 1992 and
23 '93. You all might recall during the Dinkins
24 Administration how small businesses felt that they
25 were under siege. The 18-inch law was being

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2 enforced to the point where businesses were
3 essentially waving the white flag. And I told the
4 story recently, I hadn't thought about it in
5 probably a decade but I've told it five times in
6 the last three months, my predecessor John Fusco,
7 bars and taverns in Staten Island were getting
8 warnings and summonses for not posting No Spitting
9 signs and the No Spitting goes back to the days of
10 the spittoon. And if you look at headlines we see
11 in a recent edition of Cranes, small businesses
12 are getting fined to death. And talking to my
13 local merchants, there's a sense of it's 1992 or
14 '93, maybe not as bad, but we're getting to that
15 point. And it's not just the inspections. It's
16 the whole labyrinth of regulations. And Chris
17 Decicco on my staff, my counsel, came up with a
18 quote from Robert Jackson, not our Robert Jackson,
19 but a former Supreme Court Justice and he said the
20 rise of administrative bodies probably has been
21 the most significant legal trend of the last
22 century. They have become a veritable fourth
23 branch of government. That was from 1952. I
24 imagine that the Justice is spinning in his grave
25 right now with just how complex it is. The good

1 news is the Mayor has spoken about small business.
2 He did it in his State of the City Address. The
3 Speaker has spoken about it. She spoke about it
4 in the State of the City Address. And at Cranes
5 just last week when she announced the three-prong
6 attempt, including the creation of this panel. I
7 know when I get a chance to watch six innings of a
8 Met game; I see 10 or 12 campaign commercials
9 talking about small business. So clearly the
10 rhetoric is there. And I just would like to let
11 you know how I came to this and I feel privileged
12 frankly for being the sponsor of the bill.
13 There's something called regulatory flexibility
14 that has happened on the Federal level. It's
15 happened in 22 jurisdictions on the State level
16 and we introduced a bill that basically says
17 before agencies go to rulemaking they would look
18 to see what the potential impacts of their rules
19 would be on small business. They would have to do
20 an economic impact statement. They'd have to
21 determine exactly how many businesses would be
22 impacted and figure out ways to enact these rules
23 but not enact rules that would hurt business. And
24 we were on the verge of having a hearing on that
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2 bill and the Administration said we appreciate the
3 bill, your bill is sort of prospective, we think
4 the problem or the challenge is more vast than
5 that. We have to look at existing regulations.
6 We can't just look forward. And that's how I
7 think the panel; my involvement with the panel
8 came together. I am grateful for the cooperation.
9 We have a lot of work to do. The bill is written
10 so that the panel is in effect until the end of
11 the year. I think we'll probably have to go
12 beyond that. I think there's certainly enough
13 work. And I will close my rant with saying that
14 at some point, either as a function or as a
15 byproduct of this panel, we have to get to another
16 Cranes editorial, a big opportunity for small
17 business. And the fact that in this town, much
18 like Simcha Felder and the rest of the citizens,
19 our businesses are taxed to death. And at some
20 point we have to come to the realization if we're
21 going to unleash this economy, if we are truly
22 going to diversify and sort of wean ourselves off
23 of Wall Street, understanding that the Wall Street
24 we know and love is not coming back, we have to
25 make this a more friendly climate both in terms of

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2 decreasing regulation, having rational enforcement
3 of existing rules and also cutting taxes to give
4 people a fighting chance to start a new business
5 and maintain a new business. I appreciate the
6 patience of the Administration, of my colleagues,
7 and I look forward to getting to work. Thank you
8 Madame Chair.

9 CHAIRPERSON SEARS: Thank you very
10 much. I think that you have introduced a very
11 good bill. I really do. And I know that from my
12 own experience, I couldn't agree with you more and
13 my merchants certainly would agree with you. They
14 get caught, not in the regulations, but in such a
15 cumbersome bureaucratic maze that they absolutely
16 don't know which way to go. It's very difficult
17 to fully understand what those regulations are.
18 And then they have to go back time and time again.
19 So I really thank you because I think that this is
20 the start of really untangling this so that the
21 small business community can begin to function in
22 a very productive way and not be choked by these
23 regulations.

24 COUNCIL MEMBER ODDO: I thank you
25 for the thanks but in truth I am a bit player in

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2 this and the Administration and the Speaker and
3 their staffs really deserve--this panel is their
4 creation, is their idea and I'm just grateful to
5 hopefully be a part of it and to try to help some
6 people on Staten Island and across the City.

7 CHAIRPERSON SEARS: Well it's
8 wonderful that the Mayor and you have picked that
9 up and were working with it because it couldn't be
10 timelier. That is for sure. Which just leads to
11 one question and then we'll ask Simcha Felder if
12 he has a question or two. Do you think that this
13 panel will have an effect of having to change some
14 of the Charter, the City Charter, and how we do
15 business? Do you think that might happen?

16 ANTHONY CROWELL: In terms of the
17 charter, the principal area, principal interface
18 that the panel will have with the Charter is
19 Chapter 45 of the Charter which is CAPA itself.
20 And so the question is will any of our conclusions
21 lead to CAPA reform in any of the Charter. I mean
22 it's entirely possible. I don't know but there
23 may be some administrative opportunities short of
24 changing the law but changing practice that may
25 allow CAPA to have a better reach in terms of

1 public participation and simplification. So
2 that's something we'll look at both ways so that's
3 one area. The other thing is while the Charter
4 sort of sets out City government's duties and
5 functions in broad strokes; the Administrative
6 Code is where a lot of the Local Law is embodied
7 that requires the rulemaking. The Charter doesn't
8 really set forth a lot of rulemaking opportunities
9 but it's really Administrative Code that does that
10 because of individual bills that are codified
11 requiring implementation by rule. So I do think
12 that the panel has the opportunity to look at some
13 of those laws that require rules to be implemented
14 and seeing if there's any provision of law that
15 may need amendment in terms of creating a better
16 regulatory environment also.

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

22 COUNCIL MEMBER FELDER: First of
23 all, I'm delighted that the Chair of this
24 Committee allowed me to remain on the Committee.
25 It's an honor to serve on your Committee and it's

2 about time that the Governmental Operations
3 Committee had a Chair that knew what he or she was
4 doing.

5 COUNCIL MEMBER ODDO: The last guy
6 was a bum.

7 CHAIRPERSON SEARS: Thank you. It
8 moved very well.

9 COUNCIL MEMBER: It was worse than
10 that, I don't even want to elaborate.

11 CHAIRPERSON SEARS: You're too
12 vital a member of the committee.

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

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2 government. And when you reduce government you
3 obviously will help taxpayers and save dollars for
4 the City. I tried focusing on your testimony but
5 my mind is drifting somewhat. I don't want to
6 explain why. When you were asked or were you
7 asked about who's going to determine who's on the
8 panel? You probably were. I don't remember what
9 you answered.

10 ANTHONY CROWELL: Well the bill
11 itself sets forth who's going to be on the panel.

12 COUNCIL MEMBER FELDER: So who is
13 part of it?

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

21 COUNCIL MEMBER FELDER: Very, very
22 good. So I guess I did miss that. The other
23 thing I wanted to ask you is with regard to the
24 agenda. Oh you have the agenda already? Oh okay.
25 Councilman Oddo just wants to point out how

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

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

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

20 ANTHONY CROWELL: [Interposing] No
21 I think what's interesting is I've often said,
22 each Council District being roughly 157,000 people
23 that's like the size of Fort Lauderdale,
24 Chattanooga, Syracuse, each Council Member has a
25 huge number of people they represent, many

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2 communities, many business districts in those
3 communities. I mean it's an amazing wealth of
4 information that you hear from your constituents.
5 And it's a necessary part of that process to
6 understand really where small businesses in
7 particular are feeling impacted by City rules.

8 COUNCIL MEMBER FELDER: Wonderful.

9 Now I may have missed this as well but did you
10 make any comment about Reso 1891 by Members
11 Ignizio, Sears and Oddo which would call the State
12 legislature?

13 CHAIRPERSON SEARS: Councilman we
14 haven't gotten to that one yet.

15 ANTHONY CROWELL: No. I did not.

16 CHAIRPERSON SEARS: It will be
17 after this.

18 COUNCIL MEMBER FELDER: But are
19 they going to comment on it?

20 CHAIRPERSON SEARS: No, they're
21 not.

22 ANTHONY CROWELL: No.

23 COUNCIL MEMBER FELDER: Would you
24 care to anyway?

25 ANTHONY CROWELL: No.

2 COUNCIL MEMBER FELDER: Excellent.
3 That was good. I don't know why you hesitated. I
4 thought I had him on that one. Why did you help
5 him?

6 MALE VOICE: It's my nature.

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

9 ANTHONY CROWELL: I like this;
10 we're back to our old routine.

11 COUNCIL MEMBER FELDER: Just my
12 final question to your colleague Sami Naim, is
13 that it?

14 ANTHONY CROWELL: Sami Naim.

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

17 SAMI NAIM: No, no.

18 COUNCIL MEMBER FELDER: Then I
19 don't like you. Thank you.

20 SAMI NAIM: So be it.

21 CHAIRPERSON SEARS: On that note,
22 we've got all that cleared up. Is this panel
23 supposed to convene starting in July, formed and
24 convened in July?

25 ANTHONY CROWELL: As soon as the

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Local Law is passed we would.

CHAIRPERSON SEARS: I understand. We're going to move on it very quickly I can tell you.

ANTHONY CROWELL: We would start immediately, yeah.

CHAIRPERSON SEARS: Oh okay. I wanted to get that clear. All right, if there are no further questions? Mr. Crowell I want to thank you very much.

ANTHONY CROWELL: Sure, thank you.

CHAIRPERSON SEARS: And we will move on this very quickly.

ANTHONY CROWELL: Great, thank you.

CHAIRPERSON SEARS: Thank you for being here. And I'm going to call the next panel which is Christine Serrano-Glassner and Chris Keeley.

[Pause]

CHAIRPERSON SEARS: Thank you and you decide who goes first; introduce yourselves though for the record.

CHRISTINE SERRANO-GLASSNER: We drew straws and I will take the short straw.

1
2 Chairwoman Sears and members of the Governmental
3 Operations Committee, my name is Christine Serrano
4 Glassner and I am the Regional Advocate for the
5 U.S. SBA's Office of Advocacy. It is a pleasure
6 for me to be here before you today speaking in
7 favor of this bill. As the Regional Advocate for
8 Region 2 it's my job to be the direct link between
9 state and local governments, small business
10 groups, small business owners, and employees and
11 the U.S. Office of Advocacy based in Washington,
12 D.C. My chief focus is to help identify the
13 regulatory concerns of small business by
14 monitoring the impact of Federal and State
15 policies at the local level. It is my goal to see
16 that programs and policies which encourage fair
17 regulatory treatment of small business are
18 developed and implemented to ensure future growth
19 and prosperity. The Office of Advocacy monitors
20 Federal agency compliance with Regulatory
21 Flexibility Act, the RFA, in order to reduce the
22 regulatory burden on small business. As my
23 office's research demonstrates, small businesses
24 with less than 20 employees spend over \$7,500 each
25 year per employee to comply with Federal

1 regulations compared with just over \$5,000 spent
2 by firms with over 500 or more employees. That's
3 a 45% greater financial burden on small businesses
4 than their larger counterparts. By working with
5 Federal agencies to implement RFA, the Office of
6 Advocacy saved small businesses nationwide over \$7
7 billion in foregone regulatory costs in 2007.

8 Excessive regulatory burden is a very real problem
9 for small businesses right here in New York City
10 and it has a negative impact on business
11 stability, growth, expansion, economic
12 development, and tax revenues to the City and
13 State. Under the Federal Regulatory Flexibility
14 Act, Advocacy has shown time and time again that
15 regulations can be reduced and the economy
16 improved without sacrificing important goals such
17 as environmental quality, workplace and public
18 safety as well as quality of life issues. Any
19 small business organizations that may be
20 represented here today know that regulatory
21 burdens their members are faced with are becoming
22 more and more apparent as this challenged economy
23 strains their bottom line. The cost of doing
24 business in the City has risen while the profits
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2 have dropped. Increasing permit fees, excessive
3 permit processes, complicated compliance
4 requirements determined by New York City
5 departments and agencies are all in addition to
6 Federal and State regulatory burdens and
7 requirements. Sensitizing government regulators
8 to how their mandates are written can have a
9 detrimental effect to the small business employer
10 community is an essential step in helping repair
11 and sustain New York City's small business
12 economy. The value of small businesses'
13 contributions to the City's economy is becoming
14 clearer as we have seen the financial sector
15 downsize this past year. Small business owners
16 these days labor over every financial and
17 operational decision they make in order to remain
18 in business. By introducing this legislation the
19 City of New York is clearly leading the way to
20 improving their regulatory and governmental
21 environment and how it impacts their small
22 business community. It is this governmental
23 consideration for small businesses that will
24 enable the businesses to operate in a responsible
25 manner while allowing them to continue being a

1 vital member of their New York City community.

2 After thorough review of Number 1022 the following

3 comments are offered for consideration. Number

4 one is consistency with the use of the term small

5 business throughout this legislation. You'll see

6 that there's a point when local business is

7 referred to and I think that that can be a bit

8 confusing and hopefully will not confuse panel

9 members when it comes to their mission. I think

10 it's important that small business should be the

11 priority with this piece of legislation. Number

12 two, should the panel choose to establish an

13 advisory group, they should consider including

14 small business owners who would be impacted by

15 regulations that City agencies establish as expert

16 representatives from outside City government.

17 There is no question that small business is the

18 backbone of the economy in many neighborhoods in

19 New York City. The New York City, City Council

20 Committee on Government Operations should be

21 commended for taking this first step and of course

22 the Administration who has proposed this along

23 with Councilman Oddo, for taking this first step

24 towards creating a friendlier regulatory

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2 environment in the City for small businesses which
3 will help entrepreneurs create businesses, will
4 increase competition, and will promote job
5 creation at a time in New York City when we need
6 more jobs here for residents and easier paths to
7 business ownership. I want to thank you for this
8 opportunity to speak on behalf of the U.S. SBA and
9 let you know that we are very hopeful that we will
10 be back testifying when the Small Business
11 Committee brings before the Regulatory Flexibility
12 legislation we would like to see here implemented
13 in the City. I thank you.

14 CHAIRPERSON SEARS: Thank you.

15 We'll hear from Mr. Keeley and then we'll take
16 questions.

17 CHRIS KEELEY: Good afternoon Chair
18 Sears and members of the Committee on Governmental
19 Operations. Thank you for the opportunity to
20 speak here today. My name is Chris Keeley. I'm
21 an Associate Director of Common Cause New York.
22 Common Cause New York is a nonpartisan nonprofit
23 citizens lobby and a leading force in the battle
24 for honest and accountable government. We fight
25 for a government that's responsive to the needs of

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2 New Yorkers. And we understand the bill here
3 today as having that same aim. That we have
4 regulations on the books, if they're outdated then
5 we get rid of them but if they're not outdated, we
6 keep them. That we just need to have a clear and
7 concise way to look this and a panel like this is
8 certainly an effective method to do that. We have
9 a few recommendations I'd like to offer to you
10 now. First of all, the panel should also include
11 representatives in addition to those that are
12 already included from the Public Advocate's Office
13 as well as the Comptroller's Office. As the
14 public's ombudsman and watchdog the Public
15 Advocate should be empowered to appoint one member
16 to the panel. Likewise the Comptroller as the
17 City's top financial expert and should be
18 empowered to appoint one member to the panel. The
19 Chair of the panel as appointed by the Mayor under
20 the language of the bill should be a member of the
21 public who is a regulatory expert qualified to
22 serve on the Board by virtue of their education,
23 training or experience in the legislative,
24 judicial, administrative, business, legal or
25 academic field and who has experience working with

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2 consumers and homeowners and I would like to add
3 small businesses, particularly in low income
4 communities in New York City on issues affected by
5 the City's regulations. In addition any advisory
6 groups established by the panel under Intro 1022
7 should be required to contain members of the
8 public. And I'd also like to echo the last
9 testimony in saying that that could and should
10 include members of the small business community.
11 Public health, safety and welfare should be the
12 primary consideration for the panel as it reviews
13 regulations. The Council's original legislative
14 intent underlying given regulations should be
15 considered. Under the current legislation the
16 panel will consider and explore the following
17 issues when making recommendations: public
18 benefit, fiscal impact, customer service impact,
19 and alternative legal or administrative
20 mechanisms. Public benefit as specified in
21 Section 2b of the legislation should be understood
22 to encompass protection of the public health,
23 safety and welfare. And these considerations must
24 be a priority the panel if it is to ensure that
25 government regulations are responsive to the needs

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2 of all New Yorkers. We urge the Council to direct
3 the panel to consider the underlying legislative
4 intent from which given regulations were
5 originally promulgated. They can be outdated.
6 Regulations can be outdated but it's important for
7 us before we take them off the books to revisit
8 why they were initially put on the books. The
9 panel should hold public hearings to solicit input
10 from the public and all panel meetings should be
11 open to the public and subject to the open
12 meetings laws. It's critical that the public play
13 an active role in this review of the City's
14 regulatory regime. After all it's the public who
15 is affected by this including small businesses,
16 nonprofits, organizations, and public hearings are
17 one valuable way to solicit input right up front
18 about which regulations should be targeted. As it
19 stands, there's a lot of flexibility. My
20 understanding of the Intro is that there's a lot
21 of flexibility regarding which regulations are
22 going to be looked at. That that is very
23 important that we have that be public, that
24 discussion be public, that the public can provide
25 input regarding which regulations should be

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2 focused on by this panel. All of it should be
3 open to the open meetings law. Both existing and
4 proposed regulations should be available online
5 for public comment throughout the entire review
6 process. The recent focus by the Obama
7 Administration on government transparency and
8 accountability provides us with a number of useful
9 models regarding how to harness and incorporate
10 public opinion in a public policy. Regarding the
11 recovery.gov, the website that provides
12 information about the Recovery Act, they had a
13 national dialog that was a way for individuals to
14 provide comment online, specifically regarding how
15 they were going to track stimulus spending,
16 something that's of great public interest right
17 now. Likewise similar sorts of online forums in
18 addition to the public hearings could be a
19 valuable opportunity for New Yorkers to have a
20 discussion about which regulations should be
21 targeted. In addition at the State level recently
22 the State legislature has been using bill markup
23 technology which essentially is if you're familiar
24 with the blogs where you can comment on a blog, in
25 some ways it's like that. They post a bill and

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2 then the public can just post their own thoughts
3 underneath it. Similarly you could also use Wiki
4 technology where you actually go in and mark up
5 the language of the regulations themselves. So
6 that's after regulations are identified, one way
7 to help bring the public into the process
8 throughout that entire process. And this would
9 further the Charter mandate under Section 1043
10 that all agencies shall make available for public
11 inspection all written comments received in
12 response to each Notice of Rulemaking. That as
13 we're having this conversation it's important that
14 all of the public's input is recorded, is
15 available, so that that public dialog can happen.
16 In addition a preliminary report should be issued
17 but it shouldn't just be the final. Well it says
18 initial findings, I suppose in the bill, initial
19 findings are issued on December 31st, at the end
20 of this year, but there should also be a
21 preliminary report before that to engender public
22 dialog, public discussion. So the small business
23 community, so members of the public, so people can
24 review and have a clearer understanding of where
25 the panel's thinking is and offer additional

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2 input. In addition, to echo some of issues that
3 were raised by Deputy Mayor Crowell, the CAPA, if
4 we are going to be reviewing CAPA, it's very
5 important that we are thinking about that in terms
6 of how the public's going to be brought into the
7 process in the long term. That it's not just
8 we're reviewing CAPA to streamline the system
9 which is important, which is very vital to small
10 businesses especially in the City, but that the
11 public is seen as an active member in that
12 process. After all, it is individuals at the end
13 of the day that are patronizing those small
14 businesses and patronizing those other entities.
15 that are, at the end, of the day the ones that are
16 intended to be protected by regulations. So it's
17 important that they're effective and they can have
18 a say in that rulemaking process. In addition in
19 the long term the Council should evaluate the
20 impacts of the recommended changes, one year,
21 three years, after the panel makes its
22 recommendations and some of them are implemented,
23 presumably some of them will be implemented, have
24 a review process. See how they went. See what
25 the real life impacts of these changes were.

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2 Let's learn our lessons. If it was a successful
3 panel and we made recommendations that we can
4 document the successes, maybe we need to do it
5 again in a few years. Maybe we need to focus on
6 new regulations. If it was ineffective, how can
7 we change it? How can we make it better? So
8 maybe having something 12 months out after the
9 recommendations are issued, then another one 36,
10 48, 60 months out, to do another review, could be
11 one effective way to see the results of a panel
12 such as this. So again I'd like to thank you for
13 your time here today and the opportunity to
14 testify. We look forward to working with the
15 Council on this issue and I'd be happy to answer
16 any questions you may have.

17 CHAIRPERSON SEARS: Well I thank
18 you for your testimony because you certainly
19 thought a lot about it. And before I ask a
20 question I'm going to call upon Council Member
21 Oddo to really ask his questions and to respond to
22 some of his comments.

23 COUNCIL MEMBER ODDO: Thank you
24 Madame Chair. I'd just like to thank Chris and
25 Christine for their testimony and I've heard what

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2 you have to say and we certainly will take it back
3 to the Speaker and the Administration. Madame
4 Chair I referenced the Regulatory Flexibility
5 legislation that Chris Decicco on my staff
6 drafted. He drafted it with the input and
7 guidance and expertise of Christine and I want to
8 thank you publicly for the help that you provided
9 us with that. My aim is to still pass that
10 legislation because I think it's needed on the
11 City level and we're going to let this panel do
12 its thing and we'll see if a byproduct of it will
13 be that legislation or if we'll do it independent
14 of the panel. And just, the second point, in
15 Christine's testimony on the recommendations, I
16 absolutely agree with you and I had already been
17 thinking in the likely event that I'll be on the
18 panel, on a local level in Staten Island and
19 Brooklyn putting together small business owners.
20 I've reached out to the Staten Island Economic
21 Development Corporation head, Cesar Clara, to
22 Staten Island Chamber of Commerce President Linda
23 Barron, to put a manageable size of small business
24 owners of various businesses together to help me
25 in my role. But I think panel-wide that needs to

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2 be done. So I, again, I just appreciate the help
3 past and today and probably in the future. Thank
4 you for the help and the guidance.

5 CHAIRPERSON SEARS: I have a
6 question because I'm not clear on it. There are
7 small businesses that don't have 200 employees or
8 100 employees. So many when you get into our
9 business communities in 51 Council Districts, and
10 in an array of them, they may have 3, 4, 5. Some
11 of them have 10. Does that encompass the smaller
12 entrepreneur?

13 [Pause]

14 CHAIRPERSON SEARS: Fighting a lot
15 more because they too have to go through, so I'm
16 not certain if the small business community is
17 looking at those numbers that may have 100
18 employees, it may have 50 of them, and so many of
19 the small businessmen does not have the number but
20 they're still faced with a bungling system in
21 order for them to really operate legally.

22 COUNCIL MEMBER ODDO: Well just to
23 use the inspection issue. You know, we have, and
24 I'll give you a concrete example, John's Pizzeria
25 that's literally on the same block as my District

1 Office, it's a 2-man operation, it's a
2 partnership. And they have had to go to the Board
3 of Health and unless you sign up at 8:00 o'clock
4 which he tries to do, if you come in a 1 minutes
5 past 9:00 it's an all day adventure and you have
6 schlep from Staten Island to the City as we call
7 it on Staten Island, Manhattan we call the City.
8 Do you do that?
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10 COUNCIL MEMBER FELDER: Yes.

11 CHAIRPERSON SEARS: Yes Brooklyn
12 does the same thing.

13 COUNCIL MEMBER FELDER: We call
14 Staten Island a country.

15 COUNCIL MEMBER ODDO: Oh, it used
16 to be. So, you know, it's a two-man operation, a
17 partnership that has, I don't know, around five or
18 six employees. When we address the issue of the
19 violations and the excessive fining, clearly
20 that's going to impact, you know, really small
21 businesses. But I think there's lots of work that
22 this panel will do that will impact businesses of
23 all--small businesses of all sizes if you will.

24 CHAIRPERSON SEARS: Good. 'Cause I
25 really think that it's, as I said earlier, it's so

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2 needed and there are some businesses and I think a
3 lot of the regulations are responsible for those
4 that want to go into business not realizing
5 revenue because they don't have such a huge cash
6 flow that they can afford to go through all of
7 this, and hopefully that this panel will do that
8 very thing. So I thank you.

9 CHRIS KEELEY: can I say a quick
10 thing on that?

11 CHAIRPERSON SEARS: Yes.

12 CHRIS KEELEY: to that end, when
13 Common Cause is considering finding public input
14 from individuals, it is also in that sort of
15 scenario, when it's small organizations, small
16 businesses who don't have the resources to be able
17 to do that level of legal research as might be
18 required. They have their personal experiences
19 for certain, but having that sort of background
20 and understanding of the way that the rulemaking
21 procedure works is a whole different ball of wax.
22 And some of the things that we've been thinking
23 about at Common Cause as a way to try to bring
24 people into the process on that are, you know,
25 simple, user-friendly online tools where you can

1 walk someone through the process where it says
2 okay I want to comment on a given regulation, how
3 do I do this or how do I learn about them. Well
4 designed and plain language published education
5 materials. You know, pull out fliers so that you
6 can try to boil down that process. Centralized
7 public participation opportunities so that people
8 understand when there are comment periods, so that
9 people understand when there are public hearings.
10 So that you can bring that all together because
11 they might not know they need to go to DCA for
12 this and then SBA. You can try to centralize that
13 and that can help to ease people into that process
14 a bit. And in addition the last thing that we've
15 been thinking about a lot in that regard is trying
16 to provide, and probably online is the best way to
17 do this, trying to provide additional background
18 information about a given proposed rulemaking so
19 that if they don't have the legal wherewithal to
20 be able to put it in the broader context
21 necessarily, it'll help to explain a little bit
22 more of when did this get on the books, why was it
23 on the books? What is the experience recently?
24 And putting together some of those resources could
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2 be a useful way to bring in some of those smaller
3 businesses and individuals.

4 CHAIRPERSON SEARS: Well. Thank
5 you very much.

6 COUNCIL MEMBER ODDO: Just on that
7 point could you explain what you mean by
8 centralizing because when folks in the outer
9 boroughs hear centralizing it means the meeting's
10 happening in Manhattan.

11 CHRIS KEELEY: Absolutely

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

16 CHRIS KEELEY: Absolutely.

17 COUNCIL MEMBER ODDO: Our big thing
18 on Staten Island is when there are public
19 hearings, they should be held in all five boroughs
20 and that doesn't happen often with the City or,
21 you know, other government and quasi-governmental
22 entities.

23 CHRIS KEELEY: When we're looking
24 at centralization in that context, that's as
25 simple as there's information that gets posted to

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2 the City Record. Then there's information that
3 gets posted on the DCA website. That there's all
4 of these different opportunities for public
5 comment but you don't know about them because
6 they're all disbursed. If you could bring them
7 together on one centralized website, for example,
8 and then another opportunity at the State level,
9 for example, they webcast, they mandate web
10 casting of all public hearings and all Committee
11 and Commission meetings. Being able to centralize
12 that won't necessarily help people to participate
13 in a given hearing in terms of offering their own
14 thoughts but it will help as a way to get
15 information to them, especially if you can archive
16 those meetings. So there are tools like that and
17 again we need to consider, you know, the digital
18 divide and not everyone has access to the internet
19 and those sorts of shortcomings too. But that is
20 one way that we think information could be brought
21 to them and by bringing it together in an
22 organized fashion it helps bring them into the
23 process.

24 CHAIRPERSON SEARS: That certainly
25 is something that I think would be very helpful

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2 because one of the things is that each agency will
3 interpret or have their own regulations rather
4 than having this central core on which they could
5 start the process without its being so difficult.
6 So that's something worth considering. Does
7 anyone have any more questions? Do you have one?
8 Go ahead.

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

21 CHRIS KEELEY: I'm going to punt on
22 that one today.

23 COUNCIL MEMBER FELDER: I'm
24 shocked. You've never done that.

25 CHRIS KEELEY: Me?

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COUNCIL MEMBER FELDER: Yes.

CHRIS KEELEY: Not in our experience I don't think. I'm pretty direct on that.

COUNCIL MEMBER FELDER: That's what I mean, that's what I mean.

CHRIS KEELEY: If I had something to say I'd tell you.

COUNCIL MEMBER FELDER: That's what I mean.

CHRIS KEELEY: No, but in general we were disappointed with the way that the budgeting process went down in regards to the Public Advocate's Office.

COUNCIL MEMBER FELDER: I didn't ask you--

CHRIS KEELEY: [interposing] But generally speaking, philosophically, the Office, we're still debating that as a larger issue absolutely.

COUNCIL MEMBER FELDER: But in other words, if, at the end of your debate, you determined that there is no need for the office, then you would feel that we spent too much money

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2 this past time, is that true?

3 CHRIS KEELEY: If we find that
4 there's no need for the office, we're going to
5 need to find a new public representative for this
6 panel.

7 CHAIRPERSON SEARS: I think you
8 need to be careful; he'll get you into a corner.

9 COUNCIL MEMBER FELDER: All I'm
10 saying to you is that given the suggestion, but
11 you have to really decide that before you include
12 somebody who shouldn't exist on the panel. I just
13 make that suggestion.

14 CHRIS KEELEY: I appreciate it.

15 COUNCIL MEMBER FELDER: I'm trying
16 to help you if I can. Now I wanted to thank
17 Christine Glassner. Council Member Oddo said that
18 you deserve a lot more credit than even after his
19 giving you all the compliments about being the
20 catalyst for a lot of the panel work and hopefully
21 the positive things that are going to take place.
22 I wanted to ask your opinion, some of the
23 discussion that Mr. Crowell mentioned about the
24 centralization of some of the services that are
25 done, and he listed a bunch of them. There's this

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2 balance that sort of has become very difficult
3 between government consolidating the services,
4 whether it's in Staten Island or Manhattan, now
5 I'm not discussing the difficulty about somebody
6 from one part of the City having to go to another
7 part, the issue that I've come up more recently is
8 cultural. I am firmly opposed for example to
9 having anything translated into any language
10 whatsoever. I'm not asking you about that. There
11 is an issue when it comes to helping small
12 businesses. Immigrant business people are not
13 going to come to a centralized location in
14 Manhattan to try to get help. It's not going to
15 work. It's almost similar to the type of
16 difficulties that immigrants in general have. But
17 even immigrant populations that have been citizens
18 in the City for long periods of time, I'll give
19 you examples of my own community. We have
20 Orthodox Jews, Pakistani community, Asians,
21 others, there's no way that they're going to a
22 centralized location somewhere in Manhattan to try
23 to get business help. What do you suggest, you
24 know, they've listed a variety of things, how do
25 you balance trying to help small business people

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2 centralized it and at the same time without going,
3 you know, overboard in trying to specifically
4 waste taxpayer dollars to cater to every
5 particular crevice that exists?

6 CHRISTINE SERRANO-GLASSNER: I
7 completely understand and consolidation certainly,
8 be it internet consolidation, whatever it is,
9 these are critical things for the future,
10 utilizing these technologies, but they're not
11 inexpensive. They cost money and that means, you
12 know, additional tax revenues for that. So, you
13 know, government's obligation initially and I
14 think it's what this panel is really going to look
15 at is how do we consolidate the burdensome
16 government processes? Getting the information to
17 the businesses in a way that the businesses can
18 understand is critical and I think that will be
19 the next step. But New York City in terms of the
20 size of small businesses that New York City has is
21 larger than some of the states that we have in
22 this country. And so to have such an elaborate
23 process that makes it difficult for a business
24 that might be in Staten Island or out in Queens or
25 in Brooklyn, to have to come into the City and to

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2 go to a dozen different offices. For example, if
3 you're opening up a business and having to file
4 permits doesn't work. To consolidate that process
5 initially. And then the next step and I agree
6 with you and understand the cost of having to
7 translate into so many different languages is
8 probably not something that is feasible for the
9 City right now but being able to provide the
10 information to businesses in the most basic of
11 information as opposed to, for example,
12 regulations. It was on the Federal level this
13 past year that it was introduced and passed
14 regulatory compliance guide language. New York
15 State then passed it. It's something that the
16 panel will have to look at and pass that. If
17 business can't understand the language of the
18 regulation, how can they comply? I mean these are
19 all very basic things. So consolidation has to
20 start on the process level first and even by doing
21 that we'll make it easier for businesses.

22 COUNCIL MEMBER FELDER: I should
23 say, there is a variety of opinions about
24 community-based organizations, whatever they may
25 be. Some of the ones the Council Member Oddo

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2 mentioned and Council Member Sears, whether
3 they're business organizations or even community-
4 based organizations, where they really have the
5 opportunity to very, I want to say, in a very
6 reasonable way address a lot of the problems. So
7 for example if you have a community-based
8 organizations that may be providing a variety of
9 other services already, and to have a desk where
10 language is not a barrier and they understand the
11 technology and everything else, you know, there
12 may be things that somebody has to go down to the
13 City to get done. But at the end of the day a lot
14 of that, I think, despite the feelings that some
15 have about elected officials, we do that as well
16 when constituents come to our offices, in some way
17 we try to do that besides the constituents that
18 complain about the trees or a tax problem. We
19 have business owners that come into our offices
20 and we hope as representative of the Districts
21 that we have, we have people who speak those
22 languages and try to navigate so it may be that
23 that's something that the panel could consider as
24 well, as to how we utilize and bring the necessary
25 funding without, again, creating more burdensome

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2 and more of a deficit but trying to use the
3 resources we have to address some of those issues.
4 How do you feel about that?

5 CHRISTINE SERRANO-GLASSNER: I
6 think that that is exactly what's done, frankly,
7 on many state levels. Because of where I come
8 from I really need to focus on the small business
9 aspect as opposed to the community, but they work
10 within small business organizations that their
11 members which are the small businesses owners,
12 join these organizations to get that level of
13 help. And I think that's exactly what New York
14 City frankly started doing with Small Business
15 Services by opening up the Small Business Service
16 Solution Centers. They already do work with
17 community organizations. And I think that's one
18 of the things that this panel is going to need to
19 take into consideration. Councilman Oddo you said
20 yourself, even December at the end of this year,
21 may not be enough time for this panel to address
22 all of these issues. I mean this is a proverbial
23 onion. They're going to have to first look at the
24 processes that government agencies in the City
25 control and figure out how do they streamline some

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2 of that, how do they consolidate some of it with
3 still reaching the goals, the human, health,
4 safety, life issue goals that these regulations
5 are supposed to be established for. But then
6 reaching out to the community and as you said the
7 people that could actually provide the
8 information, even more succinctly, within that
9 community on the Main Street level, that's
10 something that has to all be connected. And it's
11 going to have to be done with everybody's input
12 because, you know, we know what the budgetary
13 constraints are. It's part of why this
14 legislation is written in a manner that will
15 hopefully incorporate all of these different
16 voices without making it too big of a panel but at
17 least getting that feedback from these different
18 organizations to say, you know, if you also let us
19 know what's going on, then we can help get that
20 information out. I think that will at the end of
21 the day be the answer.

22 COUNCIL MEMBER FELDER: Thank you
23 very much.

24 CHRISTINE SERRANO-GLASSNER: You're
25 welcome.

2 COUNCIL MEMBER ODDO: Can I just
3 make one comment for the record?

4 CHAIRPERSON SEARS: Because I just
5 have to tell you--

6 COUNCIL MEMBER ODDO: [interposing]
7 I've been asked--I'm sorry.

8 CHAIRPERSON SEARS: Yeah, I just
9 wanted to say that the information that is coming
10 out is really extraordinary so I think any other
11 encouragement of this dialog could be very
12 helpful. Thank you.

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

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

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

11 [Pause]

12 CHAIRPERSON SEARS: If we have no
13 further testimony on Intro 1022. We're going to
14 move to Reso 1891. Is there anyone that would
15 like to testify on Resolution 1891? If not, do my
16 colleagues have any questions on 1891?

17 COUNCIL MEMBER FELDER: Yes I do.

18 CHAIRPERSON SEARS: [Interposing]
19 All right. I thought you might.

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

23 MALE VOICE: Yes.

24 CHAIRPERSON SEARS: Yes they do.

25 COUNCIL MEMBER FELDER: So why

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didn't you say so?

CHAIRPERSON SEARS: [Interposing]

We have worked. Well I don't think he was here in that category--oh well.

COUNCIL MEMBER FELDER: Yes. No he wants to speak, the young man with the glasses.

CHAIRPERSON SEARS: [Interposing]

No I'm not so sure that--

COUNCIL MEMBER FELDER:

[Interposing] Clark Kent come up please.

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

COUNCIL MEMBER FELDER: Oh I'm sorry.

CHAIRPERSON SEARS: That's okay.

COUNCIL MEMBER FELDER: Can you tell me whether the City Administration supports it.

MATT GEWOLB: The Administration supports it enthusiastically.

COUNCIL MEMBER FELDER: It's a good bill.

MATT GEWOLB: Including DCAS who is a partner in the process.

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2 COUNCIL MEMBER FELDER: Okay I
3 appreciate it. I think it's a very good bill.

4 CHAIRPERSON SEARS: DCAS has wanted
5 to do this for a long time.

6 COUNCIL MEMBER FELDER: Great.

7 CHAIRPERSON SEARS: So this
8 Committee is finally dealing with it. It is.
9 It's an excellent, excellent way of doing All
10 right. Thank you very much.

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

14 CHAIRPERSON SEARS: I think I'll
15 abstain from that answer.

16 COUNCIL MEMBER FELDER: That joke
17 wasn't mine; that was Councilman Oddo's. I want
18 to give him the credit. What in your opinion?

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

21 COUNCIL MEMBER FELDER: What?

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

25 COUNCIL MEMBER FELDER: You know, I

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don't know why I'm not...

CHAIRPERSON SEARS: With that, I really want to thank you. And if there's no testimony waiting to be given, I want to thank you. That means that Governmental Operations is now adjourned.

C E R T I F I C A T E

I, Donna Hintze certify that the foregoing transcript is a true and accurate record of the proceedings. I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.



Signature

Date September 30, 2009