



Introduction

Thank you, Chairman Cabrera and members of the Committee on Governmental Operations.

I'm Lisette Camilo, Commissioner of the New York City Department of Citywide Administrative Services. At DCAS, we provide effective shared services to support the operations of city government.

We approach our work with a commitment to three core values: equity, effectiveness, and sustainability.

- Equity: Ensuring that city government leads the way by having a diverse and inclusive workforce that provides all New Yorkers with an opportunity to get ahead.
- Effectiveness: Utilizing our expertise to provide city agencies with the resources and support needed to serve the public.
- Sustainability: Mobilizing resources to make government operations cleaner, greener, and up to the task of confronting the climate crisis.

DCAS Accomplishments

I'm pleased to be here today to discuss the proposed DCAS budget for fiscal year 2022. Since I was here with you last year, the world has dramatically changed. The COVID-19 pandemic has presented city government with enormous challenges and DCAS has been there every step of the way. DCAS has played a key role in:

- Procuring critical supplies and equipment for those on the front lines keeping us safe.
- Safely managing 56 public buildings, including the crucial custodial and trade services provided by our staff;
- Identifying locations for COVID testing and vaccination sites;
- Setting citywide policy regarding leave, teleworking, time off for vaccines, blood and plasma donation, and directives regarding employees' use of face coverings;
- and, so much more.

I am also extremely proud of the way our agency has successfully managed to sustain ordinary government operations under the most extraordinary circumstances. While our city has had to marshal resources to confront the pandemic, the wheels of government have to continue to function. While fiscal year 2021 is still under way, during fiscal year 2020, DCAS:

- Increased the number of civil service exams opened for filing by 51%, going from 129 exams during FY19 to 195 exams during FY20;
- Expanded the use of a new real estate management database – known as ARCHIBUS – to better track and inventory the city’s real estate assets. This system helps us identify ways to utilize existing office space before pursuing private leasing. As of the end of FY20, we have twenty-nine properties, totaling 5.7 million square feet logged in this system.
- Surpassed for the third consecutive year, 100 miles per gallon fuel economy equivalent for light-duty fleet vehicles purchased;
- Continued to organize and participate in job fairs and educational events about civil service, including virtual events that reached over 2,000 attendees between April and June alone;
- Expanded the City’s electric vehicle charging infrastructure, with over 1,000 charging ports available for fleet vehicles, including new fast-chargers that charge electric vehicles seven times faster than traditional chargers; and
- Expanded the use of real-time metering of electricity usage in City buildings to over 500 locations to ensure more efficient energy management – both saving money and reducing greenhouse gas emissions.
- Continued to support agencies’ efforts to provide an inclusive and equitable workplace.
- Provided critical information and training to agencies on maintaining occupational health and safety during the COVID-19 pandemic.

While I wish I could name every individual achievement, this gives you a taste of our accomplishments during the fiscal year. Today, I’d also like to focus on plans for the upcoming fiscal year.

Understanding the DCAS Budget

To put our budget into perspective, it’s important to understand that the majority of DCAS’s expenses cover utility costs for city agencies. Out of our \$1.3 billion budget, \$715 million is budgeted for heat, light, and power. These are fixed costs based on forecasted

energy usage and utility rates. The good news is that DCAS is working every day with agencies through multiple programs to reduce energy use.

The second largest expense is the salaries of our over 2,500 employees. DCAS's work spans an array of different responsibilities, so we employ everyone from carpenters, to procurement analysts, to energy management professionals, and everything in between.

In addition to these expenses, DCAS is tasked with multiple duties in ensuring the life and safety of the city employees and members of the public who use the public buildings we manage. This includes clearing snow, performing maintenance, and custodial services.

Our agency received expense funds in FY21 and FY22 for life and safety initiatives to protect the New York City government staff and the public that visit our facilities. The funding includes:

- Façade projects for various buildings in our portfolio at \$6.6 million combined in FY21 and FY22;
- The completion of the installation of safety nets at PSAC2 at \$1.4 million in FY21; and
- Installation of elevator door lock monitoring devices at 330 Jay Street at \$0.5 million in FY21.

DCAS also administers the Nonpublic School Security Reimbursement Program (NPS). This program reimburses non-public schools that are deemed eligible for expenses associated with the use of unarmed contractual security guards.

During the COVID-19 pandemic, DCAS extended the application deadline from May 15, 2020 to June 30, 2020. Additionally, the application filing period was reopened from October 7, 2020 - November 9, 2020, to allow more schools to apply for the program that became eligible once schools opened in the fall.

As a result of these two modifications, a total of 32 new schools were accepted to the program. In addition, DCAS provided workshops to all new schools on multiple occasions, which covered the memorandum of understanding (MOU) and invoice process for the program.

Cost Savings and Revenue Generation

While we are making new investments, DCAS, like every city agency has identified budget reduction initiatives, as requested by OMB, to help eliminate the historically large budget gap caused by the COVID-19 pandemic. These initiatives include:

- A \$2.7 million reduction to our FY21 expenses for our Conservation and Efficiency Leadership Program which is also known as the ExCEL Program. This program provides funds to city agencies for energy efficiency projects such as retrofit projects, operating and maintenance improvements for facilities, and specialized training for building operators. A significant portion of this reduction can be directly attributed to the pandemic. Due to COVID-19, various agencies that received FY20 ExCEL funding encountered delays in work because they could not access buildings/facilities where work was being completed in the last quarter of FY20. These projects were subsequently rolled over to FY21, causing a reduction of newly awarded FY21 projects due to the affected agencies' capacity to start new projects until the completion of FY20 outstanding work;
- A \$1.8 million reduction to our FY22 Retro-commissioning Program, which provides funds to city agencies to implement projects that will bring existing building systems and equipment up to a state of good repair. The projected \$1.8 million savings will be achieved by reviewing energy efficiency report findings and identifying projects that can be consolidated into larger capital projects. This initiative will not have any adverse impact on achieving greenhouse gas reduction goals; and
- A \$6.4 million reduction to our FY21 Personal Services Budget which is attributed to accrual savings caused by delays in hiring.

In terms of generating revenue, the FY22 revenue budget is \$51.7 million, primarily due to three factors:

- One: A projected \$33.7 million in private rentals of city-owned properties, DCAS's largest source of recurring revenue;
- Two: \$7.9 million for the sale of surplus vehicles and other city-owned equipment; and
- Three: \$3.8 million from applicant filing fees for civil service exams.

DCAS Capital Plan

For our capital plan, the preliminary budget reflects an updated four-year plan of \$2.4 billion from FY22 through FY25. This plan includes maintenance and enhancements to DCAS facilities, renovation of leased spaces, and continuing our energy conservation work. The preliminary budget for FY22 is \$733 million and will allow us to complete three core initiatives:

- DCAS's capital construction program for city-owned offices and court buildings totals \$185.5 million in FY22. While this includes the routine operations and maintenance of our buildings, it's also part of a broader

focus on helping agencies more efficiently use office space in our municipal buildings.

- The capital plan for FY22 includes \$279 million for energy conservation and green energy projects. This includes lighting retrofits, HVAC upgrades, steam distribution improvements, and a variety of clean energy projects.
- \$7.5 million has been allocated in FY21 to continue the installation of 100 fast electric vehicle chargers. These chargers will speed up the charging process, which will reduce the amount of time fleet vehicles are out of service.

Conclusion

It has been an extraordinarily challenging year, but I am proud of the dedication of our employees in supporting the city's COVID response efforts and in sustaining government operations when it's needed the most. I want to thank the council for the resources and support you have provided to DCAS and I look forward to working with you to build upon our success this year.

Thank you for the opportunity to testify. I would be happy to answer any questions.

Statement by Corporation Counsel James E. Johnson to the City Council

In Connection with the Preliminary Budget for Fiscal Year 2022

March 15, 2021

Good afternoon, Chair Cabrera and distinguished Members of the Government Operations Committee. It is a pleasure to come before you to discuss the Law Department's fiscal year 2022 Preliminary Budget. I'm joined by First Assistant Corporation Counsel Georgia Pestana, Managing Attorney Muriel Goode-Trufant, and Chief of Administration Kenneth Majerus. Between them, they have over 90 years of service to the Law Department and I am grateful to have them at the witness table.

With more than 8.6 million residents, more than 300,000 public servants, one of the nation's largest civilian fleet of vehicles, and more public buildings than any of the nation's cities, New York City has a broad array of civil and commercial legal matters and the Law Department is responsible for all of them. The Department represents the City, the Mayor, other elected officials and the City's agencies in all affirmative and defensive civil litigation. As a prosecuting agency, the Department represents the City in proceedings brought in Family Court alleging violations of criminal laws and in proceedings filed in Criminal Court to enforce the City's Administrative Code. Law Department attorneys draft and review local and state legislation, real estate leases, procurement contracts and financial instruments for the sale of municipal bonds. The Department also provides legal counsel to City officials on a wide range of issues such as civil rights, education, intellectual property, land use and environmental policy. The Department's work embraces all City entities and operations; our impact is tremendous. In a typical year, the work reflects the talent and work ethic of a phenomenal group of public servants. In 2020, as I will touch on below, the work reflected the very best of service: character, perseverance and all-consuming commitment to duty.

The Department currently has on board approximately 934 assistant corporation counsel and 770 legal support professionals. Approximately 30% are ethnically diverse and 59% percent are women. Indeed, of the department's sixteen legal divisions, nine are guided by a woman - which makes the Department a leader in the legal profession.

The Law Department plays an important role in advocating for the Common Good, protecting the rule of law, and enhancing our City's fiscal strength. For example, through the work

of our Affirmative Litigation Division, in this fiscal year already we have brought \$40 million dollars into the City treasury when UPS paid – after a bench trial and our victory on appeal - damages and penalties from the delivery of untaxed, unstamped cigarettes to customers in the City. This was the largest judgement in the Southern District of New York for that year.

Our team also brought suit against US Department of Education Secretary Betsy DeVos and obtained an order striking the rule that unlawfully diverted federal CARES Act funds to private schools. In this case, we ensured that over \$50 million dollars went to the NYC Board of Education for economically disadvantaged students in K-12 public schools.

We recently added another \$25 million dollar payment into the City treasury shortly in connection with a settlement of a false claims act lawsuit involving a hedge fund manager who failed to report state and city taxes on deferred fees.

Further, consistent with past experience, we anticipate saving the City approximately \$200 million in payouts from the judgment and claims fund through our continuing litigation to compel insurance companies to defend and indemnify the City. In these cases, we are enforcing coverage against lawsuits arising out of the work performed by private contractors and permittees. As a City, we should have little tolerance for insurance companies that repeatedly force us to expend vital city resources just to get them to defend claims they have previously agreed to cover. The Law Department is currently reviewing our options regarding these companies. We may come back to you with additional thoughts on how we can ensure that city contractors only sign policies with reliable insurers.

A further example is our Commercial and Real Estate Litigation Division, which defends the City in a wide range of contractual disputes. These disputes include three categories of agreements: contracts with private companies to build or repair the City's infrastructure; leases of important public properties; and contracts for all types of goods and services. These claims are largely based upon negotiated terms of pre-existing agreements and typically involve significant exposure to the City. In the first six months of FY21 alone, the Division resolved \$175 Million Dollars in claims for \$25 Million Dollars, resulting in a \$150 Million Dollar savings. Similarly, our Tax & Bankruptcy Division's defense of real property tax assessments protected \$63 Million in property tax receipts in FY20 and \$26 Million during the first half of FY21.

It is vitally important that we protect the City treasury against filed claims. In our view, however, that is not enough. One of the most important assets any government has is the trust of its citizens. That can be hurt when an agent of the city injures a person, whether or not negligently or recklessly. Accordingly, the Law Department works with other City agencies to identify and mitigate risks of harm. Our strategy turns on the work of the Risk Management unit. A risk management approach to local government asks not only how we can bring our overall costs down, but how to address conduct that may harm our citizenry. At the Law Department, we have a Risk Management unit that works with agencies across the City to identify City policies and practices which create risks and liabilities, and to collaboratively take steps to control, reduce, and where possible, eliminate these risks.

Identifying, assessing and mitigating risk depends on the access to high quality information about municipal services and government operations. Given the information we gather from litigation and transactional work, and our role as a central legal hub across all agencies, the Law Department is uniquely placed to lead these citywide risk management efforts. This year we formed an inter-agency steering committee to address citywide risks. Together, our Risk Management efforts have, among other things, helped improve information flow between agencies so that the Law Department can more effectively and efficiently defend the City in Court; it helped ensure that third parties indemnify the City where appropriate; and it assisted agencies with identifying and remedying situations that might have resulted in repeat harm to the public if not addressed. While the total impact cannot be quantified, I am confident that our Risk Management efforts have helped save the City critical funds and have prevented serious injuries to many members of the public.

As we speak, the City is looking forward to the relief to be provided by the Federal stimulus package signed into law by President Biden last week. If the past is any guide, there are also others, with bad intent, who are looking at the stimulus funds as an opportunity for fraud. If anyone tries to defraud the city, the Law Department we will not hesitate to pursue all legal avenues against them, including referrals to the appropriate district attorney.

Last year forced us to respond to unprecedented burdens that afflicted the City. Like all New Yorkers, we have suffered greatly as a result of the global pandemic. That said, it was our duty to provide support to the City's leadership and its first responders who were on the knife's edge of the response. Last night's memorial service was a testament to the danger, loss and collective

trauma this City endured. The trauma will be a defining feature of our common life together for some time to come.

A year ago, when the pandemic moved from threat to grim reality, the team at the Law Department worked to manage a rapid transition to remote work, provided - as best we could - for the emotional well-being of the lawyers and support professionals, and improvised systemic responses to legal and logistical questions without precedent in both their novelty and sustained intensity. We assembled teams and established workflows so that the challenge could be met. We ensured that City Hall had the legal support it needed for the prompt passage of Executive Orders. We established multi-disciplinary working groups so that key legal and operational stakeholders had the right information. We set up a hotline for agency attorneys to submit COVID-19 legal questions. And, realizing the critical need for legal guidance across the City, we set up weekly conference calls that brought together the General Counsels of all city agencies to receive legal information and ask questions regarding the pandemic.

The pandemic was not the only critical issue facing the New York City. Following the killing of George Floyd and the protests in response to that crime, the Mayor called upon a small group of us to examine the factors related to the police response to the protests and to make recommendations to better ensure the protection of persons and first amendment rights going forward. Another team also provided support to the Racial Inclusion and Equity Task Force as it considered measures to ensure the City's recovery includes all of us.

On these calls, Law Department attorneys and experts from other agencies made presentations on matters related to work-from-home, reasonable accommodations, the suspension of open meetings laws, health screening guidance, and more. Internally, both our legal and operational divisions devised new protocols, practices, and trainings for how to quickly and adjust to a new world of online court hearings and depositions. The challenge of the pandemic allowed us to both streamline and strengthen how we delivered legal advice to our many clients, ultimately to the benefit of our City's residents. Our goal was to provide information and legal solutions as seamlessly as we could to the women and men who were either leading the City or answering the call of the front line at this moment of crisis.

The leadership team also took seriously its duty of stewardship over this storied department. And leadership was demonstrated in every division and from all corners of the Department.

Lawyers and legal support professionals stepped up in ways that they had never been asked to, and with more energy than we could have ever reasonably expected. We put in place programs for individuals to address the strong need for emotional and social support and we held many gatherings that enabled us to come together to support each other and grapple with hard questions that the last year posed, including trauma, the continued threat posed by the pandemic, racial equity and inclusion and the role of government in tackling these issues. We did this work while we also mourned losses among our friends and family and we mourned those on our team that we lost.

The pandemic slowed, but did not end, our work in the courts. Indeed, we have seen both an increase in workload and a decrease in the resources at our disposal to craft a response. Many of our divisions defend the City and its employees in litigation. During the pandemic we have experienced an increase in pending cases, particularly in our largest division, Tort. In Tort, there are now more than 24,000 cases, a thousand more than a year ago. Included in this number are newly filed COVID-19 related cases as well as long standing cases, for which trial dates have been delayed by the pandemic. Pre-pandemic, we were able, with the assistance of City Council, to add resources to the Tort Division, which enabled us to improve case outcomes through increasing early settlements, engaging in better case preparation, and enhancing our state court trial practice. We have experienced an erosion of those resources this past year. Nevertheless we are pursuing strategies to manage the workload in the face of the challenges. In addition to growing case numbers in state court, our office is slated to participate in several in-person federal court trials starting this month.

We have also seen changes in our juvenile justice work. We are the presentment agency in all juvenile delinquency and Adolescent Offender cases referred to the City's Family Courts. The Family Court Division endeavors to achieve dispositions that serve the needs of each individual youth brought before the court while at the same time protecting the interests of individual crime victims and ensuring the safety of the community at large. The Raise the Age legislation introduced a larger, differently situated population of youth into the juvenile justice system. Along with the introduction of older youth into the juvenile justice system came many changes for the Law Department's Family Court Division. For these proceedings, our ACCs present in the citywide Family, Criminal and/or Supreme Courts 365 days *and* nights a year. The introduction of older youth into the juvenile justice system has included a sharp increase of violent crime cases and a corresponding rise in the severity of needs of older youth.

For example, in CY 2019 there were 128 referrals involving the possession, display or use of a firearm, compared to CY 2020 where there were 283 referrals involving possession, display or use of a firearm referred; an overall increase of 121%. These gun cases are just a segment of the serious matters handled with in our Family Court Division, which also include cases concerning robberies, arson, felony assault and homicide. The division also handles Special Victims Unit cases and matters concerning commercially sexually exploited youth.

Throughout all matters, we look toward matching youth, families and impacted community members with appropriate services and opportunities geared toward preventing system involvement; providing rehabilitation; securing restorative services and promoting enhanced outcomes for the youth, families and communities in NYC.

My testimony today provides a limited survey of a very broad docket. In all that we do, we seek to serve the Common Good. By keeping the interests of all New Yorkers at the center of our work, we can do what is right and reinforce trust in government. And that is our core commitment.

I thank you for your support of the Law Department and look forward to our continued collaboration. I would be happy to answer any questions you may have.



Statement by Commissioner & Chief Administrative Law Judge Joni Kletter at the NYC Office of Administrative Trials and Hearings, to the City Council Committee on Governmental Operations in Connection with the Preliminary Budget for Fiscal Year 2022

March 15, 2021

I am pleased to submit this statement to Chair Cabrera and the members of the Committee on Governmental Operations, concerning the Fiscal Year 2022 preliminary budget. This statement will first describe the successful efforts of the Office of Administrative Trials and Hearings (OATH) during the COVID-19 emergency over the past year in ensuring the continued availability of due process to New Yorkers and will then address the budget projection for this coming year.

Trials Division

Over the past year, during the COVID-19 emergency, the Trials Division managed an effective transition to conducting proceedings by video. The OATH Trials Division adjudicates a wide range of issues that can be referred by any City agency, board, or commission. Its caseload includes employee discipline and disability hearings for civil servants as well as cases dealing with the conflicts of interest law, the retention of police-seized vehicles prior to forfeiture proceedings, City-issued license suspensions and revocations, the Loft Law, City vendor contract disputes, violations of consumer and worker protections laws, and violations under the City Human Rights Law. Trials are conducted by Administrative Law Judges (ALJs) who are appointed to five-year terms.

The Trials Division’s successful transition to video proceedings has allowed parties to participate safely and effectively, view video and other evidence simultaneously, receive interpretation in their language of preference, and communicate clearly with the ALJ. I am incredibly proud of how many trials and conferences the Trials Division has been able to conduct remotely during the pandemic. From July 1, 2020 through January 2021, OATH ALJs resolved 1,145 cases, including 602 resolved via settlement conferences. OATH ALJs also held 251 trials, and 99% of the ALJs’ factual findings were upheld by the City agencies in their final determinations.

Hearings Division

Similarly, the OATH Hearings Division has effectively transitioned to conduct proceedings telephonically. The OATH Hearings Division conducts hearings on summonses issued by over 20 different City enforcement agencies for alleged violations of law or City rules. These summonses are issued by the Department of Buildings, the Department of Sanitation, the Department of Environmental Protection, the Fire Department, the Parks Department, the Department of Consumer and Worker Protection, the Department of Health and Mental Hygiene, and the Taxi and Limousine Commission, among others.

In mid-March 2020, I was appointed Commissioner and Chief ALJ at OATH. This was the same week as many offices were closing to the public because of the COVID-19 crisis. We immediately transitioned to telephonic hearings in the Hearings Division. Telephonic hearings are safe, easy, and very convenient – respondents, their representatives, and City agency attorneys and inspectors do not have to travel to our offices and appear in person, and hearings can be scheduled by email. I am proud to report that we have now adjudicated over 100,000 summonses via telephonic hearings in the last 12 months. Our telephonic hearings have been so successful that we will be continuing this method of hearings as an option for the foreseeable future.

Resources for Residents and Small Businesses

OATH maintains a very robust Help Center, with 25 employees, that supports respondents who receive summonses and are unrepresented before OATH. Help Center sessions are one-on-one meetings with a procedural justice coordinator, which are currently being offered remotely due to COVID-19. The sessions can be done in a respondent’s language of preference. Since last March, our Help Center has conducted over 27,000 remote help sessions. This summer, we also launched a dedicated small business help center unit, designed to help unrepresented businesses prepare for their hearings and appeals and to make referrals to the Department of Small Business Services.

Center for Creative Conflict Resolution

OATH also houses the Center for Creative Conflict Resolution, which provides mediation and restorative justice support to City government agencies, businesses and the general public. Over the past five years, the Center has offered a number of workplace conflict services for City agencies, including mediations, conflict coaching, group facilitation, restorative practices, dispute system design services, education and training. In Fiscal Year 2021, the Center handled close to 400 mediations, consultations, career coaching, trainings and group facilitations.

Upon my appointment at OATH last year, one of my goals was to expand the work of the Center; we have successfully done that to include public-facing work as well. Last fall, we announced a new program, MEND NYC, in collaboration with the Office of Nightlife. The program uses mediation to assist small businesses and vendors, who are the subject of quality of life complaints, like excessive sound and garbage issues, from their neighbors or other businesses. This program can help resolve disputes and avoid fines, in lieu of regulatory enforcement.

Recognizing the value of the Center's work and the City’s need for more creative problem-solving, last month Mayor Bill de Blasio signed Executive Order 63, officially establishing the Center within OATH as the City government’s central dispute resolution resource. The Executive Order also directs all agencies to designate an Alternative Dispute Resolution Coordinator to work with the Center and to consult with the Center to incorporate restorative justice principles into their workplaces and missions. OATH is currently in the process of implementing Executive Order 63.

Technological Innovation

In addition to implementing video and telephonic proceedings, OATH has expanded its technological capabilities. OATH launched a text-message reminder system this past year, available to all OATH respondents to help ensure that people never miss a hearing and get real time updates about the status of their case.

We have also expanded access to Criminal Justice Reform Act (CJRA) community service in lieu of financial penalties, with our launch of an online educational module. This allows all respondents who

receive civil violations that were decriminalized by the CJRA to resolve their case easily and safely online.

Public Education and Outreach

OATH has remained active in performing public education services about how New Yorkers and New York City businesses can resolve their civil violations, even through the pandemic. Over the course of the past year, OATH conducted approximately 50 public-facing educational events in collaboration with elected officials, business associations, community groups, and more (see addendum for outreach partners, elected officials, and organizations).

OATH has also launched a social media presence to keep respondents and practitioners updated, and has expanded its monthly BenchNOTES e-newsletter.

Headcount, Fines Collected, and Budget

Agency headcount remains at 306 in the Fiscal Year 2022 preliminary budget. This does not include the 363 per diem hearing officers in the Hearings Division. \$146.3 million is expected in collected civil penalties for Fiscal Year 2022 from payment of fines prior to a summons being docketed or falling into “collection” status. OATH’s total preliminary budget for Fiscal Year 2022 is \$51.2 million, which represents an increase of \$446,000 from the Fiscal Year 2021 adopted budget and an increase of \$2.5 million from the Fiscal Year 2021 current modified budget due to the one-time reductions in the November Plan. Of the \$51.2 million, \$38.3 million is in personnel services and \$12.9 million is in other than personnel services.

Addendum

- Webinars held with the following elected officials:

Brooklyn Borough President Eric L. Adams, Office of Staten Island Borough President James Oddo, Council Member Fernando Cabrera, Council Member Kalman Yeger, Council Member Mathieu Eugene, Council Member Robert Holden, Council Member Barry Grodenchik, Council Member Francisco Moya, Council Member Margaret Chin, Council Member Donovan Richards (prior to becoming Queens Borough President), Council Member Darma Diaz, Council Member Peter Koo, Council Member Jimmy Van Bramer, Council Member Rafael Salamanca Jr., Council Member Ydanis Rodriguez, Council Member Antonio Reynoso, Council Member Stephen Levin, Council Member Brad Lander, Council Member Karen Koslowitz, New York State Senator Simcha Felder, New York State Senator Andrew Lanza, New York State Assembly Member Michael Cusick, New York State Assembly Member Yuh-Line Niou, New York State Assembly Member Simcha Eichenstein, and New York State Assembly Member David Weprin.

- OATH Small-Biz Webinars included the following partners and participants in 2020:

Queens Chamber of Commerce, Staten Island Chamber of Commerce, Bronx Chamber of Commerce, Brooklyn Chamber of Commerce, Manhattan Chamber of Commerce, Atlantic Avenue BID, Belmont BID, Forest Avenue BID, Garment District Alliance, Grand Central Partnership, Hudson Square BID, Jerome Gun Hill, Lincoln Square BID, Moshulu Preservation Corporation, NYC BID Association, Park Slope Fifth Avenue BID, and the 34th Street Partnership.

- This first ever virtual Veterans Hearing Support (VHS) partners included:

Council Member Chaim M. Deutsch; Department of Veterans Affairs, New York City Department of Health, Jewish War Veterans of the United States, VA New York Harbor Health Care System, New York State Veterans Chamber of Commerce, NYC Veterans Alliance, 715 Veterans Association Inc., Veterans from World War II from Queens with The New York Association of Jews from the Former Soviet Union, and Black Veterans for Social Justice.

- LEG-CAMMs were conducted with Staff from the following offices:

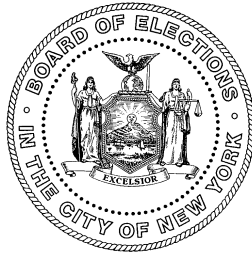
Office of New York City Comptroller Scott Stringer, Office of the Public Advocate Jumaane Williams, Office Bronx Borough President Ruben Diaz Jr. Service Cabinet & Borough Board, Office of Manhattan Borough President Gale Brewer & Borough Service Cabinet, Manhattan Community Boards 1-12 District Managers, New York City Council Member Margaret Chin, New York City Council Member Alan Maisel, New York City Council Member Peter Koo, New York State Assembly Member Yuh-Line Niou, and the Mayor's Office of Immigrant Affairs.

- OATH hosted a virtual ACCES in partnership with:

East Mediterranean Business Cultural Alliance (MBCA), Greek Homeowners Association, AHEPA District 6, AHEPA Hermes Ch. No. 186, Old Astoria Neighborhood Association, American Sephardi Federation, Manhattan Chamber of Commerce, and other New York City community and business leaders and stakeholders.

- OATH partnered with the following elected officials for Resource:

New York City Council Member Francisco Moya, New York City Council Member Margaret Chin, New York City Council Member Robert Holden, and New York City Council Member Eric Ulrich.



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Testimony of Michael J. Ryan, Executive Director Board of Elections in the City of New York

Committee on Governmental Operations Council of the City of New York

Fiscal Year 2022 Preliminary Budget

March 15, 2021

Chair Cabrera and members of the New York City Council's Committee on Governmental Operations, thank you for the opportunity to appear before you on behalf of the Board of Elections (Board). I am Michael J. Ryan, the Executive Director of the Board.

Joining me today is the Board's Deputy Executive Director, Dawn Sandow and our Director of Finance, Gerald Sullivan.

Before I begin discussing the Mayor's Preliminary Budget for FY22, I would like to thank the City Council and the Mayor for providing the necessary support to the Board in FY21 to meet its Constitutional and statutory mandates as well as the needs of the voters of the City of New York.

FY2022 Overview

In FY22, the Board anticipates conducting two citywide election events including a General Election in November 2021, and a Gubernatorial, Federal and State Office Primary Election in June 2022.

FY2022 Budget Projections

Our projection for FY2022 is based upon similar event years, with up-to-date adjustments.

The Board projects an FY22 budget of \$178.6 Million, which is \$ \$42.8 Million more than the FY22 Departmental Estimate of \$135.8 Million. As is the process with the Mayor's Administration, the Board will work closely with OMB during the intervening weeks. The Board has every expectation that all financial needs will be addressed by the Mayor's Administration and the City Council, upon the completion of the Preliminary Budget Process and as the Executive Budget Process is finalized.

Personal Services – Cyber Security

The Board is requesting additional positions in the Electronic Voting Systems and MIS department to further enhance our cyber security efforts. Additional positions are needed in each county office to ensure the Board maintains physical security of its hardware and firewall software at each office location.

The Board's assessment leads us to request funding for a new initiative that will serve to further fortify our Electronic Voting Systems (EVS) and Management Information Systems (MIS) against potential cyber threats. We are requesting a total of sixteen new positions at the Board of Elections.

Six of these positions will be embedded within the EVS and MIS Departments at our Executive Office as Senior Security Analysts/Engineers (3) and Network Implementation Engineers (3). The responsibility of the positions will be coordinating with the Board's Senior Management and the agency's EVS/MIS Departments to:

- Identify, support and resolve any and all cyber security issues moving forward.
- Provide assessment support and engineering solutions to ensure the agency's sound network security and design.
- Review, analyze and document the security requirements of applications, systems and networks across their life cycle.
- Research, evaluate, design, test and plan the implementation of new or updated information security hardware and/or software, and analyze its impact on the existing environment.
- Provide technical expertise for the administration of the needed security tools to protect the Agency's internal and external operations and performance in service to its mandate of conducting fair and honest election events.

The remaining ten (10) positions will be deployed in our five (5) borough offices as supervisors of the newly created Borough Canvassing Units (BCU) dedicated to conducting daily, routine cyber security checks and implementing the necessary upgrades as new technology evolves. We are requesting annual funding in the amount of \$1.3 million to implement and maintain this upgraded Cyber Security initiative.

Personal Services – Poll Workers

Based on the anticipated two citywide election events, including early voting the Board requires \$48 million compared to the \$32 million FY22 Departmental Estimate. The Board expects to hire 41,000 Election Day workers for each Election Day and over 5,000 Election Day workers for each day of early voting. Due to the increase in voter turnout and covid-19 mandates, line manager positions have been added to ensure covid-19 compliance is adhered to as well as ensuring efficient line management.

Other Than Personal Services

The Board's analysis shows that \$77 million is required in the OTPS allocation compared to the \$70.5 million FY22 departmental estimate. With this additional funding, the Board's OTPS budget will be adequately funded to provide for property, equipment, and services such as the mandated accessibility compliance (all poll site accessibility equipment), necessary support and data service contracts for the Board's voting systems and information technology infrastructure and the Citywide Poll Worker Recruitment Initiative (including website redesign, advertisements and other public information efforts).

Additional Office Space

Due to changes in Election Law, specifically early voting and an increase in absentee ballots, the Board has had a significant increase in headcount. Workstations have been added in the Borough Offices to accommodate additional employees to handle the processing of absentee applications, ballots volume, cure letters and early voting staff. Mail sorting machines required for the volume of absentee processing have taken substantial square footage. The spaces were previously used for departmental file storage, employee lunch/break areas, meeting/training space as well as space for post-election activities (canvass). The Board's current arrangements do not allow for social distancing of employees.

Absentee ballots must be stored on site in a secured, double-locked room during the entire election process. During the FY 2021 Election Cycle,

Borough Offices repurposed nearly every room with a door and a lock for absentee storage which decreased work space significantly.

Queens Borough Office post-election activities were temporarily located off site in FY 2021 to accommodate the need for social distancing, and due to lack of space in the Borough Office. Other Borough Offices needed to move election equipment to other storage facilities to create room for sorting and counting tables for absentee ballot processing as well as conducting their canvass.

The Board is proposing 16,000 to 22,000 of square feet be added to the current Borough Offices. In addition the Board is requesting an additional 18,000 square footage in the Executive Office at 42 Broadway.

Poll Worker Recruitment and Voter Education

The Board of Elections will continue our highly successful FY 2021 public education plan that was a comprehensive surround sound approach to educate New York City voters on the options to vote via absentee ballot, vote early or vote on Election Day. The Board is requesting an additional \$3 million to launch an aggressive citywide public education campaign using all forms of media. We plan to focus on citywide and community newspapers, and language required publications to educate voters on Ranked Choice Voting. We intend to place digital advertisements and leverage our social media channels to increase public awareness of RCV. We intend to produce various videos (translated voice overs in the required languages) to explain to voters how they vote using Ranked Choice Voting.

We will use out of home advertisements pushing voters to our website landing page where they can find FAQs as well as instructional videos. We will produce palm cards for voters at the poll sites and have large instructional signage at our poll sites for voter reference.

The Board will continue its successful poll worker recruitment campaign for the FY22 Election Year. The Board saw an increased interest for serving as a poll worker during the Presidential Election year and we hope that interest continues into the 2021 Mayoral Election. We will rely on print and digital media advertisement citywide with a focus on the covered languages.

Poll Worker Training

As the state is still combating the COVID-19 epidemic, the Board will continue with on-line poll worker training as an option for our seasoned poll workers. The on-line training proved to be very successful in the 2020 election cycle and ensured smaller class sizes for first time poll workers as well as poll workers that opted for hands on training. It is essential that we continue with PPE protocols to ensure the safety of our poll workers as well as the voters of New York City.

Conclusion

The Board remains sensitive to the fiscal challenges faced by the City and mindful of its obligations to serve the voters of the City of New York. The Board remains committed to the partnership that has been forged with this Administration and this Council. The Board is confident that the additional funding requests will enhance its ability to serve the voters of the City of New York. The Board reaffirms its commitment to this Council that any allocated resources will be wisely utilized and the public trust will continue to be its guidepost.

As always, my colleagues and I are available to answer any questions that you may have, and we are always available if anyone should need further information.