

1 CHARTER REVISION COMMISSION PUBLIC HEARING  
2 PUBLIC ISSUES FORUM - GOVERNMENT STRUCTURE  
3 STATEN ISLAND TECHNICAL HIGH SCHOOL  
4 485 Clawson Street  
5 STATEN ISLAND, NEW YORK  
6 6:40 P.M.

7  
8 CHAIR: DR. MATTHEW GOLDSTEIN

9

10 COMMISSION MEMBERS:

11 JOHN H. BANKS, VICE CHAIR

12 ANTHONY PEREZ CASSINO

13 BETTY Y. CHEN

14 DAVID CHEN

15 HOPE COHEN

16 ANTHONY W. CROWELL

17 STEPHEN FIALA

18 ANGELA MARIANA FREYRE, SECRETARY

19 ERNEST HART

20 REV. JOSEPH M. McSHANE, S.J.

21 KENNETH M. MOLTNER

22 KATHERYN PATTERSON

23 CARLO A. SCISSURA

24 BISHOP MITCHELL G. TAYLOR

25

1                   CHAIRMAN GOLDSTEIN: Can we begin?

2                   Thank you, ladies and gentlemen, good  
3                   evening. I'm Matthew Goldstein of the New York  
4                   City Charter Revision Commission. We are pleased  
5                   to return to Staten Island and to be here tonight  
6                   at Staten Island Technical High School.

7                   I would like to thank Principal Vincent  
8                   Manascalco and everyone at Staten Island Tech for  
9                   graciously hosting us this evening, and as we  
10                  deliberate the issues tonight on structure of  
11                  City government.

12                 Just as a very, very easy and brief prelude  
13                 to the discussions this evening, when the 1989  
14                 Charter Revision Commission determined to  
15                 eliminate the Board of Estimate, it faced the  
16                 question of how and where to allocate the Board's  
17                 powers. The Commission's answer to those  
18                 questions created the current structure  
19                 separation of powers and balance between  
20                 centralized and decentralized decision making.

21                 The elimination of the Board of Estimate  
22                 enacted the powers of the Mayor and other  
23                 citywide elected officials as well as the City  
24                 Council. The offices of the Borough President and  
25                 the Community Board plans, franchises, the

1 provisions of the 1989 Charter set forth the  
2 framework for the community governments within a  
3 centralized structure. Now, after two decades of  
4 experience with those choices, and having hearing  
5 testimony from the public and government  
6 officials, the 2010 Commission has the  
7 opportunity to look with a new and informed  
8 perspective at the arrangements established by  
9 the 1989 Commission.

10 The initial round of public hearings  
11 elicited testimony from the public and elected  
12 officials regarding the powers of the Mayor of  
13 the City Council, the Public Advocate,  
14 Comptroller and the Borough Presidents.

15 Tonight's panelists, which I will introduce  
16 in just a moment, will speak to the Board issues  
17 involving the relationship between the powers of  
18 the various elected officials and between  
19 centralized and decentralized powers.

20 This is the Commissions' third issue forum.  
21 The first on May 25 in Brooklyn focused on the  
22 subject of term limits. Last week in the Bronx we  
23 discussed the topic of voter participation, and  
24 over the next couple of weeks additional forums  
25 will take place in Queens and in upper Manhattan

1 as we seek greater understanding of issues  
2 brought to the Commission's attention and  
3 warranting further study.

4 The rest of the schedule is as follows: On  
5 Wednesday, June 16, we will meet at the City  
6 College of New York in upper Manhattan, and the  
7 topic of that meeting will be public integrity.  
8 The following week, on Thursday, June 24, at the  
9 Flushing Library, Queens, we will discuss the  
10 topic of land use. But tonight, tonight the  
11 Commission will hear from five experts on City  
12 government structure. Each one will make a  
13 presentation and then the Commissioners will have  
14 an opportunity to ask questions.

15 Then we will allow the public to comment on  
16 tonight's subject, which can be done with the  
17 microphone at the center of the aisle. Let me  
18 stress that in order to accommodate all of the  
19 speakers, I would request that you keep your  
20 remarks germane to the forum's issue, the  
21 structure of City government. There will be other  
22 opportunities, including additional public  
23 hearings, to discuss other issues you would like  
24 the Commission to examine. And we would like to  
25 hear from as many people as possible. So in

1 order to do so, please keep your remarks to three  
2 minutes as a courtesy to the rest of the speakers  
3 who wish to be heard.

4 Of course that doesn't reflect upon the  
5 panelists tonight, but we ask that when we get to  
6 the audience that you do that. You can also  
7 submit questions via our Web site  
8 [www.NYC.gov/Charter](http://www.NYC.gov/Charter), and/or by the Commission's  
9 E-mail address, [commission@charter.NYC.gov](mailto:commission@charter.NYC.gov).

10 The Commission's ongoing goal is to enhance  
11 outreach and public access. So allow me to recap  
12 some of the outreach efforts already made,  
13 currently being pursued. The Commission, as we  
14 said, has delivered public hearings in all five  
15 Boroughs to enable and solicit suggestions and  
16 opinions of all of New Yorkers. We deeply  
17 appreciate the participation of the public  
18 throughout the hearings, and we remain committed  
19 to an open and welcoming process of public  
20 involvement.

21 Staff has been busy reviewing all  
22 submissions and will continue to do so throughout  
23 the next few months.

24 The issue forums schedule was sent by E-mail  
25 blast to over 44,000 citizens who subscribe to

1           our listserv as well as to an additional 1,800  
2           individuals comprising representatives from  
3           Community Boards, civic and community groups and  
4           not-for-profits, as well as elected officials and  
5           City Council members and staff. We also reach out  
6           to over 1,800 press contacts from every major  
7           media outlet to help encourage both attendance  
8           and coverage.

9           The Commission's public service announcement  
10          can be found on our Web site in nine different  
11          languages and have been distributed to television  
12          and cable stations and other media outlets. As a  
13          reminder, the Commission's Web site contains  
14          meetings and hearing schedules, transcripts and  
15          video of previous hearings and meetings. The  
16          Commission's work is also available on Facebook  
17          at "NYC Charter Revision Commission." And at  
18          Twitter at "City Charter NYC." Part of our  
19          extensive and growing use of technology to reach  
20          all New Yorkers.

21          Before we get started this evening. I would  
22          like again to thank our executive Director Lorna  
23          Goodman, our research Director, Joseph Viteritti,  
24          our General Counsel, Rick Schaffer, and the other  
25          members of the staff for their hard work,

1                   creativity, in developing tonight's issues forum.

2                   Now for the benefit of our guest panelists  
3                   and for the audience, I would like to ask all of  
4                   the Commissioners who are here with us this  
5                   evening to introduce themselves.

6                   COMMISSIONER CASSINO: Hi, Tony Perez  
7                   Cassino.

8                   MS. PATTERSON: I'm Katheryn Patterson.

9                   COMMISSIONER BETTY CHEN: Good evening, I'm  
10                  Betty Chen.

11                  COMMISSIONER FIALA: Good evening, Steve  
12                  Fiala.

13                  COMMISSIONER FREYRE: I'm Angela Mariani  
14                  Freyre.

15                  COMMISSIONER BANK: I'm John Banks.

16                  COMMISSIONER CROWELL: Anthony Crowell.

17                  COMMISSIONER HOPE COHEN: Hi, I'm Hope  
18                  Cohen.

19                  COMMISSIONER SCISSURA: Carlo Scissura.

20                  COMMISSIONER McSHANE: Joe McShane.

21                  CHAIRMAN GOLDSTEIN: Let me take a moment now  
22                  to introduce our panelists and then we will ask  
23                  our distinguished Speaker of the City Council,  
24                  Christine Quinn, to make her remarks.

25                  Doug Muzzio -- let me do it by the order

1           that they will be speaking.

2           So let me start Eric Lane. Eric lane is the  
3           Eric J. Schmertz Distinguished Professor of  
4           Public Law and Public Service at Hofstra  
5           University Law School and is the Senior Fellow at  
6           the Brennan Center for Justice at NYU Law School.  
7           He has most recently served as Special Counsel to  
8           the Speaker of the New York City Council. He also  
9           served as a consultant for the Justice Project of  
10          the Center for Court Innovation, and is Counsel  
11          to the New York State Temporary Commission on  
12          Constitutional Revision, which was established by  
13          Governor Mario Cuomo, to review various aspects  
14          of the New York State Constitution.

15          In 1990, Mr. Lane served as Chair of the New  
16          York City Task Force on Charter Implementation.  
17          Formally, since 1989 he served as Director of the  
18          Council to the New York City Charter Revision  
19          Commission whose amendments resulted in the most  
20          extensive changes in the City's Charter since its  
21          inception. Thank you, Mr. Lane, for being with  
22          us this evening.

23          Next speaker will be Gerald Benjamin. Dr.  
24          Benjamin is a distinguished Professor/Associate  
25          Vice President for Regional Engagement and

1 Director for the Center Research Regional  
2 Education and Outreach at SUNY-New Paltz, where  
3 he directed efforts to raise the University's  
4 level of engagement within communities'  
5 governance, not-for-profits and businesses across  
6 the Hudson Valley region. At New Paltz Dr.  
7 Benjamin served as Chair for the Department of  
8 Political Science, Presiding Officer of Faculty,  
9 Dean of the College of Arts and Sciences. Dr.  
10 Benjamin earned a B.A. with distinction from St.  
11 Lawrence University and received his master's and  
12 doctoral degrees in political science from  
13 Columbia University.

14 Dr. Benjamin directed the Center for  
15 New York State and Local Government Studies in  
16 SUNY-Rockefeller Institute of Government in  
17 Albany; served as Research Director for the  
18 Temporary State Commission on Constitutional  
19 Revision, appointed by former Governor Cuomo; and  
20 was principle research adviser to the 1989 New  
21 York City Charter Revision Commission.

22 Doug Muzzio is a Professor at Baruch College  
23 of the City University of New York. He is a  
24 specialist in American public opinion, voting  
25 behavior, and city politics. He is Co-Director

1 for the Center For Innovation and Leadership in  
2 Government and founder and former Director of  
3 Baruch Survey Research. He served both at Baruch  
4 College, both at the Baruch College School of  
5 Public Affairs. Dr. Muzzio is a political analyst  
6 and on-air commentator at WABC-TV and other news  
7 organizations. His government experience includes  
8 elected trustee of a New Jersey township Board of  
9 Education; Chief-of-Staff to the New York City  
10 Council Member At Large Antonio Olivieri;  
11 consultant to a prior New York City Charter  
12 Revision Commission, Research Director for the  
13 Dinkins' mayoral campaign, and consultant to City  
14 agencies and not-for-profit organizations,  
15 including the New York City Sanitation Department  
16 and the New York City Board of Education.

17 And lastly, but not minimized at all, is let  
18 me just get his file, take a second, is Brad  
19 Hoylman, who was the recent past Chair of the  
20 Manhattan Community Board 2, which represents  
21 neighborhoods, including Greenwich Village, SoHo,  
22 Little Italy and Chinatown. As Chair of  
23 Community Board 2 he was responsible for helping  
24 launch several community-based plan initiatives  
25 including brokering a compromise for the new

1 design of Washington Square Park.

2 Mr. Hoylman is a graduate of Harvard Law  
3 School and Oxford University where he was a  
4 Rhodes scholar. He's involved in local  
5 Democratic politics in Greenwich Village where he  
6 served as a Democratic District Leader. Today,  
7 Mr. Hoylman is a Senior Executive and General  
8 Counsel at the New York City Partnership, a  
9 not-for-profit organization that we all know  
10 well.

11 And lastly, Marc Shaw, who has held senior  
12 levels positions in both City government and  
13 State government, is currently Interim Senior  
14 Vice Chancellor For Budget Finance and Financial  
15 Policy at the City University of New York, where  
16 he oversees and manages finances of 23 colleges  
17 and professional schools.

18 Other prior organizations include Executive  
19 Advisor of Strategic Planning in Nextel  
20 Development Company; serving as Deputy Mayor of  
21 Operations for Mayor Michael Bloomberg; Executive  
22 Director and Chief Operating Officer of the MTA,  
23 and the New York City budget Director of Finance  
24 Commissioner under Mayor Rudolph Giuliani.

25 That is our panel for this evening. But

1 before we get to the panel we are very pleased  
2 and honored to have with us tonight Christine  
3 Quinn, speaker of the New York City Council.

4 SPEAKER QUINN: Thank you.

5 CHAIRMAN GOLDSTEIN: Very good to have you  
6 with us.

7 SPEAKER QUINN: Thank you, very much,  
8 Chairman Goldstein, and thank you for the  
9 opportunity to testify. I want to in addition to  
10 recognizing the Government Operations Chair, Gale  
11 Brewer, is with me. I also recognize that my  
12 colleagues, Councilwoman Mark-Viverito and  
13 Councilman Ignizio are with us tonight. And  
14 tonight I am testifying on behalf of the City  
15 Council at a whole.

16 Twenty years ago, the 1989 Charter revision  
17 Commission rewrote the City's Charter and  
18 restructured City government. The Commission  
19 reassigned many of the powers of the Board of  
20 Estimate to the City Council. Indeed the Chair,  
21 Fritz Schwarz, described the decision to "empower  
22 and expand the Council as the Commission's most  
23 important decision."

24 At the time, the Council had prescribed  
25 limited roles in the governing of the City. The

1           1989 Charter Commission envisioned a Council that  
2           would be an effective check and balance on the  
3           executive branch, truly represent the City  
4           residents and ensure minority rights; control the  
5           City's purse strings by having the final say on  
6           how tax dollars should be spent; tackle the  
7           City's basic problems, and effectively combine  
8           legislative land use and budget powers.

9           Well, over the 20 years the Council has  
10          shown that we are up to these jobs. We have met  
11          this challenge. We work as a partner to the Mayor  
12          in the executive branch, but we are also a check  
13          on the Mayor. Sometimes that counterbalance to  
14          the executive power comes in the form of veto  
15          override. But quite often this check on mayoral  
16          power comes in a less confrontational manner by  
17          reaching an agreement with an agency in the wake  
18          of an oversight of a budget hearing, or working  
19          out joint legislation with the Administration.

20          I think this all shows that the 1989 Charter  
21          reforms have been largely successful. But that  
22          does not mean that there is not room for  
23          improvement. We can still make government better  
24          and more responsive to the needs of New Yorkers.  
25          We believe we must always strive to do this by

1 meeting these three roles:

2 1. Provide communities with greater  
3 opportunity for input into government decision.

4 2. Making each branch or office of  
5 government more accountable.

6 3. Increasing transparency in government.

7 In a report that we have provided to the  
8 Commission we have laid out over 30 specific  
9 proposals to meet these goals with changes in the  
10 balance of power between the executive and other  
11 offices in City government and by reforming the  
12 City budget and land use procedures.

13 Chairperson Brewer, the Chair of our  
14 Committee on Government Operations, and I would  
15 like to give you a brief overview of some of  
16 these proposals.

17 The 1989 Commission sought and achieved the  
18 governmental structure in which the Mayor is  
19 responsible for managing government operations  
20 and implementing policy, and where the Council is  
21 responsible for setting policy and conducting  
22 oversight. Some agencies and offices are afforded  
23 more independence under this system because of  
24 their function, oversight and unique  
25 responsibilities.

1           Today, however, there are certain oversight  
2           functions and governmental processes with policy  
3           implications that in our opinion are too  
4           dominated by mayoral appointees.

5           Our first proposals are to enhance the  
6           independence of certain City agencies and offices  
7           that are essential to the overall oversight of  
8           government. Just as the State Attorney General is  
9           an officer responsible for representing the legal  
10          interests of this entire state, the Corporation  
11          Counsel is charged with being the lawyer for the  
12          City and all its offices and agencies. Therefore,  
13          the City's head of the Law Department should be  
14          accountable to a wider range of City officials.  
15          To accomplish this we recommend that this  
16          appointment be subject to Council advice and  
17          consent.

18          Additionally, the Civilian Complaint Review  
19          Board should have the power and budget to  
20          prosecute its own cases and send its findings to  
21          the Police Commissioner for final determination  
22          on whether or not to discipline police officers.  
23          A weak, understaffed CCRB serves neither the  
24          public nor the police well.

25          Finally, we believe the Conflict of Interest

1 Board, made up entirely of mayoral appointees,  
2 should have Council appointees and some degree of  
3 budget independence as well.

4 This Board oversees conduct of all City  
5 officials and employees, the vast majority of  
6 whom are mayoral employees. It is important that  
7 the public and all City officials perceive the  
8 Board to be impartial and evenhanded as it  
9 performs its vital functions.

10 Second, we are proposing reforms to make the  
11 land use process more representative of community  
12 perspectives. We recommend that the City's  
13 Franchise Concession Review Committee, the Board  
14 of Standards and Appeals and the Landmarks  
15 Preservation Commission have greater Borough  
16 President and community representation.

17 We recommend expanding the Board of Standard  
18 and Appeals to 13 members and giving one  
19 appointment to each Borough President and one to  
20 the Council; expanding the Landmarks Preservation  
21 Commission to give the Borough President a voice  
22 in the land marking process, and eliminating vote  
23 sharing by Borough Presidents on citywide  
24 concessions and franchises on the FCRC.

25 Additionally, there are some zoning

1 challenges we are seeing all over the City that  
2 are not easily addressed by our president's own  
3 resolution. It has been nearly 50 years since the  
4 City last undertook a comprehensive soup to nuts  
5 review of zoning. A lot has changed in that  
6 time. Businesses that used to use chemicals and  
7 machinery now use computers. Other uses such as  
8 outdoor entertainment establishments abutting  
9 residences and fast food restaurants near schools  
10 are posing quality of life issues in our  
11 neighborhoods. Without mandated periodic reviews  
12 of the relevance of the zoning resolutions use  
13 groups to current uses and neighborhood issues,  
14 our ability to deal with new issues diminishes  
15 over time. Therefore, we urge the Commission to  
16 develop a mechanism for such mandated reviews of  
17 the resolution and its use groups.

18 Third, we're proposing a series of reforms  
19 to the budget process, which Council Member  
20 Brewer will explain. Some of these proposals I  
21 would label as corrective measures. They would  
22 ensure that the Mayor does not misuse revenue  
23 estimates or empowerment powers. These powers are  
24 intended to help balance the City's budget. But  
25 they in the past have been used by prior

1 Administrations to undermine the Council's powers  
2 of setting spending priorities.

3 Central to many of our other budget  
4 proposals is the need for greater budget  
5 transparency, which in and of itself provides a  
6 check on the powers of all government officials  
7 and makes us all more accountable to the public.

8 We've been working for these last several  
9 years to apply the principle of transparency to  
10 the heart of the budget which deals with  
11 discretionary funding. Now we would like to work  
12 with the Commission and the Administration to  
13 bring the same transparency to the rest of the  
14 budget.

15 The public and the Council need more  
16 information in the budget that links funding to  
17 specific programs and results so that we can know  
18 whether or not we're getting enough bang for our  
19 buck.

20 Chairperson Brewer will enumerate highlights  
21 of our additional 10 budget proposals, and our  
22 report will provide you with other additional  
23 details.

24 Finally, another key reform we're proposing  
25 is that the duty of the Mayor to enforce laws

1           enacted by the Council be made clear and explicit  
2           in the Charter. If a mayor believes that a law  
3           is not valid, the Charter should place the burden  
4           on the executive to go to Court and have the law  
5           declared invalid. Any less renders the Council's  
6           power to enact legislation over a mayor's veto  
7           meaningless.

8           In closing, I would like to thank the Chair,  
9           the members and staff of the Commission. I know  
10          that your work is challenging, highly technical,  
11          and hugely time consuming.

12          As a participant in city government and as a  
13          resident of New York City, I appreciate the time  
14          and the care you're putting into studying our  
15          government and working to ensure that we have the  
16          best system possible for the residents of our  
17          city.

18          Yours is a significant undertaking. The  
19          proposals that we are presenting to you and the  
20          many meritorious proposals that you've received  
21          from other elected officials and members of the  
22          public, including those on borough control that  
23          have been raised by many of the residents and  
24          officials of Staten Island, deserve your  
25          thoughtful consideration.

1 I urge you to take all the time that you  
2 need to comprehensively review the Charter and  
3 make those recommendations that you believe would  
4 best serve our city for years and decades to  
5 come. We understand that it will be difficult for  
6 you to complete this comprehensive review this  
7 year and hope that your work will continue beyond  
8 this year. I very much appreciate your  
9 considering these proposals.

10 As I said, my colleague, Council Member  
11 Brewer, will elaborate on our proposals on  
12 change, budget and land use processes. After she  
13 says that I will respond to the two additional  
14 items that the Commission asked me to comment on  
15 firstly.

16 CHAIRMAN GOLDSTEIN: Thank you, Christine  
17 Quinn. We very much appreciate you coming here  
18 this evening and your grueling schedule.

19 I must say, Gale Brewer, it's wonderful to  
20 see you.

21 Council Member Brewer has been to all of our  
22 hearings and representing. It's wonderful to see  
23 you. Thank you for coming here as well.

24 COUNCIL MEMBER BREWER: Thank you very much,  
25 Chancellor, and all the members of the

1 Commission.

2 I chair the Council Committee on Government  
3 Operations Committee, and just like the Speaker I  
4 want to share a number of our specific budget and  
5 land-use proposals. These would help  
6 operationalize the intent of the 1989 Charter  
7 Commission as well as provide greater  
8 transparency, as the Speaker indicated in the  
9 budget and land use processes.

10 First, I would like to single out one budget  
11 proposal and one land use proposal, because they  
12 are on two important issues where the 1989  
13 Charter Commission decided that the Council  
14 should have a significant role. The lack of  
15 proper implementation of these provisions has  
16 thwarted us and our attempts.

17 In 1989 the Commissioners discussed how they  
18 hoped the provisions on the budgetary  
19 appropriation, called Units of Appropriation,  
20 would lead to a budget in which not all agency  
21 programs were lumped into one or two  
22 appropriations. They put in a requirement that  
23 the Mayor will seek approval from a broad  
24 multiple program Unit of Appropriations.

25 In twenty years, not one such approval has

1           ever been requested by a Mayor and the Units of  
2           Appropriation remain as broad as they were before  
3           1989 in clear violation of the Charter's intent.

4           We request that you review the Unit of  
5           Appropriation structure to give meaning to the  
6           1989 Commission's intent. Large, unspecified  
7           Units of Appropriation make the budget opaque,  
8           make it difficult for the Council to adjust  
9           priorities, and I also say for the public, and  
10          allow the Mayor to avoid Charter requirements  
11          relating to budget modification.

12          Let me give you an example of a typical  
13          overly broad Unit of Appropriation. The Probation  
14          Department has one Unit of Appropriation for all  
15          personnel services associated with the Provision  
16          of Probation Service, including juvenile and  
17          adult probation, plea sentencing, post release  
18          supervision, all Court programs, and all  
19          alternative placement programs.

20          This should be broken down into  
21          particularized Units of Appropriation, and I dare  
22          say it would be also great if it had a companion  
23          with the Mayor's Management Report. You'll find  
24          similar situations of other agencies.

25          On the land-use side. The 1989 Commission

1           decided that the Council should have final  
2           approval over major concessions. City Planning  
3           identified major concessions in a way that had  
4           resulted in the Council approval being sought  
5           exactly three times in twenty years. This was not  
6           the intent of the Commission.

7           We propose that large concessions such as  
8           recreational facilities, large restaurants and  
9           citywide concessions be made explicitly the  
10          purview of the Council. We also propose the  
11          following changes to improve the budget process  
12          and make the process, as the Speaker indicated,  
13          more transparent.

14          First, requiring the Mayor to submit a final  
15          review estimate before the beginning of the final  
16          budget negotiation process. This would ensure  
17          that the estimate is a real estimate of revenues  
18          to ensure balance, not a political estimate based  
19          on "first tell me what your priorities are and  
20          then I'll decide if we have the money to pay for  
21          them."

22          Limiting the Mayor's empowerment powers to  
23          situations in which the budget is at risk of  
24          being out of balance. This will eliminate the  
25          misuse of this power to cut programs that the

1 Mayor opposes.

2 Timely submission of budget modifications to  
3 the financial plan updates so that the Council  
4 can properly oversee changes in the budget.

5 Require a service level and performance  
6 measure of information to be included for each  
7 Unit of Appropriation in the budget, as I  
8 indicated earlier.

9 Revising the capital budget to require  
10 appropriate level of detail and how the City's  
11 capital dollars will be spent on our very  
12 important infrastructure and facilities.

13 Our land-use proposals outlined in the  
14 report, as the Speaker references, are intended  
15 to enhance input into the process and  
16 transparency. They include revising the ULURP  
17 clock to give the Counsel 60 days to review, the  
18 same amount of time ULURP gives Community Boards  
19 and City Planning. I know there are members of  
20 this Commission who know those entities very  
21 well. The Council now has only 50 days.

22 Allowing the Council to make a determination  
23 that a proposed modification within the scope and  
24 thereby removing the procedure of returning the  
25 modification to City Planning to make a

1 determination.

2 Amending the ULURP pre-certification process  
3 so that the applicant can request a written list  
4 of documentation requiring certification to which  
5 the Department of City Planning must respond.

6 Amending the ULURP pre-certification process  
7 so that the affected Community Board and/or  
8 Borough President may request a scoping session  
9 with the Department of the City Planning to  
10 explore alternative approaches.

11 Formalizing the ULURP process so that once  
12 an application is to be approved, or when it has  
13 been determined that an additional follow-up  
14 corrective action is necessary, City Planning  
15 will provide a list of the actions needed to be  
16 taken and a time line for their implementation.

17 Amending the standards of evidence so that  
18 the BSA, Board of Standards and Appeals, is  
19 required to base their decision to grant a  
20 variance only on substantial evidence.

21 Together with the structural reforms  
22 proposed by the Speaker and the other reforms  
23 contained in our report, we believe these reforms  
24 will result in the City budget and land-use  
25 process, both that are more transparent,

1           understandable and responsive to our communities.

2                   And just on a personal note not related to  
3           the above, I do want to say how important it is  
4           to increase voter participation.

5                   I know that Jerry Goldfeder spoke about this  
6           at your last meeting as did NYPIRG and Gene  
7           Russianoff who is again here tonight.

8                   And there are so many ideas, including a  
9           provision for early voting, mail-in ballots,  
10          same-day registration, and the whole legalization  
11          of ballot access. They could also be determined  
12          and decided by the Commission. And the Voter  
13          Assistance Commission has recommended that voters  
14          should be able to cast their ballots at a  
15          location other than their designated place of  
16          registration. With most voters employed away  
17          from home, this provision would make voting  
18          easier and increase participation. To make this  
19          change possible, of course, the Board of  
20          Elections would have to provide an electronic  
21          database of all registrations at all polling  
22          places.

23                   Thank you very much.

24                   CHAIRMAN GOLDSTEIN: Thank you, Councilwoman  
25          Brewer.

1 SPEAKER QUINN: Thank you.

2 CHAIRMAN GOLDSTEIN: Did you want to comment?

3 SPEAKER QUINN: Yes, thank you. Again I want  
4 to thank the Commission for giving us the time to  
5 make a presentation tonight and for reviewing our  
6 proposals. Our report goes through these  
7 proposals as well as others that we have  
8 mentioned tonight in great detail.

9 Chair Brewer and I are happy to answer  
10 questions tonight but also happy to follow up  
11 with you and your staff, after you've reviewed  
12 the report, if you have further questions.

13 Finally, the staff to the Commission has  
14 requested that I address the issues of term  
15 limits and nonpartisan elections, and I would  
16 like to share any personal views on those issues  
17 with you.

18 In 2008, the Council voted to change term  
19 limits from two terms to three terms for all City  
20 elected officials. That change reflected the  
21 position of the last Council on that issue. This  
22 was a difficult issue.

23 I have always believed in a strong  
24 legislative branch of government and believe that  
25 two term limits on the Legislature weakens the

1 very branch that it is supposed to be a check on  
2 the executive power. That was my position when  
3 term limits were first imposed, it was my  
4 position when the Mayor put the question to us in  
5 2008 on term limits, and it remains my position  
6 today.

7 I understand that the Commission may  
8 consider not only the issue of term limits but  
9 also the manner in which any future changes to  
10 these provisions could be made. I strongly  
11 advocate against any attempt to isolate these  
12 provisions from the legislative process.

13 First, our state laws expressly provide that  
14 referenda, with very few enumerated exceptions,  
15 could and should be subject to change by elected  
16 representatives. This was the basis of the Law  
17 Department's advice to us on the issue when term  
18 limits legislation was introduced in 2008.

19 Second, and really more importantly, any  
20 attempt to punish the Council for using its  
21 legislative powers in approving an unpopular  
22 measure introduced by the Mayor would set a very  
23 dangerous and chilling precedent. Such an action  
24 would damage our system of representative  
25 Democracy.

1           Finally, on the issue of nonpartisan  
2           elections, I strongly oppose nonpartisan  
3           elections.

4           In the last 17 years we've elected two  
5           Republican mayors and an independent. That in a  
6           City which is eight to one registered Democrats.  
7           Voters want information on a candidate's party  
8           affiliation. Affiliation tells a lot about a  
9           candidate's position on a vast range of social  
10          and economic issues.

11          I believe that nonpartisan elections weaken  
12          rather than strengthen our electoral process.

13          I know you have a panel of distinguished  
14          speakers on government structure reforms waiting  
15          to address you tonight, so as I said we'll be  
16          happy to take a few questions on what we  
17          discussed, or what is in the report, and again  
18          thank you for the opportunity, and thank you for  
19          considering the 30 proposals in our report.

20          CHAIRMAN GOLDSTEIN: Thank you again, Speaker  
21          Quinn. And thank you, Councilwoman Gale Brewer.

22          Anyone on the panel? Commissioner Hope  
23          Cohen.

24          SPEAKER QUINN: Happy birthday.

25          COMMISSIONER COHEN: Thanks. It's actually

1 not tonight.

2 SPEAKER QUINN: Okay.

3 COMMISSIONER COHEN: Actually, my real  
4 question is about Council oversight, an important  
5 governmental function, but I did perk up my ears  
6 something you said on the land-use front, about  
7 zoning resolution as opposed to use groups.  
8 That's actually of great interest to me, and I  
9 would love to explore that further. But my real  
10 question is about the Department of Education.

11 The Charter, 1989 Charter, obviously  
12 predates the Department of Education we have  
13 today. It mentions the "Board of Education" and  
14 deals with it as far as it can within that  
15 construct. And while I recognize that we've got a  
16 kind of nonpermanent solution to the Department  
17 of Education, certainly we're living with a  
18 Department of Education today that is not  
19 reflective of the Charter at all. And I was  
20 wondering if your report makes any suggestions  
21 about how the Commission should deal with that  
22 and what the Council's role would be with regard  
23 to the Department of Education.

24 SPEAKER QUINN: Sure. Let me just say first  
25 we'd would love to have follow-up conversation

1 about the use group question. Just to give you a  
2 couple quick examples, bathing suit cap  
3 manufacturers are in -- bathing suit cap  
4 manufacturers are in a use group specified. I  
5 loved the day when we had bathing suit caps and  
6 flowers and whatnot. Not such a big demand  
7 anymore.

8 COMMISSIONER COHEN: I actually have some  
9 very different ideas about how we should deal  
10 with these groups. I think the way we have it  
11 right now has it completely backwards,  
12 counterproductive.

13 SPEAKER QUINN: I don't disagree. I would  
14 love to have a conversation.

15 On the Department of the Education, our  
16 report doesn't speak to the department  
17 specifically. But let me mention two issues.

18 One, when the issue of mayoral control  
19 around the Department of Education was being  
20 debated in Albany, I supported renewal of mayoral  
21 control with a change that I think would have  
22 addressed some of the issues that you were  
23 raising and may now unfortunately leave some of  
24 them out of the scope of the Charter Revision  
25 Commission, maybe not. We would love to have

1 more conversation about that.

2 I had proposed that we not actually renew  
3 mayoral control as mayoral control but as  
4 municipal control, because right now I bet most  
5 people believe mayoral control means that the  
6 executive of the Department of the Education is  
7 the Mayor and that the legislative branch is the  
8 Council. In fact, that's not the case. The  
9 executive is the Mayor, the legislative branch is  
10 the State Legislature, and with all due respect  
11 to them, their primary education function, being  
12 a geographically diverse body, is not focused on  
13 the City of New York. And I think we would have  
14 been better served and in a stronger position  
15 vis-a-vis the Charter if those powers had been  
16 transferred to the State Legislature and the  
17 relevant and applicable ones to the City Council.

18 With that said, I think one of the most  
19 challenging questions for the Council and New  
20 Yorkers about the Department of Education is  
21 within its budget. And it is a large budget, it  
22 is an opaque budget, and it is a budget that is  
23 in fact as challenged as the budget system as  
24 Gale talked about for other city agencies. The  
25 department of Education is in fact under an

1 entirely different system altogether. So one of  
2 the important things I think we can do is take  
3 the question of topics of budget transparency and  
4 with the Charter Commission find a way to most  
5 aggressively apply those to the Department of  
6 Education, which I think won't address all the  
7 issues but would be a major step forward for the  
8 Council and for New Yorkers and particularly  
9 parents of school children.

10 COMMISSIONER COHEN: Is that in your report?

11 SPEAKER QUINN: That isn't. We don't go  
12 through specific agencies, but we would love to  
13 have more conversation about that.

14 CHAIRMAN GOLDSTEIN: Commissioner Cassino.

15 COMMISSIONER CASSINO: Speaker Quinn, I look  
16 forward to reading the Council's report, and I  
17 think you mentioned a lot of very good  
18 suggestions for us to consider.

19 I just want to touch on the last comment  
20 raised about the issue of term limits, because  
21 when we started off you talked about issues of  
22 transparency, we heard a lot about voter  
23 participation, and it relates to many of the  
24 comments we received over the months, we've been  
25 meeting with the public about government and

1 participation. And the issue has come up as to  
2 how to address the issue of public referendum and  
3 whether the Council can overturn that,  
4 specifically the term limits. And we heard some  
5 very strong testimony favoring that. And I don't  
6 think anybody who has (inaudible) other than to  
7 say people believe that there should be some  
8 respect for public referendums when they do  
9 happen, especially on issues that people feel  
10 very strongly about self-dealing.

11 Are there any issues that you think that  
12 should be in that category? Let's put aside the  
13 legal issues, because I frankly believe there is  
14 a disagreement over whether or not, a clarity of  
15 over whether or not that can be done or not.

16 Are there any issues that you view as being  
17 appropriate for being in that category that if  
18 they happen with a referendum they can be  
19 overturned by the Council?

20 SPEAKER QUINN: Let me say a couple of  
21 things. One is the issue of transparency as it  
22 relates to term limits. But actually all of the  
23 Council votes, I am incredibly proud that in the  
24 question of term limits, really the question of  
25 every piece of legislation that we have voted on

1 in my time as Speaker, there have been public  
2 hearings. Those public hearings, as was the case  
3 for term limits, stay until the last individual  
4 gets to testify. Those hearings are notified  
5 well in advance. We attempt to do aggressive  
6 outreach to proponents and opponents. So you  
7 won't find legislation in the Council that isn't  
8 discussed, debated in public in a hearing  
9 process, which is actually not something that  
10 every legislative branch of government can say  
11 and actually know it is true.

12 And the thing about term limits. People  
13 stood up, they took a vote, and then the voters  
14 had an opportunity mere months later to express  
15 dissatisfaction, if they so wanted.

16 My concern is that there is prescribed in  
17 the State law, we believe, when referenda can and  
18 can't be addressed by the Council. That is a  
19 legislative power.

20 To respond to voter dissatisfaction by  
21 taking away the Council's power will leave a  
22 message out there to future Councils that if you  
23 use power in a way you believe is correct but the  
24 voters do not, you are at risk of losing that  
25 power. We don't want the Council to believe that

1 if they take votes that are controversial they  
2 risk the institution's future power.

3 There have been many other votes that have  
4 been controversial and had, you know, greater  
5 significance -- even in the City -- than term  
6 limits -- that in the end, even though the voters  
7 were wildly opposed in the days, weeks and month  
8 and maybe even years after, agreed they were the  
9 right decision. What if we had gone and taken  
10 those Council powers away or maybe future  
11 Councils change the opinion and disagreed? But  
12 we need to leave those powers there.

13 The way the process works is elected  
14 officials cast votes. And then if the public  
15 dislikes the vote they cast the public has the  
16 opportunity to vote them out of office or not,  
17 propel them to hire office. The answer isn't to  
18 take away the power of the Legislature,  
19 particularly when it's a piece of legislation  
20 supported by both the executive and the  
21 Legislature. If you're going to go down that  
22 road, then take away the executive power to make  
23 the proposal as well, not just the Legislature's  
24 power to act on it, which would clearly be going  
25 too far in that punishment-type action, in my

1 opinion. But that's my personal opinion.

2 CHAIRMAN GOLDSTEIN: Thank you very much,  
3 Speaker Quinn. Thank you, Councilwoman Gale  
4 Brewer, for coming tonight. I appreciate  
5 listening to you and we will be reading your  
6 recommendations.

7 SPEAKER QUINN: I have no doubt you will  
8 laugh and cry. Take care. Thank you.

9 CHAIRMAN GOLDSTEIN: We're ready for our  
10 panel. Eric Lane, Gerald Benjamin, Doug Muzzio,  
11 Brad Hoylman and Marc Shaw.

12 Let me begin by thanking our five very  
13 distinguished panelists for agreeing to address  
14 the Commission tonight.

15 Just some rules of engagement. We'd like  
16 each of the panelists to restrict initially their  
17 comments to approximately 10 minutes. And we will  
18 start with Eric Lane, and we will work from my  
19 right to left until we've heard all of the  
20 speakers. And then we're going to engage in a  
21 dialogue between the Commissioners and the panel.  
22 And that will go on as long as you have energy  
23 and feel that it's worthwhile. And then in the  
24 remaining time for the rest of the evening we  
25 will open the mike to those who are here with us

1           this evening.

2           I also will be reading occasionally  
3 throughout the evening commentary and questions  
4 that are sent in through our Web casting process  
5 that is going on as we speak.

6           So let me start with Eric Lane. And Eric,  
7 thank you again for taking time out of your  
8 schedule.

9           MR. LANE: Thank you very much for having me.  
10 Thank you to the Commission, and I'm happy to see  
11 how many members of the Commission are here.

12           Our Commission, in both '88 and '89, had a  
13 great attendance and made the public much -- had  
14 much more faith in the Commission's work, so I  
15 praise you all for coming out here and attending  
16 the task here.

17           So I've been tasked with basically telling  
18 you what we were thinking about in the Charter  
19 that you are now looking over to see whether you  
20 should amend, and particularly with respect to  
21 separation of power issues.

22           There was a different time when we did what  
23 we did, but it was the same problem: Balancing  
24 power. Everybody wants more power, nobody wants  
25 to give up any power, and everybody wants that

1 power to do the public good, and they all mean  
2 it, and I believe them all. So your job is to  
3 balance all of these demands and these requests  
4 and make sense through your own eyes and  
5 experience and listening to people about those.

6 CHAIRMAN GOLDSTEIN: Eric, can you move a  
7 little closer to the mike. Those of us here are  
8 having a little trouble hearing you.

9 MR. LANE: Can you hear me now?

10 CHAIRMAN GOLDSTEIN: Yes. Much better. Thank  
11 you.

12 MR. LANE: So in our case, separation -- I  
13 sat in one of your meetings and I heard somebody  
14 talk about a strong mayor and how important the  
15 mayor was to the city. Of course, that's true. I  
16 just want to set one thing clear so everybody  
17 knows that, I'm sure your counsels have told you,  
18 under the New York state Constitution, the only  
19 requirement for a city is a council, not a mayor.  
20 You must have a council. The thinking there is  
21 that because of the taxing and spending money,  
22 that you have to appropriate money, and you have  
23 tax people and, therefore, you need broad  
24 representation to the extent that you're doing  
25 either regulating behavior or reinvesting, taking

1 people's money from them, uses. You need  
2 representatives. And it's up to the council or up  
3 to the people whether they have a mayor.

4 New York City has had a strong form of  
5 mayoral government for years and nobody should  
6 argue against a strong mayor. Our Commission  
7 strengthened the mayor and we were criticized for  
8 strengthening the mayor to the extent that we  
9 did.

10 When we separated out the Board of  
11 Estimate's powers we did two things. We gave the  
12 Mayor a lot more power that he didn't have. We  
13 did it for both efficiency reasons and we did it  
14 so for accountability reasons, because up until  
15 1989, anytime a contract franchise, land-use  
16 decision went awry and you had those problems  
17 everybody could say, "Well, it wasn't my fault.  
18 We all did it together." Nobody was ever  
19 accountable, and so we wanted to make sure there  
20 were clear lines of accountability. So along  
21 those lines we strengthened the power of the  
22 Mayor. And actually, the only real debate we had,  
23 which I still see among us now, although I'm not  
24 sure it's in the Council's testimony, the only  
25 real debate we had about a strong Mayor himself,

1 which is cities are about running government.

2 I remember when Mario Cuomo used to brag  
3 that he could sit up in the mansion in Albany and  
4 read Conte -- or Augustus more than Conte. And I  
5 remember Koch once saying, "No Mayor could ever  
6 say publicly he was sitting in Gracie Mansion  
7 reading philosophy." Of course they can't,  
8 because the Mayor's job is all of the time a  
9 hundred percent.

10 Nobody disagrees with having a strong mayor.  
11 The question's only what's the balance? So our  
12 balance was we tried to separate everything that  
13 was executive and we tried to give it all to the  
14 Mayor, and we tried to make the Mayor actually  
15 accountable for all of these things. And you see  
16 this in a number of ways.

17 One where I'll quickly tell you is used to  
18 be the role of the Comptroller. The Comptroller  
19 could stop a contract from going through if the  
20 Comptroller thought there was a problem with the  
21 contract. And there was a long period of time  
22 where Comptrollers were actually stopping  
23 contracts for a variety of reasons; some of which  
24 might have been considered legitimate, some of  
25 which I used -- we explored for either political

1 or over picky, stuff like that, so we changed  
2 that system to allow the Mayor to have the total  
3 responsibility.

4 The Comptroller could say something to the  
5 Mayor. But if the Mayor restated that he wanted  
6 to do that, the Mayor could have the power to do  
7 it. He could just take the political heat. You  
8 see a lot of procedures in the Charter like that,  
9 you'll find that often.

10 The major battle that we had in our  
11 Commission over the power of the Mayor was over  
12 the budget estimate, the revenue estimates, that  
13 was a big issue that we spent a lot of time on.

14 The Mayor, as you all know, does all of the  
15 estimating of revenues, it's a tremendous -- both  
16 as a fiscal tool of great importance. It's also  
17 a political tool you can use against the Council,  
18 because the minute the Council spends any more  
19 money than the Mayor thinks they ought to, he  
20 thinks the budget is out of whack, the Council  
21 has to collapse, because there will probably be  
22 tax increases automatically if the Council passes  
23 a budget which the Mayor says is out of whack.

24 I don't have a remedy for that. I mean, I  
25 think that's one of those things you ought to

1 look at again. Probably in a recession period  
2 like we're in you're probably not going to want  
3 to fool around with that. But that was something  
4 we spent a lot of time on.

5 Other than that, most of our mayoral stuff  
6 was strengthening the Mayor, and I think that  
7 that's -- and making sure the Mayor's role was  
8 executive power. And then with respect to the  
9 Legislature, the legislative powers, Legislature,  
10 there is one area where I think needs  
11 reexamination. I actually I feel strongly about  
12 this. Even though I favor a very strong Council,  
13 I've written books about legislatures. I served  
14 as Chief Counsel to Senate Democrats in Albany  
15 for a few years.

16 I do think in the land-use area the  
17 original -- the idea some people have said they  
18 might have testified to you that the Council has  
19 been sometimes acting as if they're all fiefdoms.  
20 A single member could stop a land-use decision.  
21 That was not the intent of the Charter. In fact,  
22 it was a promise on the part of the Speaker that  
23 that would not happen, and so that's a very  
24 corruptive process. I don't mean simply you get  
25 paid off. It's corrupting to the sort of

1 institutional operations of the process.

2 But other than that, I think this Mayor,  
3 Council separation of power in itself has worked  
4 pretty well. That's in my own judgment it's  
5 worked well.

6 I think you ought to take a look at this  
7 Units of Appropriation, why it's worked well.

8 I do think term limits, term limits has  
9 made -- at least the two term limits I did a  
10 study of that which I think you all have. I think  
11 it creates too much individualism in the Council,  
12 too less need for integration and coordination,  
13 and I think that's hurt the Council to some  
14 extent and led to too much grandstanding and not  
15 sort of the diligent work that you need.

16 I don't know if three terms is probably --  
17 three terms should be better than two terms. That  
18 might work. But I'm not offering. I'm telling  
19 you things that I would look at them. I'm not  
20 giving you my opinions on what I particularly  
21 would do.

22 Now, there's the one separation of power we  
23 spent a lot of time on is obviously the Mayor,  
24 Council, we worked that out pretty fundamentally,  
25 but then there were other separation of power

1 issues that we looked at.

2 One of, you know, the things that we spent  
3 the most time talking about in our, I don't know,  
4 at least two of our three years, was what was  
5 then called the City Council President and now  
6 it's called the Public Advocate. Should we have  
7 one? Shouldn't we have one? What should the  
8 role be? Should we get rid of the Board of  
9 Estimate.

10 We, as you know, decided we should have one.  
11 We did it for both legal reasons. Under the  
12 Voting Rights Act we thought we were compelled.  
13 But secondly, more importantly, at the time we  
14 did it, because it was a strong feeling on the  
15 part of many Commissioners and led by Nat  
16 Leventhal, who at the time had been the First  
17 Deputy Mayor under Ed Koch, a very strong feeling  
18 that in such a dense administrative central --  
19 central government so dense and so powerful, that  
20 even any voice chipping away reminding people,  
21 criticizing the Mayor. Nat himself always would  
22 say it was very helpful and so, you know, he was  
23 our most experienced person in this area and made  
24 good sense to us, and so we kept the provision.

25 I think we made a mistake by not funding --

1 I mean, this is my own error I made back then,  
2 because we were funding the IBO, you know, the  
3 Independent Budget Office, we knew they would be  
4 immediately stripped of funds if we didn't do it.  
5 Because there had been an earlier experience with  
6 an IBO type of office which had been stripped of  
7 funds and so we were aware of it and probably  
8 should have realized that the same thing was  
9 going to happen. So I favor, I think, that look  
10 at the Public Advocate's role, I think you really  
11 need to do that. I also think you need -- you  
12 know, we tried to create a balance between  
13 boroughs and essential government while  
14 protecting the City, right? So we weren't going  
15 to -- Borough President Ferrar had asked us to  
16 give him veto power in certain zoning issues, and  
17 of course we said "no" to that because that  
18 destroys the City. You can't have zoning on a  
19 borough basis when you have a final decision on  
20 zoning. At least we didn't think you could.  
21 But, you know, so we created the position of  
22 Borough President where we tried to make the  
23 Borough President sort of a Borough, a Borough  
24 sort of executive so he had capacity to submit  
25 plans under 197(a) supposedly gets part of the

1 capital budget, gets and can submit legislation,  
2 tried to put together a number of things to make  
3 it work. And, you know, Marty Markowitz's Chief  
4 of Staff is on your Commission, has been very  
5 critical of what we did, and I think you need to  
6 have a discussion on how well that's worked.

7 You know, people are very close to it, they  
8 feel powerfully about their Borough Presidents.  
9 They never know what they do, but they need --  
10 they feel powerful about them and maybe there are  
11 ways to improve their powers.

12 One small thing that you might not ever  
13 think about that might actually help is we  
14 disallowed Borough Presidents, or any elected New  
15 York City officials, from holding party offices.  
16 It may be moot. I don't know how many hold  
17 parties, but if it's not moot. The reason we did  
18 it is because we wanted more competition within  
19 the Boroughs, you know, more competition for  
20 ideas. We were also looking for ways to get more  
21 ideas in the process. But Marty Markowitz  
22 actually made the point recently; I was stunned  
23 by it. The way we thought the Borough  
24 Presidents would keep their power and why we  
25 think they didn't need a guaranteed budget or

1 anything like that was because they had a lot of  
2 clout, we thought, over the Borough delegations  
3 in the Council. But it turns out that once they  
4 lost this power to be District Leaders or, you  
5 know, whatever, County Leaders, they really lost  
6 their political clout. So I think that was a  
7 miscalculation on our part. I think we made that  
8 effort (inaudible).

9 Community Boards. I don't need to tell you  
10 Community Boards want more power. I don't need to  
11 tell you that at all. They wanted more power  
12 every day of all three years I did this, and they  
13 never failed to communicate that to me every day  
14 for three years I did this. I never failed to get  
15 a letter, or spoke to who whoever it is and, you  
16 know, they still do. This is a usual issue in  
17 such a large and intensely administrative city.  
18 Giving voice to community concerns, the Council  
19 always says -- they used to say that you should  
20 look to your Council Member and actually a good  
21 answer to some large extent. But now we created  
22 this, under the Goodman Commission of '74, we've  
23 created these Community Boards. And so our  
24 attempt was we gave them the opportunity to have  
25 a Planner, you know, we tried a variety of

1 different ways to empower them without giving  
2 them a veto. I mean, everybody wants a veto,  
3 right? That's the empowerment issue. But it's  
4 hard to run the City by it, it's hard to --  
5 that's like the tail, you know, pushing the  
6 tiger. And so finding ways to do this I think  
7 remains one of the crucial issues.

8 The last thing I want to say to you I mean,  
9 so there's a separation of power, we spent a lot  
10 of time on between communities and the central  
11 government. Among the central government.

12 The one thing I really think you ought to  
13 take a look at, one of the favorite things we  
14 did, and that's the Fair Share plan, this goes to  
15 this idea of communities. So in the Charter  
16 there's an obligation on the part of the City  
17 Planning department to present each year the  
18 intended uses of sort of "not in my backward"  
19 uses intended to the City as a whole and give  
20 Borough Presidents and Community Boards the  
21 opportunity to review them well ahead of time and  
22 actually have a discussion about using actually  
23 the word "fair." "This is fair."

24 Now, this comes out of a long history of the  
25 city dumping, and nobody disagreed with this,

1           dumping unfavorable uses in poorer communities.  
2           The argument always being, of course, the  
3           property was cheaper, and secondly, a lot of the  
4           problems that these groups, you know, these  
5           agencies, and uses of serving come out of poor  
6           communities. You know, there is a certain logic.  
7           We see it mapped out and realized communities  
8           were drowning in this stuff, poorer communities,  
9           and they just could never get out from under  
10          trying to build a middle-class community. So I  
11          would really advise you to try to take a look at  
12          the value of them.

13                   CHAIRMAN GOLDSTEIN: Thank you. Thank you,  
14                   Eric lane.

15                   We'll move now to Gerald Benjamin.

16                   MR. BENJAMIN: Mr. Chairman, thank you very  
17                   much for including me in this process. I think I  
18                   will credential myself. Born and raised in  
19                   Queens, went to Technical High School, and my  
20                   wife lives there, so you brought somebody from  
21                   outside New York City, to your credit, who was a  
22                   New York City boy.

23                   CHAIRMAN GOLDSTEIN: We appreciate you being  
24                   here.

25                   MR. BENJAMIN: Let me, and let me say that my

1           brief is to talk about the organization and  
2           operation of the Council, and I will do that in  
3           the frame of general understanding of  
4           legislatures and how they work, and work I've  
5           done on state constitutions, and so on. So it  
6           will be I think somewhat specific but also in a  
7           general context it might help the issue.

8           First of I want to say, however, make some  
9           general remarks, in considering structures, there  
10          are political as well as governmental issues,  
11          that is obvious. But in particular what's at  
12          stake in a lot of these decisions is the  
13          ambitious structure of the City and the  
14          leadership recruitment of the City to the highest  
15          positions of the City.

16          So as you consider the viability of some of  
17          these offices about which I am in fact very  
18          skeptical of their serious and continuing  
19          function, there is that positive -- to think  
20          about that we need to elevate it. In New York to  
21          do that we need people to elevate to highest  
22          offices. To do that we need to have in place to  
23          force them to be effective. And important  
24          (inaudible) as well in City government.

25          The second point I'd like to mention is that

1           you are in a moment of the greatest sweep of the  
2           history of the City since its creation in 1898 an  
3           important, important and continuing process. And  
4           my work for Eric was a demanding, and a very  
5           supportive boss. I always had to justify the  
6           historic perspective (inaudible) and I think he  
7           meant that I was.

8                     But if you think about the long-term trends,  
9           what have they been, (1) the power of the Mayor,  
10          (2) central leading power, and that is taking it  
11          from the Borough Presidents and others and  
12          providing it to the (inaudible). And finding the  
13          role more recently for a Legislature that was  
14          largely in disrepute for much of its history as  
15          well as against that reputation of disrepute.

16                    There are four points or areas which I want  
17          to organize brief remarks. One is -- and all  
18          having to do with how well we do -- we did in  
19          1989 and what else might be done or should be  
20          done -- one was I think the power -- empowering  
21          and legitimizing the Legislature. And symbolic  
22          of this, and it might be less obvious as people  
23          get accustomed to titles, we did not, of course,  
24          as Eric mentioned, have a Speaker. We had a  
25          Majority Leader and elevated the title, which

1 Mr. Vallone, as I recall from meetings, was  
2 extraordinarily interested, if you remember,  
3 Eric. I think legitimizing, in his view, the  
4 Council as an institution. I talked about the  
5 checkered reputation.

6 The second issue is elevating Legislatures  
7 is that Legislatures are not in high repute in  
8 the country as you might gather from the  
9 reputation of the New York State Legislature. So  
10 that if you try to elevate Legislatures that's a  
11 challenge.

12 The second or third issue is that executives  
13 are -- have come to be reformers of the  
14 government --

15 CHAIRMAN GOLDSTEIN: Gerald, could you put  
16 the mike a little closer to you, please?

17 MR. BENJAMIN: Can't hear me?

18 CHAIRMAN GOLDSTEIN: I'm having a little  
19 trouble with the acoustics up here.

20 MR. BENJAMIN: What if I hold it like this?

21 CHAIRMAN GOLDSTEIN: That's perfect.

22 MR. BENJAMIN: I'll sing "Melancholy Baby."

23 CHAIRMAN GOLDSTEIN: Either that or slouch.

24 MR. BENJAMIN: I have a professorial stoop. I  
25 hope that's not -- so the power of the

1           Legislature in a city where the Mayor is a world  
2           figure is a challenge, so there was a formal and  
3           was informal dimension.

4           There are assets in the power of the  
5           Legislature. For example, as Eric mentioned, we  
6           have a cameral and bicameral process, so that  
7           gives us opportunity. But generally there is a  
8           weakness that Eric wrote about in a book I had  
9           edited and that we have a State Legislature and  
10          we have a Home Rule provision that encourages the  
11          governance of this city from outside the City by  
12          New York politicians who work in Albany who  
13          struggle for control of the City against New York  
14          politicians who work in New York. So the caution  
15          is that whenever you try to elevate the State  
16          Legislature by structural change you have to give  
17          consideration to the nonstructural dimensions and  
18          also give consideration to the fact that the City  
19          is operating within the State Constitutional  
20          system and constraints.

21          The City as a consequence, and in particular  
22          the Legislature, as the Speaker noted, which I  
23          talked about the City's Legislature's role in  
24          education in New York.

25          Now, we had -- so we had certain goals, I

1 think, some of which I heard mentioned, how do we  
2 do it? One thing we wanted to do was make the  
3 Legislature more demographically and more  
4 politically represented. I think we achieved  
5 that. We made a large Legislature, it's more  
6 demographically diverse, and there are actually  
7 Republicans -- I revealed myself.

8 And so the commission-based apportionment  
9 process should be emulated by the State, the  
10 City, as a model for that.

11 We also tried to diminish the party system  
12 in the control of political parties in the  
13 governance of the City. This is a long-term  
14 goal. It's from the progressive interest and one  
15 you face as you talk about nonpartisan elections.  
16 And an important consideration is whether the  
17 role of political party is worthy or is  
18 theoretically represented is worthy whereas in  
19 fact it's less than worthy.

20 Now, I call your attention to something we  
21 did, which was a process for filling vacancies in  
22 office of the City Council. We found that the  
23 process was entirely dominated by a party  
24 organizations in the Boroughs. We drove that  
25 process of elections and into nonpartisan

1 elections. And I've heard complaints from people  
2 who had to stand for office under that process,  
3 and the Citizen's Union has actually written  
4 about this, although more critically about the  
5 State rather the City process, so that you have  
6 the nonpartisan elections in the City in those  
7 elections. It's imperfect evidence because those  
8 are low visibility elections. But I think you'll  
9 find that you have a competitive process that you  
10 put in place for -- by elections if you take a  
11 systematic look at that.

12 Regarding empowering the Legislature as an  
13 institution, which seems to be a concern that was  
14 brought to my attention, there are essentially  
15 three locations, in my opinion, where you can  
16 locate power in the legislative body: One, in  
17 the leadership; second, in the committee system;  
18 and third, in the individual members.

19 When you argue that you want to empower the  
20 Legislature as an institution you are really  
21 inferentially arguing you want to empower the  
22 unions. If you want to give a stake of members --  
23 the members a stake in the institution, you have  
24 to give the members power within the institution  
25 commensurate that is linked to the institution's

1 power itself.

2 We have all kinds of incentives in New York  
3 City for individuals to seek, to elevate  
4 themselves without consideration of the  
5 institution and not allow incentives for them to  
6 elevate themselves with consideration of the  
7 institution's power.

8 So if you look at the reforms that have been  
9 advanced for the internal operation of the body,  
10 one goal is, by the way, to empower is through  
11 the Charter empower subsets of the Council. For  
12 example, the State Legislature empowers the Ways  
13 and Means Committee of the Assembly in  
14 legislation. Secondly, constitutionally or  
15 (inaudible) Charter -- the Charter based  
16 authority to some committees or some functions  
17 that would bring balance to the internal dynamic.  
18 We chose not to do that in our process. But my  
19 view, as Eric suggested, is that term limitation  
20 creates all kinds of incentives to not be  
21 interested in the institution, to use the base of  
22 the institution to advance the individual and not  
23 allow incentives to build institutional power to  
24 coalesce for institutional purposes. And I say  
25 that as a person who has written a book about

1 term limitations and actually endorsed term  
2 limitations before they were cool. So that  
3 consequence needs to be thought about if you're  
4 interested in institutional power.

5 There are other issues that haven't been  
6 discussed. For example, what kind of service do  
7 we expect from members and how do we support that  
8 service? Full-time/part-time service issue is one  
9 that might be given consideration by this  
10 Commission. So those are I think the major areas  
11 of concern.

12 I with Doug Muzzio, Joe Viteritti and  
13 middle-aged, other middle-aged, mostly  
14 middle-aged men wrote a 27-chapter study of the  
15 City Council, and this research, although dated,  
16 is available to you. It's not published but  
17 available you to if you want to have copies. I  
18 think the analytic points on the alternatives  
19 that are available would show, would demonstrate  
20 the choices made and demonstrate alternatives to  
21 the degree to which they may seem desirable in  
22 the end. Thank you.

23 CHAIRMAN GOLDSTEIN: Thank you very much, Dr.  
24 Benjamin.

25 Let's move to Doug Muzzio.

1           MR. MUZZIO: I want to thank you, the Chair,  
2           former president and my boss, and still my boss,  
3           and the other members of the Commission for the  
4           opportunity to discuss the Borough Presidents and  
5           the Public Advocate.

6           Since I am a professor and I was given an  
7           assignment, I did homework, which is an 11-page  
8           brief that I would like to share with members of  
9           the Commission, and this will form the basis of  
10          many of my remarks.

11          CHAIRMAN GOLDSTEIN: Lorna is coming down.

12          MR. MUZZIO: Thank you. Let me just briefly  
13          review the outline of the argument that I'm  
14          presenting here, or at least the discussion that  
15          I'm presenting.

16          The first thing I do is talk about the  
17          necessity of goals for a charter and charter  
18          revision and then very briefly provide histories  
19          of both the Public Advocate and the Borough  
20          Presidents and the historical expectations for  
21          those offices.

22          Then I look at the role of both of these  
23          offices in both the Charter and New York City  
24          government. And the reason why this paper has  
25          the word "Draft" on it is that I'm still finding

1 powers that I didn't realize existed for each of  
2 these particular offices. And then finally and  
3 probably the core of what we'll be talking about,  
4 are the choices available to the Commission  
5 regarding these three offices. And then finally  
6 offer sort of a very brief overall perspective.

7 Now clearly, I have my own thoughts on the  
8 various choices confronting you in terms of what  
9 to do with these offices. But I will attempt to  
10 be as neutral and objective as possible unless  
11 otherwise asked.

12 My fundamental belief is that charters  
13 enhance -- charter changes should reflect clear  
14 and compelling goals.

15 The 1986 to '88 Ravitch Commission adopted a  
16 number of goals to frame its work to provide a  
17 touchstone for the Commissions' deliberations to  
18 provide, as they put it, to logic, rationale and  
19 context for various decisions to more universal  
20 principles. And then Frederick Schwarz, the  
21 Chair of the 1989 Commission, talked about four  
22 major goals for the Commission.

23 One -- and Eric has talked about it at great  
24 length -- balancing power and checking power.  
25 Second, increasing participation and adding

1 voices. Third, enhancing government efficiency  
2 and effectiveness. And fourth, fixing  
3 accountability. And I think these principles, or  
4 similar principles, should drive any discussion  
5 of analysis of current structures and processes  
6 and potential changes in current structures and  
7 processes.

8 Very briefly, in terms of background  
9 history, relevant history. Let's start with the  
10 Borough Presidents.

11 New York City's size and complexity  
12 necessitates a unique form of government to  
13 integrate both the local community concerns and  
14 to prevent an overly centralized distribution of  
15 power. There are major world cities: Tokyo,  
16 Seoul, South Korea, Amsterdam, Mexico City, that  
17 have both citywide executives and sub-city  
18 executives along the lines that we have currently  
19 in New York City.

20 According to the 1989 Commission Chair  
21 Schwarz, "If the Borough Presidents" and I'm  
22 quoting him "didn't exist, we would want to  
23 invent something akin to them, because what they  
24 provide is an intermediate role between those who  
25 are elected in the smallest constituencies and

1           those elected to the city as a whole."

2           With the abolition of the Board of Estimate,  
3           the issue before the 1989 Charter was, according  
4           to it's Executive Director Eric Lane, "not  
5           whether but how a Borough voice would be  
6           expressed in a post-Morris era with no Board of  
7           Estimate."

8           There was a consensus among those  
9           Commissioners that there would be a Borough voice  
10          and little discretion outside the Commission that  
11          the Borough Presidents be eliminated.

12          Turning to the Public Advocate, however, the  
13          Public Advocate, then the City Council President  
14          whose name was changed to Public Advocate in  
15          1993, this was sharply disputed both outside the  
16          Commission and was divisive within it. For both  
17          political and substantive reasons, the office set  
18          forth in the 1989 Charter was -- and it's been  
19          characterized as a "several-headed monster" --  
20          one part Legislature as presiding officer of the  
21          Council, one part executive as first in line to  
22          succeed the Mayor, one part "Charter cop" through  
23          the Ombudsman role and one part trustee, and one  
24          part pension fund trustee of the City' Employees'  
25          Retirement System.

1           Ultimately, in the closest vote I believe  
2           taken before the 1989 Charter Commission, the  
3           City Council President was retained and the  
4           reason given was that it was seen to be a source  
5           of competing ideas and a springboard for people  
6           to build a record to run for Mayor. Indeed, the  
7           office of Public Advocate has created more  
8           competitive elections for Mayor by injecting an  
9           additional viable candidate into the race. For  
10          example, former Public Advocate and Democratic  
11          mayoral candidate Mark Green in 2001.

12          The argument of the Commission ultimately  
13          was that additional checks on performance of the  
14          Mayor and his Administration would help and not  
15          hurt the City.

16          Now, if we turn to the role of the both  
17          Borough Presidents and the Public Advocate in the  
18          New York City Charter of government, they are  
19          extraordinarily extensive, diffuse, and as I said  
20          earlier, difficult to fully locate. The prime  
21          powers of the Borough President are noted in  
22          chapter 4, Section 82, which lists some 16 powers  
23          and duties of the Borough President. I'm not  
24          going to go through all of those. They will be in  
25          front of you. And in addition to the powers laid

1 out in Section 82, the Borough Presidents have  
2 powers in the expense and capital budget. They  
3 have land-use review and advisory powers in the  
4 ULURP process. They appoint Board members and  
5 have appointment powers and representation on a  
6 number of other citywide bodies. So they have a  
7 broad variety of specific functions that are  
8 articulated both in the Charter and in local law  
9 and in State law.

10 So the powers of the Borough President  
11 extend beyond those specified in the Charter and  
12 go into local law and in fact into State law as  
13 well.

14 So let's go into the Public Advocate. The  
15 Public Advocate, as I stated earlier, is this  
16 really hybrid, unique individual. And as Eric  
17 notes in his -- in the I guess the Federalist  
18 Papers of the 1989 Charter, argues that both for  
19 substantive reasons and for political reasons,  
20 the office was retained and given certain powers.

21 I believe that an argument can be made that  
22 the those substantive reasons remain even though  
23 as Speaker Quinn suggested, some of the political  
24 reasons may no longer hold. And again, without  
25 going into detail on the extent of the powers of

1 the Public Advocate, they're listed on pages 4  
2 and 5 of this document.

3 To get to the core of what is before you,  
4 and that is what choices do you fundamentally  
5 have with these two offices? Basically, you have  
6 three options. You can eliminate the offices,  
7 you can retain as is, or essentially you can  
8 enhance the powers, duties, resources and  
9 purviews of those bodies.

10 The fundamental questions are what are the  
11 arguments about? And the proposals regarding  
12 these choices? And secondarily, how do these  
13 proposals relate to or force the goals that I put  
14 forth, or could be put forth, by a Commission in  
15 terms of the operation and structure of City  
16 government?

17 Let's start with the Public Advocate.  
18 Eliminate it. Arguments for the elimination of  
19 the office today essentially reflect the  
20 arguments made by opponents in the 1989 Charter  
21 Commission.

22 Number one, that the Ombudsman function  
23 would be better performed by an appointed rather  
24 than an elected official. The New York City  
25 Public Advocate is unique insofar as it is an

1           elected citywide Ombudsman. Other jurisdictions  
2           have Ombudspersons but they are appointed either  
3           by the council or another body. For example, the  
4           City of Detroit, and I believe the City of  
5           Minneapolis, has an Ombudsmen and there are  
6           Public Advocates in a number of states with a  
7           variety of functions.

8           Most Ombudspersons and most Public Advocates  
9           do not deal with the full panoply of issues but  
10          tend to talk to the specific agencies for  
11          specific service areas.

12          The 1975 Goodman Commission contemplated  
13          eliminating the position and didn't. And in 1993,  
14          legislation was proposed to the City Council to  
15          eliminate it, but ultimately the law just changed  
16          the name from City Council President to Public  
17          Advocate.

18          In 2009, they had some members (inaudible)  
19          introduce legislation to again do away with the  
20          Public Advocate and in that year produced an  
21          extensive report called "Reducing Redundancy"  
22          which called for the elimination of the Public  
23          Advocate. And I believe that's a document that  
24          is an important one for you to review in terms of  
25          the arguments at least of those opposed to the

1 Public Advocate.

2 The second option is to retain it and there  
3 are several reasons. It works. If it ain't broke  
4 don't fix it.

5 And finally, and perhaps most importantly,  
6 it ain't worth the agita to propose legislation,  
7 because this is going to create a firestorm of  
8 not only opposition but further discussion and  
9 analysis.

10 Let's talk about enhancing. If the body  
11 chooses to enhance the power of the Public  
12 Advocate, one mechanism would be independent  
13 budgeting.

14 I agree with Eric. I think one of the  
15 failures of the 1989 Charter was the, the lack of  
16 independent budgeting. I personally believe that  
17 independently elected public officials, like the  
18 Borough Presidents, the Public Advocate and the  
19 Comptroller, should not be funded at the whim of  
20 those agencies that they are designed to check  
21 and balance. I find it to be a real violation of  
22 separation of power, and these budgets have been  
23 used as weapons against the Public Advocate in  
24 particular certainly surrounding the term limits  
25 issue.

1           The second issue, which I'll come back to,  
2           is enhance the point of power.

3           The third is a more minor suggestion and  
4           that's (inaudible) the Commission on public  
5           Information and Communication into the Public  
6           Advocate's office.

7           And then fourthly, again one of these areas  
8           where the Charter says one thing but the way  
9           practice has been practiced, you know, over time  
10          is that the Public Advocate has the ability to  
11          the demand documents from City agencies.

12          Let's go to the Borough Presidents. Again,  
13          the -- two minutes?

14          Eliminate -- the New York Post in an  
15          editorial on March 21, 2010 titled "Ideal Beeps"  
16          is a slight to Borough Presidents and to dogs  
17          with having nothing to do and essentially cause  
18          harm to the Charter Commission and, particularly  
19          the Chairman, to ax the beeps.

20          Now, the office does have the trappings of  
21          power. Lofty title. Now, with a  
22          hundred-and-sixty-thousand a year salary, a  
23          driver and sometimes a palatial office but  
24          without much real authority, I would argue, would  
25          the nature of New York City politics and policy

1 change if the Borough Presidency was eliminated?

2 Next option. Retain it as is. Same as the  
3 Public Advocate. It works. If it ain't broke  
4 don't fix it. It ain't worth the agita proposing  
5 elimination.

6 Enhance, again, independent budgeting. There  
7 are a variety of formulae that could be  
8 constructed to allow this independent budgeting,  
9 and I've got some suggestions. But I won't go  
10 into it here. All five Borough Presidents  
11 support that independent funding.

12 Another element of enhancing the Borough  
13 President's power, again, that again all five  
14 current Borough President's support is require  
15 the Borough President appearance to City agencies  
16 to report to monthly interagency meetings led by  
17 the Borough President.

18 And finally, and without going into any  
19 detail, greater input and influence in the ULURP  
20 process.

21 Finally, let's just turn to the appointive  
22 process. There are many Boards and Commissions in  
23 New York City where the Mayor has exclusive  
24 appointive power. For example, the Conflicts of  
25 Interest Board, five members, they are all

1           selected by the Mayor.

2           There are two ways one could change this.  
3           One is to retain the majority appointment power  
4           of the Mayor by giving the Mayor three, for  
5           example, the Comptroller one, and the Public  
6           Advocate one.

7           Another possible change is having the Mayor  
8           have a minority of appointment; two for the  
9           Mayor, one for the Comptroller, one for the  
10          Public Advocate, and let's say one for the  
11          Speaker of the Council.

12          As I said, there are almost an infinite  
13          number of combinations and permutations for doing  
14          this.

15          Two of the Boards that I've looked at which  
16          could be restructured to allow both the Public  
17          Advocate and the Borough President an appointive  
18          power are the Board of Standards and Appeals and  
19          the Landmarks Preservation Commission.

20          And then finally, in conclusion overall,  
21          there seems to be -- at least to me -- a wide  
22          agreement on the retention and marginal  
23          enhancement on the powers and responsibilities of  
24          the Borough Presidents that I at least  
25          preliminarily addressed.

1           There also seems to be an emerging belief,  
2           though more tenuous and more contested for  
3           retention, and again, marginal enhancement of the  
4           purviews and powers of the Public Advocate  
5           discussed here. These increased powers, though,  
6           however, would leave the Mayor very strong and  
7           still very much the dominant player in New York  
8           City politics in government. Thank you.

9           CHAIRMAN GOLDSTEIN: Thank you very much,  
10          Dr. Muzzio.

11          We will return to all of you as soon as all  
12          of our speakers have had a chance to give their  
13          opinion.

14          Brad Hoylman.

15          MR. HOYLMAN: Yes, thank, you Mr. Chancellor,  
16          and the members of the Commission for this  
17          opportunity to participate in this important  
18          discussion about government structure.

19          As it is mentioned in my biography, I guess  
20          I'm the resident expert on Community Boards,  
21          which I hope isn't damning me with faint praise.  
22          But as such though, I'm here to discuss what I  
23          think is an incredible institution and two  
24          discrete problems that I think could be addressed  
25          in the City Charter that are based on

1            recommendations recently put forward by the  
2            Manhattan Borough President Scott Stringer.

3                    The first, and I'll discuss them later,  
4            concerns the inability of Community Boards to  
5            adequately fulfill that Charter-mandated  
6            responsibility to review land-use proposals,  
7            which is their main function. And that the second  
8            issue is the vague standard currently in the City  
9            Charter on how Community Board members are to be  
10          appointed in the first place. Both of these  
11          factors I think have a tremendous impact on the  
12          quality of community-based planning as is  
13          required in our City Charter.

14                  Now, a quick refresher on Community Boards.  
15          Currently, we have 59 Community Boards in New  
16          York City. Each Board consists of up to 50  
17          unsalaried members appointed by the Borough  
18          Presidents with half nominated by the City  
19          Council members who represent that District.

20                  They each have budgets of about \$200,000  
21          with an average of three staff members, including  
22          a District Manager who serves more or less as the  
23          Chief Operating Officer of the Board.

24                  I don't know how many of you have been to a  
25          Community Board meeting recently, but it really

1 is the closest thing we have in New York City to  
2 a town hall meeting.

3 In the City Charter Community Boards are  
4 charged with three basic roles: Improving the  
5 delivery of city services to an area. Number  
6 two, planning and reviewing land-use in the  
7 community. And number three, making local  
8 recommendations on the City's budget.

9 In reality, the Community Board's role in  
10 overseeing city services has diminished somewhat  
11 in recent years with the creation of the  
12 incredibly successful 311 Customer Service  
13 Center, which I think last month received its one  
14 hundred millionth call.

15 In addition to that fact, elected officials  
16 are now performing direct constituent services in  
17 a bigger way than ever, taking even more  
18 responsibility away from Community Boards in this  
19 area. This leaves the work of Community Boards  
20 focused primarily on planning and land-use.

21 The Charter specifically provides that  
22 Community Boards review, analyze and make  
23 recommendations on land-use applications that  
24 must undergo public input and approval through  
25 the Uniform Land-Use Review Procedure.

1           Now, we New Yorkers know how important  
2           land-use is to us as a community. It not only  
3           changes the skyline but it also has an impact on  
4           local economic development and quality of life.  
5           The City's land-use process is strongly  
6           centralized, as I think you know, in the Mayor  
7           and the City planning Commission. So I believe  
8           this makes the role of Community Boards of  
9           crucial importance in voicing neighborhood needs  
10          on land-use proposals.

11          Although Community Boards are only advisory,  
12          they have a significant impact on local land-use  
13          decisions. Some recent examples include the  
14          rezoning of West 97th to 110th Street, where  
15          Community Board 7 in Manhattan ushered through to  
16          completion in 2007, after two years of work with  
17          City Planning, a new proposal. And in my own  
18          Community Board we have been working with the  
19          City Planning over the last several years to  
20          rezone parts of the far West village, the last  
21          portion of which was certified just this week.

22          This brings us to the first issue I wish to  
23          discuss. While Community Boards are charged by  
24          the City Charter with reviewing land-use and  
25          planning decisions, they generally don't have the

1 in-house expertise to adequately review and  
2 analyze land-use matters.

3 Now, I know that Eric said in 1989 there was  
4 an attempt to address that issue but I think we  
5 need to take a step further. It's my belief that  
6 this Commission should recommend that the Charter  
7 mandate each Community Board to appoint its own  
8 full-time Urban Planner, and this is important,  
9 include the necessary budget and appropriations  
10 to fund this position.

11 We've also seen what this might accomplish.  
12 In 2006, Manhattan Borough President Stringer  
13 created a Community Planning Fellowship Program  
14 which places graduate students from local urban  
15 planning schools in each Manhattan Community  
16 Board office. And this year in fact included two  
17 Brooklyn Community Boards. The Planning students  
18 have helped the Boards better understand local  
19 planning issues and navigate decisions about  
20 development more effectively. Fellows have  
21 conducted work ranging from assessing affordable  
22 housing conditions to creating tools to evaluate  
23 green building projects.

24 In my own Board, for example, our fellows  
25 conducted an analysis for a potential rezoning of

1 the Hudson Square neighborhood. They examined  
2 areas for new open space and studied  
3 accessibility issues on City sidewalks.

4 This is the kind of planning expertise that  
5 I believe the Charter envisions for Community  
6 Boards but doesn't go far enough in making it  
7 possible.

8 The second issue I want to discuss is how  
9 Community Board members are appointed in the  
10 first place.

11 In order to be eligible for appointment the  
12 City requires that Board members have  
13 "residences, business, professional or other  
14 significant interests in the District." In  
15 addition, the Charter says that the Borough  
16 President appoint adequate representation from  
17 "different geographic sections in neighborhoods."

18 These seem to me to be extremely minimal  
19 requirements especially for public officers,  
20 which Community Board members are, and in my  
21 opinion don't go far enough to ensure that the  
22 most qualified and representative people serve on  
23 Community Boards.

24 I was part of a team led by Manhattan  
25 Borough President Stringer that examined this

1 issue of Community Board membership in 2006. At  
2 that time, we found that the Boards in Manhattan  
3 were significantly lacking representation of  
4 women and minorities, had vacancies of up to 20  
5 percent, and frankly were rife with undisclosed  
6 conflicts of interest.

7 To address the problem, the Borough  
8 President completely reformed the appointment  
9 process for the Boards. He required a  
10 standardized written application and an interview  
11 process. The use of an independent screening  
12 panel to review candidates, which was comprised  
13 of civic and community groups. He set timelines  
14 for filling vacancies and instituted a fixed term  
15 of office. He engaged in outreach to community  
16 organizations and began an ongoing Training  
17 Program for Board members in areas such as  
18 conflicts of interests and the City budget.

19 I can tell you from personal experience that  
20 these reforms have made a dramatic difference in  
21 the quality and representation on our Community  
22 Boards. The diversity of applicants is  
23 appreciably higher. Neighborhoods like Chinatown  
24 have a bigger voice. Incidentally, it directly  
25 led to the creation of a Chinatown Task Force a

1 year ago to examine zoning and quality of life  
2 issues in that neighborhood, the first of its  
3 kind. Also, with the fixed terms, Board members  
4 cannot be removed for cause, which has ended a  
5 practice, in my opinion, of Board members being  
6 summarily removed because they'd fallen out of  
7 political favor.

8 Now, while it might not be practical to  
9 institute all of the Manhattan Borough  
10 President's reforms, a good starting point would  
11 be to create some uniform standards for the  
12 Community Board appointment process.

13 The Charter should require Borough  
14 Presidents to administer a standard open  
15 application process for Community Board  
16 appointments, which would increase transparency  
17 and accountability. Written applications and  
18 interviews should be mandated by the Charter.  
19 Borough Presidents themselves should be required  
20 to conduct public outreach for the application  
21 process in non-English languages, and we should  
22 ask them to issue annual reports on the  
23 effectiveness of these efforts particularly in  
24 minority communities. Fixed terms of office, no  
25 removal without cause, and mandatory deadlines

1 for appointments would help ensure that the  
2 appointments are promptly made and insulated from  
3 the whims of local politicians.

4 As our City continues to grow, community  
5 participation in the planning process will become  
6 more complex than ever. Creating a merit-based  
7 and transparent appointment process for Community  
8 Boards and providing them with the needed  
9 resources to carry out the planned function will  
10 make the planning process more rational and  
11 efficient and ensure that Community Boards are  
12 able to fulfill this Charter-mandated planning  
13 role. Thank you very much.

14 CHAIRMAN GOLDSTEIN: Thank you Mr. Hoylman.  
15 We'll turn now to Marc Shaw.

16 MR. SHAW: First of all I'd like to thank the  
17 Commission members for their service. The topic  
18 tonight is the important role of New Yorkers  
19 debating government structure of the City of New  
20 York.

21 I'd like to thank the Chairman and the  
22 staff, mostly the Chairman, and note for the  
23 record that I work for the Chairman in my day job  
24 but tonight I'll be speaking as Marc Shaw, not in  
25 my role as Vice Chairman of the City University

1 of New York.

2 As Eric Lane pointed out, the current  
3 Charter already is as a result of the effects of  
4 the '89 Charter Commission. For the most part a  
5 successful rewrite of the Charter of the City, as  
6 we all know, due in large part to the ruling of  
7 the Supreme Court regarding the elimination of  
8 the Board of Estimate. The focus of the rewrite  
9 centered on (inaudible) powers of the Board of  
10 Estimate, primarily land-use and budget. I plan  
11 to focus my remarks here tonight on the budget.

12 My experience in both the City and State  
13 budget, (inaudible) local legislative  
14 Counsel (inaudible) as well as the executive  
15 side. (Inaudible) city and state government  
16 gives me a fairly large perspective on the budget  
17 process of the City of New York and I think, I  
18 think it's worth focussing on simply because I  
19 think it's one of the most important parts of the  
20 Charter.

21 For the record, the budget of the State of  
22 New York pursuant to this Charter works pretty  
23 well. All you need to do is look at a hundred and  
24 fifty miles north to see a budget process that  
25 doesn't work. You know, the budget process here

1 in New York, it's the result of decades of a  
2 tradition of on-time budgets balanced on a gap  
3 basis pursuant to the voting (inaudible) four-  
4 year plan (inaudible) and how to deal with them.  
5 And that's a result of two issues.

6 One is the City's response to the '75 fiscal  
7 crisis where the City created, with the help of,  
8 obviously, the powers of the State of New York at  
9 the time. Creation of the MAC and Financial  
10 Control Board set in place three- and four-year  
11 financial plans, (inaudible) plans, and most of  
12 the reforms that have since been incorporated  
13 into the Charter.

14 The second is the budget process that was  
15 laid out in the '89 Charter, again as a result of  
16 elimination of the Board of Estimate, which the  
17 City Council shared its budgetary powers with.

18 There are two areas in the budget that are  
19 actually related, in my opinion, for further  
20 study and discussion. One is the Mayor's revenue  
21 estimate, which the Speaker actually mentioned a  
22 little earlier, and the second recommended issue  
23 is the budgetary powers of the Council with  
24 regard to revenue modifications that reflect the  
25 revenues.

1 I don't need to dwell tonight on the details  
2 but I recommend further staff reviewing  
3 Commission Member discussion on important topics.  
4 It's basically two of the issues in the budget  
5 process where there has been the use of the  
6 powers. I've personally done some of the use. I  
7 have a little experience in that.

8 CHAIRMAN GOLDSTEIN: Could I ask you also to  
9 talk a little closer to the mike? We're having a  
10 little difficulty.

11 MR. SHAW: Overall, the system that exists in  
12 New York, it's a very strong mayoral form of  
13 government, and the only way that you can have a  
14 true balance in a strong mayoral form of  
15 government is to have a strong City Council. I  
16 think that that's the most important thing that  
17 needs to be focused on as you debate the other  
18 issues.

19 With respect to the roles of the Borough  
20 President with regard to the roles of the  
21 Comptroller, the Public Advocate, the Community  
22 Boards is to remember that any additional powers  
23 that all of those other entities have, if they're  
24 taking those powers away from the Council they're  
25 making it harder for the Council to do its job

1 effectively.

2 With regard to being the counterpart of this  
3 strong mayoral form of government that we've all  
4 been hearing in New York, and I think that as you  
5 go through and debate those issues, and they are  
6 obviously important issues, but I think it's  
7 important to keep in mind to be sensitive to how  
8 any of those changes would limit the powers of  
9 the City Council.

10 You know, one of the simplest examples of it  
11 is the discussion that's been going on both  
12 in (inaudible) at this Commission but also in the  
13 City of New York about, you know, should some of  
14 these smaller offices have mandated in the City  
15 Charter an amount of money in their budgets every  
16 year?

17 The whole purpose of the budget process in  
18 any legislative body is to make an annual  
19 determination of the allocation of resources.  
20 And the best way that works in a Democratic  
21 process is that the people who make that, the  
22 Mayor proposes it and the Council has its  
23 hearings on it and makes decisions with what to  
24 do with the annual allocation of the City's  
25 resources. It's best those be made in an open

1 public forum in the City that cannot be subject  
2 to, you know, detailed, detailed Charter-mandated  
3 rules that -- people often forget the Charter of  
4 the City of New York, it's the Constitution of  
5 the City of New York and it shouldn't  
6 be (inaudible) because it needs to be (inaudible)  
7 things will boggle your mind.

8 One of the things I did in preparing for  
9 this discussion tonight was to reread the  
10 Charter, you know, something I actually haven't  
11 done since 1989.

12 You know, most of it's still there, Eric.

13 But what I found fascinating about some of  
14 the level of detail that's in it that really  
15 needs to be cleaned up as you go through. For  
16 example, the Budget Director of the City of New  
17 York was required on an annual basis to provide  
18 on a three-and-a-half-inch floppy disk a copy of  
19 the budget to the City Council. I don't think  
20 people coming out of college today know what a  
21 floppy disk is. You know, those are the kinds of  
22 examples of things that are in the current  
23 Charter that as you read through it you should  
24 look to edit it to be a more simple process so  
25 that it's very clear that the budgetary decisions

1           that get made are done between, again, the Mayor  
2           and the legislative body of the City of New York,  
3           which is the City Council.

4                   CHAIRMAN GOLDSTEIN: Thank you very much,  
5           Marc Shaw.

6                   Thank you all for a very spirited  
7           introduction to this important topic tonight.

8                   I'd now like to give an opportunity to  
9           members of the Commission to opine on some of the  
10          things that you said and to query some of you.

11                   So let's start with Carlo? Do you want to  
12          start? Carlo Scissura.

13                   COMMISSIONER SCISSURA: Thank you very much.

14                   I think I'm going to direct my questions to  
15          Mr. Muzzio and Mr. Lane. Obviously, I work for a  
16          Borough President, I serve as Chief of Staff, so  
17          I think I think of everyday, Mr. Lane, some of  
18          the -- what I would hate to say were errors of  
19          the '89 Commission with regards to Borough  
20          Presidents. But maybe they were an attempt to do  
21          things that maybe on the paper looked good but in  
22          reality do not work.

23                   So I guess my first question to you is was  
24          the intent of the '89 Commission to severely  
25          limit the role of the Borough President? And I

1 think Mr. Muzzio talked about the Post editorial,  
2 but there have been many editorials calling them  
3 "cheerleaders" and all of this. But was that  
4 really the intent, or was it to almost strengthen  
5 their role of or maybe it wasn't written out as  
6 properly as possible?

7 MR. LANE: I would say to you that the goal  
8 of the '89 Charter was in the context of the, you  
9 know, end of the Board of Estimate, the goal was  
10 to strengthen the Borough President. The problem  
11 was, that we faced was, that we could no longer  
12 have -- let the Borough Presidents play the  
13 legislative role that they did with respect to  
14 the Board of Estimate being the final reviewer of  
15 all of this. And we also -- we did not favor  
16 keeping the Board of Estimate -- whether at the  
17 time it was legal or not legal -- by the end of  
18 our hearings. So our goal was to try to  
19 strengthen the Borough voice.

20 I think Doug or Jerry read that provision,  
21 some parts of what we wrote, and we did want to  
22 strengthen it. The difficulty always is how do  
23 you do it? And looking at it 20 years later is a  
24 good idea. I would say, you know -- and some of  
25 the things we did were just trying to strengthen

1           it. So, for example, complaints that the Borough  
2           President appoints all the City -- all the  
3           members of the Community Boards. It used to be  
4           the Council members would appoint half and then  
5           we gave that strength to the Borough President,  
6           power of the Borough President. We were actually  
7           trying to strengthen the office, but it's been a  
8           difficult -- you know, 197(a) plan, all these  
9           things, I don't want to bore you with the  
10          details. So I would answer your question, sir,  
11          is within the context of the no longer having the  
12          Board of Estimate, our goal is to strengthen the  
13          Borough President.

14                    COMMISSIONER SCISSURA: Thank you.

15                  You know, it's interesting you mentioned the  
16          Community Boards, because in Brooklyn we still  
17          work with the Council. So in every Community  
18          Board the Borough President appoints 25 to the  
19          Council based on population, et cetera, et  
20          cetera.

21                  I want to talk about something -- really two  
22          topics I guess. First of all was the independent  
23          budget of the Borough Presidents. One of the  
24          biggest problems facing these offices -- I think  
25          anyone who really understand the offices today --

1 is that we are -- what the Borough Presidents are  
2 basically the same as any non-profit group. Our  
3 budget will get cut by the Mayor and that has to  
4 be restored by the Council.

5 Most Boroughs -- I think all of them -- are  
6 fortunate to have a great working relationship  
7 with their delegation. But if for some reason  
8 they did not have a good relationship working  
9 with the delegation, or if they did not have a  
10 good relationship with the Speaker, the  
11 modification would not be -- and it would not  
12 occur, and the restoration would not occur, which  
13 really ties the hands of an independently elected  
14 official who, by the way, in nine out of ten  
15 cases has gotten more votes, has gotten more  
16 support Borough-wide, than either the Speaker or  
17 an individual Council person.

18 And the second thing that I'd like you to  
19 comment on is the zoning. Now, I think the fact  
20 that the ULURP says that it's an advisory opinion  
21 severely limits what the role of the Borough  
22 Presidents is. And I think, Mr. Lane, you had  
23 mentioned that you wanted to take away the veto  
24 power of the Borough President in the Citywide  
25 land-use action. Some of them, although what

1 we've done instead is we've given veto power to  
2 an individual Council Member on a land-use action  
3 as opposed to the Borough President who sometimes  
4 may see an issue on a grander scale as opposed to  
5 local.

6 MR. LANE: Could I make one response? I think  
7 to the extent if the Council is exercising  
8 individual veto power over land-use decision  
9 making, I think that needs to be looked at very  
10 carefully. I have heard very mixed things about  
11 that. I think that is very, very bad business  
12 for the institution to be doing that. So in  
13 other words, one member says, "It's in my  
14 District I veto it" everybody else agrees because  
15 they want to have the power to veto it some other  
16 time. So that kind of logrolling, if that's  
17 happening, I think that should be really looked  
18 at. It's intellectually corrupt, it's politically  
19 corrupt, and it leads to the potential for  
20 corruption, real corruption. So I think  
21 that's something -- I'm not saying it's  
22 happening, I don't know -- I think that should be  
23 looked at very seriously.

24 As for the other aspect of what you're  
25 saying about the Borough President and the

1           guaranteed budget, I normally agree with Marc  
2           Shaw on this part about the legislative process  
3           to determine the budget. But the experience with  
4           the IBO and the attempt by the Mayor and  
5           everybody else not to -- there were a number of  
6           litigations just to get the IBO up and running,  
7           because the Council and the Mayor refused to do  
8           it. Nobody wanted the IBO because it was power  
9           competitive. And so I see an argument for  
10          guaranteeing a budget. I don't think it should be  
11          fixed terms. There has to be some percentage, so  
12          you take the ups and downs with the high of the  
13          good budget and a bad budget here. But I  
14          actually slightly favor trying to find some way  
15          to guarantee budget monies for these offices. I  
16          mean, the City Coun -- the Public Advocate really  
17          is out of business. I know you don't think so. De  
18          Blasio has actually had some nice ideas and  
19          stuff. But you can't go from a budget of \$3  
20          million at the time, roughly, and that was in  
21          those dollar terms at the time we did this in  
22          1989, to a budget that's half in real dollars  
23          right now. I mean, it's just -- it makes no  
24          sense out of the office. And so I think,  
25          everybody, if you're going to look at this

1 responsibly you have to say, "Well, I mean, do we  
2 need a budget -- does an office that's getting so  
3 little money make a difference? Or if we're  
4 going to make the office really work should we  
5 look at the issue of the budget?" I think that's  
6 true for the Borough Presidents, because there's  
7 no discipline on this part, there's no political  
8 clout, for example, on the Public Advocate.

9 CHAIRMAN GOLDSTEIN: Did you want to respond  
10 to the Commissioner?

11 MR. MUZZIO: My only comment again is this is  
12 basically directed toward Marc and the guaranteed  
13 budget. Again, by formula take it to another  
14 body. Usually I would presume that probably the  
15 best body to do it with is the Council. So you  
16 would have, for example, a certain percentage of  
17 the City Council's budget would be earmarked, and  
18 certain percentage earmarked for the Public  
19 Advocate, and a certain percentage earmarked for  
20 the Borough Presidents, and then perhaps by  
21 formula to distribute it among them. There are  
22 also proposals out there to give independent  
23 budgets to other Boards and Commissions such as  
24 the Conflicts of Interest Board, the CCRB, et  
25 cetera.

1           My feeling is that independently elected  
2 officials should be insulated from the  
3 punishments of the Executive and the Legislature.

4           I agree generally with Marc's notion that  
5 the budget making institutions should have the  
6 power to make budgets. However, this has been  
7 used as a weapon, and it has been used against  
8 independently elected officials, and I find that  
9 problematic.

10           MR. BENJAMIN: Mr. Chairman, may I comment  
11 briefly on this?

12           CHAIRMAN GOLDSTEIN: Please.

13           MR. BENJAMIN: The Commission, should -- I  
14 don't know how much time the Commission has for  
15 its work, but it's obviously (inaudible). The  
16 fundamental principle in this City is that  
17 there's no real local government, and this  
18 discussion is about how to incrementally adjust  
19 institutions that may not be optimum for local  
20 governance in the City.

21           There's a larger contentional question. If  
22 you had the two hours to go to the New York  
23 Public Library and read Seth Low's drafts of the  
24 first Charter, you'll find that ten Boroughs were  
25 proposed by Seth Low. Not five but ten.

1           There's no reason why the unit has to be  
2           converging with the State/County. There are lots  
3           of alternatives. And what we're talking about is  
4           struggling for local government in a city that is  
5           equal to or greater in its budget than half the  
6           states in the United States that is more  
7           consequential as a government than all of the  
8           three governments in the United States. And  
9           trapping the discourse in whether a Borough  
10          President should have a guaranteed budget is not  
11          a productive way, in my opinion, to consider the  
12          range of alternatives.

13           There's a very large question in this, but  
14          the immediacy, the demands upon the Commission,  
15          drive the discussion to the margins rather than  
16          to the core.

17           CHAIRMAN GOLDSTEIN: Thank you.

18           Let me recognize Commissioner Banks.

19           COMMISSIONER BANKS: Hello, everyone. I want  
20          to address this question to both Eric and Marc.

21           There's been a lot of discussion about the  
22          ability to set revenue. I know the Commission of  
23          '89 spent a lot of time, we spoke about that this  
24          evening and Marc (inaudible) from my four years  
25          of the City Council when I was in the Finance

1 Division working for you. But my point is this.  
2 Doesn't the Council actually have a lot more  
3 power in the budget than many people talk about,  
4 but the reason they do not exercise it because  
5 the political liability that might accrue from  
6 the exercise of that budget?

7 So the Mayor proposes revenues and the  
8 Council has hearings and looks at it and makes  
9 recommendations and then the Mayor can change the  
10 revenues by changing the revenue estimate  
11 submitted to the Council but the Council has a  
12 counter to that. And when I was there we used  
13 that counter.

14 And so this discussion about revenues and  
15 who sets the revenues is somewhat disingenuous  
16 because the Council, if they had the political  
17 will, could in fact override the Mayor's revenue  
18 estimate.

19 Could both you guys speak about that for a  
20 second?

21 MR. LANE: Well, I don't think no matter what  
22 that we would do for a political decision making  
23 process for revenue estimates as we have in the  
24 state, where everybody has their own motto, and  
25 so it would have to either be the Mayor, or it

1 would have to be the Comptroller, or some  
2 combination. But there has to be a final  
3 revenue.

4 We have a balanced budget requirement, which  
5 we don't have on a State level, so you need to  
6 have the final revenue.

7 I want to address your other question not as  
8 Jerry would say "in the margins of it" but in the  
9 heart of it. So yes, I believe the Council has  
10 more power than they have ever exercised. They  
11 don't exercise -- they can put conditions on  
12 expenditures. The Council tends to not exer --  
13 and the staff has asked them to many times, and  
14 I'm sure Marc is part of that, so -- but I think  
15 that the idea of looking at these issues,  
16 particularly the empowerment issue, you might end  
17 up saying, "Well, they have enough power already  
18 they don't exercise." But I don't think that the  
19 fact is you shouldn't still look at those  
20 questions to see whether that power's fairly  
21 distributed or properly distributed or not.

22 MR. SHAW: You know, overall, I think it's  
23 appropriate at the end of the day that the  
24 Mayor's the one that sets the revenue estimate.  
25 Not only is he responsible along with the Council

1           for adopting the budget, but during the course of  
2           the year he is primarily the responsible party  
3           with regard to the execution of the budget and  
4           keeping it going. And most of that work is done  
5           by professionals within OMB, the City. And they  
6           take their job very seriously.

7           One of the reasons why we have decades of  
8           balanced budgets in this City is because they do  
9           take their job seriously, and for the most part  
10          don't politicize the process of setting the  
11          revenues.

12          The structure of the current Charter of how  
13          the revenues get set, though, does leave it open  
14          for abuse. I think that that's the level which it  
15          should be looked at, is to find a way to prevent  
16          that happening but not to take the power away  
17          from the Mayor.

18          I also think it's appropriate for the  
19          Comptroller to have that power. He has a  
20          different view of things, for my opinion, which  
21          is to look at them and be a separate auditor of  
22          what's going on in the City. And he's not a main  
23          player being responsible for either adopting a  
24          budget or the annual execution of the budget.

25          So I actually think it does belong with the

1 Mayor. You know, we do, we do have this strong  
2 form of mayoral government in New York City.

3 I'll just repeat, though, once again, it's  
4 the reason why I think there needs to be a very  
5 strong Council. And I think that that's the  
6 reason that you should be thinking about that as  
7 you look through what are the other powers of the  
8 other local officials, because point in fact, the  
9 Board of Estimate was a unique structure,  
10 obviously, in New York. The Supreme Court blew  
11 it away, you know, for the obvious issue, one man  
12 one vote. What it was, was, it was related to  
13 the fact that people thought in a city of this  
14 size you needed to have some Borough  
15 representation and then created this quasi  
16 legislative executive thing called the Board of  
17 Estimate. It happened to have been  
18 unconstitutional under our Federal Rules, so it  
19 disappeared.

20 I think the debate should be about what do  
21 you do about it? I think that is the debate that  
22 took place in '89, and the basis of the decision  
23 was to make the Council the legislative body and  
24 give the role of the Borough President to be that  
25 group of people in that large city, that that a

1 Mayor in charge of millions of people and say,  
2 you know, "People, can we do something in  
3 between?"

4 But the purpose from the Charter perspective  
5 in '89 was to say their powers are going to be  
6 basically executive. You know, they get to  
7 propose 5 percent of the budget, and it's a  
8 proposed budget. So again it was a decision to  
9 say the Borough President should be sort of  
10 little executives as part of an overall system of  
11 government we have on the executive side. And  
12 that was an obvious choice instead of making them  
13 part of a different kind of legislative body.

14 And I think that that's what you should keep  
15 in mind when you figure out what the proper role  
16 of the Borough Presidents are. And in that  
17 perspective I don't see why they need to have a  
18 specific amount in that budget.

19 You know, once again, I think the budget  
20 allocation process is the most important thing  
21 that happens in the City every year. It's how  
22 you decide what you're going to spend your  
23 resources on. And it's done in New York --  
24 obviously there's an incredibly public  
25 environment, there's monitors galore that

1 watch what happens. The press most of the  
2 time does that job -- although not always -- to  
3 keep people focused on what's happening in the  
4 budget process. And that's the place where the  
5 Borough Presidents have to make their argument  
6 that they deserve money in that budget to do X, Y  
7 or Z. And it should be debated and deliberated  
8 by the legislative body, which is the City  
9 Council.

10 CHAIRMAN GOLDSTEIN: Let me acknowledge  
11 Commissioner Fiala.

12 COMMISSIONER FIALA: Thank you, Mr. Chairman.  
13 Let me just first thank our staff for  
14 impanelling a group of experts I know not only  
15 help inform us but really those who are watching,  
16 hopefully, on the Web cast. I did have questions  
17 for you but since I think people on this stage  
18 probably have long ago stopped wanting to hear  
19 from me too much over a long period of time, the  
20 audience as well, I'm going to offer some  
21 observations. This way I'll try to give as many  
22 of those themes as possible and you get to offer  
23 yours.

24 When you use the word "context" -- and  
25 "context" is key -- in 1989 the voters of New

1 York City^ ,no, by a margin of 55 to 45, voted to  
2 adopt the existing Charter, which is largely  
3 intact, 99 percent still intact. I didn't vote  
4 for it. But nonetheless the majority did. We  
5 live with that.

6 We have now had 20 years of real life  
7 experience working with this local Constitution.  
8 This local Constitution, it's 3,021 sections long  
9 with thousands of sub notes to the First Deputy  
10 Mayor, Vice Chancellor, Executive Director,  
11 Commissioner, all-around experts. You're right,  
12 there's just so much in there that I think most  
13 officials forget about the public are unaware of.  
14 Yet the material in there constrains the  
15 effective and efficient function of government.

16 The example you cited is a serious one, so  
17 as we talk about Charter reform context is key.  
18 I have, like all of you, read the Charter. I've  
19 read it several times over. I think it's far too  
20 long. I think it has in it many items that belong  
21 in the Administrative Code as adopted by the City  
22 Legislature and the Mayor. Yet, it is a function  
23 of modern society to look to Charter Commissions  
24 to solve the immediate crisis of the day and to  
25 import to the Charter specific (inaudible) that

1 will provide a panacea and forever deal with the  
2 problem that they thought was a problem of the  
3 day.

4 Here's the problem I have. And to Professor  
5 Benjamin's point, I love what you said about  
6 first principles and fundamentals not getting  
7 pushed to the sidelines. But the reality is this  
8 country has pushed itself to the sidelines on  
9 issues of first principle and fundamentals some  
10 time ago. And we are now starting to see that  
11 debate manifest itself in all forms of  
12 government, which I think is healthy.

13 For the purposes of this Charter Commission  
14 we've got to deal with the existing document as  
15 it is, and as the Chairman indicated in our very  
16 first meeting, it is our goal to establish,  
17 hopefully, a Charter, a set of proposals that  
18 will yield, and the goals are important, the  
19 context is important, this Commission's effort is  
20 designed to come up with a series of proposals,  
21 or a proposal, that will yield a more responsive  
22 and efficient government.

23 I submit to all of you that my personal  
24 opinion is with respect to the fundamentals there  
25 are two components, correct me if I'm wrong, to

1 the City Charter. One is structural, and one is  
2 operational or process. Right? A structural  
3 example is there shall be a Mayor as its Chief  
4 Executive and a City Council as the legislative  
5 body. I think the structural/fundamental  
6 questions had been answered and are settled,  
7 largely settled. I don't think there is any  
8 impetus in this City to upend the concept of a  
9 Mayor/Council model.

10 So we move then to the issue of process for  
11 those other offices that provide, or should  
12 provide, meaningful representation.

13 We've traveled around this city and what  
14 we've heard from a number of constituents, and in  
15 particular here on Staten Island -- and,  
16 Mr. Chairman, thank you for bringing the  
17 government structure here to Staten Island -- and  
18 in the Bronx and in Queens and in Brooklyn that  
19 there is a disconnect, that we have a level of  
20 government that's represented by the City Council  
21 on the local level and the Mayor represents the  
22 broad interests of the citywide perspective. But  
23 what has gotten lost in our 20-year experiment is  
24 a meaningful -- and I used this word in our last  
25 hearing because it gets to the heart of it -- a

1 meaningful voice at the Borough level. And the  
2 '89 Charter Commission, and Professor Lane can  
3 speak to this if I misstate anything, I believe  
4 really intended that the Borough Presidents would  
5 have a meaningful role. They recognize that a  
6 Borough perspective was an important level of  
7 representation. I don't believe their tactic was  
8 to eviscerate that office. I believe they were  
9 well-intentioned, and on that procedural side,  
10 the process side, there were a number of sections  
11 that relate to Borough Presidential powers. It  
12 is those sections that we should examine.

13 So the fundamental question is if the issue,  
14 the structural issue of overall power is  
15 decided -- there shall be a Mayor, there shall be  
16 a City Council, there shall be a Borough  
17 President -- then what about the process? The  
18 operational aspects of it?

19 Twenty years' experience tells us, and  
20 countless testimony over those years tells us,  
21 that the City populace is largely unsatisfied  
22 with the outcomes with respect to the office of  
23 Borough President and Borough representation.

24 Now to Community Boards. This is random but  
25 I think you'll see it all comes together in the

1 end. I maintain that there's a hell of a lot in  
2 the existing Charter, which I said is far too  
3 long, but there's a hell of a lot in there that's  
4 not utilized. And that document that governs us,  
5 the one that I voted against, testified against,  
6 felt strongly was the wrong answer to the  
7 necessity to change, the context then was Morris  
8 v. Board of Estimate, no such precipitating event  
9 exists now. So I would submit to my fellow  
10 Staten Islanders and the public at large that  
11 this Charter Commission, with all due respect to  
12 the previous ones, has a harder assignment. We  
13 are not bound by a judicial decision to create a  
14 new government. What we're being asked to do is  
15 to make the existing structure more responsive,  
16 more efficient. That's a pretty tough assignment.

17 The question is are the mechanisms that were  
18 envisioned in the '89 Charter and that are in our  
19 language now that provide for those roles for  
20 Community Boards and the Borough Presidents  
21 sufficient to meet the task? And should we look  
22 at possibly revising those procedural aspects  
23 without upending the fundamental construct?

24 Here's my final thought and, Professor  
25 Muzzio, I think this is what you wrote in your

1 testimony, it's not all (inaudible). I prescribed  
2 over and over again the City is a municipal  
3 corporation. You've all alluded to that. We're  
4 not sovereign. Our power is given to us by grant  
5 of the State. We adopt a Charter and essentially  
6 they put us in a box. All the power that exists  
7 has to fit within that box. We cannot as a  
8 Charter Commission add additional powers. All we  
9 can do is shift around.

10 So as many of you have alluded to, when you  
11 give to one, you take out of the hide of another.  
12 What I'm trying to find is a way to provide for a  
13 meaningful binding voice -- for example, for  
14 Borough Presidents -- that that does not  
15 necessarily change the existing construct.

16 One example, Borough Presidents. Borough  
17 Presidents are part of the ULURP process by  
18 design. Yet, there voice is not binding.  
19 Therefore, it is not a meaningful impact.

20 What if during the process of ULURP, when  
21 the application got to the Borough President, if  
22 a Borough President said No, it gets bumped back  
23 to City Planning and requires a super majority?  
24 Understand, this is not some dopey thing. This  
25 is a well-thought out proposal. Right now the

1 Mayor has the majority of appointing someone to  
2 the City Planning Commission, correct? Well,  
3 now, if we require a two-thirds majority, we've  
4 now given the Borough President a meaningful  
5 voice. Yet, the City Council still has the final  
6 land-use authority, doesn't he? Right? In the  
7 process. When it goes to the entire process, if  
8 the City Planning Commission didn't through a  
9 two-thirds majority pass it, couldn't we find a  
10 construct that would allow for that Borough  
11 President to have that meaningful voice yet not  
12 necessarily have to upend the City Council's  
13 power? That's what I'm looking for.

14 CHAIRMAN GOLDSTEIN: Yes, Doug.

15 MR. MUZZIO: If I may, in the document that I  
16 submitted to you, I talk about stated powers and  
17 that exercises and I think it goes directly to  
18 your point. Although the Borough Presidents have  
19 what appears to be an impressive array of powers  
20 that were found in the 1989 Charter, they are in  
21 fact limited and I think it gets directly to your  
22 point.

23 Two illustrations. First illustration is  
24 that although Borough Presidents are mandated to  
25 prepare by the Charter strategic policy

1 statements every four years to inform the Mayor  
2 and the Council about its policy maker, there are  
3 no accountability mechanisms to ensure serious  
4 discussion.

5 Second illustration. Borough Presidents are  
6 authorized to make budget recommendations to both  
7 the Mayor and the City Council but lack the  
8 procedural leverage to compel public discussion.  
9 There is nothing in the Charter that says "How do  
10 you implement that?" Not even, for example, to  
11 say that the City Council must have at a public  
12 hearing, have the five Borough Presidents discuss  
13 their budgetary proposals.

14 So the Charter apparently gives substantial  
15 power. But in fact, the actual operation of the  
16 power doesn't give the Borough President the  
17 ability to actually effectuate this power.

18 COMMISSIONER SCISSURA: Could I say one  
19 thing? I don't think they're powers. I don't  
20 think what the Charter lists are powers. I think  
21 what the Charter lists are some very, very  
22 exciting ideals that are not meant -- because,  
23 for example, it says the Borough Presidents have  
24 capital and expense budget powers, yet the  
25 Borough Presidents don't. Because the Borough

1           Presidents advisory ideas on expense budget  
2           proposals go nowhere, and the capital budget  
3           proposals unless OMB likes the project and  
4           approves of it, it gets thrown away. And that's,  
5           by the way, that's the reality of what we live  
6           in. That really is.

7           I just really have to say one thing to what  
8           Mr. Shaw said. I think I would like to hear an  
9           explanation as to why you think that a Borough  
10          President in public, as you said earlier, should  
11          state the case for why they deserve a budget but  
12          yet the Mayor and the Council should not, even  
13          though the Borough Presidents are elected at the  
14          same election with the Mayor and the Council, and  
15          generally with more votes in many instances, than  
16          a Mayor got in a Borough, and obviously with more  
17          votes than the Council.

18          Why does the Borough President have to state  
19          that case to have an operating budget but not the  
20          rest of the government? It really doesn't sound  
21          fair to me.

22          MR. SHAW: The rest of the government does.  
23          The Mayor's budget is a public budget that's put  
24          out there for everyone to see how the money gets  
25          spent.

1           Because the Council is the legislative body,  
2           it's treated just like any other legislative body  
3           across the country in that it gets to propose its  
4           own budget, because it is the counterpart to the  
5           Mayor, and so that it has to be separated from  
6           the Mayor in that regard. But every other part of  
7           the government is subject to the Mayor proposing  
8           the budget and the City Council debating and  
9           adopting the budget after deliberation in a  
10          public manner. There's no part of the budget  
11          that doesn't go through that process.

12           MR. BENJAMIN: Mr. Chairman, regarding the  
13          proposal on land-use. It describes what happens  
14          in upstate counties where towns propose or make  
15          land-use decisions, counties review them. If  
16          counties don't accept those decisions they return  
17          them to the towns and a supermajority is required  
18          to make a decision. So the paradigm I described  
19          is well-known and well-established in New York  
20          State.

21           Regarding the earlier remarks, I headed a  
22          Charter Commission. We wrote the Charter. It  
23          was adopted in Ulster County. It was the first  
24          charter that created an executive form of  
25          government passed in the last 25 years. We had --

1 not to take personal credit but I mean, we had  
2 the luxury of starting from scratch, and we  
3 defined the agenda listening to the various  
4 interests that had ideas and notions about how  
5 the government ought to be structured, how powers  
6 ought to be distributed and so on.

7 Without lecturing, it seems incumbent upon  
8 this body, or any body like that, to have at its  
9 agenda and not to have an aggregation of  
10 everybody else's agenda. And what troubles me  
11 about a short time frame in which to act is that  
12 that's hard to do, you know, so reacting to your  
13 notion about what the agenda should be.

14 COMMISSIONER FIALA: Let me offer this  
15 observation.

16 MR. MUZZIO: I can't hear you.

17 COMMISSIONER FIALA: Let me just offer this  
18 observation. In the history of modern day Charter  
19 Commissions there has never been, and including  
20 the (inaudible) Commissions where the Chancellor  
21 likes to (inaudible) where people weren't  
22 suggesting more time was needed. Indeed, the  
23 Staten Island Advance in 1989 wrote an editorial  
24 saying that this Charter Commission needs more  
25 time, yet you guys have been doing work for

1 years.

2 The time frame of the Charter Commission is  
3 beyond the authority of the Charter Commission.  
4 The expedited time frame, it is what it is. I  
5 hate that phrase, but that's what it is.

6 The question I'm trying to get to Professor  
7 Lane, I think you can help me out here, I'm not  
8 suggesting that we are at that point where the  
9 people are saying upend everything, create a new  
10 government. But we are at a point where people do  
11 expect a higher level of efficiency and  
12 responsiveness. So do you agree that we could  
13 look at the existing sections, for example,  
14 Community Boards and Borough Presidents, and say  
15 that maybe the Borough Service category doesn't  
16 work as intended; therefore, we could tweak the  
17 language and make it more effective? It's not a  
18 structural change as much as it is the process.  
19 So we could actually make some marginal  
20 improvements that it actually yields some good  
21 results.

22 MR. LANE: You're asking me if I agree that  
23 you could do that? Let me say this. And I thought  
24 for 20 years that the power of the Borough  
25 Presidents would be something that people would

1 look at after 20 years to see if they were  
2 needed, or to see if they should be empowered,  
3 and whether or not you can figure out some change  
4 that would allow for there to be a super -- some  
5 form of greater than 15-plus-one majority. I  
6 think it makes sense to look at it in the  
7 context. You used the word "context" in the  
8 context of what it means for development, in the  
9 context of what it might mean for zoning. I mean,  
10 of course, you should look at that.

11 COMMISSIONER FIALA: I knew that because I  
12 read everything you wrote.

13 MR. LANE: I know. If you read everything I  
14 wrote you should know you can't do everything in  
15 the next month. If you've read everything. I'll  
16 send you my newest.

17 CHAIRMAN GOLDSTEIN: I'm sure Commissioner  
18 Fiala hasn't read anything I've written.

19 MR. LANE: That's mathematics.

20 CHAIRMAN GOLDSTEIN: But let me move to  
21 Commissioner Patterson who wants to be  
22 recognized.

23 COMMISSIONER PATTERSON: I have a disparate  
24 bunch of questions, but given the enthusiasm of  
25 which members of this panel have been asking, I

1 can ask them all at once; I may not get another  
2 chance.

3 This is the first of what I hope is a very  
4 simple question, which is that several of you  
5 alluded, in fact, the one rationale for creating  
6 the office of Public Advocate was to define the  
7 Voting Rights Act. But I think that you,  
8 Professor Lane, indicated that might not perhaps  
9 be as compelling a reason now. I'd like you to  
10 speak to that, because I think that it is if the  
11 not a determinative issue regarding how you can  
12 figure out the role of the Public Advocate, it's  
13 certainly a preliminary. That's point number one.

14 Point number two is with respect to  
15 independent budgeting, because although I have  
16 listened to the discussions here, and we've  
17 certainly listened to a variety of public  
18 officials coming in with their wish lists,  
19 "Please tell me how much money I can spend and  
20 then I'll do a good job." The reality -- I mean,  
21 I'm unfortunately a "glass half empty" person.  
22 And if you tell people you have "X" thousands, or  
23 "X" million, or whatever it is you spend and do  
24 not define your responsibilities they will spend  
25 it. And they will come back and ask for more,

1 saying "I'll do even more if you give me more,"  
2 which makes me very cynical about giving  
3 independent budgets for exactly the reasons that  
4 functions vary from year to year.

5 There does have to be a negotiation process.  
6 And while the power of -- the mayoral power of  
7 the budget has from time to time been used as a  
8 cudgel over the heads of certain elected  
9 officials. I think we shouldn't be moved by the  
10 old adage "bad cases make bad law."

11 I think given the proposals that I've seen  
12 tonight regarding the formulation of an  
13 independent budget include what I would describe  
14 as proposed value judgments: Population, income  
15 levels, land area, any number of which I suspect  
16 the great Staten Island would be happy with and  
17 several of which I think my county would not be  
18 too happy with. So I'm somewhat of a cynic about  
19 that. But if there are those of you who have had  
20 experience with appointment of officials or  
21 elected officials who have responsibly managed  
22 independent budgets and done good as opposed to  
23 done well with them, I'd love your views on it.

24 I am certainly -- I'm much more sympathetic  
25 to Marc Shaw saying something does need to get

1 worked out and it's perhaps the way you do it.

2 It's instead to define the powers and the  
3 responsibilities more specifically in the Charter  
4 of the Borough President, of the Comptroller,  
5 perhaps of the Public Advocate as well, so that  
6 they have a basis for coming in and saying,  
7 "Look. I have to perform this function,  
8 therefore, here's the money I need to perform it"  
9 rather than this vague delineation of  
10 responsibilities that I see in the Charter now.

11 Then there's the macro questions, since we  
12 have these great constitutional thinkers here,  
13 we're not going to have you again. What we have  
14 seen, proposals from elected officials, proposals  
15 from citizens, is a wish list of how they would  
16 like us to fix things. Very, very detailed things  
17 in some ways. And it touches on Commissioner  
18 Fiala's issue.

19 I'm very sensitive to this because I went to  
20 college in California. I have friends who still  
21 live in California. I have friends who practice  
22 law or who work for people who are campaigning  
23 for public office in California right now. And  
24 the history of -- in fact, even term limits  
25 started with a citizen initiated and funded

1 proposed referendum, although it subsequently  
2 went a different way. So the macro issue I have  
3 is where do we stop? I mean, I agree, we're  
4 not -- we don't have to create a new form of  
5 government the way you were required to create in  
6 '89. There are things that could work better.  
7 There are things that could be fixed. But as the  
8 history on term limits indicated, most of those  
9 things can be fixed by legislative action by the  
10 very parties that are coming in asking us to fix  
11 it. And I wonder at what point do you think we  
12 should step back and say "All right we've defined  
13 the responsibilities of the relative elected  
14 officials which I think is part of our mandate.  
15 What does the Borough president do? What does  
16 the Public Advocate do?" And so on. But beyond  
17 that do we step back? Should we step back and  
18 say "We don't want this City government by  
19 referendum. We want City government by the  
20 people we elect"? We want the Borough President  
21 to come in with a really, really thoughtful  
22 reorganization of Community Boards. All we're  
23 going to do is come in with the framework that  
24 Borough President Stringer or Borough President  
25 Markowitz can then work with within his own

1 Borough, or any other Borough Presidents, to  
2 reflect the specific needs of those Boroughs.

3 And I would posit, for example, that not  
4 every Community Board needs a full-time Planner.  
5 Community Boards that have architects and  
6 engineers and lawyers on them, as yours does, as  
7 mine does, probably don't. They could benefit  
8 from some help from the, let's say, the Borough  
9 President's office. But there are other  
10 Community Boards that really do need more  
11 professional assistance, because the members of  
12 the Community Boards themselves do not have  
13 necessarily those talents and skills.

14 And at that point do we step back? Do we say  
15 that's something that has to be done by the  
16 elected officials and not by us? We are not  
17 elected. We are reminded of that by every member  
18 of the public who has come to testify here. So  
19 where do we step back? Where do we draw the line?

20 CHAIRMAN GOLDSTEIN: Anybody want to respond  
21 to that?

22 MR. LANE: Yeah, I would. You want me to  
23 answer that voting rights issue also? Do you want  
24 me to respond to your voting rights --

25 CHAIRMAN GOLDSTEIN: Eric we can't hear you.

1                   COMMISSIONER PATTERSON: As to my voting  
2                   rights issue because I hope that's the easy one.

3                   MR. LANE: No, the easy one is the second  
4                   one.

5                   COMMISSIONER PATTERSON: Okay.

6                   MR. LANE: You know, the State law gives you  
7                   the right and obligation to review the Charter  
8                   and make decisions based on however the processes  
9                   you take you think, you know, under the Voting  
10                  Rights Act you still have to have a public  
11                  process -- but you want to do that anyway -- and  
12                  you want to step back and you should step back.  
13                  Nobody can tell you where to step back. I might  
14                  agree with the balance of things where you  
15                  should. You know.

16                  COMMISSIONER PATTERSON: My concern is that  
17                  with the various proposals, we've had somebody  
18                  here at one point pointed out at an earlier  
19                  meeting there's a finite amount of power. And you  
20                  take -- you give it to one person, you take it  
21                  away from another person, someone's going to be  
22                  unhappy, and it will probably be an elected  
23                  official.

24                  MR. LANE: And that's why I've always argued  
25                  several times, and written about it, and written

1 in Cranes this week that if you're going to do  
2 the serious business you need a little more time  
3 before September. I don't think that's -- I'm not  
4 challenging, I'm not challenging your right to do  
5 that, your ability to do that, and if the Mayor  
6 wants you to. I know there's this -- whatever.  
7 I think the more you do, you have to be  
8 thoughtful about it, you have to decide, raise  
9 your hands, vote Yes or No. You're going to go  
10 forward, then you have to spend money and a  
11 referendum. You have an obligation to give  
12 people an opportunity to know what's in it and  
13 all that, so you should do it or not. You have to  
14 decide that. There's no magic for that. The  
15 Charters's never going to be simple. So -- or  
16 hard-hitting.

17 The voting rights question, very quickly,  
18 there -- in 19 -- there had never been a fully  
19 elected -- there had never been a citywide  
20 elected minority. In fact, there had never been  
21 even a Borough-wide elected minority who hadn't  
22 first been appointed. I mean, there had been a  
23 number of people, but they had always been first  
24 appointed. So the history of the City was not  
25 good with respect to minorities. We were doing

1           this before David Dinkins became the Mayor,  
2           obviously, and so we felt that giving the Mayor,  
3           you know, that if we needed this position when we  
4           went under Article Section 5 of the Voting Rights  
5           Act for preclearance, we figured we needed this  
6           position to make sure that there was  
7           opportunities for minorities in the District, the  
8           process, morally. In those days, the Justice  
9           Department, the Supreme Court, juris prudence was  
10          brought. The Justice Department was very vigorous  
11          about this, so I wouldn't -- I didn't want to  
12          take a chance morally, and we wouldn't have taken  
13          a chance. I don't know about the Supreme Court  
14          had some limiting. The history of New York is  
15          much better, but there is a new Justice  
16          Department there, that's more vigorous  
17          enforcement. I think you still have to pay  
18          attention to any decision that you would be doing  
19          away with an elected office.

20                 CHAIRMAN GOLDSTEIN: I want to get this to  
21          move on -- Mr. Hoylman?

22                 MR. HOYLMAN: Yes, I wanted to respond on  
23          the issue of Planners and Boards. I think the  
24          reason I feel so strongly about the need for this  
25          Commission to look at the idea of the Planner is

1           that I believe it's a situation that the '89  
2           Commission basically was created in the sense  
3           that it mandated these land-use responsibilities,  
4           and yes, while there are architects, lawyers and  
5           even Planners on some Boards, as you know it's  
6           not consistent across the City. And frankly,  
7           most of our Board members don't have -- they may  
8           have some of the expertise. They certainly don't  
9           have the time.

10           If you recall, Community Board membership is  
11           voluntary. So we really need guidance from a  
12           professional standpoint on managing these very  
13           complex land-use issues.

14           COMMISSIONER PATTERSON: Right. Isn't that a  
15           function that would be very effectively performed  
16           by a Borough President's staff?

17           MR. HOYLMAN: Well, I think the Borough  
18           President would also point out there's some  
19           vagueness as to who was actually ultimately in  
20           charge for the administration of Community  
21           Boards. Also in the Charter, which is another  
22           recommendation I didn't discuss tonight. So that  
23           in itself could be clarified.

24           CHAIRMAN GOLDSTEIN: Let me move on to  
25           Commissioner Freyre.

1                   COMMISSIONER FREYRE: Mr. Shaw, on the  
2                   question of guaranteeing budgets. I entirely  
3                   agree with you that giving the Mayor and the New  
4                   York City Council the power to allocate revenue  
5                   in a budget is not only important, it is what  
6                   they're there for. They're elected on platforms  
7                   where they're going to dedicate more or less  
8                   monies to education and to health care and so  
9                   forth. But are there not certain basic functions,  
10                  albeit very limited ones, such as the budget  
11                  carried on by the Independent Budget Office?  
12                  Such as the ethics by the Conflicts of Interest  
13                  Board? Certainly, basic functions of government  
14                  that need to be kept outside of that politics of  
15                  discussion of revenue? Things that should not be  
16                  part of, they should not be discretionary? They  
17                  should not be -- I want to dedicate more money or  
18                  less money to ethics and to an independent budget  
19                  office, but these are fundamentals of City  
20                  governance.

21                  MR. SHAW: The entire budget is fundamental  
22                  to the City government. You know, people complain  
23                  about over the years what money gets spent on  
24                  and, you know, then you have debates about it.  
25                  But the truth is priorities change. You know,

1 ethics is an issue this year and next year it all  
2 of a sudden becomes a hot issue. If it's not a  
3 hot issue from ten years from now should it still  
4 have the resources because of a lot of ethical  
5 violations in one year or in one decade? I mean,  
6 the budget, just like the City, evolves over time  
7 and you should be able to take a fresh look at  
8 it. And as long as it's being done in a public  
9 forum where there is public knowledge of what the  
10 choices are and there's public debate about it, I  
11 think that that is the proper role.

12 And I don't think -- you know, everybody,  
13 when you work in a budget division or you work in  
14 the City Council and it's budget time, everybody  
15 and their mother comes up and tells you they're  
16 the most important person and thing in the world.  
17 And from their perspective they are. But the  
18 elected officials in the City Council, as well as  
19 the Mayor of the City of New York, it is their  
20 job and responsibility to listen to those debates  
21 and then in a public way and say, "Here are our  
22 priorities and here's what we want to tax people  
23 in order to spend that kind of money." I don't  
24 think, I don't think there is anything other than  
25 the Council's budget itself that needs to be

1           singled out.

2           MR. BENJAMIN: The budget difficulties of  
3           these offices is a consequence of their  
4           functional ambiguity.

5           The Attorney General sets his budget through  
6           the Governor, sends it to the legislature of the  
7           State New York. Still him. His or her  
8           (inaudible). Comptroller, similar, and those  
9           budgets are considered. The Comptroller, the  
10          Attorney General would often prefer to have more  
11          resources. They're not eviscerated in the  
12          process because they're performing functions that  
13          are essential and there are political  
14          consequences to their -- to taking those actions  
15          in the Legislature and then with the Governor. So  
16          this is a circular argument.

17          If empowerment of these offices, if you so  
18          wish, and you have can find ways to do it in  
19          consequential ways, the allocation of resources  
20          will be justified and will be necessary and will  
21          happen. If you guarantee resources  
22          notwithstanding an absence of function, they will  
23          be wasted.

24          CHAIRMAN GOLDSTEIN: I know that Commissioner  
25          McShane is anxious and he hasn't had an

1 opportunity to ask questions.

2 COMMISSIONER McSHANE: Thank you very much.  
3 Let me start, thank you for providing a  
4 fascinating evening. It really has been  
5 terrific.

6 I want to pick on the concept which was just  
7 mentioned, "functional ambiguity" and in the  
8 context of the functional ambiguity, my question  
9 refers to the Director on the Committee --

10 MR. MUZZIO: Thank you.

11 COMMISSIONER McSHANE: -- and to Mr. --

12 MR. MUZZIO: Doug.

13 COMMISSIONER McSHANE: Doug, you say here in  
14 your document, which is a very helpful document,  
15 that it would probably be wisest to enhance the  
16 power of Public Advocate rather than abolish the  
17 office of Public Advocate. But there is a  
18 functional ambiguity. So I ask the question: Do  
19 you propose that the office be enhanced by  
20 sharper focus or narrowing the focus of power?

21 MR. MUZZIO: Better defining and giving  
22 substance to those powers. For example, I have  
23 indicated in the discussion of the Borough  
24 President, the Borough President has shorter  
25 powers than are -- you can't effectuate those

1 powers. So what you need to do is both define,  
2 sharpen, focus, and as Commission Patterson  
3 suggested, pay for those functions.

4 COMMISSIONER McSHANE: Right. But define  
5 them fairly precisely so we don't have functional  
6 ambiguity.

7 MR. MUZZIO: I agree, sir. When you say the  
8 Borough President has the power, if you will, to  
9 present discussions of capital and expense budget  
10 and don't provide a forum for this expression  
11 that's a problem. So you either take away the  
12 power or you give them the ability to effectuate  
13 it.

14 COMMISSIONER McSHANE: And then Mr. Shaw, if  
15 I could ask you, you said something that was very  
16 interesting to me. The Borough President really  
17 is an executive, should have some relation to the  
18 central administrative office of the Mayor.

19 MR. SHAW: Right.

20 COMMISSIONER McSHANE: Did I misread you, or  
21 are you in a certain sense saying the best way to  
22 enhance the power of the Borough Presidents is to  
23 recognize that they are derivative, their  
24 authority is derivative, and therefore, they  
25 should have a connection to formalize with

1 central administration, maybe even the Deputy  
2 Mayor as well as the Borough President?

3 MR. SHAW: I don't think it necessarily has  
4 to be formalized that way at all. I mean, that  
5 is a route that this Commission can debate and,  
6 you know, consider as a way to go, but that's not  
7 what I said. What I was simply saying is that I  
8 believe that in the choice between giving up  
9 powers of executive and Legislature, the Borough  
10 Presidents belong on the executive side. And, you  
11 know, it was a jarring experience for me, because  
12 in truth they were this other animal that was a  
13 quasi executive that was a quasi elected  
14 function. A lot of the problems that have  
15 existed are dealing with the history of where --  
16 what the Borough President's role was in the City  
17 of New York before '89.

18 You know, the Charter process in the past  
19 decided and opined that we should continue to  
20 have these separately elected Borough Presidents  
21 but they should work the following ways in the  
22 Charter process. I don't think that they have to,  
23 you know, be working directly with the Mayor. I  
24 think they serve a pretty useful purpose. I  
25 think, you know, some of them are very good at

1 using the bully pulpit to make their points. I  
2 don't think that they have to have a, you know,  
3 mandated item in the City Charter of what kind of  
4 public hearing.

5 Borough Presidents know how to use the  
6 press. And, you know, for the most part, all  
7 elected officials, it's their role to figure out  
8 how to get the public to support their positions.  
9 And, you know, as an example of Staten Island,  
10 one of the first debates of this Commission where  
11 the Staten Island Borough President came and gave  
12 a presentation of how he has set up a structure  
13 of how he works with the Mayor and the Mayor's  
14 Commissioners on Staten Island to more  
15 effectively have control over what happens. And  
16 any Mayor worth his salt that wants to, you know,  
17 keep the population of Staten Island happy,  
18 knowing the Borough President is a popular person  
19 on Staten Island and knows how to satisfy his  
20 constituents is going to work with that Borough  
21 President. They don't need -- they don't need to  
22 have, you know, whether the Borough President  
23 actually works for the Mayor. Good Borough  
24 Presidents will figure out to work with mayors  
25 and mayors will figure out to work with Borough

1           Presidents.

2                   COMMISSIONER McSHANE: So a smart Borough  
3           President is a de facto Deputy Mayor (inaudible).

4                   MR. SHAW: I think that's taking it a little  
5           too far.

6                   COMMISSIONER McSHANE: Alright.

7                   CHAIRMAN GOLDSTEIN: Let me jump in. I would  
8           just conclude with a couple of observations,  
9           very, very general, but more philosophical, that  
10          I start with the Charter needs, in my estimation,  
11          to be a living document, and I think all of you  
12          will agree it needs to be a living document. It's  
13          organic. It absorbs things and it needs to do so  
14          because society changes over time.

15                   And with respect to the notion that we don't  
16          have enough time to do certain things. The way  
17          that I view this is, we have been iterating over  
18          and over and over again for many, many years, and  
19          unless we converge to a solution we will continue  
20          to iterate and iterate and iterate. So at some  
21          point somebody has to make a decision to say  
22          we've listened, we've been thoughtful, we know  
23          that society has changed, and unless the Charter  
24          can adjust in ways that are responsive to  
25          society, I think we lose a great opportunity at

1 (inaudible).

2 So with that, I want to thank you, Eric  
3 Lane. I want to thank you, Gerald Benjamin, Doug  
4 Muzzio, Brad Hoylman, Marc Shaw. I think all of  
5 you will agree this was a spirited panel and  
6 thank you all.

7 I think we need a break. A short break.  
8 Nature is calling. We also need to exercise our  
9 limbs a minute, five to seven minutes, and then  
10 we will convene, we'll take questions and  
11 comments.

12 (Whereupon, a short recess was taken between  
13 8:57 P.M. and 9:09 P.M.)

14 CHAIRMAN GOLDSTEIN: Bill de Blasio, are you  
15 here?

16 PUBLIC ADVOCATE de BLASIO: Mr. Chairman,  
17 members of the Commission we meet again. Thank  
18 you for the chance to be with you.

19 In the 1989 Charter Revision Commission we  
20 made our City government that eliminated the  
21 Board of Estimate of course greatly expanded the  
22 Mayor's power and also created checks and  
23 balances by expanding the Council and creating  
24 the office of the Public Advocate. The Public  
25 Advocate was designed to maintain this balance by

1 acting as a watchdog, making sure government is  
2 responsive, responsible and balanced.

3 This 1989 Charter Revision Commission vision  
4 of a (inaudible) set of checks and balances has  
5 not been fully borne out in reality. More should  
6 be done to expand the independence and oversight  
7 authority of the Public Advocate's office and to  
8 help ensure a better balance of power of City  
9 Hall.

10 Today we've had the opportunity to take the  
11 lessons we have learned in the last 21 years to  
12 fully realize the vision of the 1989 Commission.  
13 We can do this by strengthening the office of the  
14 Public Advocate, make sure government is more  
15 responsive to all New Yorkers in all parts of the  
16 City; make government more transparent and open  
17 to the public and provide for balance in City  
18 government by performing aggressive oversight of  
19 City agencies.

20 And now the Charter requires the Public  
21 Advocate address individual complaints about  
22 government services and use these complaints as a  
23 springboard for improving how our government  
24 operates. This includes pushing agencies to act  
25 when they fail to advocate for government, to

1 change policies that are not working, and  
2 providing effective oversight when constituent  
3 problems highlight government's blind spots.

4 This office has been hampered in its  
5 inability to act as a watchdog on behalf of all  
6 New Yorkers because City Hall over the years  
7 chose not to fund the office sufficiently for  
8 reasons that often seem more political than  
9 substantive.

10 In order to fulfill the central mandate of  
11 this office, I recommend to the Charter to grant  
12 it and other crucial independent oversight  
13 agencies an independent budget.

14 The 1989 Charter Commission also envisioned  
15 a crucial role for the Public Advocate's office  
16 in making government more open and transparent.  
17 In my first six months in office we launched the  
18 Open Government NYC Initiative. It was designed  
19 to make all operations of government more open to  
20 public scrutiny and that includes everything from  
21 discretionary funding to responsiveness by City  
22 agencies to the Freedom of Information requests.

23 I recommend the Commission codify the Open  
24 Government NYC Initiative and empower my office  
25 in connection with its current roles as Chairs of

1 Commission of Public Information and  
2 Communication to act as a digital repository for  
3 government records and provide full public access  
4 to them.

5 Lastly, this office needs to be a watchdog  
6 with teeth. Especially given the immense power of  
7 the Mayoralty. If city agencies rebuff our  
8 request for information at every turn we will  
9 never be able to provide real oversight of City  
10 government. Empowering the office with  
11 independent subpoena power will help to ensure  
12 prompt and complete responses to the Advocate's  
13 request for information.

14 The Public Advocate should also play a more  
15 significant role in overseeing the City's  
16 operations and reviewing and acting upon proposed  
17 public and private uses of City property.

18 Very quickly, Mr. Chair, one role that would  
19 accomplish this is adding Public Advocate to the  
20 Franchise and Concession Review Committee. I  
21 also think the expansion of the land-use power of  
22 the Public Advocate, a seat at the Planning  
23 Commission, would be another clear expansion to  
24 be another seat on the Board of the Standards and  
25 Appeals and give the Public Advocate (inaudible)

1 by government in the land-use process to also  
2 (inaudible) commitments by the City agencies to  
3 communities in the land-use process. This kind  
4 of oversight role would make total sense given  
5 the Advocate's role on the City Planning  
6 Commission and the role as an insurer of freedom  
7 of public information. Thank you for this chance  
8 to be with you. I submitted written testimony as  
9 well. I will appreciate your comments.

10 CHAIRMAN GOLDSTEIN: Thank you, Mr. Public  
11 Advocate.

12 Anthony Reinhart.

13 MR. REINHART: Thank you. I'm here on  
14 behalf of Senator Andrew Lanza who is in  
15 legislative session.

16 As we gather here this evening to discuss  
17 government structure, Senator Lanza has asked  
18 that I highlight a few recent issues that bring  
19 to light the rapidly growing need for enhanced  
20 local control. Here on Staten Island it has  
21 become blatantly obvious that the one-size fits  
22 all solution to the issues plaguing the five  
23 Boroughs is not a method that works here in our  
24 communities.

25 Senator Lanza wishes me to stress that it is

1 an absolute necessity that we bring control for  
2 many of our local issues back to the people.  
3 When it comes to issues like land-use, traffic,  
4 parks, health and schools on Staten Island, it is  
5 the Staten Islanders who most often know best.  
6 We must harness the expertise and dedication in  
7 order to allow Staten Island to better serve,  
8 better serve by government.

9 This fact was being made painfully obvious  
10 just a few days ago when a 16-year-old student  
11 was hit by a car a few blocks from the Senator's  
12 office. It was two years ago that Senator Lanza,  
13 with Senator Tobacco, offered specific  
14 recommendations for this very corner. We, at the  
15 grassroots level, knew that the corner was not  
16 safe. But the response from the City bureaucracy  
17 was simply the flow of the traffic did not meet  
18 the guidelines for safety improvements. We cannot  
19 be using the same guidelines to address structure  
20 with a plain vanilla gridded street structure as  
21 we would use to address the safety concerns of  
22 the winding road that has several streets coming  
23 across. If we had more local control to address  
24 these types of concerns, Senator Lanza believes  
25 that we could better manage our community for

1 both safety and efficiency.

2 There are countless improvements that can be  
3 made to enhance the quality of life on Staten  
4 Island, if only these projects didn't get tied up  
5 in the bureaucracy of the current system. Road  
6 improvements, taxes, safety concerns, and even  
7 the land of the local parade routes should be  
8 issues that we, people who live and work here,  
9 have a stronger voice in addressing.

10 The concerns that will be addressed here  
11 tonight to the public are real and should be  
12 taken very seriously. Tonight we will find ways  
13 to improve the structure of government so they  
14 will more closely tie in to address the needs of  
15 the people.

16 In closing, Senator Lanza asked that I thank  
17 the Commission for coming back to Staten Island  
18 and for selecting a mid-Island location for this  
19 meeting. And he also wishes to thank those from  
20 the community who are here tonight. It is the  
21 grassroots effort that we need to help us better  
22 organize the role of the government today.

23 CHAIRMAN GOLDSTEIN: Thank you very much.

24 Shaan Khan.

25 MR. KHAN: Good evening, Chancellor

1 Goldstein and Commissioners. Thank you very much  
2 for the opportunity to testify tonight.

3 First of all, I'd like to begin by  
4 applauding the Commission Panel Members for  
5 advocating strengthening the powers of the  
6 Borough President's office, including  
7 establishing an Independent Budget Office. As  
8 you know the Borough President has submitted a  
9 comprehensive set of recommendations. In the  
10 interest of time, I'm not going to get into that  
11 right now.

12 One of the things of the evening has been  
13 the balance of power in the government. Tonight I  
14 want to recommend to the Commission that those  
15 affect in a direct way to strengthen the voice of  
16 New York City's diverse and distinctive  
17 opportunity is to the Community Board reforms  
18 proposed to the Commission by Borough President  
19 Stringer.

20 Community Boards of New York City's  
21 institutions is a legal Democracy. Effective  
22 Community Boards ensure that local concerns are  
23 addressed while (inaudible) to allow projects  
24 vital to our City's growth proceed. For example,  
25 in 2006, Columbia University proposed a 17-acre

1 expansion to West Harlem. Given the scope of the  
2 project (inaudible). Instead, the department  
3 issued a 175(a) plan that outlined the  
4 communities (inaudible) to negotiate concessions  
5 for the University as part of their role in the  
6 ULURP process.

7 Another example is the rezoning of the lower  
8 East side initiated by the Manhattan Community  
9 Board 3 (inaudible) work with the Department of  
10 the City Planning, the Council members of the  
11 Borough President's office, Community Board,  
12 created a plan that establishes incentives for  
13 Board policy, preserve the low-income character  
14 of its district while (inaudible.)

15 These examples illustrate how the City has  
16 benefitted from the great wealth of the  
17 (inaudible)and address some of the balance of  
18 power concerns we've been discussing.

19 I'd like to briefly now turn to growth of  
20 Community Boards. Community Boards were  
21 established by previous Mayor Wagner (inaudible)  
22 Community Planning Board. The idea for them was  
23 to focus on local planning matters. Since 1975,  
24 Charter revision, and subsequent revisions,  
25 established ULURP provisions for Community Boards

1 process but did not go far enough and did not  
2 establish (inaudible) who participated in that  
3 process. We believe that the appointing of a  
4 full-time planning member to the staff  
5 (inaudible) establishing a very clear set of  
6 guidelines for an appointment process would help  
7 restore the Boards to be community planning  
8 boards. With that, thank you very much for your  
9 time.

10 CHAIRMAN GOLDSTEIN: Thank you very much.

11 John Zaccone.

12 MR. ZACCONE: Good evening, Mr. Chairman.  
13 My name is John Zaccone, and I'm Counsel to the  
14 Staten Island Borough President. The Borough  
15 President wanted to be here himself to welcome  
16 the Commission back to Staten Island, but  
17 unfortunately he was not able to. I'm here  
18 instead to submit his testimony for your  
19 consideration.

20 First, I want to applaud the Commission by  
21 holding a forum on government structure and  
22 choosing Staten Island for the location for this  
23 important discussion. Last time the Borough  
24 President testified before the Commission he  
25 noted that for 20 years it is time to look at how

1 we can improve the existing Charter.

2 The current Charter was intended to preserve  
3 a significant role for the Borough Presidents.  
4 But it falls short in achieving an effective role  
5 of government. A perfect example is the Borough  
6 Service Cabinet. It was supposed to allow the  
7 Borough Presidents to coordinate City services  
8 within their Borough. But in practice, it is  
9 ineffective because there is no guarantee that  
10 Borough Commissioners, or other principle  
11 decision makers, would attend.

12 This is why I propose a revision to the  
13 Charter to improve agency coordination at a  
14 Borough level. This revision is based on what  
15 we're doing here in Staten Island. Our  
16 recommendation is to grant the Borough Presidents  
17 the authority to convene and share meetings with  
18 the Borough Commissioners of the five City  
19 agencies: Building, Fire, Transportation, City  
20 Planning and Parks. These meetings would be led  
21 by the Borough Presidents. Why? Because the  
22 Borough Presidents are more familiar with the  
23 issues and problems which vary from Borough to  
24 Borough.

25 For instance, on Staten Island traffic and

1 development are the dominant issues, so I would  
2 prefer to have more influence with the Department  
3 of the Transportation. After all, to fill a  
4 pothole or to install a traffic light, do we  
5 really need a central government in Manhattan to  
6 decide?

7 Last time I shared some examples of poor  
8 planning which could be avoided with better  
9 coordination at the local level. I'm not going  
10 to do that here this evening because of the time  
11 that I've taken already. I have talked to the  
12 other Borough Presidents, and they all agree with  
13 this proposal.

14 I have talked to our City delegates here,  
15 and all three will be supporting this reform. I  
16 have talked to the Chamber of Commerce, the  
17 Staten Island Advance, and many other civic  
18 leaders, and they've all welcomed my proposed  
19 improvement of our City Charter. And I believe  
20 it's the best way to make government more  
21 efficient, more responsive, without taking any  
22 power away from anyone else.

23 The five Boroughs are far too populous to be  
24 governed without executives from each of the  
25 Boroughs. Some Boroughs have over 2 million

1 residents and would be large cities in their own  
2 right.

3 Our Boroughs need Borough-wide elected  
4 official who has the power and authority to  
5 negotiate on their behalf. So tonight I would  
6 like to announce our support for two additional  
7 reforms -- Mr. Chairman, may I continue?

8 CHAIRMAN GOLDSTEIN: Go ahead, go ahead.

9 MR. ZACCONE: The first is land-use and  
10 ULURP process. The weakness of the current  
11 Charter is that there is no negotiating power  
12 vested in the Borough President. Today we are  
13 fortunate to have a Mayor who is friendly to  
14 Staten Island. But if any Mayor is mad at the  
15 Borough President, the entire community suffers.  
16 There has to be means of standing up for the  
17 needs of the individual Boroughs over the desires  
18 of the central government.

19 For Borough land-use issues there needs to  
20 be a check upon the Office of the Mayor. For  
21 example, the Mayor has a majority of votes on the  
22 City Planning Commission. So today, if a land-use  
23 issue is opposed by a Community Board and a  
24 Borough President, a Mayor can overturn that  
25 decision by a vote of his or her appointed a

1 simple majority. Instead, if a land-use proposal  
2 is rejected by a Community Board and the Borough  
3 President in the ULURP process, a two-thirds  
4 supermajority of the City Planning Commission  
5 should be required to overturn it; ten votes  
6 instead of the existing eight.

7 CHAIRMAN GOLDSTEIN: Want to finish up?

8 MR. ZACCONE: I will very briefly.

9 This will ensure that a future, possibly  
10 unfriendly, Mayor cannot unilaterally disregard  
11 the will of a community or a Borough.

12 The second reform that I strongly support is  
13 an independent budget line for the Borough  
14 President's office. The Borough Presidents are  
15 elected directly by the residents of their  
16 respective Boroughs. But because budgets are  
17 determined by the Mayor and the City Council, we  
18 are at their mercy for funding. An independent  
19 budget line would give the Borough President an  
20 even playing field. We would take a proportional  
21 cut with other city agencies, but our offices  
22 would not be decimated by the whim of the Mayor  
23 or the Council.

24 Together, these three reforms that I've just  
25 discussed would be a vast improvement in the

1 structure of our City government. They would  
2 allow the Borough Presidents to better serve the  
3 constituents and in turn, allow New Yorkers to be  
4 better served by their government, and will help  
5 the City achieve a level of Borough governance  
6 that would be much more effective, efficient and  
7 responsive to the community.

8 Again, I thank you for holding this  
9 discussion in Staten Island and for all the work  
10 you are doing to improve our City government.

11 CHAIRMAN GOLDSTEIN: Thank you. We have  
12 three members of the City Council who I would  
13 like to at acknowledge: James Oddo, Debra Rose  
14 and Vincent Ignizio. Would you like to come up  
15 and be heard?

16 COUNCIL MEMBER ODDO: Let me thank you for  
17 your endurance and your passion for the City that  
18 allows you to continue doing what you're doing.

19 I have a few quick comments in reaction to  
20 the Panel, and just one overriding sentiment that  
21 I want to express.

22 The first thing is I want to (inaudible) let  
23 the Chairman know, I saw Councilman Ignizio have  
24 ex parte conversations with Commissioner Fiala,  
25 and it was quite humorous actually. Second time

1 I've offered a joke and you haven't laughed.

2 CHAIRMAN GOLDSTEIN: I did laugh.

3 COMMISSIONER FIALA: You're just not as funny  
4 as I am.

5 COUNCIL MEMBER ODDO: Getting better and  
6 better (inaudible).

7 Seriously. It was a conversation in whose  
8 hands that power should be. I don't think you're  
9 going in this direction. But if my colleagues in  
10 the City Council impress upon you that they want  
11 it, as a proud member of this institution for 20  
12 years, as a staff and as an elected official, I'm  
13 asking you to reject that out of hand. The last  
14 thing we need to do is make a rules change that  
15 allows legislators of the City Council, and any  
16 other branch of government, make it easier for  
17 them to spend money. If anything, perhaps  
18 there's a way of jointly sharing that power with  
19 the executive in IBO.

20 My only concern about it is that later on in  
21 the process it results in budget modifications  
22 that really the Council is hampered on that we  
23 cannot amend. But the notion of giving  
24 legislators the ability to estimate revenue is  
25 ludicrous. We have a difficult time as it is

1           trying to control spending.

2           Some of my colleagues believe cut any program  
3           with a dollar the world will stop spinning on its  
4           axis. So please reject that out of hand.

5           I would like to associate myself with  
6           colleague Speaker Quinn, as Doug Muzzio, as they  
7           have related the BSA appointment process. The  
8           phrase "local control" is in the lexicon here on  
9           Staten Island.

10          The antithesis of that is when the community  
11          elected officials, everybody here in the Borough,  
12          rejects a project outright for good reasons and  
13          it goes to the BSA and they plead something  
14          called a hardship, when the hardship was self-  
15          imposed, the developer knew about the hardship,  
16          yet he gets a blank check anyway. So I think the  
17          appointment process is something I do believe in.

18          I believe independent budgeting for the  
19          Borough President of elected offices. Those for  
20          the City Council this time of year are accustomed  
21          to having lobbyists and activities come up to us,  
22          had in hand, I don't think Borough President Jim  
23          Molinaro, Brooklyn Borough President Marty  
24          Markowitz, or any other Borough President, should  
25          have to go hat in hand to Speaker Quinn or any

1 other subsequent Speaker. It's simply not right.

2 I just want -- the main point I want to say  
3 is along the lines of Dr. Benjamin and that's to  
4 say that I'm a big baseball fan, and for those of  
5 you who are baseball fans you're familiar with  
6 Ernie Banks, his famous line, "Let's play  
7 baseball."

8 I think you have an agenda you're focused on  
9 for this one. I think that there needs to be a  
10 continuation, because this discussion about local  
11 control needs to be the prime focus of a  
12 subsequent panel. And I will end with this.  
13 Carlo used the word "reality," the reality that  
14 he deals with as a staffer for an elected  
15 official. Our reality, and this is no  
16 disrespect, I'm implying as a disconnect between  
17 our reality and you folks. But my reality being  
18 in public service for nearly two decades is that  
19 it is profoundly more difficult and more  
20 challenging to provide for this community in 2010  
21 than it was when I started in 1992.

22 That is not broad-siding this  
23 Administration. The issues are more complex. The  
24 people are less (inaudible) and the intense  
25 bureaucracy in agencies is more entrenched. So

1           however you want to call it, however you want to  
2           address it, let's have that discussion in more  
3           depth going forward, thank you.

4           COUNCIL MEMBER IGNIZIO: Thank you very  
5           much. I also want to commend the Commission.  
6           You're quick to criticize, you're quick to  
7           praise, and the ability to take advantage  
8           (inaudible) I found very informative on the  
9           subsequent days and I think it's great.

10           The outreach with regard to Facebook, the  
11           new generation, so I'm happy to criticize when  
12           it's worthy and I'm happy to praise when it's the  
13           same.

14           There are a couple issues that I raised last  
15           time I wanted to raise again because I think they  
16           are important. They speak to Borough  
17           empowerment, or cede to the Boroughs to have more  
18           additional powers and bringing more local  
19           government, particularly Home Rule (inaudible)  
20           Council Members have and Community Boards.

21           We talked about the Community Board being a  
22           great way they work very locally. (Inaudible)  
23           Council Members appoint 25 of them have to go  
24           before the Borough President, asking for  
25           additional autonomy from the Mayor. We are

1 seeking additional autonomy, my picks, my  
2 selections are to be without having to have the  
3 blessing, if you will, of the Borough President.  
4 I am in favor of the abolition of the Office of  
5 the Public Advocate. Bill de Blasio (inaudible)  
6 notwithstanding who stood before here advocating  
7 its continuation, I think the means in which it  
8 was created are well-known, well-established, and  
9 I just don't think we can afford that any longer.

10 There are many issues that we have to deal  
11 with here in the City. (Inaudible) a prepared  
12 speech to provide you. I'm not -- one issue  
13 really stuck out and that's regards to the  
14 independent budget for the COIB.

15 I heard comments today about the budgetary  
16 rises and falls and what's in favor today and  
17 what's not in favor tomorrow. Regardless of what  
18 it is, regardless of when it is, regardless of  
19 who is sitting here in my seat or yours, ethics  
20 should always be made a priority in this City,  
21 and that should always be funded at a level  
22 whereby anybody can come in and cut in and say  
23 "We're not going to have one additional attorney.  
24 We're not going to have an additional person, a  
25 receptionist answer the phone at COIB." That is

1 the reality for that agency right now. It's not  
2 this massive bureaucracy. It's one person  
3 they're going to lay off, (inaudible) and that  
4 was a legislative attorney for \$75,000.

5 So there's a host of issues that I could  
6 talk about. That is one I think is of paramount  
7 concern of the fundamental establishment of our  
8 City and how we're going to go forward to make  
9 sure we don't go into the dark days, actually  
10 continuing to have lapses throughout the City.

11 So with that I provided to you my testimony.  
12 I provided to you my recommendations. And by the  
13 way, my recommendations, you'll see, I did not  
14 see the speakers, I did not see Doug Muzzio. A  
15 lot of them were very similar so I'm very happy  
16 we're on the same page. I hope we continue to  
17 talk about that.

18 I want to echo the comments of my colleagues  
19 Jim Oddo and Debi and there's concern Borough  
20 empowerment is going to have a groundswell of  
21 support. My hope is that this Commission comes  
22 out of its end, we need more work to do on that,  
23 and we will be back here next year. Thank you  
24 very much.

25 COUNCIL MEMBER ROSE: Good evening,

1           Commissioners. I am the junior votes member of  
2           this delegation and out of fear of  
3           being (inaudible) because I have the wise  
4           leadership of James Oddo and I have the young  
5           insight of Vincent Ignizio, pretty much we have  
6           discussed what local governance means to us. So  
7           I would really be redundant in my statements in  
8           some of my issues.

9           But one thing I think is of utmost concern  
10          is truly land-use issues and that there has to be  
11          Borough control in terms of land-use. When the  
12          local Community Board, the Borough President,  
13          decides that a project is good or it's not good,  
14          it should not be overruled by BSA.

15          And my point here tonight, as part of the  
16          delegation, is that the Charter is so complex.  
17          We heard from the panel of experts that there  
18          are -- from Steve Fiala that there are over 3,000  
19          pages, over a thousand articles or sections, that  
20          my concern is that ample time isn't being given  
21          so that a comprehensive package of proposals can  
22          be developed to be put on this Charter. And I'm  
23          asking that this Commission take into  
24          consideration that all of the issues that as  
25          complex as they are, that we're talking about

1           whether or not to have a Public Advocate, whether  
2           or not the Mayor needs more power or less, I  
3           definitely am in favor of the City Council having  
4           more power.

5           Does anybody want to know why? And local  
6           governance. The issues are so complex, and I  
7           don't think that we've had enough time to really  
8           get to the root of them so that you could put  
9           substantial proposals on this Charter.

10          I'm asking that you go back to the Mayor and  
11          ask for an extension of this Commission so that  
12          we could in fact do a thorough review of the  
13          Charter and this time draft a Charter that will  
14          not have to be amended in the next four years, or  
15          the next two years, or at the behest of the Mayor  
16          because of some whimsey.

17          I'm asking you, please take this as a  
18          serious request and I thank you for your  
19          indulgence.

20          CHAIRMAN GOLDSTEIN: Thank you very much.

21          Robert Scamardella.

22          A question from Commissioner Cohen.

23          COMMISSIONER COHEN: I have a question for I  
24          guess the delegation as a whole, particularly to  
25          Council Member Oddo, about the revenue estimate.

1           The proposal in here actually has set a  
2           deadline for the Mayor's -- for the revenue  
3           estimate not to transfer that responsibility to  
4           the Council. But I just wanted to know, because  
5           Speaker Quinn gave the impression that this was  
6           an institutional report that came out of the  
7           Council's request, not necessarily the Speaker's  
8           request, so I want to know how you were involved  
9           in the preparation of this report.

10           COUNCIL MEMBER ODDO: If Madam Speaker were  
11           here she would say everything that happens in the  
12           City Council I have a say in, and that's sort of  
13           an inside joke. Yeah, listen. The Speaker and I  
14           and staff speak constantly. There are items in  
15           there that I agree with, some that I don't.  
16           Specifically I like the one that I agree with.

17           The notion of the Council establishing  
18           revenue is something that's been bandied about in  
19           this duration of the City Council and its  
20           predecessors. And I wasn't inclined as the  
21           Speaker was of supporting that, but I wasn't sure  
22           if other members of the body have, you know,  
23           stated that. It is something that I've heard  
24           since I was a staffer.

25           And again, we don't have a problem spending

1 money in this body. The problem we have in this  
2 body is understanding that we have a spending  
3 problem. So I have not put my stamp of approval  
4 on every one of those items.

5 The one that I certainly do, and there are  
6 others, but the one I certainly do had to do with  
7 the appointment of Borough Presidents to BSA.

8 CHAIRMAN GOLDSTEIN: Thank you very much.

9 COUNCIL MEMBER IGNIZIO: I saw the report  
10 tonight for the first time. I did not know if it  
11 was or it was even billed as a Council proposal.  
12 But I just wanted to let you know there are  
13 things I probably agree with, there are things  
14 that I probably don't. I reserve comment at this  
15 time.

16 CHAIRMAN GOLDSTEIN: Mr. Scamardella.

17 MR. SCARMARDELLA. I've addressed this  
18 Commission before and expressed my belief that  
19 the citizens of this City are better served by a  
20 governmental structure that, at least,  
21 decentralizes the Administration of certain  
22 governmental functions.

23 Admittedly, I have not had the benefit of  
24 sufficient resources to thoroughly study the  
25 Charter, the impact of the provisions I'm about

1 to propose. Nonetheless, I believe they have  
2 merit and are worthy of further study and  
3 deliberation by this Commission.

4 I contend the office of Borough President  
5 should be strengthened as regards the  
6 administration of certain functions.

7 (Inaudible.)

8 My proposal leads to the formulation of  
9 policy in the hands of a bi-partite  
10 mayoral/council organization. However, it  
11 delegates the administration of that policy, in a  
12 particular Borough, to a Borough-wide elected  
13 official.

14 My proposal is further limited in scope. It  
15 involves the administration of land-use and  
16 transportation policy only.

17 Regarding land-use, I propose a modification  
18 of the current ULURP procedure. At the risk of  
19 sounding redundant, it is as follows. Prior to  
20 submission of any ULURP application to the City  
21 Planning Commission it must be submitted to the  
22 Borough President. If the Borough President  
23 rejects the application it can only be approved  
24 by a supermajority vote of at least two-thirds of  
25 the Planning Commission members. This would

1 ensure the people of the Borough that review of  
2 the use of their land through a duly elected  
3 representative and it preserves the right of the  
4 greater city to thwart the will of a Borough, for  
5 presumably the greater city good, but it makes  
6 such a rejection of a community's desires more  
7 difficult.

8 I think to make the Borough President's  
9 review competent in all respects the Charter  
10 should authorize each Borough President's office  
11 to hire a qualified architect.

12 Regarding transportation, I propose the City  
13 be required to adopt a Borough-specific  
14 maintenance budget. The Borough President would  
15 be given the authority to approve all maintenance  
16 expenditures and would have the further authority  
17 to direct expenditure for maintenance items  
18 deemed appropriate by the Borough President.  
19 Under this proposal, the great City would  
20 establish the budget amounts and would establish  
21 proposals for the expenditure of that budget. It  
22 would simply give the Borough President, the  
23 person who knows the Borough and its  
24 transportation needs the best, the authority to  
25 direct expenditure otherwise.

1 I believe the transportation and land-use  
2 needs of the respective Boroughs would be better  
3 served by the adoption of these proposals. As  
4 indicated, my position is not based upon  
5 exhaustive research. It could be undermined by a  
6 sincere, complete, and fair study of it.

7 In the end, it is that review that I ask  
8 this Commission to earnestly undertake. Thank  
9 you very much.

10 CHAIRMAN GOLDSTEIN: Thank you very much.

11 Christine Berthet.

12 MS. BERTHET: Thank you, Commissioners. My  
13 name is Christine Berthet. I'm the second Vice  
14 Chair of Community Board 4 in Manhattan.

15 We have been talking about Community Boards.  
16 Manhattan Community Board 4 recommends that the  
17 Commission revise the Charter to maximize the  
18 scope of organization and integration of work the  
19 Community Boards currently do at a minimum cost  
20 to the City.

21 As you know, there are three-full time  
22 employees in each Community Board and 50 skilled  
23 professionals with which the time they spend,  
24 represents a three time return of investment on  
25 those three employees.

1           To that effect, the Commission Revision  
2           should result in the Boards becoming more  
3           efficient. And the City agencies recognizing them  
4           as partners and resources rather than opponents.

5           Three suggestions there. Financial  
6           stability. Community Boards need a stable source  
7           of funds to support the level of staff, which is  
8           three people, for their space, for their  
9           technical knowledge and their supplies. This  
10          budget cannot fluctuate below the prime floor if  
11          the Community Boards are to continue to exist.

12          For the office to spend six months out of  
13          every year negotiating for their budget is really  
14          not an effective use of resources.

15          Support services. I've been to 53  
16          professional offices negotiating space, acquiring  
17          the supportive technology, and lacking basic  
18          human resource support is inefficient in time and  
19          price. The Commission could codify to include  
20          such services. The resource could include the  
21          provision of the urban planner as needed.

22          And finally, in the Charter there is a  
23          concept of a minimum notification period. The  
24          Charter recommends that 30 days be given to the  
25          Community Boards to provide comments. Comments

1 about DCA recommendation, comments about planning  
2 recommendation, comments about whatever comments  
3 from the Board. And that notification is not  
4 sufficient, and in fact it should be 45 days  
5 after the next Board. And if that was done it  
6 would probably provide, save a lot of time to the  
7 Board's office, which is constantly renegotiating  
8 with all the agencies for changing deadlines.

9 These are three very simple suggestions, and  
10 I wish you would incorporate them in the Charter  
11 revision. Thank you so much.

12 CHAIRMAN GOLDSTEIN: Thank you very much.

13 Corey Johnson.

14 MR. JOHNSON: Thank you. I'm Corey Johnson.  
15 I'm first Vice Chair of Manhattan Community Board  
16 4, which (inaudible) 14th Street to 59th Street,  
17 the neighborhoods of Chelsea and Hell's Kitchen  
18 of Manhattan, and I appreciate the service that  
19 you guys are providing the City of New York. I  
20 want to share your time for a few minutes, it's  
21 really important.

22 I wanted to just follow up on one really  
23 important thing that's been mentioned by members  
24 of the Commission and also by my colleagues who  
25 spoke before me, which is important -- I don't

1 know if the word "Board" is toxic (inaudible)  
2 independent budget, but a baseline budget that  
3 has some, you know, formula involved, which the  
4 Panel talked about so that it can't fall below so  
5 that we can provide basic Charter-mandated  
6 responsibilities that are delineated as such.

7 I wanted to also talk about -- the Charter  
8 talks about explicitly co-terminus boundaries so  
9 that a delivery of services can be provided. And  
10 it says Community Boards are mandated by the  
11 Charter to serve in a unique and critical  
12 coordinating function for City service delivery.  
13 That is one of our main functions.

14 Community Board 4 in Manhattan has four  
15 police precincts that overlap us. Community  
16 Board 2, just below us, has 4 police precincts  
17 that overlap with Community Board 2. It is  
18 extraordinarily difficult to coordinate City  
19 services, and I'm just speaking about the police  
20 right here. I'm not talking about trying to  
21 coordinate with the Department of Buildings, the  
22 Department of the Consumer Affairs, Department of  
23 Transportation, the Department of City Planning.  
24 All of these different agencies, when co-terminus  
25 doesn't currently exist for us, and it's spelled

1 out in the Charter, it be would a basic function,  
2 I think, of this Charter Revision Commission to  
3 look at creating co-terminus boundaries so that  
4 Community Boards can actually move forward and  
5 monitor the delivery of services.

6 On that note, agencies do not provide, as  
7 they are mandated, regular planning and reporting  
8 by District as the Charter requires in its  
9 current failure to provide an Annual Statement of  
10 Service objectives on (inaudible) programs  
11 activities in each District for the current year  
12 or the upcoming fiscal year. Nor does it provide  
13 the amount of expenditures of the preceding year.  
14 This process must become mandatory in order to  
15 increase government transparency and the trust of  
16 the community in city agencies.

17 And lastly, I just want to say that the  
18 Charter spells out, as discussed here, a lot that  
19 the Community Board can do with a lot of teeth.  
20 The difficulty is, is that the enforcement is  
21 very difficult in this City. The budget is in a  
22 tough place. We've seen things going on all the  
23 time as it relates to DOB, DOT, DCA, and these  
24 many other agencies, but there's no enforcement  
25 that currently exists.

1 I think enforcement should be looked at by  
2 the Charter Revision Commission, and I appreciate  
3 the opportunity to speak with you tonight.

4 CHAIRMAN GOLDSTEIN: Thank you very much.

5 Sandra Williams.

6 MS. WILLIAMS. Mr. Chairman, Commissioners, I  
7 spent 35 years with the Federal government, both  
8 in Washington, and in many locations across the  
9 country. For 10 of those years I was responsible  
10 for both the East and West Coast for a program  
11 that provided a small amount of seed money and  
12 technical assistance to state and local  
13 governments for innovations in the systems to  
14 improve the quality, the efficiency, and  
15 effectiveness of their administration and  
16 delivery of services.

17 I have worked with governments of all sizes,  
18 from New York to California state governments, to  
19 American Samoa and the Virgin Islands, from New  
20 York City to Maricopa County.

21 One lesson I have clearly learned is that in  
22 large governments with geographic dispersion in  
23 those agencies, responsibility for delivery of  
24 services, basic services, the decentralization of  
25 authority and fiscal control, together with

1 mandated interagency collaboration, will produce  
2 the best results in the most efficient and  
3 effective manner. Creative problem solving geared  
4 to the immediate circumstances is born in this  
5 environment.

6 One problem is that often innovations of  
7 this kind, no matter how well they work, may be  
8 abandoned by the next Administration to take  
9 office either because of centralization advocates  
10 or just plain lack of ownership of the idea. This  
11 is why it's essential here in New York City for  
12 it to become part of the City Charter. It must  
13 not be treated as a political whim.

14 I fully support the recommendation of the  
15 Borough President as to how this decentralization  
16 would operate at the Borough level. Thank you.

17 CHAIRMAN GOLDSTEIN: Thank you very much.

18 Linda Eskenas.

19 MS. ESKENAS: Thank you. In our Democracy,  
20 perhaps the most important accessible connection  
21 with their own government is the Community Board.  
22 It is a place where people could get help and  
23 take pride in their government. This is essential  
24 in a Democracy and in our great country, where  
25 the rights and aspirations of the individual must

1 be treated and balanced with the same respect as  
2 the rights of the whole. We do this by working  
3 together.

4 When individuals come together to create  
5 something they believe in for the common good,  
6 the Community Board is there to help them.

7 I must tell you that the North Shore  
8 Waterfront Green Way Park Green Way Heritage  
9 Trail Committee on Community Board 1 in Staten  
10 Island is the most extraordinary example of this  
11 that I have ever seen. I am privileged to be a  
12 part of this magnificent achievement of  
13 wonderful, dedicated people, both for now, and  
14 for those that come after us.

15 This happened just because people came  
16 together because they believe in something. This  
17 happened because of our Chairwoman and the staff  
18 and our Community Board. This can bring an  
19 economic a greenbelt, a green way, it can bring  
20 an economic and environmental and cultural  
21 renaissance in a time of fiscal crisis.

22 With the elected officials, agencies and  
23 people working together in common sense and  
24 aspirations for quickly achievable goal for a  
25 magnificent and successful enduring future.

1           Community Boards are crucial for the health  
2           of our government. People can have non-Board  
3           voting members of a committee. We learned not to  
4           give up on our ideals but to work to achieve  
5           them. People can do great things when they come  
6           together to achieve something.

7           Community boards are crucial to our  
8           Democracy and to everyone who lives in a  
9           Democracy. We must all take interest in our  
10          government and know how it works. The ability of  
11          the Community Board must not be diminished. Their  
12          power is not tyrannical in any way. It is to  
13          bring people together for the common good  
14          inherent in our Constitution.

15          These and the Offices of the Borough  
16          President must not be lessened, because they are  
17          a most necessary part of our government, and the  
18          belief of people in our country and the ability  
19          to achieve the American dream.

20          This represents the continuing great future  
21          of our country and ultimately successful by  
22          working on creating our own dream.

23          We suggest also that Community Boards have  
24          City Planning interns to help people create  
25          better communities for a better New York, in this

1           greatest city in the world in which Staten Island  
2           is unique and can be the greatest place to live  
3           and to visit. Thank you.

4           CHAIRMAN GOLDSTEIN: Thank you very much.

5           Michael Beck.

6           MR. BECK: Thank you. I just want to thank  
7           the Panel for coming here, for enduring this  
8           marathon hearing, and everything you've done till  
9           now and so everybody appreciates it.

10          I have two quick points I want to bring up  
11          that I don't think that have been addressed.

12          One is pertaining to the budget. I noted  
13          every year on July 1st the City passes a budget.  
14          And my question to you to look into is why can't  
15          they pass a budget every other year? Have budget  
16          amendments, let's say, they can do up to three  
17          within that two years, six months apart, and not  
18          have it during the election year. So we would  
19          have it, if the elections are in an odd year, be  
20          in even years. This way, there wouldn't be any  
21          campaign contributions and people trying to ask  
22          for certain things to get the budget through.  
23          And being that the Senate, the Assembly, with the  
24          Governor have a problem getting the budget out  
25          anyway on time, they're forced to pass a budget

1 without really knowing what the actual numbers  
2 are, they have to amend it anyway.

3 So my suggestion is to do it every other  
4 year so it can actually do a comprehensive budget  
5 and amend it, but don't do it during the election  
6 years. This way, it sort of takes out the  
7 temptation of having to put certain things  
8 through on your campaign. That's the first  
9 thing.

10 And the second thing I would like to talk  
11 about, which I don't think I've ever heard  
12 anybody talk about, pertains to terms limits. We  
13 have a lot of really good politicians, we have a  
14 lot of really lousy politicians. What I don't  
15 want to see is taking out the good politicians  
16 out and punishing them for the bad politicians.

17 So my idea on term limits, I don't believe  
18 in term limits. I believe in ultimately the  
19 voter deciding what a term limit is. But I'm  
20 also not naive knowing what the bully pulpit is  
21 of being an elected official. Therefore, I  
22 believe that after the second term or third,  
23 whatever you guys who really knows right now what  
24 it is, what happens is if you're running for  
25 office instead of your six to one matching funds,

1 as the incumbent you go down to three to one, and  
2 your challenger gets six to one, so that they  
3 sort of can then be in a fairer footing. Then if  
4 they decide to run again because the people like  
5 them at that point, then the incumbent gets zero  
6 in matching funds and the challenger gets their  
7 six to one. So at least now we're not throwing  
8 out a good politician, if the people want him,  
9 but we're giving the person running against him a  
10 fair chance to go against an incumbent.

11 So I know this idea, I haven't heard it  
12 before, and it might be too late in the day right  
13 now, but I would really like to see one day if  
14 you can think of something like that to come up  
15 with. Thank you for your time.

16 CHAIRMAN GOLDSTEIN: Thank you very much.

17 Mary Ann Clark.

18 MS. CLARK: Hi. I'm a veteran of Staten  
19 Island. I wanted to talk a little bit about the  
20 BSA (inaudible) property variances.

21 Oversight of the BSA in an effort to have  
22 more balanced representation and to allow for  
23 more -- or shall I say some -- input from the  
24 community.

25 Current protocol requires that the Community

1 Board advise residents, Council members be  
2 informed of a request for a variance, and I would  
3 assume that would mean to a balance for community  
4 input. However, it's my personal experience, and  
5 I have come to learn it is a much too common  
6 experience, that despite recommendations against  
7 granting a variance from community sources,  
8 variances are (inaudible). Studies have shown to  
9 be more than 90 percent of the variances granted.

10 My personal experience in that was in Staten  
11 Island, in testifying in a public hearing at the  
12 BSA is that the Board was rather dismissive not  
13 only of myself but most of the community  
14 residents that I saw testifying, and that it was  
15 really kind of just going through the motions in  
16 terms of listening to the testimony from the  
17 community residents. This cavalier attitude has  
18 had dramatic repercussions on Staten Island for  
19 where overdevelopment is a state issue.

20 We did have a Low Density Growth Management  
21 Task Force make recommendations in terms of  
22 changing land-use regulations to try to curb  
23 overdevelopment, and these variances that are  
24 granted by the BSA circumvented some of these  
25 recommendations to the frustration of the

1 community.

2 The BSA needs to be more sensitive to  
3 maintaining the integrity of neighborhoods. One  
4 of the requirements of granting a variance from  
5 the BSA is that the integrity of the neighborhood  
6 be maintained. And in order to make it an  
7 accurate determination about whether you are  
8 indeed maintaining the integrity of the  
9 neighborhood, you need to be familiar with the  
10 neighborhood. So I'm hoping that you will allow  
11 for representatives from each Borough to be on  
12 the Board of Standards and Appeals.

13 CHAIRMAN GOLDSTEIN: Thank you very much.

14 Frank Morano.

15 Charles Sorrentino.

16 MR. SORRENTINO: For the record, Charles  
17 Sorrentino. Good evening, everyone. Good  
18 evening, Mr. Chairman, and the Panel. I just  
19 want to remind the Panel last time you were here  
20 you said one thing that was very important was  
21 that you would not rush to judgment about  
22 anything within the Charter Revision. And  
23 naturally, we're going to hold you to that.

24 We heard, I think it was in the Staten  
25 Island Advance, regarding the term limits may be

1 on this year's ballot. That's fine, because the  
2 voters want clarity. But everything else that  
3 we're doing here tonight does not. That's the  
4 first item.

5 Second item is, is that with the Panel that  
6 was here there was, I would say, appears that  
7 they were talking about the office of the Public  
8 Advocate, possibly the elimination of it, due to  
9 that it is either gratuitous, insignificant,  
10 superfluous, choose a negative adjective.

11 My question to the Panel is if that is  
12 eliminated, that office, where would the power  
13 that it has go? That would have to be addressed,  
14 because where would it have to go? Does it go to  
15 the Mayor? Does it go to the Council? And with  
16 that one of the most important parts of that,  
17 that I've mentioned before, that I gave testimony  
18 on is again the succession of power from the  
19 mayoralty.

20 Right now the Public Advocate, as you know,  
21 is if -- if the Mayor is unable to complete his  
22 term it becomes the Public Advocate takes over.  
23 If that is eliminated, again, where does it go?

24 My recommendation originally was to either  
25 have it go either to the Speaker of the Council

1 or change the way the party system is, that the  
2 Mayor would have to nominate and would have to  
3 run with a Deputy Mayor similar to a Vice  
4 President or a Lieutenant Governor who would in  
5 his absence have to take over the power of the  
6 City.

7 With that also regarding different types of  
8 power, the Office of the Comptroller. Right now  
9 for the City there are a few no-bid contracts  
10 that have been put out that are beyond the reach  
11 of the Comptroller that have had cost overruns,  
12 and he basically just has to right now look at  
13 them and hold his nose and rubber stamp them.  
14 Because they were not under his purview in terms  
15 of the competitive bid process. Therefore, I  
16 think the power of the Comptroller has to be  
17 either (a) reestablished and reinforced because  
18 right here, right now, we need every dollar we  
19 can, and competitive bidding is the only way  
20 we're going to make sure that the taxpayers of  
21 this City get every dollar possible.

22 I'm running out of time. I'll leave that  
23 with the BSA, but that's basically it. Thank  
24 you.

25 CHAIRMAN GOLDSTEIN: Louis Wein.

1 Robert McFeeley. Robert McFeeley?

2 MR. McFEELEY: Hello. My name is Bob  
3 MacFeely. I've been a member of the Voters  
4 Assistance Commission for the last 16 years.

5 My first comment is in regards to that. And  
6 we have a hard time getting a quorum of members  
7 to conduct our business. We are a 16-member  
8 agency and we normally get about nine or ten  
9 members.

10 As any Commissioner may know, it's very hard  
11 to get unanimity, but that is what is required of  
12 us (inaudible) quorum under the circumstances.  
13 Because of our quorum, we can't pass anything  
14 without having all nine members who attend pass  
15 anything.

16 We need to make a change for the Voters  
17 Assistance Commission. Either allow for a  
18 majority of those present to pass something, or  
19 to limit the number of members down to a more  
20 manageable number where they will actually show  
21 up.

22 My other two comments just personally as a  
23 citizen noticing in the Charter that there are  
24 two ways to amend the Charter for the City of New  
25 York. One is through a Commission as yourself.

1           The other way is through issuing a referendum by  
2           collecting petitions. There has not been that  
3           referendum because the last two times the public  
4           has tried the Mayor at that time, Rudolph  
5           Giuliani pocket vetoed it by calling it a Charter  
6           Revision Commission. The Mayor should not have  
7           the ability to pocket veto the people's will and  
8           put something before them to change the Charter.  
9           It should be automatically allowed for the  
10          ballot, or the Mayor should only have the ability  
11          to call the Charter Revision Commission at least  
12          once a year and then the next year not be able to  
13          so that allows people to put things before onto  
14          the ballot.

15                 My third comment is more in the regards to  
16          local control for the Borough Presidents and the  
17          Council.

18                 We here on Staten Island have a local paper,  
19          a daily paper, and they kind of show the  
20          inefficiencies of the local government. Just  
21          recently in the paper we had a person who was  
22          parked on the corner and a sign went up. They  
23          received a ticket within the same day. Another  
24          example is where a street was being built they  
25          painted the lines on the street before the

1 repaving occurred.

2 A third example is the Brookfield  
3 Landfill -- this goes back a few years -- I  
4 noticed that signs were being put up saying  
5 "Hazardous Waste" being put inside Brookville  
6 Landfill. Real estate owners in the neighborhood  
7 didn't like the idea of the notifying the public  
8 of it as hazardous. They painted over it.

9 Even though I've been involved in government  
10 for many years, it took three months for them to  
11 get the signs placed 3 feet behind this fence so  
12 the local real estate people couldn't paint over  
13 the signs.

14 My suggestion on that is give the local  
15 officials the ability to subpoena or to bring  
16 forth to the community, the agency heads to the  
17 community, and hold them in the public referendum  
18 like this so they could hold them accountable for  
19 the mistakes that they do.

20 I constantly hear from the Borough  
21 Presidents and the Councilmen that they can't  
22 hold them accountable, even the State agency  
23 heads. Maybe if you give them the bully pulpit  
24 of a subpoena to come before the local people  
25 would be able to address that issue.

1 CHAIRMAN GOLDSTEIN: Thank you very much.

2 We have a number of Facebook postings.

3 One from Jeff Phillips says: "I think we  
4 should strengthen the Public Advocate."

5 E.J. McLeavey Fisher says: "Community Boards  
6 should be elected just like everyone else."

7 And Erica Pizzariello says: "My Borough  
8 President is a great advocate for our Borough and  
9 helps fund important projects that change the  
10 face of our neighborhood."

11 And we have a number of others that wrote in  
12 as well.

13 Eugene Fisher. Eugene? Earlene Fisher, I'm  
14 sorry.

15 MS. FISHER: Earlene Fisher. Thank you.

16 Good evening, members of the Commission. My  
17 name, of course, is Earlene Fisher. I'm a member  
18 and I'm a Leader of Community Voices Heard. And I  
19 would like to address the need tonight to talk to  
20 you about empowering our local families and their  
21 communities around the question of land-use,  
22 delivery of State and City services as they  
23 relate to Community Board structures to increase  
24 the community input and participation in decision  
25 making in relation to how communities evolve.

1           Problem: All too often, people's voices are  
2 ignored by Council Members and developers around  
3 basic needs. Solution: Revise the Charter around  
4 local power and decisions to people feel involved  
5 in decision making in a real way and not have --  
6 sorry, advisory way.

7           Checks and balances are important. You  
8 should have a check and balance system mirroring  
9 our own Constitutional system, giving us an equal  
10 and respectful Democracy in governing our city.  
11 Thank you.

12           CHAIRMAN GOLDSTEIN: Thank you very much.

13           John Tobacco.

14           SENATOR TOBACCO: Good evening to the Panel.  
15 Welcome back. My name is John Tobacco from  
16 Annadale, Staten Island, proud constituent of  
17 Vincent Ignizio.

18           I want to commend the Panel for coming to  
19 Staten Island and bringing the panel of experts  
20 to talk about the many issues that face Staten  
21 Island and New York City.

22           Of course, as Staten Islanders, with the  
23 least amount of representation on your panel, I  
24 want to commend you further for the qualitative  
25 decision to have Commissioner Fiala to represent

1 us.

2 It's odd that tonight's panel would be here  
3 to talk about structure, because when you look at  
4 the political landscape, both here in New York  
5 City, New York State and nationally, there seems  
6 to be no structure these days.

7 When you look at New York State, for  
8 example, we have an unelected Governor, we have a  
9 unelected Comptroller, we have an unelected  
10 Lieutenant Governor, we have an unelected  
11 Senator, and many would argue we have a Mayor who  
12 was not really elected. So to think about  
13 structure, I think Commissioner Fiala made a  
14 tremendously cogent point before when he said  
15 that this panel had a terribly tough task in that  
16 there was no compelling mandate for them to take  
17 up, so that they were basically starting from  
18 scratch. And when you look at the structural  
19 issues that face our Democracy I think your task  
20 is even harder.

21 I would go back to my comments that I made  
22 at my earlier forum here in Staten Island and  
23 suggest to the Panel that in our own private  
24 meetings there's some serious deliberation under  
25 consideration of nonpartisan elections. I think

1 the only way we can possibly restore confidence  
2 in a Democracy that was promised to us in the  
3 Constitution is by showing voters that we're  
4 going to start from scratch again and we're going  
5 to take people into government that are not  
6 represented by parties, which at this point  
7 represent the "too big to fail" mentality.

8 A poll today said that the six out of ten  
9 likely voters will vote for someone who has never  
10 held office before in the next election, and I  
11 think that's a sign of what the population is  
12 telling this Charter Revision Commission, that  
13 maybe it's time to throw out the old model, to  
14 take party politics and push it to the side, go  
15 back to nonpartisan elections, where people and  
16 not parties will be making the decisions that  
17 shape our future.

18 And on a final note, with many Americans  
19 facing unemployment at 10 percent and functional  
20 unemployment up around 20 percent would only make  
21 sense that you guys put some serious deliberation  
22 also into showing the people that the government  
23 feels the same pain. Maybe eliminate 10 or 20  
24 percent of those government jobs that are  
25 promised over and over again.

1           And people say that the Public Advocate's  
2           office had their budget recently cut 2.1 million  
3           dollars. But when you count in four or five  
4           candidates in each election getting matching  
5           funds, 750 to a million dollars, I would suggest  
6           that it's much greater than two million dollars  
7           going into the Public Advocate's office, serves  
8           only two purposes, to the (inaudible) on New York  
9           City Council and succession of power, which we  
10          just give that power to the Speaker of the  
11          Council. I think that would be very  
12          representative to the people that some serious  
13          change be made. I thank you very much.

14                   CHAIRMAN GOLDSTEIN: Norma Perez.

15                   MS. PEREZ: Good evening. I am here with the  
16                   New York Harm Reduction Educators. We're from  
17                   the Bronx and East Harlem, largely poor  
18                   communities of color. Police have free reign to  
19                   harass us daily and are unconstitutional. They  
20                   use the fact that we live in "drug-infested"  
21                   areas to justify any search, interrogation,  
22                   arrest against any cause or without cause. We  
23                   know this kind of treatment would not happen to  
24                   residents in the Upper East New York Side.

25                   For instance, we should not have to live in

1 fear of merely walking around the streets which  
2 results in an arrest for unidentified offenses,  
3 like loitering, trespassing and disorderly  
4 conduct.

5 According to the Police Department data, the  
6 recorded number of instances of police stopping  
7 an individual on the streets surged from 97,296  
8 in 2002 to 518,541 in 2006 and 531,159 in 2008.  
9 In the Bronx for instance, numbers of arrests of  
10 misdemeanor offenses that substantially risen  
11 from 41,401 in 1998 to 62,175 in 2008.

12 In 2007 in the Bronx, victimless  
13 misdemeanors, drug-related, misconduct and  
14 prostitution charges made up to 57 percent of all  
15 the arrests. Some of the quality of life  
16 misdemeanors charges such as disorderly conduct,  
17 loitering, or even trespassing, are ambiguous.  
18 The ambiguity allows for the significant amount  
19 of discrimination on the part of the police  
20 officers in enforcing the law.

21 CHAIRMAN GOLDSTEIN: Thank you very much,  
22 Miss Perez.

23 Our next speaker will be John MacDuffie.

24 MR. MacDUFFIE: Hello, members of the Panel.

25 CHAIRMAN GOLDSTEIN: I'm sorry, who are you?

1                   MR. MacDUFFIE: John MacDuffie. Yes, I want  
2                   to speak about I can't even walk to the store  
3                   without being stopped by officers for ID and  
4                   information. Leaving my building, and I was  
5                   stopped by a captain and three officers in a  
6                   patrol van and asked if I lived there and asked  
7                   for proof of ID. Then he asked me do I know of  
8                   any drug activity in the building, which I  
9                   answered No. And on one occasion I was leaving  
10                  my program and I was stopped by a Detective and I  
11                  asked him what was the problem and they said a  
12                  car was broken into. This is, like, 12:00  
13                  o'clock in the evening. And so instead of them  
14                  taking out the contents of my pocket, they just  
15                  tapped my pocket and asked me what I had in my  
16                  pocket. I told them. They asked if I had ID. I  
17                  said I yes. I tapped my back pocket with my  
18                  (inaudible) and they said, "Thank you for the  
19                  cooperation."

20                  I wanted to speak about the CCRB, the powers  
21                  to prosecute the officers who are using their  
22                  authority to, you know, stop citizens for no  
23                  reason, search for no reason, and also bringing  
24                  charges on them. Once they get to Court, the  
25                  judge throws it out. But still they get a quota

1 for that arrest. That's all I want to say.

2 CHAIRMAN GOLDSTEIN: Thank you very much.

3 Darryl David.

4 MR. DAVID: Yes, good evening. As I said, my  
5 name is Darryl David and I'm a representative of  
6 New York Harm Reduction Educators. What I'd like  
7 to share is that I'm a person who lives in a  
8 low-income urban area, and the problem that I  
9 have with that is one time when I was growing up,  
10 the police we looked to guidance and for moral  
11 support. Nowadays, the police have lost the trust  
12 and faith of our communities. Even kids don't  
13 want to go to them even when the laws is.

14 It is my request that in (inaudible) of the  
15 CCRB they have they be given prosecutorial. It  
16 seems right now they feel that nothing can stop  
17 them and a lot of them mistreating (inaudible). I  
18 ask that you help us.

19 CHAIRMAN GOLDSTEIN: Thank you very much.

20 Frederick Lewis.

21 MR. LEWIS: Gentlemen, my name is Frederick  
22 Lewis. I'm also on Reduction Educators. I just  
23 want to give you a few instances in my community  
24 that they brought to my attention and  
25 (inaudible).

1           Number one, it states that "I can't shake my  
2           buddy's hand on the street corner because I might  
3           be arrested for sale of a controlled substance."

4           "I can't visit my aunt in the public housing  
5           because they will arrest me for trespassing  
6           because I don't live there."

7           "I am not allowed to sit on the benches  
8           outside my own apartment building because I live  
9           in a 'drug-infested' area."

10          And "Police tell me I can never return to a  
11          building or even entire neighborhoods even if  
12          they can't pin any charges on me. They stop and  
13          search me for no good reason."

14          "I got arrested, I got arrested without  
15          cause, spent three nights in jail before my  
16          arraignment and was let go with time served for  
17          something I didn't even do. Now it's on my record  
18          and I have to pay a surcharge of over \$100 that I  
19          can't afford."

20          I served -- "what if they did these things  
21          in an upper middle-class community"?

22          This is a major problem, an epidemic, in the  
23          lower-income community of color. The injustice,  
24          discrimination, the stress it causes, damaging  
25          our mental and physical health, contributing to

1 (inaudible) disparities in health, wealth and  
2 what was promised to be our inalienable rights as  
3 citizens of this country, the rights to life,  
4 liberty and the pursuit of happiness.

5 What we want, we need, is CCRB to be given  
6 the capacity to check the power of police in our  
7 communities which has spiraled out of control. As  
8 an independent agency tasked with overseeing NYPD  
9 activity, we are relying on the Civilian  
10 Complaint Review Board for support and for  
11 swiftly needed action. We don't know where else  
12 to turn. Thank you.

13 CHAIRMAN GOLDSTEIN: Thank you have  
14 Mr. Lewis.

15 Is there a Jay Bond here? Jay Bond.

16 (Due to the total inaudibility of this  
17 speaker the following testimony is a verbatim  
18 transcription from the document this speaker  
19 submitted to the Charter Revision Commission.)

20 MR. BGOND. "Good evening. My name is Jay  
21 Bond and I am Policy Director at the New York  
22 Chapter of the American Institute of Architects  
23 based in Manhattan. AIA New York founded in 1857  
24 and is the largest AIA Chapter in the country.  
25 The Chapter's membership includes over 5,000

1 practicing architects, allied professionals,  
2 students and public members with interest in  
3 architecture and design. The AIA New York Chapter  
4 is dedicated to three goals: Design excellence,  
5 public outreach, and professional development.

6 "To fulfill its mission, the Chapter and its  
7 Center for Architecture, located at 536 LaGuardia  
8 Place, sponsor initiations, programs and  
9 exhibitions that explore topics of interest to  
10 architects, allied professionals and the general  
11 public. These explorations study such important  
12 urban issues as housing, hospital and school  
13 design, urban design and planning and historic  
14 preservation. Our Chapter also advocates on  
15 behalf of the architectural profession on issues  
16 concerning the built environment, professional  
17 regulation, education and legislation.

18 "Architects plan, design and oversee the  
19 construction of buildings, and in order to  
20 practice their trade as professionals are  
21 required to obtain professional degrees from  
22 accredited Architecture Schools and to be  
23 licensed by the State. Because an architect's  
24 decisions on a project affects public safety, an  
25 architect must stay abreast of developments in

1           technology and is required by New York State to  
2           fulfill continuing education requirements to  
3           maintain his or her license.

4           " In almost all cases, it is the architect  
5           who acts as the project lead with government --  
6           securing a multitude of necessary government  
7           approvals, working with communities and managing  
8           large teams of sub-consultants (such as  
9           structural and mechanical engineers) - to ensure  
10          that the project works. We are also legally  
11          responsible for the design forever since there is  
12          no statute of repose.

13          " This is a simple way of saying that  
14          architects have a unique perspective because of  
15          our responsibilities and expertise in building  
16          development.

17          " ISSUE

18          For a great number of building projects in  
19          the City of New York the architect must obtain  
20          approvals from multiple city agencies. The  
21          architect must ensure that every project complies  
22          with many different building, safety, energy,  
23          environmental and zoning regulations. In addition  
24          a project may also need to adhere to historic  
25          preservation guidelines, obtain special approvals

1           where the project is located on or over City  
2           property, secure separate approvals for work that  
3           will impact sidewalks, roadways, subways and  
4           sewers, and sometimes obtain special approvals  
5           from many separate agencies where variances from  
6           building or zoning regulations are sought or very  
7           large areas are being developed.

8           "As you can imagine, securing these  
9           approvals can be incredibly difficult and  
10          time-consuming. A main reason for this is that,  
11          in many instances, the systems for obtaining  
12          these approvals are not consistent across  
13          agencies and there is no central location or  
14          entity that coordinates agency review or that  
15          ensures that common policies drive the responses  
16          to the reviews. While it is in the vast majority  
17          of cases the architect's responsibility to obtain  
18          all of these approvals, and we obtain them every  
19          day, it is becoming increasingly frustrating to  
20          work within a system of such limited  
21          coordination.

22          "When we speak of one project this  
23          coordination might not seem like an important  
24          concern but when you look at what this means to  
25          the economy of our city it is clear that a less

1           efficient government costs everyone. Over the  
2           past decade, NYC has experienced the largest  
3           building boom in its history. From 2005 to 2008,  
4           the city recorded over 30,000 housing starts each  
5           year. At its peak in 2008, the construction  
6           industry represented \$32.4 billion in economic  
7           activity and employed over 130,000 people. These  
8           numbers clearly highlight how important this  
9           industry is to our city and we feel better  
10          coordination will increase these numbers.

11                       "EXAMPLE

12                       While describing in detail the arduous  
13                       approval process that is required of an average  
14                       project would take much longer than the three  
15                       minutes allotted to me here, an absurd example to  
16                       highlight the profession's frustration with the  
17                       process concerns bollards - to place bollards  
18                       around the perimeter of a single building an  
19                       applicant needs approval from the Department of  
20                       Buildings, Department of City Planning, the  
21                       Department of Transportation, the Fire Department  
22                       and the New York City Police Department. An  
23                       actual project required two years to obtain full  
24                       bollard approvals.

25                       "From our perspective the problem was not

1           that all of these approvals were required to  
2           guarantee the same and effective placement of the  
3           bollards around the building. The issue was that  
4           there was no set policy or coordination for  
5           approvals amongst the agencies. The first agency  
6           referred the applicant to a second agency and  
7           then when the applicant thought the process was  
8           complete other agencies required additional sign  
9           offs and the process continued without a set time  
10          limit. Unlike the Uniform Land Use Review  
11          Procedure (ULURP), which has a clearly  
12          established timeline once the project has been  
13          certified, there are no regulations in place that  
14          require action to be taken within a certain  
15          timeframe or according to consistent policies and  
16          standards on the many aspects of a project for  
17          which approvals within a given agency or among  
18          disparate agencies is required.

19                   "CONCLUSION

20           In conclusion we offer the expertise of the  
21          New York Chapter of the American Institute of  
22          Architect's membership to provide additional  
23          input as the Charter Revision Commission looks  
24          further into how a change in government structure  
25          might alleviate some of these coordination issues

1 by formulating consistent approval policy among  
2 agencies and a review process for larger projects  
3 that require approvals from multiple agencies.

4 "Respectfully submitted,

5 Anthony Schirripa, FAIA.

6 2010 Chapter President.

7 Frederic Bell, FAIA.

8 Executive Director."

9 CHAIRMAN GOLDSTEIN: Thank you.

10 MR. BOND: We offer our help.

11 CHAIRMAN GOLDSTEIN: Thank you very much.

12 Frank Morano and Louis Wein are back in the  
13 room.

14 You want to testify? How about you? You  
15 don't want to testify?

16 Frank, go ahead.

17 MR. MORANO: Frank Morano. The Frank Morano  
18 called earlier was the Community Board 3 Frank  
19 Morano. There are actually two here in Staten  
20 Island but there's no accounting for taste I  
21 guess.

22 I want to welcome you to Staten Island. And  
23 obviously I want to acknowledge Staten Island's  
24 lone member of the Charter Revision Commission,  
25 Steve Fiala who in an age when the image most

1           around the country have of Staten Islanders is  
2           being from the Jersey Shore, truly embodies the  
3           best tradition of public service to Staten  
4           Island. I know he's doing yeoman's work on the  
5           Commission. And I couldn't agree more with his  
6           comments about the need for a Borough-wide  
7           perspective. I think if you walk around here  
8           today, if you're spending time in Staten Island  
9           you know this hearing's gone on probably longer  
10          than you anticipated and maybe longer that you  
11          hope. But if you do get the chance there's such  
12          a unique flavor and culture in Staten Island  
13          that's really unique to the rest of the City. And  
14          I think that the uniqueness, that strength of the  
15          neighborhood which is found only in Staten Island  
16          in terms of a Borough-wide perspective, really  
17          underscores the need for local control. And  
18          there's nowhere where the need for local control  
19          is greater than at the Community Board level.

20                 I indicated before that my Council Member  
21                 here in Staten Island had proposed me several  
22                 times to be a member of the Community Board but  
23                 because the Borough President gets to make all  
24                 the selections rather than just half as was the  
25                 case in the pre-1989 Charter, you know, I wasn't

1           able to contribute. And I do believe, though, in  
2           substantive contributions to the Community Boards  
3           so I would urge you strongly to look at allowing  
4           Council Members to make binding selections for a  
5           portion of the Community Board members and their  
6           initiative.

7           The other thing you might consider, I know  
8           Senator Espada and some others have, including  
9           the Facebook comment for proposed Community,  
10          Boards perhaps a hybrid of elections Council  
11          Member and presidential opponents that would  
12          truly diversify the pool that the Community Board  
13          comes from in each neighborhood, because one  
14          would think (inaudible) Jimmy Oddo and Vinnie  
15          Ignizio have a better idea what's going on in  
16          their community than a Borough President.

17          The other thing that I'm a little  
18          disappointed, none of the experts were asked  
19          about was the proposal I brought you to for a  
20          return to having the City Council elected by  
21          proportional representation.

22          In the 12 years of proportional  
23          representation I believe it was truly the Golden  
24          Age of good government in New York City, and I  
25          think it's one area I've been disappointed in the

1 issues addressed by the Charter is the lack of  
2 attention that's been paid to return to  
3 proportional representation.

4 And the last thing I would bring to the  
5 Charter's attention is in terms of the need for  
6 the purpose (inaudible) and Council Members and  
7 Council Speaker and Council people leadership  
8 have been under investigation. Now, they have  
9 lawyers on their staff. However, they get to at  
10 taxpayer expense hire outside counsel. If I'm  
11 investigated for criminal wrongdoing at my job I  
12 have to pay my own legal fees. I don't see any  
13 reason why the Council should be permitted to  
14 seek outside counsel when their under criminal  
15 investigation with our money. And I would  
16 respectfully ask you to take a look at making  
17 Council Members use internal staff attorneys or  
18 pay for their lawyers out of their own pocket  
19 rather than out of mine. Thank you.

20 CHAIRMAN GOLDSTEIN: Thank you, Mr. Morano.

21 Mr. Wein, you want to address the  
22 Commission?

23 MR. WEIN: I would like to very much,  
24 Mr. Chairman. Louis Wein for the record. I  
25 served as a Senior Assistant to the Mayor of New

1 York for four years, Director of Federal  
2 Relations, head of Emergency Preparedness, and on  
3 numerous bodies of health, law enforcement,  
4 community services. I served in the White House,  
5 president point man in Federal Region 2, and at  
6 the (inaudible).

7 I was the first person appointed to the  
8 first Community Board on Staten Island. And I  
9 take great pride in having been the creator of  
10 the name of community rather than functional.

11 I testified before the Commission in '71 and  
12 in '89 and some of my recommendations were  
13 adopted, which included scrapping the Board of  
14 Estimate, scrapping Councilmen at large,  
15 increasing the Council to 51 members, and Frank,  
16 I oppose proportional representation.

17 MR. MORAN: That was --

18 MR. WEIN: I feel sorry for you all up  
19 there, I really do. Because we, the people, are  
20 supposed to be the governors of our affairs, not  
21 politicians, not elected officials. They  
22 represent we, the people. And I believe each one  
23 of you is very sincere in the performance of your  
24 duties, but it's meaningless, it's moot, moot by  
25 the precedence of a billionaire mayor who can

1           have the City Council override the City Charter,  
2           particularly on the issue of term limitations. So  
3           a precedent has been set. So I think your first  
4           obligation is to make a recommendation to the  
5           State Legislature, of the Governor, to amend Home  
6           Rule and to make the City Charter the  
7           Constitution of the City of New York. It's  
8           disgraceful.

9           And most of these academics -- and my  
10          academic background matches any one who spoke  
11          here today -- they're academics. You got to get  
12          into the dirt, you got to get into politics.

13          Steven Fiala, I remember Steven when he  
14          first ran for office. He knows politics. He  
15          knows what goes on in politics. Politics is a  
16          theory and then a practice. You got to meld the  
17          two. But we're not melding the two.

18          We are losing our right of citizens to take  
19          control of our own lives. And it's your  
20          responsibility to make sure that no mayor, no  
21          council can amend the Charter of the City of New  
22          York.

23          Two: I agree with Mr. Fiala. It's much too  
24          large. What is our Constitution? Five pages?  
25          Constitution of the United States? I agree with

1 Mr. Fiala. Throw a lot of that garbage into the  
2 Administrative Code. We should scrap Community  
3 Boards, because all Community Boards do, if I  
4 can, is create a layer of protection to elected  
5 officials. It insulates them from being  
6 accountable to the people who elect them with all  
7 their good intention. And I served for 10 years.  
8 It's meaningless. They have no power. Nor does  
9 the Borough Presidencies. So either give them  
10 power or abolish them. Thank you.

11 CHAIRMAN GOLDSTEIN: Thank you, Mr. Wein.

12 I understand that Councilman Jumaane  
13 Williams is in the room. Do you want to address  
14 the Commission?

15 MR. WILLIAMS: Thank you, Chair Goldstein,  
16 Commissioners. I would like to give a shout out  
17 for my Borough President's office. Brooklyn is in  
18 the house. My name is Jumaane Williams, Council  
19 Member for Flatbush in Brooklyn for the 4th  
20 District. One of the most critical government  
21 structures I would like the Charter Revision  
22 Commission to focus on is the New York City  
23 Police Department, more specifically the Civilian  
24 Complaint Review Board increasingly receives  
25 complaints about the NYPD prosecutorial conduct.

1           There is little the public can do.

2           The New York Harm Reduction Educators had  
3           expressed concern with the level of disrespect  
4           police officers have especially with the quality  
5           of life policies (inaudible) people of color. In  
6           cases like this it's important to instruct the  
7           capable oversight body to supervise and review  
8           their actions, including the Council, advocating  
9           strengthening the CCRB by giving them more  
10          prosecution power. I believe this is something  
11          that should be done. I believe there are  
12          additional needs that should be pursued to  
13          protect the public. We must also (inaudible)  
14          police interrogation, research organizations such  
15          as the (inaudible) demonstrates these practices  
16          and places and methods (inaudible) like  
17          Washington, D.C. and (inaudible) should be in New  
18          York City.

19          People confess to crimes they did not  
20          commit, indicating a strong need for videotaping  
21          police interrogations. Reasons for force  
22          (inaudible). Videotaping interrogation from  
23          beginning to end creates a permanent record of  
24          everything said and done. A show (inaudible)  
25          police tactics.

1           I would also like to look at the Commission  
2           having the final say regardless of what the  
3           investigation came up with is to disregard that.  
4           I do know it may be a little difficult because  
5           some of it may require State authority, but I  
6           would like the Commission to at least look into  
7           what the City can do.

8           Also I just want to mention that I think we  
9           may able to vote on term limits. I would not  
10          like to vote on nonpartisan elections. I feel  
11          more discussion that's needed as well as I  
12          believe the Mayor is putting term limits on the  
13          real goal of getting nonpartisan election getting  
14          voted on.

15          Something a little self-serving, but I would  
16          also like to have a moratorium on ECB tickets on  
17          days and dates before elections. I think it's  
18          very, very hard to get to elections to know you  
19          might get these tickets particularly on the day  
20          of election.

21          And lastly, I heard one here community board  
22          selection giving Council Members equal power on  
23          the Community Board. Obviously, I haven't had the  
24          position but it sound like a wonderful idea.

25          Thank you so much.

1                   CHAIRMAN GOLDSTEIN: Thank you, Jumaane  
2 Williams.

3                   I would like to have a motion to adjourn.  
4 Thank you all.

5                   COMMISSIONER BANKS: I move.

6                   CHAIRMAN GOLDSTEIN: I Second.

7                   (Whereupon, at 10:45 P.M., the above matter  
8 concluded.)

9

10

11                   I, NORAH COLTON, CM, a Notary Public for and  
12 within the State of New York, do hereby certify  
13 that the above is a correct transcription of my  
14 stenographic notes.

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NORAH COLTON, CM

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