

CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON GOVERNMENTAL  
OPERATIONS

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March 15, 2021  
Start: 11:11 A.M.  
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HELD AT: Remote Hearing, Virtual Room

B E F O R E: FERNANDO CABRERA  
Chairperson

COUNCIL MEMBERS: Fernando Cabrera  
Darma V. Diaz  
Ben Kallos  
Alan N. Maisel  
Bill Perkins  
Keith Powers  
Ydanis Rodriguez  
Kalman Yeger

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

Lisette Camilo  
Commissioner  
Department of Citywide Administrative  
Services

Anthony Fiore  
Deputy Commissioner for Energy Management

Mersida Ibric  
Deputy Commissioner for Citywide  
Procurement

Dawn Pinnock  
Executive Deputy Commissioner

Keith Kerman  
Deputy Commissioner for Fleet

Barbara Dannenberg  
Deputy Commissioner for Human Capital

Beatrice Thuo  
Real Estate Services Senior Advisor

James Johnson  
Corporation Counsel  
Law Department

Georgia Pestana  
First Assistant Corporation Counsel  
Law Department

Muriel Good-Trufant  
Managing Attorney

Law Department

Kenneth Majerus  
Chief of Administration  
Law Department

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1 COMMITTEE ON @

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2 SERGEANT AT ARMS: Thank you.

3 SERGEANT AT ARMS: Cloud recording  
4 started.

5 SERGEANT AT ARMS: Thank you, and  
6 Sergeant Biando.

7 SERGEANT AT ARMS BIANDO: Good morning  
8 and welcome to today's remote New York City Council  
9 FY22 preliminary budget hearing for the Committee on  
10 Governmental Operations. At this time would all  
11 panelists please turn on their video for verification  
12 purposes. Once again, all panelists please turn on  
13 your video for verification purposes, and to minimize  
14 disruptions please place all electronic devices to  
15 vibrate or silent mode. If you would like to submit  
16 testimony please send via email to  
17 testimony@council.nyc.gov. Again, that is  
18 testimony@council.nyc.gov. Thank you for your  
19 cooperation. Chair Cabrera, we are ready to begin.

20 CHAIRPERSON CABRERA: Thank you so much.  
21 Let me gavel in to this meeting [gavel]. Good  
22 morning, everyone, and welcome to the city's  
23 Government Operations Committee hearing on fiscal  
24 2022 preliminary budget. My name is Fernando  
25 Cabrera, chair of this committee. Today we will hear

testimony from the Department of Citywide Administrative Services and the Law Department regarding their fiscal 2021 and fiscal 2022 budgets. The agencies testifying today carry out many of the most important functions that keep the city running, including managing the city's vehicle fleet, defending us from lawsuits, among other important functions. As chair of the Committee on Governmental Operation, I want to ensure that the critical work these agencies do is as effective and as efficient as possible. In order to do so, I look forward to hearing more detail regarding the agencies' budgets and whether or not this funding is being used in the best possible way. I would like to thank the committee staff, senior finance analyst Sebastian Bocchi, committee counsel Christopher Murray, senior policy analyst Emily Forgione and Elizabeth Cronk, as well as my own legislative communications director, Claire Michael Vane, for their work in preparing for this hearing. In addition, I would like to acknowledge that we have been joined by council members, ah, Darma Diaz, myself, Perkins, Rosenthal, and Yeger. Now I would like to welcome Lisette Camilo of the Department of Citywide Administrative

Services to testify before this committee. Thank you so much, ah, Commissioner. Ah, DCAS fiscal 2022 preliminary budget totals 1.3 billion dollars in personal services funding to support 2546 full-time positions, 715.3 million dollars, or 55.1% of DCAS overall budget is allocated to citywide heat, light, and power. This is the city's utility bill which DCAS manages and pays for all other city agencies through its energy management division. Today I look forward to discussing many aspects of DCAS operations, included the state of the city's electric vehicle fleet, a reveal of fiscal 2021 preliminary mayor's management report, and the agency's work in response to the ongoing COVID-19 pandemic, pandemic, among other important topics. With that, I would like to please ask the committee counsel to administer the oath and swearing in to testifying representatives.

COMMITTEE COUNSEL: Thank you, Chair.

CHAIRPERSON CABRERA: Thank you.

COMMITTEE COUNSEL: Ah, I am C. J.

Murray, counsel to the Committee on Governmental Operations. Before we begin testimony I want to remind everyone that you will be on mute until you

are called on to testify, at which point you will be unmuted by the host. I will be calling on panelists to testify, so please listen for your name to be called. During the hearing if a council member would like to ask a question of a specific panelist, please use the Zoom raise hand function and I will call on you in order. We will be limiting council member questions to three minutes, which includes the time it takes the panelist to answer your questions. Please note that for ease of this virtual hearing there will not be a second round of questioning outside of questions from the committee chair. All hearing participants may submit written testimony to [testimony@council.nyc.gov](mailto:testimony@council.nyc.gov). Before we begin testimony I will administer the oath to all representatives from DCAS who will be providing testimony or available for questions. Please raise your right hand. I will read the oath once and call on each of you individually for a response. Do you affirm to tell the truth, the whole truth, and nothing but the truth before this committee and to respond honestly to council member questions? Commissioner Lisette Camilo.

COMMISSIONER CAMILO: I do.

1 COMMITTEE ON GOVERNMENTAL OPERATIONS

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2 COMMITTEE COUNSEL: Executive Deputy  
3 Commissioner Quintin Haynes.

4 EXECUTIVE DEPUTY COMMISSIONER HAYNES: I  
5 do.

6 COMMITTEE COUNSEL: Executive Deputy  
7 Commissioner Dawn Pinnock.

8 EXECUTIVE DEPUTY COMMISSIONER PINNOCK: I  
9 do.

10 COMMITTEE COUNSEL: Chief of staff  
11 Carmine Rivetti.

12 CHIEF OF STAFF RIVETTI: I do.

13 COMMITTEE COUNSEL: Director of  
14 communications, Nick Benson. Do we have Nick Benson  
15 on the Zoom? We'll move on. Deputy Commissioner for  
16 Administration Shameka Overton.

17 DEPUTY COMMISSIONER OVERTON: I do.

18 COMMITTEE COUNSEL: Deputy Commissioner  
19 for Energy Management, Anthony Fiore.

20 DEPUTY COMMISSIONER FIORE: I do.

21 COMMITTEE COUNSEL: Diversity and EEO  
22 officer Belinda French.

23 OFFICER FRENCH: I do.

24 COMMITTEE COUNSEL: Deputy Commissioner  
25 for Fiscal and Business Management, Richard Thom.



1 COMMITTEE ON GOVERNMENTAL OPERATIONS

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2 DEPUTY COMMISSIONER THOM: I do.

3 COMMITTEE COUNSEL: Deputy Commissioner  
4 for Fleet Management, Keith Kerman.

5 DEPUTY COMMISSIONER KERMAN: I do.

6 COMMITTEE COUNSEL: Deputy Commissioner  
7 for Facility Management, Jerry Torres.

8 DEPUTY COMMISSIONER TORRES: I do.

9 COMMITTEE COUNSEL: Deputy Commissioner  
10 for Human Capital, Barbara Dannenberg.

11 DEPUTY COMMISSIONER DANNENBERG: I do.

12 COMMITTEE COUNSEL: Deputy Commissioner  
13 for Information Technology, Nitin Patel.

14 DEPUTY COMMISSIONER PATEL: I do.

15 COMMITTEE COUNSEL: Chief Equity and  
16 Inclusion Officer Silvia Montalban.

17 OFFICER MONTALBAN: I do.

18 COMMITTEE COUNSEL: Deputy Commissioner  
19 for Citywide Procurement, Mersida Ibric.

20 DEPUTY COMMISSIONER IBRIC: I do.

21 COMMITTEE COUNSEL: Legal Counsel Sanford  
22 Cohen.

23 LEGAL COUNSEL COHEN: Do we have Sanford  
24 Cohen [inaudible]?

25 LEGAL COUNSEL COHEN: I do.

COMMITTEE COUNSEL: Great. Thank you.  
Senior Real Estate Services Advisor Beatrice Thrill.

SENIOR ADVISOR THRILL: I do.

COMMITTEE COUNSEL: And Assistant  
Commissioner for Real Estate Services Spiro Antivas.

ASSISTANT COMMISSIONER ANTIVAS: I do.

COMMITTEE COUNSEL: Thank you.  
Commissioner Camilo, you may begin your testimony.

COMMISSIONER CAMILO: Ah, good morning,  
everyone. Ah, thank you, Chair Cabrera and members  
of the Committee on Governmental Operations. I'm  
Lisette Camilo, commissioner of the New York City  
Department of Citywide Administrative Services, where  
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. 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 role in procuring  
critical supplies and equipment for those on the

front lines keeping us safe, safely managing 56 public buildings, including the 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'm 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 marshall resources to confront the pandemic, the wheels of government have continued to function. While fiscal year 2021 is still under way, during fiscal year 2020 DCAS increased the number of civil service exams open for filing by 51%, going from 129 exams during FY19 to 195 exams during FY20. We expanded the use of a new real estate management database, known as Archivus, to better track and inventory the city's real estate assets. The system has helped us identify ways to utilize existing office space before pursuing private leasing. We surpassed for the third consecutive year 100 miles per gallon fuel economy equivalent for light-duty

1 fleet vehicles purchased. We continue to organize  
2 and participate in job fairs and educational events  
3 about civil service, including virtual events that  
4 reached over 200 employees between April and June  
5 alone. We expanded the city's vehicle charging  
6 infrastructure with over a thousand charging points  
7 of ports available for fleet vehicles, including new  
8 fast chargers that charge electric vehicles seven  
9 times faster than traditional chargers. We expanded  
10 the use of real time metering for electricity usage  
11 in city buildings to over 500 locations, to ensure  
12 more efficient energy management, both saving money  
13 and reducing greenhouse gas emissions. We provided  
14 critical information and training to agencies on  
15 maintaining occupational self, health and safety  
16 during the COVID-19 pandemic. And while I wish we  
17 could name every individual achievement, this just  
18 gives you a taste of our accomplishments during the  
19 fiscal year. Today I'd like to focus on plans for  
20 the upcoming fiscal year. And to put our budget into  
21 perspective, it's important to understand that the  
22 majority of DCAS' expenses cover utility costs for  
23 city agencies. Out of our 1.3 billion dollar budget,  
24 750 million is budgeted for the heat, light, and  
25

power. These are fixed costs based on forecasted energy usage and utility rates. And 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 2500 employees. DCAS' 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 city employees and members of the public. We use the public buildings we manage. This includes cleaning snow, performing maintenance, and custodial services. Our agency received expense funds in FY21 and 22 for life and safety initiatives to protect the New York City government staff and the public that visit our facilities. The funding includes the side projects for various buildings in our portfolio, 6.6 million dollars combined in FY21 and 22, and completion of installation of safety nets at PSAC II at 1.4 million dollars in FY21, and installation of elevator door locking monitoring devices at 330 Jay Street at half a million dollars in FY21. DCAS also

administers the Nonpublic Security Reimbursement Program. This program reimburses nonpublic schools that are deemed eligible for expenses associated with the use of unarmed contractual security guards. 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 gaps caused by the COVID-19 pandemic. These initiatives include a 2.7 million dollar reduction to our FY21 expenses for 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 or 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 the FY22 outstanding work. A 1.8 million dollar 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 dollar savings will be achieved by renewing, by reviewing energy efficiency report findings and identifying projects that can be consolidated into larger capital projects, a 6.4 million dollar reduction to our FY21 personnel services budget, which is attributed to accrual savings caused by delays in hiring. In terms of generating revenue the FY22 budget is 51.7 million dollars, primarily due to three factors. One, a projected 33.7 million dollars in private rentals of city-owned properties, DCAS' largest source of recurring revenue; two, 7.9 million dollars for the sale of surplus vehicles and other city-owned equipment; three, 3.8 million dollars from applicant fee, applicant, applicant filing fees for civil service exams. For our capital plan, the preliminary budget reflects an updated four-year plan of 2.4 billion dollars 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 dollars and it will allow us to complete three core initiatives. DCAS' capital construction program for city-owned offices and court buildings total 185.5 million dollars in FY22. This includes the routine operations and maintenance of our buildings. The capital plan for FY22 includes 279 million dollars for energy conservation and green energy projects. This includes light, lighting retrofits, HVAC upgrades, steam distribution improvements, and a variety of clean energy projects. 7.5 million dollars has been allocated in FY21 to continue the installation of 150 fast electric vehicle chargers. These chargers will speed up the charging process which will reduce the amount of time fleet vehicles are out of commission. It has been an extraordinary 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 City 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, and I would be happy to answer any questions.

CHAIRPERSON CABRERA: Commissioner, thank you so much. Ah, I want to thank you for all of your efforts, especially during the pandemic. I know you took on and your staff took on extra huge responsibilities and I want to personally thank you for your level of efficiency and effectiveness in which you were able to carry on that level of work with very short time of preparation. So I, I salute, ah, your team. Let me recognize, ah, we've been joined by Council Member Perkins and Kallos. Let me start with a few questions and then I'm going to turn it over to my colleagues, and then I'll come back with some closing question. As you know, DCAS current fiscal year budget increased by 707.2 million when compared to the fiscal 2021 adopted budget, and this increase is primarily brought about by increases in federal funding, primarily from FEMA, to combat COVID-19 pandemic gripping the city. So two questions related to that. Can you provide the committee with an updated breakdown on how much you

1 have spent or committed to spend to date from this  
2 pot of federal funding and, second, can you provide  
3 the committee with an updated itemized breakdown of  
4 the equipment your department has specifically  
5 purchased to combat COVID-19 pandemic to date. So,  
6 for example, ventilators, face masks, face shields,  
7 gowns, cleaning supplies, and such.

9 COMMISSIONER CAMILO: Sure, um, and first  
10 of all I appreciate your kind words about,  
11 acknowledging the, the really hard work that the  
12 team, um, undertook throughout the crisis. Um, I, I  
13 too share that appreciation for everyone on my team  
14 that, that worked so hard during that time. It was  
15 awful [laughs].

16 CHAIRPERSON CABRERA: Yes.

17 COMMISSIONER CAMILO: Um, so, but to  
18 answer some of your questions regarding the, the  
19 federal funds, I'm gonna have Rich Thom, ah, our, my  
20 deputy commissioner for fiscal, ah, and budget  
21 management jump in if I misstate anything. So, ah,  
22 I, I want to flag, ah, Rich to be ready to jump in.  
23 So for, um, FY20 our commitments related to the, the  
24 OTPS commitments related to COVID, ah, were 740  
25 million dollars in FY20 and in FY21 310 million

dollars have been committed for the purchase of, um, necessary equipment for the COVID response. Um, with regard to a breakdown of what we have, ah, purchased, I can give you high-level numbers. Ah, you know, we can certainly offline drill down into any of the information that you would like to have additional information on. Um, I just want to make sure that I have the, yes, OK. So for disposable masks, I just want to make sure that I have, am looking at the right. We have the following. So I'm gonna ask, ah, Mersida to drill down a little bit more on the medical side. But on the non-medical side, um, meaning for, ah, for city workers, ah, we have, ah, procured, um, for disposable masks we have, ah, about 300 million masks, ah, isolation gowns level three about 40 million, ah, KN95s about 35.5 million, and isolation gowns level two 12 million. N95 masks about 51 million. Ah, hand sanitizer 11.7 million. These are, I'm talking about items, ah, itemized...

CHAIRPERSON CABRERA: Yes.

COMMISSIONER CAMILO: ...how, in terms of volume, not dollars. Um, isolation gowns level 1 about 8 million. Full-service ventilators, ah, about 3000, ah, and swab kits, ah, 9.3 million swab kits.

1       The corresponding totaled, ah, delivered amount as  
2       well, we can certainly share this information in, you  
3       know, offline, and if you have any other questions  
4       that you want to kind of drill down on we're happy to  
5       provide that.  
6

7               CHAIRPERSON CABRERA: And, ah, this is  
8       what you have spent already, disseminated already,  
9       ah, can you break that down a little?

10              COMMISSIONER CAMILO: The, everything  
11       that I just read off we, are ordered amounts.

12              CHAIRPERSON CABRERA: Ordered.

13              COMMISSIONER CAMILO: So, ordered. Um,  
14       these are in various levels of stockpiles. As you  
15       know, we, we purchased, um, to secure a stockpile  
16       both from the medical, from a medical, ah, needs, so  
17       that includes the surgical masks, the N95s, and the  
18       ventilators. We have a, a 60-day, um, ah, stockpile  
19       ready for that. And for our return to office, you  
20       know, um, ah, employee safety and health we also have  
21       a cache of, ah, a supply on hand, ah, ready in our  
22       central storehouse for distribution. As you know,  
23       there are many thousands of, I think, I believe it's  
24       the majority of our city workforces has in, has been  
25       showing up day to day, ah, doing their work and so

1 we've been supplying agencies all throughout the year  
2 and, and last year with, um, protective personal  
3 equipment for, for those workers as well. So we,  
4 we've, we've been, we have both the stockpile and  
5 have distributed, ah, to, to our agencies all  
6 throughout.

8 CHAIRPERSON CABRERA: Did, have agencies  
9 indicated to you, ah, when they're planning to go  
10 back to their offices so you could be ready, ah, with  
11 equipment that you need, ah, to disseminate?

12 COMMISSIONER CAMILO: So as the mayor  
13 announced, um, the, the administration is planning  
14 for a return to the office for those who have been  
15 able to work remotely. Um, for May and, you know,  
16 May will, we will start to see, um, workers return to  
17 the office, um, in, in, in that money. Ah, we're  
18 working on plans to make that, um, to make that, to  
19 implement that plan, um, but we have been, you know,  
20 in very close contact with all of our partners to  
21 make sure that we have enough equipment and sourcing  
22 to, to ensure that everybody has all of the PPE that  
23 they need to, to effectively do their work and  
24 safely. And I've said we have that stockpile in our  
25 central storehouse with another, you know, ah,

everything teed up to continue to order more if needed.

CHAIRPERSON CABRERA: You know, as far as, ah, I thank you, Commissioner, as far as we can see the DCAS fiscal 2022 preliminary budget as yet to [inaudible] any funding related to the purchase of personal, well, PPEs, and other sanitation products to deal with the ongoing COVID-19 pandemic, can you share with us how much funding do you anticipate will be included in the DCAS fiscal 2022 budget for this purpose, and when will these funds be included in fiscal 2022?

COMMISSIONER CAMILO: Those are, those are discussions that are ongoing with OMB to determine what the needs are and what the, what, what that amount will be. So I unfortunately don't have anything to share at this point, but we're working very closely with, with them to, to tease that out.

CHAIRPERSON CABRERA: So you'll have it, ah, ah, I assume for the [inaudible] budget in May?

COMMISSIONER CAMILO: I hope to have more information to share.

CHAIRPERSON CABRERA: Yes, OK. Let me switch quickly to Riker's Island. As you know, the

council passed Local Law 16 of 2021, which transfers the jurisdiction of portions of Riker's Island that are not in active use as a jail site to DCAS beginning on July 1, 2021, with a full transfer of Riker's to DCAS to be completed by August 31, 2027. Meanwhile, Local Law 17 of 21 requires a feasibility study to be conducted regarding the construction and renewable energy resources. So with that context what resources would DCAS need in connection with the first partial transitional jurisdiction of 2021, of July 1, 2021? What benchmark would ensure the success when completed transfer of Riker's Island by 2027? Can you provide additional information as to the level DCAS involves, investment and this, ah, feasibility study. And do you know which agencies will be involved in this process?

COMMISSIONER CAMILO: So, um, we're, we're, you know, working on implementing all the requirements that the bill lays out. Um, we are working with, you know, all of our, our, our partners that both, that are named in the bill and, and folks at City Hall and, um, the Mayor's Office of Sustainability to work through those details. Um, so I, I don't have anything concrete and specific to

1 point to and, and provide you with, but we are  
2 working on sketching that out. Um, you know, it's  
3 about, the, the bill only recently, um, was, ah,  
4 enacted so, you know, we're, we're definitely having,  
5 starting to have those discussions and sketch out  
6 what that's going to look like, not just for us but  
7 for all of the agencies involved. But it's a, it's  
8 definitely, it's a multi-party effort to, to make all  
9 of this happen. So we're engaging on all those  
10 fronts.  
11

12 CHAIRPERSON CABRERA: Do you have at  
13 least a timeline for completion of the feasibility  
14 study?

15 COMMISSIONER CAMILO: I do not.

16 CHAIRPERSON CABRERA: OK. Ah, let me  
17 switch over to energy management, and let me  
18 recognize we've also been joined by Council Member  
19 Powers. Um, according to the Preliminary Mayor's  
20 Management Report the number [inaudible]  
21 communicative, ah, installed solar capacity for  
22 fiscal 21 has only increased by 0.17 megawatts since  
23 fiscal, ah, 2018. Ah, this barely shows any growth  
24 over the fiscal year. Ah, what, why has the number  
25 of megawatts installed increased by such a little



amount from fiscal 2018? Are there any projects in the pipeline that are currently stalled due to COVID-19? If so, please provide an itemized list of project with readjustment completion timeline and expected megawatts, mega wattage.

COMMISSIONER CAMILO: So I'll, I'll start it off and then I'll kick it over to Deputy Commissioner Anthony Fiore to give you more details. But, yes, we have certainly encountered, even prior to COVID, um, some, some challenges with bringing on, um, ah, with, with the contractors that we had in, into, um, ah, execute, excuse me, some of these discussions that we're in negotiations with, with Labor on a PLA, which Anthony will talk about that, have been, have since been resolved. And certainly during COVID there was, um, ah, cause delays in terms of not being able to access certain buildings, first of all construction had been paused and then having, um, you know, difficulties, um, accessing those, um, those functions certainly caused a delay. Now what I can report, um, is that we have identified and have been, um, ah, have started and then the pipeline, ah, a number of projects that are either started or about, you know, will, will start that we've

1 identified as projects to start, um, that we plan on  
2 certainly pursuing aggressively, um, and in the mega  
3 wattage associated with those in, either in progress  
4 or in the pipeline has, we've identified about 40  
5 megawatts of, of power. So, um, Anthony, I don't  
6 know if you want to add additional details to that  
7 answer. So I want to toss it to you, um, to speak  
8 on, on this a little more granularly.

10 DEPUTY COMMISSIONER FIORE: Sure, thank  
11 you, Commissioner, and, ah, good morning, Chair  
12 Cabrera and the rest of the panel. Um, ah, we have  
13 since, um, construction restart have been, installed  
14 an additional one megawatt of solar and we expect  
15 another two megawatts to be installed, ah, by the end  
16 of the first quarter of this year. So while there  
17 was a slowdown, um, which really was the result of  
18 negotiations with many different stakeholders on, um,  
19 different ways to deliver solar energy projects, we,  
20 as the commissioner mentioned, we were able to secure  
21 a project labor agreement, um, with the, with the  
22 Building Construction Trade Council. Um, and we  
23 think that, ah, is of great benefit. Um, we also,  
24 ah, have added a number of members to our solar team  
25 in DM, um, and we have, as the commissioner

mentioned, a growing pipeline of projects. Ah, 175 different projects in the pipeline that will total 42 megawatts and by the end of 2023 we, ah, expect to have about 50 megawatts total installed.

CHAIRPERSON CABRERA: So will you reach, ah, the 100 megawatts by 2025?

DEPUTY COMMISSIONER FIORE: We hope so. That, I mean, that's certainly our intention, as I mentioned. We expect to have 50 megawatts installed by the end of 2023 and we're continuing to identify the additional 50 megawatts that will be needed to reach that 100 megawatt goal by the end of 2025.

CHAIRPERSON CABRERA: Is that realistic, within two years to find 50?

DEPUTY COMMISSIONER FIORE: Ah, I believe it's realistic to find it. The question is execution of, of that. Obviously that depends on, on many, many things. But, um, you know, we, I believe, have made a transition in this program, um, to where we can really ramp up, um, ah, the installations.

CHAIRPERSON CABRERA: So, so the main issue, just to be clear, was, was it the access or was it the labor agreement, or both?

DEPUTY COMMISSIONER FIORE: Um, there were a couple things. One is, ah, there were many stakeholders that wanted to see more solar projects, um, delivered, um, through, ah, union labor. Um, and that's where we negotiated the PLA. The other side is where we deliver projects through, um, power participant agreements with, with private developers. There are issues with the private developers securing, um, financing. Each project they finance individually, which would then require us to go back and, um, amend our contract and resubmit to the comptroller because of the, ah, financing partner name change. So we've worked hard to try to address both, um, challenges on the, ah, capital project delivery side as well as on the power purchase agreement side.

CHAIRPERSON CABRERA: [inaudible], ah, solar panels will take place in public schools?

DEPUTY COMMISSIONER FIORE: The majority of, um, projects are on schools.

CHAIRPERSON CABRERA: On schools. Great. I know my colleagues have, ah, questions. I'll come back, ah, with more questions, ah, later on. So with that let me take it, pass it on to C. J.

COMMITTEE COUNSEL: Thank you, Chair.

I'll now call on council members in the order they have used the Zoom raise hand function. Council members, if you'd like to ask a question and you've not yet raised your hand please do so now. You'll have a total of three minutes to ask your question and receive an answer from the panelist. Once I have called on you please wait until the sergeant has announced that you may begin before asking your question. Ah, I'd now like to welcome Council Member Kallos.

SERGEANT AT ARMS: Time starts now.

COUNCIL MEMBER KALLOS: Thank you, Chair Fernando Cabrera, for your leadership and partnership. I know that, ah, if it was up to you we wouldn't be risking our lives right now petitioning so, so I want to thank you for trying and, ah, people are getting coronavirus that shouldn't. Ah, if folks remember, I tend to ask all of my questions up front because I have a time limit on my questions, but you do not have a time limit on, ah, answers. So please pencils out. I want to start with a thank you to the DCAS team, including, ah, Deputy Commissioner for Citywide Procurement, Mersida Ibric, for, ah,

welcoming me to the, ah, warehouse, um, and even giving me a chance to spy a little bit at Doras, Doras. Ah, so my, ah, first question is, if anyone is watching right now and they're working at a city agency that doesn't have PPE or is being asked to ration, approximately how much do we have in stock, suffice to ask, ah, can the agency get them from you for free? For Commissioner Lisette Camilo, ah, how many [inaudible] restrictions are being considered and what are their addresses? Ah, for Executive Deputy Commissioner Dawn Pinnock, how many provisional employees do we currently have? How many have been hired? How many civil service exams and promotional exams are scheduled for the next few months, and to the one in five New Yorkers out there who may be facing unemployment pay attention to this one because this is where you could get some great city jobs. Ah, for Deputy Commissioner Anthony Fiore, ah, for [inaudible] management, Local Law 97, the Climate Works For All legislation that we passed did not apply to city buildings, but how far are our buildings from applying? And last, but not least, for Deputy Commissioner for Fleet, Keith Kerman, how

far are we from achieving an all-electric fleet? And go.

COMMISSIONER CAMILO: Ah, so, I'll, I'll jump in on my, on my question. [inaudible] modifications, ah, we have, ah, a total of 19 that have been filed. Sixteen are active. Um, let me just, I want to make sure the [inaudible] is right. Give me one second. Um, and let's see, a total of 19 entities have applied. We've got 13 requests that are active, six that are inactive. Ah, we can, there, they're pretty much, we can share the, the addresses. We've already put in the notices, ah, for the, ah, various elected officials that have, um, that are, that are, um, that represent the areas that are, um, ah, that are being, ah, requested to, to be removed. I don't know if you want me to read through them. 77, 7077 Rutland Road, East Flatbush; 932 Bedford Avenue, Crown Heights; 247 Bushwick Avenue...

COUNCIL MEMBER KALLOS: Ah, I think it's 1392. Ah, there are 12 listed...

COMMISSIONER CAMILO: Thirteen.

COUNCIL MEMBER KALLOS: ...on the open data set on your page. But you've got, um, you've got 16. So you've got four that are missing.

SERGEANT AT ARMS: Time expired.

COUNCIL MEMBER KALLOS: So [inaudible]  
you can read through the [inaudible] because we only  
need to figure which four are missing from your...

COMMISSIONER CAMILO: Yeah, and we'll,  
we'll update if necessary. So 247 Bushwick Avenue,  
1277 Putnam Avenue, 149 Rockaway Avenue, 142 West  
131st Street, 2432 Walton Avenue, 6601 Fleet Street,  
2017 East 104th Street. Um, I'm not sure, ah, what  
you're looking at. We might have, ah, ah, some that  
have, excuse me, some that are there that, ah, have  
not submitted enough documents. There are four that,  
ah, have not, ah, submitting the documents for  
initial review, um, that have applied. Um, and so  
perhaps that's where the, um, discrepancy lies. So,  
like I said, we would have, be happy to share this  
with you and we'll make sure to update the website.  
So, and you also asked how much we have in stock, ah,  
PPEs in stock. Um, in terms of the numbers I will  
turn it over to Mersida, but I will say so if, if a  
city employee requires, ah, PPE, um, agencies will,  
the process is that agencies will request what their  
needs are, ah, to City Hall. Ah, we get the overall  
need and we will disperse to agencies and deliver to



1 agencies, um, ah, depending on the need. Mersida, I  
2 don't know if you have updated information on how  
3 much we have, how many PPEs we have currently  
4 stockpiled in our warehouse and if you have that  
5 information, if you could share.

7 DEPUTY COMMISSIONER IBRIC: Yeah, I can  
8 share some top line level, ah, numbers. Um, first of  
9 all I wanted to thank you, Council Member, for  
10 actually visiting the storehouse. I know you had a  
11 great time, ah, seeing all of the stock and seeing  
12 the work that we did, and it's certainly our staff,  
13 ah, appreciated, you know, having, ah, having you  
14 there and being able to sort of explain the work that  
15 we do, ah, and, and certainly the pride that we take  
16 in our work that we do. Um, so just some top line  
17 numbers, ah, and also to reiterate the, the  
18 commissioner's comments. Ah, to our knowledge all  
19 city agencies are, you know, have all the PPEs that  
20 they need, ah, and that they've requested. Ah, that  
21 process is managed through, ah, through each of the  
22 agencies, ah, you know, deputy mayors, ah, and then  
23 we get those requests through the storehouse. Some  
24 top line numbers that we have physically at the  
25 storehouse available for distribution are, you know,

around 6 million KN95s masks, 3 million cloth masks, um, and we've got something like, you know, over 300,000, ah, cleaning products available for, for agency, ah, distribution. And it's a very long list and I can always share that offline as well.

COMMISSIONER CAMILO: Ah, shifting to your human capital question, I'll kick it off and then turn it over to Deputy Commissioner Barbara Dannenberg. So we continue to make progress on our provisional count. Ah, it's continuing in the right direction. Our current and most recent data shows that we have 13,873 provisionals, ah, on, on, ah, in the city's workforce, which compared to the beginning of, ah, the, the previous plan or restarted, ah, which was 23,296, we're definitely, um, you know, headed in the right direction. Ah, with regard to our schedules, ah, for exam I'll, I'll turn it over to Barbara Dannenberg to speak a little bit about this, but, as you can imagine, um, our, um, our issues with, ah, social distancing and, and, and our ability to provide in-person multiple-choice exams have been stymied throughout the COVID-19 pandemic, um, so we have, which means we have, we had to close our CTACs, um, which has prevented us from

administering, um, the multiple-choice tests, um, at, on site. Ah, we have continued to provide, um, non-multiple-choice tests, so things like the QIE or education and experience exams, thankfully, um, but in terms of schedule I'll pass it on to Barbara Dannenberg to talk a little bit about that now.

DEPUTY COMMISSIONER DANNENBERG: Thank you, Commissioner. Um, I hope you can hear me. Um, sorry, I have a pretty thick mask on. Um, ah, yes, we, and good morning, um, Council. Um, yes, we have a pretty aggressive schedule that we are attempting to administer, um, while talking advantage of our automated systems. Um, as the commissioner just, um, stated, our testing centers have been closed. Um, we, ah, we were only only, only able to open them for a few short weeks back in the late fall, um, so without those testing centers open we cannot, um, administer our multiple-choice tests. However, um, we are looking to, um, administer both to address the backlog of exams that we have not been able to administer and also to keep up with, um, what needs to be given, um, in order for the city to continue hiring, ah, when we're able to do so. So we're looking at about 120-plus exams, um, over the next

few months to finish out the fiscal year. And those exams includes our online education and experience and also our online qualifying, um, incumbent exams or QIEs.

COMMISSIONER CAMILO: Thank you, Barbara. And then shifting to, ah, Deputy Commissioner Anthony Fiore regarding, um, Council Member Kallos' Local Law 97 question, Anthony, do you want to take that?

DEPUTY COMMISSIONER FIORE: Sure. Good morning, Council Member Kallos, thank you for the question. Um, Local Law 97 actually does apply to city buildings and it requires, ah, city government to go further than the private sector. Um, we need to achieve a 40% reduction by 2025 and a 50% reduction by 2030. Um, whereas the bill for the private sector, if all the buildings comply, we would expect to get a 40% reduction by 2030. So the city would be going 10% further than the private sector, um, and as of the latest, ah, emission inventory the city government operations have achieved a 23% reduction in emissions as compared to 15% in the private sector. So I, I think it really illustrates that the investments the city are making are paying

off and demonstrates to the private sector that, that we can do this. Thank you.

COMMISSIONER CAMILO: Thank you, Anthony. And then, ah, Deputy Commissioner Keith Kerman, ah regarding the question about, ah, the electric fleet.

DEPUTY COMMISSIONER KERMAN: Oh, OK. Um, good morning. So we have about 2800, a little bit more, electric vehicles now and 1020 electric charging stations, both the largest programs in New York State, um, and growing. Um, we just announced we finished our first 65 of 100 fast chargers but we will have by June, the project is doing really well, and we should be seeing those fast chargers all over the city. We'll have a hundred fast chargers, and fast charging is really essential for this next phase of expansion, and then what we're doing now working with the Mercedes Group is we are bidding contracts for a huge percentage of the fleet now, electric SUVs, electric pickups, electric vans, electric garbage trucks for the Parks Department, and we hope to have something exciting about that to share very soon, electric class 3 and 4 trucks. Just those categories of contracts, all of which were bid in 2021, that would be over 10,000 fleet units that we

1 would then begin transitioning in our more or less 10  
2 year replacement cycle into electric units. And  
3 we've seen a really great move in the electric fleet  
4 industry. I could, we could not have bid on an  
5 electric pickup or van, um, contract and expected,  
6 you know, viable results, even two years ago. Um, so  
7 the plan, of course, is an all-electric fleet by  
8 2040, but we will see a huge percentage of the fleet  
9 with electric vehicle contracts through DCAS  
10 procurement really hopefully by the end of the year  
11 or early next year, so a lot of progress.

12  
13 COUNCIL MEMBER KALLOS: Thank you.

14 COMMISSIONER CAMILO: And I think that  
15 concludes all your questions, answers all your  
16 questions.

17 CHAIRPERSON CABRERA: Thank you so much  
18 for those questions and thank you, Council Member  
19 Kallos, ah, you actually covered some of the ones  
20 that I wanted to cover. So you helped me out there,  
21 and thank you. Ah, as the former chair of Government  
22 Operations, you really care about these issues, ah,  
23 that we're talking about today. So thank you for  
24 being a champion. Ah, I wanted to ask you about, ah,  
25 I know, ah, Keith, we have spoken about some

1 previous, probable about a year ago or so, ah,  
2 sanitation trucks. I believe back then the  
3 technology was not there. Is there technology there,  
4 ah, especially when it comes to, um, the removal,  
5 actually, yeah, removal of snow or, you know, can  
6 those truck handle the long hours, 12 hours, ah,  
7 rotation?

9 DEPUTY COMMISSIONER KERMAN: Yeah, so  
10 right now Sanitation is testing. We have a mapped 25  
11 yard all-electric garbage truck and that's being  
12 tested now through their truck, they have a great  
13 sustainable truck lab over in Woodside, Queens, and  
14 so that, you know, this is the first model of an all-  
15 electric garbage truck. Obviously this would be the  
16 most important project we could do, so much of our  
17 fuel and maintenance costs come from the sanitation  
18 2200 garbage trucks. So they're in that testing  
19 phase now and one of the biggest questions, of  
20 course, is, is plowing, is emergency operations. We  
21 also will be testing soon an all-electric sweeper.  
22 So if Sanitation is one of the largest, if not  
23 largest users of street sweepers in the world. Um, I  
24 think someone once told me half the street sweepers  
25 in the United States are in New York. Um, so they're

1 going to be testing an all-electric sweeper and so,  
2 you know, they're going through, they have a great  
3 shop run by Spiro Katan, who is a [inaudible] and  
4 terrifically committed to this. So they're in that  
5 testing phase now, and so they're, we'll have the  
6 core two units, the sweeper and the garbage truck.  
7 They're going to be testing them to make sure they  
8 can work and determine what changes or improvements  
9 would need to be made to the models, and hopefully  
10 that will begin the basis of the next phase, which we  
11 hope would be to bid our replacement contracts, you  
12 know, the long-term contract for replacement of  
13 vehicles. So that's where we are now.

15 CHAIRPERSON CABRERA: Are you in  
16 conversations with the Board of Education regarding  
17 school buses? You know, the kids are breathing all  
18 this combustion coming out of school buses. Um, and  
19 I'm sure if we could do it, we could have that Mack  
20 truck for Sanitation I'm sure there's school buses  
21 that could go electrical.

22 DEPUTY COMMISSIONER KERMAN: Yeah, so we  
23 recently received the first two of three all-electric  
24 school buses. Um, and they're interesting both in  
25 that they are the first all-electric school buses in,



1 in [inaudible], they're the first school buses the  
2 City of New York has ever owned. The school bus  
3 program is a lease program, contracted, so these are  
4 the first two, so we are working now. In fact, I  
5 think there's a draft in my inbox of an MOU to begin  
6 operations with them and that would be the testing  
7 phase and obviously there are obviously 10,600 school  
8 buses, so that would be a huge move. But first, just  
9 like with Sanitation, we need to make sure they work  
10 and reliable. We don't want to be running out of  
11 battery. You know, we don't want to be running out  
12 of energy while kids are in the middle of a roadway.  
13 Um, but we are in that, so we have our first two.  
14 We'll have three, I believe the third is supposed to  
15 arrive very soon. And then so we'll go into that  
16 testing phase. We'll partner with school bus  
17 operators to do that, um, and then go from there.  
18 But, you know, tremendously exciting potential where  
19 we are now. We have the initial units. We have to  
20 make sure they work and figure out any operational,  
21 maintenance, charging issues with.

23 CHAIRPERSON CABRERA: Ah, really quickly,  
24 are, are, these hybrid or they're straight electric?  
25 If they are straight electric...

DEPUTY COMMISSIONER KERMAN: Sanitation and electric, the sanitation and the school buses I just described are all electric. There's no gas, there's no diesel.

CHAIRPERSON CABRERA: What would happen if we will have, as we had some years ago where the electrical grid went down for, for a substantial amount of time, what, what would happen at that point?

DEPUTY COMMISSIONER KERMAN: Well, it's a great question. You know, one of the things that we will have to do right, so if you have a power loss in the city and obviously we've had that at different times, after Sandy and other times, the blackout, and currently the, the fleet isn't impacted. We have generators for the fueling sites, the liquid fueling sites. But obviously when you grow to an all-electric fleet, now if you had a power loss you have a different type of issue. So we've done a few things. Number one, 88 of the units, 87, and we're buying two more, so our 87th, are those solar car ports, and you know we have one at the municipal building, we have them all over the city. Those are not tied to the grid. They are freestanding solar

1 car ports. So in a blackout they would all have  
2 power, right, so they, they're completely off the  
3 grid. They're not grid-dependent. So one is the  
4 solar investment. We're buying two more as we speak  
5 and we're looking to expand that. Then there's no  
6 question that as we go into the big electrification  
7 projects, sanitation trucks, school busing, policing,  
8 um, fire department, you know, we're gonna have to  
9 have more, more substantial emergency backup power,  
10 maybe that's these old, there are huge diesel  
11 generators for the buildings, maybe there is a more  
12 sustainable backup power source. But we, we  
13 absolutely have on the radar screen that as we go  
14 further down these process backup energy supply at  
15 these major facilities is going to have to be a part  
16 of the mix.

18 CHAIRPERSON CABRERA: Thank you so much.  
19 I'm, I have, Commissioner, just one last, ah, set of  
20 questions related to commercial rents. Um, can you  
21 provide us information as to why, ah, commercial rent  
22 miscellaneous revenue has been declining since, ah,  
23 fiscal 2018?

24 COMMISSIONER CAMILO: So I, I can  
25 certainly talk through the most recent decrease in

1 commercial rents. Um, from 21 to 22 we had one  
2 particularly set, under the terms of the lease went  
3 from rent payments to, ah, pilot. Um, that's the  
4 Grand Hyatt Hotel. So that doesn't count as revenue.  
5 So you'll see a significant chunk because of that.  
6 Um, and I think that there have been some other, um,  
7 ah, some other, larger, um, leases that have also  
8 come offline, either through, either switching from,  
9 um, either, you know, expiration, switching to pilot,  
10 or just changing the, in the terms. Um, Beatrice,  
11 ah, are you, I think you're on, um, or even Rich  
12 Thom. I don't know if you can speak to the, the  
13 overarching declines since 18. Um, do we have  
14 information on that, on that question?

16 DEPUTY COMMISSIONER THOM: Well, I would  
17 say that, ah, the Grand Hyatt is the, ah, is the  
18 variable on that because the revenue on that is based  
19 on percentage of occupancy and all, so there has been  
20 varying, varying amounts each year. It's not a fixed  
21 amount.

22 CHAIRPERSON CABRERA: Got it. Ah, and on  
23 20, the, January 2021 oversight hearing DCAS  
24 testified that 25 of its tenant requested a rent  
25 payment extension. Has this number changed at all

1 since January and what's the total value of past rent  
2 due to the, ah, to the city?

3  
4 COMMISSIONER CAMILO: Um, I know that the  
5 rehab had some requests for, ah, reduction which we  
6 have certainly engaged in discussions, but, um, have,  
7 have negotiated, um, an extension for time to pay for  
8 many of the ones that we've, ah, been requested. So,  
9 um, Beatrice or Rich, I'm not sure if we have any  
10 additional increases in those requests since January.  
11 I can certainly get back to you and, and give you  
12 specifics if they have. I don't know, I don't have  
13 them on hand. But if anyone does please share.

14 SENIOR ADVISOR THUO: Sure. The number  
15 has basically stayed the same, but we, in terms of  
16 what amount and as the Commissioner said, it's more a  
17 deferment of the rent and then they'll pay the rent  
18 over around like a 12-month period. But the number  
19 has stayed the same. In terms of the exact amount we  
20 can get that number for you.

21 CHAIRPERSON CABRERA: Ah, we had Council  
22 Member Rosenthal before she asked for question, this  
23 is my last one so I don't have to come back, ah, and  
24 asking question. Is, the graffiti problem, ah, in  
25 our public buildings. It is chronic. It's beyond

1 chronic. It's, it's, it's disheartening. Ah, what  
2 can we do? We gotta get some funds to clean. It, it  
3 just making New York City a very unattractive place.  
4 Can we restore funding, ah, to get this graffiti out  
5 of our public buildings?  
6

7 COMMISSIONER CAMILO: Well, I mean, I, I,  
8 you know, that certainly is something that, ah, you  
9 know, we've, we've had in our portfolio. We only  
10 have, we only manage indirectly, you know, and deal  
11 with 56 buildings, which we unfortunately, um,  
12 certainly during last summer's, um, ah, you know,  
13 civic or, you know, protests there were a lot of,  
14 there was a lot of graffiti, um, on our buildings,  
15 which took a, a lot of time and money from our team,  
16 um, who did extra work to, to clean them and  
17 definitely was a heavy lift. I can only speak to our  
18 portfolio, um, ah, so I can't speak to the broader  
19 city, um, city initiative and funding. But, you  
20 know, I think that's something that, um, I'm sure is  
21 being discussed with OMB, um, yeah. So I can't speak  
22 to the broader city initiative. But, you know, we  
23 understand, it's, it's incredibly, it, it took us a  
24 long time and a lot of elbow grease and a lot of, um,  
25 work to, to remove that graffiti from our beautiful,

1       you know, landmarked, um, buildings and, and, and the  
2       facilities team does a great job at, you know,  
3       addressing them immediately when it comes up and, you  
4       know, our, our capital construction, ah, team when  
5       it's, when it's a little too, when it's not easily  
6       removed having to, you know, bring in vendors to, you  
7       know, painstakingly restore some of these buildings.  
8       So it, it, it's definitely a big, a big ordeal. We  
9       understand.  
10

11               CHAIRPERSON CABRERA: And thank you,  
12       thank you for getting on it right away, ah, in terms  
13       of the 56 buildings that, that you do manage, because  
14       it just make, I, one of my pet peeves. I can't  
15       stand, ah, graffitis in public property. I mean,  
16       people want to graffiti their own building, they own  
17       it, that's another thing. I love art, love it. I  
18       love it when it's done right. Ah, but, not in public  
19       buildings. Ah, let me pass it on to, ah, Council  
20       Member Rosenthal. Thank you for your patience.

21               COUNCIL MEMBER ROSENTHAL: Thank you so  
22       much, Chair...

23               SERGEANT AT ARMS: Time starts now.

24               COUNCIL MEMBER ROSENTHAL: Thank you so  
25       much, Chair Cabrera. You really hit, um, all the

1  
2 main questions I wanted to ask. So one reason I  
3 wanted to get on was just to thank, ah, Commissioner  
4 Camilo for all her work. Um, especially during the  
5 pandemic, ah, you know, thank goodness you, you've  
6 been there, um, 'cause I know that you give really  
7 steady leadership. Um, I'm gonna ask a question that  
8 I know you're not going to know the answer to, but  
9 I'm hoping you'll get back to me on it. There's a  
10 coalition group called Climate Change for All and  
11 they have issued a report, um, a really terrific  
12 report that they issued in October 2020 that talks  
13 about creating 100,000 climate jobs and, um, they,  
14 ah, they have in, in that plan an expectation of  
15 spending over a period of time. I think it's, um,  
16 180 million a year for five or 10 years at, again,  
17 I'm not totally facile with the numbers. But have  
18 you tried to do a comparison and would you consider  
19 doing a comparison to their suggested strategic plan  
20 compared to what the city has laid out?

21 COMMISSIONER CAMILO: Ah, so, first of  
22 all, thank you so much for the kind words, ah,  
23 Council Member. Um, all praise is to the team. They  
24 did, you know, they, they truly did amazing work, um,  
25 and I can talk for another two hours just on those



efforts. But I won't, as I know we're time limited.

Um, regarding your question, I'm not familiar with

this report. I don't know if Deputy Commissioner

Fiore has been. I, we're certainly, I'm certainly

open to reviewing the report, seeing what they lay

out, and seeing if we can, um, you know, how, how the

two plans compare.

COUNCIL MEMBER ROSENTHAL: Yeah.

COMMISSIONER CAMILO: Um, Anthony, do,

are you familiar with the report by any chance?

DEPUTY COMMISSIONER FIORE: Um, I'm not

familiar with the report. But what I can tell us is

that, um, since fiscal year 14, um, the investments

that we've made are estimated to, um, produce or

retain about 3300 jobs, um, and obviously there's a

broader, um, green jobs program that's happening, um,

across the city that, ah, you know, we are a, a

portion of. So, um, happy to look into that, that

report, um, and see if...

COUNCIL MEMBER ROSENTHAL: Great.

DEPUTY COMMISSIONER FIORE: ...[inaudible]

or that we could do. So thank you, ah, Council

Member Rosenthal.

COUNCIL MEMBER ROSENTHAL: Sure. And I'll ask the committee staff if it's OK with you, Chair Cabrera, to send that over. Um, and then secondly, and again forgive, um, my ignorance...

SERGEANT AT ARMS: Time expired.

COUNCIL MEMBER ROSENTHAL: ...about this. Chair, may I continue? This is the last question.

CHAIRPERSON CABRERA: Absolutely, absolutely.

COUNCIL MEMBER ROSENTHAL: OK. Um, we, I vaguely recall in the cobwebs of my brain having a hearing perhaps with Sanitation talking about implement, no, not the one with Sanitation. It was with the DCAS committee back in my first term and, um, talking about implementation of solar. And how that was going to be laid out. And I, I don't quite remember what the criteria is for measurement every year, but at that point you were, you know, at a certain percentage, um, and it was all, um, PPAs. And I'm wondering where you are along that continuum for PPA and PLAs, and the chair may have asked that earlier, but I'm curious.

COMMISSIONER CAMILO: Ah, so I remember that, ah, that discussion, and there were, it wasn't

1 exclusive PPAs back then. We, we definitely had some  
2 capital, ah, solar projects that had been delivered  
3 and had been working on. Um, and, and we did talk  
4 briefly about this and Anthony, you know, take it,  
5 you can take it and talk through what some of those  
6 details are. But over the past couple of years we've  
7 actually been working with Labor, with the PCTC on,  
8 um, entering into a PLA specifically focused on  
9 solar.  
10

11 COUNCIL MEMBER ROSENTHAL: Oh, OK.

12 COMMISSIONER CAMILO: So, so to address  
13 some of those labor concerns, um, but Anthony, you  
14 know, feel free to fill in some of the details.

15 DEPUTY COMMISSIONER FIORE: Yeah, I mean,  
16 we, we can get back to you with, you know, kind of  
17 the quantitative numbers of capital versus PPA  
18 projects. Um, we have such an aggressive goal as, as  
19 we spoke about. Back during your first term that,  
20 um, you know we really need to take advantage of  
21 every project delivery vehicle that we have available  
22 to us, um, and as the Commissioner mentioned we  
23 worked long and hard, ah, with Labor to come up with  
24 a project labor agreement that would cover, um, not  
25 only capital, ah, projects but also power purchase

1  
2 agreements. Um, we established a prequalified list,  
3 um, for solar developers that is subject to the  
4 project labor agreement. We've had difficulty with  
5 getting, um, union, ah, electrical contractors to,  
6 um, respond to that solicitation. We spent a lot of  
7 time doing outreach with, um, the Electric  
8 Contractors Association Group, um, as well as Local  
9 3, um, and, and really highlighting that, you know,  
10 the availability and opportunity to participate in  
11 our programs through the prequalified list. Um, that  
12 was just, ah, reissued and unfortunately some of the  
13 previous solar firms that were on there did not  
14 respond, um, and we've continued to do outreach with  
15 them, ah, ah, to get them to, to participate. Ah,  
16 but we, we can get back to you on kind of completed  
17 projects, um, PPAs versus capital work. Ah, as  
18 well...

19 COUNCIL MEMBER ROSENTHAL: That'd be  
20 great. My, my concern is just timing. You know,  
21 that you've, you've gotten so far over the last five  
22 years and then the expectation for the next five  
23 years is sort of much more and, um, yeah, that's what  
24 I'm curious about.

25 DEPUTY COMMISSIONER FIORE: OK.

COUNCIL MEMBER ROSENTHAL: As well as the  
PLAs. Thank you so much. Thank you, Chair.

CHAIRPERSON CABRERA: Thank you so much.  
Ah, I want to thank you, Commissioner, to your staff,  
again I want to echo what we've been saying all along  
from the very beginning and, ah, and what Council  
Member Rosenthal as well, ah, the great work that you  
guys have done during this time, under pressure,  
unexpectedly you were placed with, you know, a  
tremendous responsibility and, ah, you did a great  
job, as always. So I salute you. I honor your team  
and, ah, looking forward, ah, to working together,  
ah, so we could, ah, finish what we have started.

COMMISSIONER CAMILO: Thank you so much,  
ah, Chair and, and, and council members. Ah, we  
really take that appreciation to heart, um, and  
certainly on behalf of the team, um, you know, we  
thank you, too for the support. And of course, as  
always, you know, ah, we look forward to continuing  
that partnership. So thank you.

CHAIRPERSON CABRERA: Thank you. And now  
I would like to welcome corporation counsel, James  
Johnson, the head of the Law Department, to testify  
before this committee. Thank you for testifying

before the committee today. The Law Department's fiscal 2022 preliminary budget totals 240.9 million, including 165.9 million personal funding to support 1788 full-time positions. Today we look forward to discussing many aspects of the Law Department's operations, including its package of new needs in the preliminary financial plan and its miscellaneous revenue, among other important topics. With that I would like to please ask the committee counsel to administer the oath and swear in testifying representatives.

COMMITTEE COUNSEL: Thank you, Chair. To all representatives from the Law Department who will be providing testimony or available for questions, please raise your right hand. I will read the oath once and then call on each of you individually for a response. Do you affirm to tell the truth, the whole truth, and nothing but the truth before this committee and to respond honestly to council member questions? Corporation Counsel James Johnson.

CORPORATION COUNSEL JOHNSON: I do.

COMMITTEE COUNSEL: First Assistant Corporation Counsel Georgia Pestana.

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55

2 FIRST ASSISTANT CORPORATION COUNSEL

3 PESTANA: I do.

4 COMMITTEE COUNSEL: Managing Attorney

5 Muriel Good-Trufant.

6 MANAGING ATTORNEY GOOD TRUFANT: I do.

7 COMMITTEE COUNSEL: Chief of

8 Administration Kenneth Majerus.

9 CHIEF OF ADMINISTRATION MAJERUS: I do.

10 COMMITTEE COUNSEL: Thank you.

11 Corporation Counsel Johnson, you may begin your  
12 testimony.

13 CORPORATION COUNSEL JOHNSON: Thank you

14 and good afternoon, Chair Cabrera, and distinguished

15 members of the Government Operations Committee. It

16 is a pleasure to come before you to discuss the Law

17 Department's fiscal year 2022 preliminary budget. Um,

18 as we've just seen during the swearing in, I'm joined

19 by First Assistant Corporation Counsel Georgia

20 Pestana, Managing Attorney Muriel Good-Trufant, and

21 Chief of Administration Ken Majerus. Between them

22 they have over 90 years of service to the city and

23 the Law Department. I'm grateful to be testifying

24 with them, but after this last year I am grateful to

25 have been able to serve with them. Um, every year

1 their wisdom has really been put to use, um, in a  
2 year of extraordinary service. The city, obviously,  
3 as you all know, is vast with more than 8.6 million  
4 residents, more than 300,000 public servants, one of  
5 the nation's largest fleets of civilian vehicles, and  
6 more public buildings than any other city in the  
7 country. The city has a broad array of civil and  
8 commercial legal matters and the Law Department is  
9 responsible for all of them, to some degree. The  
10 department represents the city, um, the mayor, other  
11 elected officials, including the City Council, and  
12 city agencies in all affirmative and defensive civil  
13 litigation. As the prosecuting agency, the  
14 department represents the city in proceedings brought  
15 in Family Court, alleging violations of criminal law  
16 and in proceedings filed in criminal court to enforce  
17 the city's administrative code. Law Department  
18 attorneys draft and review local and state  
19 legislation, real estate leases, procurement, ah,  
20 contracts, which was particularly important during,  
21 ah, the pandemic, and financial instruments for the  
22 sale of municipal bonds. The department also  
23 provides legal counsel to city officials on a wide  
24 range of issues, such as civil rights, on education,



intellectual property, land use, and environmental policy. The department's work embraces all city entities and operations. And our impact has been and can be tremendous. In a typical year the work reflects the talent and the work ethic of a phenomenal group of public servants. But 2020 was no typical year. And as I will discuss below, the work reflects the very best, in my view, of public service - character, perseverance, and an all-consuming commitment to duty. Um, as the chair mentioned, the department currently has on board 934 assistant corporation counsels and 770 legal support professionals. Approximately 30% of our team is ethnically diverse and 59% are women. Indeed the department's 16 legal divisions, of those 16 nine are lead by a woman, which makes the department a leader in the legal profession and the beneficiary of a lot of recognized talent. 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. And I want to run through a couple of examples of how we have either won the city money or have saved, ah, city funds, um, during the last year. Through the work of our affirmative litigation

1 division in this fiscal year already we've already  
2 brought in 40 million dollars into the city treasury  
3 when UPS paid, after a bench trial and our victory on  
4 appeal, damages and penalties for the delivery of  
5 untaxed, unstamped cigarettes to customers in the  
6 city. This was the largest judgment in the Southern  
7 District of New York last year. Our team also  
8 brought suit against US Department of Energy, rather,  
9 education secretary, Betsy DeVoss, and we obtained an  
10 order striking the rule of that unlawfully diverted  
11 federal CARES Act funds to private schools. In that  
12 case we ensured that over 50 million dollars went to  
13 the New York City Board of Education for economically  
14 disadvantaged students in K-12 public schools, and  
15 not to private schools. We recently added another 25  
16 million dollar payment into the city treasury in  
17 connection with the settlement of a false claims law,  
18 act lawsuit. That suit involved a hedge funds  
19 manager who failed to report state and city taxes on  
20 deferred fees. Further, consistent with past  
21 practice, we anticipate saving the city approximately  
22 200 million dollars in payments, payouts, from the  
23 judgment and claims fund through our continuing  
24 litigation to compel insurance companies to defend  
25

1 and indemnify the city. In these cases we are  
2 enforcing coverage against lawsuits arising out of  
3 the work performed by private contractors and  
4 permittees. As a city, we should have little  
5 tolerance for insurance companies that reportedly  
6 force us to expend vital city resources, time, and  
7 money just to get them to defend claims that they had  
8 previously agreed to cover. The Law Department is  
9 currently reviewing our options regarding these  
10 companies. We're successful in these cases, but they  
11 are cases that we believe we shouldn't have to bring,  
12 and we may come back to you with additional thoughts  
13 on how we can ensure that city contractors only sign  
14 policies with reliable insurers. A further example  
15 of our defense of the city [inaudible] is in our  
16 commercial and real estate legal, ah, litigation  
17 division. This division defends the city in a wide  
18 range of contractual disputes. These disputes fall  
19 into three rough categories, to include three rough  
20 categories - contracts with private companies to  
21 build and repair the city's infrastructure, leases of  
22 important public properties, and contracts for all  
23 types of goods and services. These claims are  
24 largely based upon negotiated terms of pre-existing  
25

1 agreements and typically involve significant exposure  
2 to the city. In the first six months of FY21 alone  
3 the division resolved 175 million dollars in claims  
4 for 25 million dollars. Clearly, that's a savings of  
5 150 million dollars. Similarly, our tax and  
6 bankruptcy divisions, defense of real property tax  
7 assessment, protected approximately 63 million  
8 dollars in property tax receipts in fiscal year 20,  
9 and another 26 million during the first half of  
10 fiscal year 2021. It is vitally important that we  
11 protect the city treasury against filed claims. In  
12 our view, however, that's not enough. One of the  
13 most important assets any government has is the trust  
14 of its citizens. That can be hurt when any agent,  
15 when an agent of the city injures a person, whether  
16 or not negligently or recklessly. Accordingly, the  
17 Law Department works with other city agencies to  
18 identify and mitigate risks of harm. That causes  
19 savings of money but also savings of trust. Our  
20 strategy turns on the work of our risk management  
21 unit. Our risk management approach to local  
22 government asks not only how we can bring our costs  
23 down, but how to address conduct that may harm our  
24 citizens. At the Law Department we have a risk unit  
25

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 service, services, and government operations. And given where we stand in the information low, the Law Department is uniquely put, placed, to lead these citywide efforts. One of the things that we've done is we formed an interagency steering committee or council to address citywide risks. Together, our risk management efforts have, among other things, helped improved the information flow, um, helped us enhance our ability to solve problems, ah, effectively together, and its assisted agencies with identifying and remediating risks. Ah, we don't yet have a sense of the total impact of these efforts, um, but we can see them in practical terms, ah, and we know over time as we develop our metrics we will get a better sense of the impact of this, this work, and we enhance our ability to do more going forward. One of the risks that we are concerned about is posed by the federal stimulus

package that's, that's coming in. We believe that many of us are looking to do, ah, in the city will be looking to do quite good things and necessary things with it. But we also know that there are those would be looking to profit for what, from what they see as a large quantity of money coming in. Ah, we view this as a strong risk and we want to make it very clear that for anyone who wishes to defraud the city, the Law Department 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.

CHAIRPERSON CABRERA: Corporation Counsel?

CORPORATION COUNSEL JOHNSON: Yes, sir?

CHAIRPERSON CABRERA: Give me like the shorter version, if you don't mind, only because we only have a certain amount of time and I know we had council members who would like to ask questions.

CORPORATION COUNSEL JOHNSON: OK.

CHAIRPERSON CABRERA: I really appreciate that.

CORPORATION COUNSEL JOHNSON: I will shorten it.

CHAIRPERSON CABRERA: Thank you.

CORPORATION COUNSEL JOHNSON: Um, so in the last year we were faced with, um, as all of us, we were faced with, ah, the consequences of the pandemic. What that required us, us to do was, um, as you just heard from the DCAS commissioner, um, be quite nimble in response. Ah, we increased our coordination with, um, all of the general counsels in the city and rather than meeting periodically once or twice a year we met once every week to solve the problems related to the turnaround. Um, related both to, to the defense of the city in terms of providing public safety, and public support to, to public health officials, ah, and to develop new mechanisms for, um, for moving forward. We, um, ah, and have continued those efforts as we're thinking through how do we return, ah, to work. Um, and then finally, ah, and then finally, um, what we have done with, um, in the last year, rather what we were doing going forward is, um, we were also focusing on, um, the work of Family Court. Ah, we have more responsibilities from the, from Family Court as a

1 result of Raise the Age and we're pushing to think  
2 more creatively about how to, um, serve both the  
3 needs of public safety but to make sure that the  
4 youth that become, ah, justice involved, um, have the  
5 support that they need to get their lives back on  
6 track. Ah, I apologize for going over, over length.

8 CHAIRPERSON CABRERA: It's all good.

9 CORPORATION COUNSEL JOHNSON: That was  
10 just a short, ah, really a short summary of all  
11 that's been done and I look forward to answering your  
12 questions.

13 CHAIRPERSON CABRERA: Thank you so much,  
14 Corporation Counsel and, and I know it's frustrating  
15 seeing the other side because you're doing so much  
16 work and you like to share it. Ah, but we'll  
17 definitely, ah, have your testimony for the record.  
18 Ah, and so, so with that I'd like to, ah, first thank  
19 you, thank you for your stand and, ah, not allowing  
20 people who would like defraud the city or  
21 misrepresent themselves or having supposedly viable  
22 insurance when they don't, ah, thank you. Thank you  
23 for being that firewall that, that we so need, ah,  
24 because we have seen, um, we have seen, you know,  
25 this lawsuit, I've been in the council for 11 years



and it seems like these numbers keep climbing. As a matter of fact, in the preliminary plan, miscellaneous revenue for fiscal 2021 spikes to 63.6 million, with an increase of 42 point million since budget adoption. Ah, can you share with us why, ah, these miscellaneous revenue spiked, ah, by this large amount in fiscal 2021? Is this, ah, related to revenue originating from case settlement and if so can you provide which cases are related to?

CORPORATION COUNSEL JOHNSON: One of the major cases that this, they, they are related to either wins in court or case settlement and the significant, um, amount is largely attributable to the UPS one that I discussed in my opening statement.

CHAIRPERSON CABRERA: OK, great. Um, of the number of ECB judgment referred to the Law Department for collection roughly what percentage are deemed uncollectable because the summons of, although, ah, facially valid, including a defect, such as an incorrect name, ah, how much money does these represent? Would the use of an electronic summonses devices by issuing agencies mitigate this issue?

CORPORATION COUNSEL JOHNSON: Well, we only, um, collect, ah, approximately, I think, about 1.9 million, ah, last year. Um, I don't have a perceive number of, um, of what can be, um, ah, what's uncollectable or hasn't been collected and we can come back to you on that.

CHAIRPERSON CABRERA: OK.

CORPORATION COUNSEL JOHNSON: My sense, though, is that anything we can do to expedite the, the summonses process, including making it electric, um, is something that would at the end of the day probably help us in recovery.

CHAIRPERSON CABRERA: Do you use a collection agency to assist in the collecting of ECB, ah, debt?

CORPORATION COUNSEL JOHNSON: Ah, yes we use some. We use outside agencies outside law firms to help, um, to collect the debt. Um, and that enables us to, um, put that, those debt, that activity into one bucket and help us deal with what is a very large workload in many of the other, um, the other areas.

CHAIRPERSON CABRERA: Have you thought of having, you know, the other day I wrote a, an

1 article. As a matter of fact, it was supported by  
2 Crane's New York regarding having amnesty, ah, where  
3 the penalties are waived and they only paid 75%.  
4 Last time we had amnesty for the entire city, I know  
5 that this doesn't apply to everything related, ah,  
6 to, ah, your purview. Ah, but we were able to  
7 collect 160 million dollars. Ah, 'cause it feels  
8 like there's, its reachable, right, like a reachable  
9 goal. Have you thought about, um, that approach?

11 CORPORATION COUNSEL JOHNSON: It isn't an  
12 approach that I've, that I've kicked around with  
13 staff, ah, with our team, ah, recently. But it's  
14 worthwhile. One thing that I would be, um, you know,  
15 we have to make an, an evaluation. Um, we  
16 definitely need the funds to come in, ah,  
17 particularly now, um, and, um, it is even relevant to  
18 the issue of, of restarting the economy in terms of  
19 the, so, it's not only a question of bringing the  
20 funds in, but also some of the other policy concerns  
21 that we would want to balance, um, and it's worth it,  
22 definitely worth considering.

23 CHAIRPERSON CABRERA: In terms of when  
24 collecting, and, and you're on point there, ah, we,  
25 we gotta connect those dots. Ah, when collecting ECB

1       debt does the Law Department seek to determine  
2       whether the debt, debtor is a vendor that's doing  
3       business with the city?  
4

5               CORPORATION COUNSEL JOHNSON:  Um, I am  
6       not as close in on that issue as some of my  
7       colleagues may be and perhaps, um, ah, Georgia Muriel  
8       might, ah, might be able to provide some insight on  
9       that.

10              MANAGING ATTORNEY GOOD-TRUFANT:  Ah, I'm  
11       not familiar with it.  We get ECB debt after they've  
12       been through the hearing process and the judgment is  
13       entered so by the, once we get it, it's been through,  
14       ah, a pretty lengthy process.  But we can look up and  
15       see who, if anyone does the check on whether or not  
16       they're a vendor for the city.

17              CHAIRPERSON CABRERA:  Maybe we could have  
18       a system in place.  This way we don't have somebody  
19       who, ah, he's doing business with the city, has  
20       tremendous contracts, and some of them making  
21       millions of dollars, and yet they're not paying their  
22       debt.  This might be a way to assure that, ah, we get  
23       what is due to the city.  Ah, let me move on to units  
24       of appropriation.  As you know, the council has  
25       repeatedly called on the administration to create

1 additional units of appropriation for the Law  
2 Department budget, ah, to reflect the numerous  
3 division, including, as I mentioned before, over 1700  
4 staff that make up the department. Our job in the  
5 council is to increase transparency of the Law  
6 Department to 140 million budget and hold the  
7 government accountable to its spending. Would you  
8 agree to include additional units of appropriation to  
9 better reflect the nature of your department and is  
10 there a barrier as to now why not create these  
11 additional units of appropriation?  
12

13 CORPORATION COUNSEL JOHNSON: Sure,  
14 thanks for that question and it's, I think it's an  
15 important one and I know that it's been, it's a  
16 perennial question, um, and one of the things that we  
17 have to do is actually strike a balance. We are  
18 fairly detailed in the information that we provide,  
19 but one of the challenges is, um, we are also not  
20 only would we be disclosing information to the city  
21 council but we would be disclosing certain  
22 information to, um, parties that are opposed to us  
23 who might get a sense of our key strategies based on  
24 how we are, um, ah, deciding to put resources into  
25 cases, particularly on affirmative litigation and

1 what we're trying to do. So having some flexibility,  
2 um, within the current construct to, ah, provide the  
3 information, um, to counsel but not be completely  
4 transparent about how we're making choices that  
5 reflect our litigation strategy I think is, is a, is a,  
6 ah, is the balance that we've been trying to, to do,  
7 um, all the while mindful of the, the debt we all owe  
8 to the public to be accountable. But it's this sort  
9 of thing that enables us to actually get more  
10 judgments like the 40 million dollar judgment we got  
11 in UPS.  
12

13 CHAIRPERSON CABRERA: Indeed, and we  
14 don't want to put you in a vulnerable position, ah,  
15 where, ah, it shows where you could, ah, be target,  
16 ah, ah, I would imagine there might be some  
17 categories that we could work on and we could have a  
18 meeting of the minds. I'm looking forward to that  
19 level of conversation.

20 CORPORATION COUNSEL JOHNSON: Yes.

21 CHAIRPERSON CABRERA: Ah...

22 CORPORATION COUNSEL JOHNSON: I think  
23 you're right and we will definitely engage in that  
24 conversation with you.  
25

CHAIRPERSON CABRERA: Thank you so much. And, and I, I want to, ah, pass it on now to Council Member Rosenthal, ah, for questions, and then I'll come back with just one set of questions.

SERGEANT AT ARMS: Time starts now.

COUNCIL MEMBER ROSENTHAL: Thank you so much Chair Cabrera. Um, it's so good to see you, Director Johnson. I'm so glad you're here. I mean, you're gonna hear in my summary comment how much I'm glad you're here. But I have three questions. Chair Cabrera, would you rather that I ask the three and wait for the answer, or should I go through each one?

CHAIRPERSON CABRERA: Ah, whatever you prefer.

COUNCIL MEMBER ROSENTHAL: You're very kind. Um, OK, let's get started. Um, so thank you for your great work over such a short period of time. You've been her for like a minute, and I can tell you're already bringing some accountability and accountability measurements and criteria, all the stuff that I love. Um, first question is, do you settle the NYCHA construction contracts?

CORPORATION COUNSEL JOHNSON: Have we been involved in settlements of them?

COUNCIL MEMBER ROSENTHAL: Yeah, in other words, like I, maybe it's just my bad luck, but in my district there are often times, um, contracts where the workers don't do what's expected, they have to cancel that contract and move on to the next contract. Um, and I'm wondering if you work on those cases.

CORPORATION COUNSEL JOHNSON: Most often not directly. But, Georgia, there may be some comes, cases that we take on. Is that correct?

COUNCIL MEMBER ROSENTHAL: I think she needs unmute.

MANAGING ATTORNEY GOOD-TRUFANT: Um, no, we do not work on NYCHA construction cases.

COUNCIL MEMBER ROSENTHAL: OK.

MANAGING ATTORNEY GOOD-TRUFANT: NYCHA is an entity...

COUNCIL MEMBER ROSENTHAL: Right.

MANAGING ATTORNEY GOOD-TRUFANT: ...and has its own legal department and its own judgment and claims, so we do not work at all on any of those cases.

COUNCIL MEMBER ROSENTHAL: OK. Have you, you know, one thing you might want to consider is



1                   COMMITTEE ON GOVERNMENTAL OPERATIONS                   73  
2           having like peer mentorship where maybe, you know,  
3           you could have meetings together and, you know, share  
4           good best practices on things. Just an idea.

5                   MANAGING ATTORNEY GOOD-TRUFANT: Yeah,  
6           there's a new general [inaudible], not so new  
7           anymore, and they hired a managing attorney who is a  
8           former, ah, person from the Law Department...

9                   COUNCIL MEMBER ROSENTHAL: Nice.

10                  MANAGING ATTORNEY GOOD-TRUFANT: ...who we  
11          have a good relationship with...

12                  COUNCIL MEMBER ROSENTHAL: Nice.

13                  MANAGING ATTORNEY GOOD-TRUFANT: ...so  
14          those conversations have started and are...

15                  COUNCIL MEMBER ROSENTHAL: Good.

16                  MANAGING ATTORNEY GOOD-TRUFANT:  
17          ...[inaudible].

18                  COUNCIL MEMBER ROSENTHAL: Good, good,  
19          good. Secondly, um, does your office collect data on  
20          how much police bad behavior costs the city. And I'm  
21          confident that there's a, there are different tiers  
22          of police bad behavior and different technical words  
23          for it so, you know, cut me some slack here. But I'm  
24          just thinking like for the Gardener family I think  
25          the city settled for 6 million-ish dollars, um, and

I'm just asking do, and I don't even need to know the total number, but do you collect that number, that annual number?

SERGEANT AT ARMS: Time expired.

CORPORATION COUNSEL JOHNSON: We collect, ah, we collect the data on cases where we represent the police department...

COUNCIL MEMBER ROSENTHAL: Yep.

CORPORATION COUNSEL JOHNSON: ... [inaudible] police employees. Um, so, for instance, last year the, um, total amount paid out for J&C was more than 166 million dollars. The last five years the payout was over a billion dollars cumulatively.

COUNCIL MEMBER ROSENTHAL: Um-hmm. And thank you. Um, ah, can I just ask what is the comptroller's role in that? Do they just cut the check? Or do they have a bigger role?

CORPORATION COUNSEL JOHNSON: Well, depending on the nature of the claim, um, sometimes the comptroller may settle out the claims even before it gets to litigation, um, other instance, in other instances, um, um, there is, ah, at least some dialogue between this department, the Law Department

and the comptroller, ah, because at the end of the day, ah, the comptroller has to sign off.

COUNCIL MEMBER ROSENTHAL: OK. I hope to learn...

CORPORATION COUNSEL JOHNSON: I'm not sure if Georgia Muriel wanted to add.

COUNCIL MEMBER ROSENTHAL: Yeah, I'd love to learn more about it, but not on this Zoom. Did you say a billion over the past five years?

CORPORATION COUNSEL JOHNSON: Yes.

COUNCIL MEMBER ROSENTHAL: OK. Great. Last question. You were talking about risk management and it sounded like, um, sounded like you were, um, finding criteria by which to measure your success. You were saying that, you know, and, and pretty soon we'll be able to really, you know, identify how, how much money that, that this work yields. Can I just ask was that an idea that you brought and so you just started instituting it or has that always been there?

CORPORATION COUNSEL JOHNSON: Um, the issue of risk management has been in the department for some time....

COUNCIL MEMBER ROSENTHAL: Yes, yes.

CORPORATION COUNSEL JOHNSON:

...[inaudible] since, um, um, Michael Cardozo, that is the corporation counsel. What I've done in the last year is I think elevate the profile and done what I can to encourage interagency cooperation, um, on these issues, ah, and so we have, we provided, um, more focus throughout the department on this, but this an initiative that's been within the department for [inaudible]...

COUNCIL MEMBER ROSENTHAL: Right, right.

CORPORATION COUNSEL JOHNSON: ...

[inaudible].

COUNCIL MEMBER ROSENTHAL: You had just mentioned at the end there that in a few years you'd be able to measure the success and I was wondering why in a few years, why not now?

CORPORATION COUNSEL JOHNSON: Well, we are at, we made, I don't want to over-promise and under-deliver. I'd rather...

COUNCIL MEMBER ROSENTHAL: For sure.

CORPORATION COUNSEL JOHNSON:

...[inaudible], ah, and these things take some time. Ah, but we have a number of, ah, interagency groups that are...

1

2

COUNCIL MEMBER ROSENTHAL: Got it.

3

4

DIRECTOR JOHNSON: ...[inaudible] on first  
collecting the data...

5

6

COUNCIL MEMBER ROSENTHAL: Got it. Sure,  
sure.

7

8

CORPORATION COUNSEL JOHNSON: ...and then  
we'll be able to see what the results are.

9

10

11

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COUNCIL MEMBER ROSENTHAL: Great. Last,  
can you just give one example of, um, something that,  
that group identified and that you either got an  
agency to implement or, um, are working with an  
agency to, to implement in order to, you know, to  
prevent these things from happening again?

15

16

17

18

19

CORPORATION COUNSEL JOHNSON: Well, one  
of the things we're thinking through is where you can  
get data from DEP and data from Transit, ah, and put  
them together and look at them to see whether or not  
you can start to predict where potholes will come.

20

COUNCIL MEMBER ROSENTHAL: Ah.

21

22

23

24

25

CORPORATION COUNSEL JOHNSON: It's not  
yet, but that's an important thing for us to do  
because not only would it enable you to predict  
potholes, but also, um, transit data and the, and  
the, and the potholes may give you an early warning

system for, um, [inaudible]. So it's the sort of thing thinking that we're in the middle of right now.

COUNCIL MEMBER ROSENTHAL: Wait a minute. So you're saying all those times I hit a pothole and that I could actually sue the city? I'm just kidding, just kidding.

CORPORATION COUNSEL JOHNSON: No, not all.

COUNCIL MEMBER ROSENTHAL: Don't do that.

CORPORATION COUNSEL JOHNSON: What I want to, what I want to do is get to the point that you're not hitting potholes.

COUNCIL MEMBER ROSENTHAL: That's right.

CORPORATION COUNSEL JOHNSON: That's our goal.

COUNCIL MEMBER ROSENTHAL: That's right, thank you for that. And thank you, Chair Cabrera, for the extended time.

CHAIRPERSON CABRERA: Thank you, ah, Council Member. Ah, for just point of clarity, ah, if there is a pothole and I get a flat...

COUNCIL MEMBER ROSENTHAL: [laughs]

CHAIRPERSON CABRERA: [laughs] I said I'll try to get more people to put a request, but I just want a point of clarity here.

CORPORATION COUNSEL JOHNSON: Point of clarity, I, represent the City Council. We represent the City Council in some things, but not in pothole litigation against the city.

CHAIRPERSON CABRERA: There ya go, indeed. And I just want more, ah, just remind me here. You mentioned that last year we paid out 150 million dollars with lawsuits related to the NYPD. Was that correct?

CORPORATION COUNSEL JOHNSON: In, in FY20, um, it was 166 million dollars, in either settlements or judgments.

CHAIRPERSON CABRERA: Are those, are those due to large cases or you have many smaller cases?

CORPORATION COUNSEL JOHNSON: There are, um, in terms of dollar amounts it's more of a collection of, it's not one huge case but, but, aha significant number of cases.

CHAIRPERSON CABRERA: Do you happen to know how many cases? I'm just [inaudible]...

CORPORATION COUNSEL JOHNSON: Off the top of my head I don't, but, um, um, I think that a member of my team might have, ah, the number off the top of the their head.

MANAGING ATTORNEY GOOD-TRUFANT: It is a hundred, I'm sorry, 1522 cases.

CHAIRPERSON CABRERA: So, wow. So the average payout is, is over \$100,000, if you were to break it down, a hundred and something thousand. That's a substantial amount of cases. Is there anything that we could do working with NYPD, ah, practices that Corporation Counsel could give advice to NYPD, ah, to better prepare ourselves and not being sued so many times?

CORPORATION COUNSEL JOHNSON: Well, we routinely give, ah, advice to the NYPD in, in a variety of ways, and one of the things that's being developed right now, ah, and you've seen, ah, and I know that, um, um, the mayor and his team at City Hall are working with the council on this is the, um, the police reform packages. And some of the issues raised in, in the, um, proposals would address, ah, some of these. Because at the end of the day, um,



these are questions about the safety and use of force and things like that.

CHAIRPERSON CABRERA: If out of those, ah, recommendations, ah, which ones would help us the most?

CORPORATION COUNSEL JOHNSON: The most is hard to say because they're interconnected. There are recommendations that, that relate to supervision, um, and, um, I spent some time in a different part of my life overseeing large, ah, numbers of Law Department when I was at the US Treasury Department, and supervision is a very important factor, ah, but also community relations and the various proposals related to the community relations so when you take all of the proposals together what you see is a, is, um, a set of recommendations that have both the procedural shift to the them and a culture shift to them and I think that the, the city as a whole and citizens in particular will benefit from that. And we'll see those numbers go down.

CHAIRPERSON CABRERA: Thank you so much for that. I just have one, ah, main topic and that's new needs, ah, package. The fiscal 2020 preliminary plan includes 18 million in new needs for case-

specific needs in fiscal 2021. Can you provide an itemized breakdown of this total or the specific cases that this funding is going to? Ah, and do you anticipate that you would need additional resources in executive financial plan for these specific cases, and if so can you provide the committee with an explanation?

CORPORATION COUNSEL JOHNSON: You know, we're very much committing to continuing our work with OMB through these, these numbers. Um, and that work is ongoing and we'll, we'll see how it shakes out at the end of the day. Um, as you know, all of us, all agencies are really faced with, um, some big challenges, um, on our needs. But we are working through that process with OMB. Um, Muriel may want to address this a little bit further, our managing attorney. Um, but I think that's, that's our status right now. It's still fluid.

MANAGING ATTORNEY GOOD-TRUFANT: The 18 million is for certain case-specific needs. Ah, [inaudible] portion is for the NYCHA monitorship. Also included are funds for Galino, Floy, Bokin, and Nunez which are cases in which there are large litigations that may also have monitorships.

CHAIRPERSON CABRERA: Thank you so much. Well, I believe I'm going to as our counsel do we have any other council members that have questions?

COMMITTEE COUNSEL: No other hands are raised at this time, Chair.

CHAIRPERSON CABRERA: So I believe, ah, that, ah, we have, ah, come to an end. Ah, Director Johnson, thank you.

CORPORATION COUNSEL JOHNSON: Thank you.

CHAIRPERSON CABRERA: Ah, you do an amazing work and I want to thank your staff, ah, for again, being that firewall. Ah, we, we've spent a lot of money in these litigations that take place in the city, a substantial amount, and, ah, we've got to protect the city from frivolous, of frivolous one and those that are due should be due. Ah, indeed, and so we got to strike that balance. But I thank you again, very informative, and looking forward, ah, to seeing you again at the executive, ah, hearing.

CORPORATION COUNSEL JOHNSON: Thank you so much, Mr. Chair.

CHAIRPERSON CABRERA: Thank you so much. And with that it concludes, ah, today's hearing. I want to thank the staff, our staff, our dream team

staff, they always do a fabulous, fabulous job, ah, they make my job so much easier. And with that I want to wish everyone a fantastic day. Thank you, Council Member Rosenthal, you stuck to the very end. I always, ah, like to praise those who do. Thank you so much. Have a great day.

CORPORATION COUNSEL JOHNSON: Thank you, take care, bye-bye.

C E R T I F I C A T E

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



Date May 2, 2021