2018 NYC CHARTER COMMISSION
125 Worth Street, 2nd Floor
New York, New York 10013

April 19, 2018
10:40 A.M.

A P P E A R A N C E S:

COMMISSIONERS:
CESAR PERALES, Chair
RACHEL GODSIL, Vice Chair
JOHN SIEGAL
DEBORAH ARCHER
MARCO CARRION
DALE HO
UNA CLARKE
WENDY WEISER
ANNETTA SEECHARRAN
ANGELA FERNANDEZ
CARLO SCISSURA, Secretary
KYLE BRAGG
LARIAN ANGELO

MATT GEWOLB, Executive Director
CHRISTINE BILLY, General Counsel
CANDICE CHO, Chief of Staff
AARON BLOOM, Deputy General Counsel
MR. PERALES: My name is Cesar Perales and I have the privilege of serving as chair of the 2018 Charter Commission. As I call the meeting to order, I want to make sure that the live stream is on. I saw the light go on.

With that introduction, may I ask the members of the commission, the commissioners, to introduce themselves. Shall we start? And take a minute to tell us what you do and why you are so distinguished that you became a member of this distinguished group.

MS. ANGELO: Thank you. I'm Larian Angelo and I'm very happy to be a member of this group to have a chance to take a look at the fundamental governing documents of the City of New York. I spent about 27 years in City government; most of it, having to do with making budgets, either from the Council side or the Mayor's side. So as I said, I'm very happy to be here and thanks for inviting me.

MS. SEECHARRAN: Good morning. My name is Annetta Seecharran and I am also very pleased to be on the commission. I look forward to working with my commissioners. I currently serve as executive director for Chhaya Community
Development. Previously served as director for policy for United Neighborhood Houses. And prior to that, ran another nonprofit organization serving young people and have been working on a variety of issues related to youth community development over the last nearly 25 years.

MR. SIEGAL: Good morning. My name is John Siegal. I'm pleased to be here. I'm a lawyer in private practice, a business lawyer and trial lawyer, partner in the Baker Hostetler law firm. In terms of City policy background, I was once a long time ago, an assistant to Mayor David Dinkins at City Hall. I'm currently a member of the Civilian Complaint Review Board. And perhaps relevant to some of the issues this commission will consider, for about twenty years, I represented various Citywide political campaigns as counsel. Spent a lot of time in front of the campaign finance board, which I consider to be a model of democracy in this country. Thank you.

MS. WEISER: Hello. My name is Wendy Weiser. I am currently director of the democracy program at the Brennan Center for Justice at NYU School of Law. We are a nonpartisan not for profit think tank and public interest law center
that focuses on fundamental issues of democracy and justice. We work to reform and revitalize and defend the systems of democracy and justice. And the program I direct focuses on a broad range of democracy issues that might be of relevance to the work of this commission; including, voting rights, money in politics, redistricting fair courts and ethics as well. So I am very, very delighted to be joining this commission. I think it's deeply important to revitalize and strengthen democracy in the City of New York, as a model for the country. At a time when people are really -- when the systems of our democracy are under strain, New York can be a beacon of reform.

MS. ARCHER: Good morning, everyone. My name is Deborah Archer. I'm very happy to join this distinguished group of folks on the commission. I am a professor at New York Law School and director of the Racial Justice Project there. Before that I had been a staff attorney at the NAACP Legal Defense Fund and at the ACLU, where I worked on voting rights issues and issues related to economic opportunity. In terms of engaging with the City, I was a member of the
Civilian Complaint Review Board and acting chair for some time.

MR. BRAGG: Good morning. I'm Kyle Bragg. I'm the secretary treasurer of SEIU 32BJ. We're a property service union of 165,000 members across the East Coast from Florida to Massachusetts. We represent service employees working commercial buildings, residential buildings, security officers and airports. I'm privileged to be part of this commission. Any process that helps to expand democracy in our City and expand inclusion, is a good process. Thank you.

MS. CLARKE: Good morning. My name is Una Clark and I am pleased to say I am an immigrant first generation immigrant in the City of New York. I'm concerned about immigrant communities. I am a -- I was elected to the New York City Council as a result of the charter revision when the City Council moved from 32 to 51. I became the first immigrant from Jamaica to have been elected to the New York City Council. So I am deeply devoted to making sure our city is always reflective of its talent, its people and that everybody make a contribution to broaden and
deeper or democracy.

MR. SCIASSURA: Good afternoon, everyone. I'm Carlos Scissura. This is my second, I guess, rodeo as a charter commissioner. I served on the 2010 Charter Commission. I currently serve as the president and CEO of the New York Building Congress, which is a coalition of businesses, labor unions and organizations that are building and creating a great city to live in. Prior to that, I served as president and CEO of the Brooklyn Chamber of Commerce. And before that, was chief of staff to borough president Marty Markowitz. I also am excited to be here. I thank the chair for convening a wonderful group and I think we have some exciting work ahead of us.

MR. PERALES: I introduced myself earlier. My name is Cesar Perales. In terms of my background, I have been in government for too many years to count. But I've also been an advocate on the outside trying to improve government and that's what this commission is all about. And just to give you a sense of what I'm talking about, I last served as Secretary of State for New York. I was a Deputy Mayor to New
York City. I was an assistant secretary in Washington. But probably had the most fun, when I was suing government; when I was not a member of government. And many of those lawsuits were against the City of New York for their not being open and fair in their elections, when they should have been. And so that's probably -- my experience is probably why the mayor asked me to serve as chair, because of his own interest in fairness and government and in fair elections.

MS. GODSIL: Good morning. My name is Rachel Godsil. I'm very honored to be part of this esteemed commission and to be working with Chair Perales. I'm currently a professor of law and a chancellor scholar at Rutgers Law School. I'm also the cofounder and director of research at the Perception Institute, which is a national consortium of social psychologists, law professors, culture makers and others, focused on the role of implicit bias, racial anxiety and other phenomena that interfere with our ability to achieve fairness and equity across identity groups, race, ethnicity, religion, immigration status, ability gender. And I have had the honor of working as a lawyer at the NAACP Legal Defense
Fund doing environmental justice work and health care work. We also sued the City several times under an earlier mayor. And my previous work for government also includes being an assistant U.S. Attorney for the Southern District of New York. And most recently being the chair of the Rent Guidelines Board in 2016. Thank you so much.

MR. HO: Good morning. My name is Dale Ho. I'm honored and privileged to be serving on this commission of esteemed fellow commissioners. I, for the last decade or so, had worked as a voting rights attorney. First at the NAACP Legal Defense Fund, a recurring theme on this commission, and currently at the ACLU, where I direct a voting rights project.

MS. FERNANDEZ: Good morning. My name is Angela Fernandez. And I too am honored to be serving on this commission. I'm executive director of the Northern Manhattan Coalition for Immigrant Rights. In addition to being a supervising attorney on an organization that has had numerous successful Citywide and Statewide policy campaigns that have provided expanded due process to immigrants, in addition to providing PACs for civil participation for immigrants, I
also serve on the Civilian Complaint Review Board and I was formally the chair of the National Dominican Day Parade. Thank you.

MR. CARRION: Good morning, everyone. My name is Marco Carrion. I'm currently the commissioner of Community Affairs for the City of New York. I previously served both the government of New York State and worked in the New York State Senate. The bulk of my career has been in the labor movement working with the United Federation of Teachers. Most recently, the Central Labor Council for New York City. And I think the thread that's gone throughout my service has been to really foster inclusion, expand democracy in this City and nationally and also to empower the various communities and try to give perspective to the people that make up this dynamic city. So it's my pleasure and honor.

MR. PERALES: Thank you. I was serious when I said this was a distinguished group. I'm truly honored to be chairman of this group. And we've got some very important work to do. Before I get into that, I want to indicate that for the record, we have a quorum. At the same time, I'd
like to remind everybody that we will create under the municipal home rule of law where the State is basically giving local government the authority to create commissions like this one, to amend and revise and change the governing law of that municipality. That same home rule requires the mayor to designate a chair, a vice chair and a secretary. On my left, is the vice chair and on my right, we've got the secretary. They were all named by the mayor to head this commission.

I want to note for the record, that we've attempted in forming this commission, to cover the geography of all the boroughs of the City, ethnicities and have everybody represented. I'm very proud that we've done such a good job. We've also called on people with tremendous government experience, enormous experience in voting rights, even a member of the City Council, so that I think we are very well represented.

But in order for us to do our work, we're going to need the participation of the people of the City. We want them to learn as much as possible about what is in the City Charter and to come to us with ideas about revising the City Charter; making it better.
This particular meeting is an organizational meeting. So we will not be hearing from the public; although we want the public to see and understand and hear what it is that we're saying as we develop our organization and as we lay plans for the work of the commission that will take place between now and the beginning of September.

For the record, I haven't made it clear, under the law -- under the Home Rule Law, this commission revises the entire City Charter. It's important to understand that. So we will be entertaining comments from the public regarding what part of the City Charter, what rules we ought to be changing or adding or eliminating. That's very important.

But every mayor who has named a charter, has had a particular interest. This mayor, much to my delight, is interested in improving democracy and improving the way we elect our leaders. And as has been stated, it's something that's not just important for the people of the City of New York, but it's become increasingly an important national issue. About outside influences, about money, even about gerrymandering; an issue that's
coming before the Supreme Court, as some of my esteemed constitutional lawyers on the panel will note. Elections are becoming increasingly important. And I happen to believe that there is increasing interest on the part of the citizenry, on making sure that elections are fair.

So I say that because we've got to understand that while we will be focusing on elections and how we conduct them, I will be looking at the entire City Charter, particularly those issues that are brought to us by the folks we hear from during this process.

I'm going to talk to my fellow commissioners a little bit about their thoughts about how we make sure that this commission is as transparent, if not more transparent, than any other commission that we've had to revise a City Charter. Fortunately, we've got technology that's going to help us. This is being live streamed. We're looking for ways so that our future meetings, folks are going to be able, to not just see us and listen to us, but communicate questions to us that we can respond to. I know that Carlo, whose sat on a previous commission, thinks that they had the most transparent
commission. We're going to beat them. Right folks? We're going to hear from more people than anyone has ever imagined. And I think we have the advantage of better technology and that will enable us to do that. So I'm charging the staff to figure out a way that we can ensure that as many people as possible hear us. They're already talking about using YouTube. Even I, who understand absolutely nothing about technology, know what YouTube is. So I think we're going to be able to have a very successful and transparent process.

One other thing that I think we need to say for the record for the members of the commission: We have followed all of the required notice of procedures. I'm told there are many. I don't even understand all of them. But I've been assured by staff, that we have met all of the requirements. The one I do know is that we're supposed to give 72 hours notice to the public and that was done. We've published notice of this everywhere we were supposed to, as many times as we were supposed to, so that we can rest assured that we are doing this legally and also in a way that gets as much participation as
possible. This meeting is being transcribed, so I'm going to ask my fellow commissioners to identify themselves each time they speak today. And we're going to try to be brief this morning, but we've got some important things to discuss. Things that basically I want to tell my fellow commissioners, but I don't mind if the public is listening. We're going to talk about housekeeping stuff. Who the staff is, what kind of resources we're going to have. I, for one, having spent enough time in government, don't want to spend too much money. I think we can do this borrowing good staff from other agencies and using resources. I think we'll have all we need, but we're not going to be spending a fortune in getting it. We're going to discuss some of the principles that I think should guide us, including transparency. Perhaps, most important, we're going to try to set out a schedule for us between now and Labor Day, because we've got to get a lot done in a very short period of time. And at the end of today, we'll get a presentation by our legal experts on the history and structure of the Charter. How often has this been done, who's called the Charter and I'm curious to know
about that and I think the public needs to understand the history of these Charter Commissions.

First important point of business for us is that we need to appoint an executive director and we need to appoint a general counsel. So let me begin by saying I think we've been very fortunate to get some exemplary staff that the mayor made sure that we got. First of all, let me introduce Matt Gewolb. Matt is the Assistant DA and general counsel at New York Law School. He previously was the director of legislation for the New York City Council. Before that, he served as Director of Government Programs at Columbia Law School. And he's currently teaching at the State Local Government at my alma matter, Fordham Law School.

You're also going to hear later, when I talk about the history of the charter, from Christine Billy, who we will be nominating to serve as our general counsel. Christine comes us to us from the Department of Sanitation, but she previously served as Senior Counsel at the Law Department, where she advised City Agencies and reviewed and drafted legislation. She has lectured on the
Charter's history, election law -- what else have you lectured on? New York City Government.
She's a nighttime professor at NYU Law.
So I will entertain I motion to appoint Matt Gewolb and Christine Billy to their respective roles.

MS. CLARKE: Second.
MR. SCISSLURA: So moved.
MR. PERALES: All those in favor?
(Chorus of Ayes.)
Moving on. I want to acknowledge a few other people that have been very important so far and are going to continue to be important to us. Candice Cho, she's going to serve as our chief of staff. But you'll stay with the Law Department?
MS. CHO: Yes.
MR. PERALES: You've got two hats. Josh Sisk isn't here. He's our director of operations. And Aaron Bloom is the deputy general counsel. They're going to be with us.
So the way this is going to work is, we're borrowing a lot of folks. We've got, I think, a little bit of money to hire consultants here and
there.

MR. GEWOLB: Some.

MR. PERALES: But most of our staff is going to be borrowed. But many of you are borrowed full-time. We will have offices --

MS. BILLY: We do.

MR. PERALES: We do have offices. So much to my surprise, in the -- I'd like say -- in the David N. Dinkins Building.

MS. CLARKE: I think I know.

MR. PERALES: Some of you call it the Municipal Building. I call it the David N. Dinkins Building, because that was my mayor. I served as Deputy Mayor under him. He's very proud of the fact that he's got a building named after him.

So we have offices in the David N. Dinkins Building, where these folks are going to be sitting day in and day out -- I figure about 12 hours a day, given all we've got to do. And so I'm looking forward to that.

One other motion, I think we need to make: The law -- Municipal Law, gives us the ability to request the mayor for the budget I talked about, as well as for the borrowing of these people.
But I'd like to delegate any further decisions about staffing and borrowing resources, et cetera, to Matt Gewolb, our executive director.

Is there a motion?

MR. BRAGG: Motion.

MS. ANGELO: Second.

MR. PERALES: All those in favor?

(Chorus of ayes.)

MR. PERALES: There are no nays, right?

So, Matt, periodically your job is to go out and get us the rest of the staff and get us the resources we need to get this done.

This is a serious effort that we're undertaking and it's time-limiting. Probably no other commission has been formed this late or held its first meeting this late second term. Others have had time constraints, but we've got some really serious time constraints. The reason for that is that we're hoping to get some proposals on the ballot for November. And in order for the bureaucracy to get all of that done, to get stuff on the ballot, we've got to finish it by September 7th at the latest. So I keep thinking of Labor Day Weekend, which is just before the 7th. The 7th is what day?
MS. BILLY: Friday.

MR. PERALES: So it's the Friday after Labor Day which we have to have our proposals all done and submitted. I'm optimistic that we will have some and that they will be good ones and that hopefully our citizens will adopt on Election Day. Again, I want to repeat myself about the transparency -- my interest in transparency. My interest in inclusiveness.

And we're going to talk about that now, which I think is the biggest decision we've got to make about our time frame and our schedule. I understand staff called each one of you to try to get a sense of the dates that you might or might not be available. You should all have in your packages, a draft schedule. Everybody have a proposed schedule?

We're going to start with Staten Island, which I'm told we should, because they always feel left out. So -- and we're going to do Manhattan last. But does everybody see those dates? I assume we can make most of them. This is important about quorum -- I mentioned that we had a quorum. There are 15 of us. We've got to have more than half to have a quorum. Eight.
But even if only ten of us show up at a meeting, we still have to have eight to vote for something -- to get something accomplished. So I want you to try as hard as you can to make every one of these meetings. I know sometimes it will be impossible, but I'm still hoping that we will have well over eight at each of our meetings.

Any other thoughts about schedule? Let me share something with you that is not quite here, but it was alluded to. I indicated I want more than -- to be more transparent than anybody else. In addition to the five borough meetings, I'd like to have three to five, what I would call, neighborhood meetings. So that while we won't require -- I guess we won't require a quorum, but I would like a couple of commissioners to be present with staff in holding those meetings. I've also interjected that I think a couple of them, we have to have simultaneous translation in another language. I haven't figured out how many languages yet, but I think it's important that we do that. So I'm going to hope that you will volunteer for one of those three to five, let's call them neighborhood meetings. So that we can have all total, not just the five borough
meetings, which are the big ones -- Carlo tells me that he's done them at places like what?

MR. SCISSURA: We did Brooklyn Borough Hall. We did courthouses. We did universities, colleges. We call the PAC meetings, which I see a few of you which have been at some of those meetings in the past.

MR. PERALES: Any other thoughts? What do you think about my idea about having neighborhood meetings? Kyle's giving me a thumbs up.

MS. FERNANDEZ: I think it's especially important, because some of these boroughs are very large and so -- for example, folks in East New York or in Washington Heights, are unlikely to go to more centrally located or what we envision are centrally located areas of the borough.

MR. PERALES: I will want your input on that. Because, for example, we should have one in Northern Manhattan. I'm sure you agree.

MS. FERNANDEZ: Absolutely. And in the South Bronx.

MR. SCISSURA: And I would like to see one in Southern Brooklyn.

MS. CLARKE: I'd like to see one in Central
Brooklyn.

MR. PERALES: Let's think this out. Maybe we'll have more than three to five. If we've got 15 commission members, if we had two at each one, we can have a whole bunch. So let's think about that, as to when we can squeeze it in. I know staff is raring to go. They don't care how many we have, right? They seem to be smiling. But I do think that this is important.

The other thing we're going to have is something that's been done in the past, is expert panels, after we listen to the public. I'm sure that there are going to be a few issues that surface in which we will want to learn more about. For example, I'm told that people generally invariability come up with the idea of instant runoffs, because we've had to have extra elections for people under the 40 percent number. And somebody -- there are ways of avoiding that. You save money and you know right away who won. Because one of the things that happens when you have that second election, very few people vote. So there are advocates of instant runoffs. At the same time there are lot of folks that don't think it's a very good idea. For example, we can
have an expert panel explaining the pros and cons as to why we ought to do that. We've got some voting rights experts presumably on our panel who will have some ideas about that. I think hearing from other "experts," I think will be very useful. I imagine that's a number of issues that will come up in terms of land use and others that we will need some expert advice on. So in addition to hearing from the people in our communities, we're going to have some sessions, which we listen to experts to help us formulate our decisions, so that our decisionmaking is as informed as possible.

We've got -- I don't want to go over the proposed schedule in detail. But why am I doing all the talking? I mean any reactions to anything that I've said, folks? Please, talk to me.

MS. GODSIL: One thought I did have is to have some meetings in schools or other places that feel more welcoming than public buildings and places where people aren't accustomed to going.

MR. PERALES: Good thought.

MS. CLARKE: I want to take a look at the
demographics of the City, because things are changing. And a sense of who's where is going to be important in decisions that we make for guarding liberations. So I think it's important that we look at the changing demographics. And City Planning may have some information that will be useful to us.

MR. PERALES: We used to have a guy named Joe Salvo, who's a world's expert. Is he still around?

MR. SCISSLURA: Yes.

MS. CLARKE: I'm saying that, because were it not for work that was done at the Carey Research Center, and we made our case that they we think they should go districts that would make it feasible for one of us to run for office, I never would have gotten to the City Council. And we would still be in the same position we were prior to my election in '91. So I think that we need to do our thorough work and I think we ought to be very sensitive to the new immigrant communities. Because of what's happening in Washington, many people will not come out and speak with us and we have to be able to bring them out because what we will be doing is going
to affect their lives.

MR. PERALES: Very good. Why wasn't staff
treated, this was a direction from the
commission, that you contact Joe Salvo or someone
on his staff to look at any recent changes in
demographics with a view towards what
neighborhoods we ought to be looking at to having
neighborhood meetings, as well as whether or
not -- what language groups might be -- ought to
be provided with assistance in those
neighborhoods.

MS. FERNANDEZ: I would also like to add
that if possible, that we devise a very simple
but creative marketing campaign, even Grassroots
marketing campaign. So that we ensure that
people, not only know where all of the meetings
are happening, but why the Charter Commission is
important. And something very simple and clear,
even with visuals, so that we can make it the
most welcoming process.

MR. PERALES: Good.

MR. SCISSURA: And I would add to that, we
should have a Twitter feed and all the social
media. We do? So we should probably send that
out and follow each of us in our own lives,
et cetera.

MR. PERALES: Yeah. Twitter has become of late, very important to our democracy.

MS. SEECHARRAN: I want to echo the last two points made by Una and Angela about the importance of ensuring participation of the most unlikely voices, because of -- whether it's language or immigration fears or immigration statuses. I wanted to know what extent we're allowed to or can we partner with community based organizations who might be able to brief, educate and mobilize folks to turn up.

MR. PERALES: One of the reasons Marco is sitting on our panel is because, while I said I don't want anybody working for the Mayor being on the panel because it will look like it's all controlled -- and the one thing I made clear and the mayor assured me, was the independence of this panel. I want it to be said that we were very interested in ensuring that this panel would be independent. But the one person that I did want on our panel, who does work for the mayor, is Marco. And you may want to comment on this idea of working with community based agencies to make sure that we get a good turn out.
MR. CARRION: I think that that's a great idea, how we should pursue this. We were speaking about during these neighborhood meetings and possibly not having them at institutions where folks could be -- they'd be barriers to people actually attending. We have some great partners in some of the more emerging communities, who can definitely help us provide space, but would serve as validators to those communities that it's safe to come out and this is an important thing they should be involved with.

MR. PERALES: I don't want to raise too much expectation, because there's a limit as to how many of these hearings we can have. But I think we can have more than just the traditional borough meetings and we ought to try to do this as much as possible.

Any other comments on the proposed schedule? I know lots of us have summer plans, so there will be periods in which we can't participate. But there being 15 of us, I think we can have a number of meetings and have our full participation.

MR. SCISSURA: I would just add one other
thing on meetings. If we can do some evening and
some morning, just because there are different
constituencies that maybe can't come out at night
or can't be there in the morning.

MR. PERALES: That's particularly true of
the neighborhood meetings.

Any other thoughts about our schedule? To
me, the most important thing is that we end up
blessing a schedule. There are a couple of
questions on that -- a couple of days so that if
you've really got some strong feelings, you've
got to communicate that with staff. That's what
this is about. It may be tough to do this
immediately in this form, because there's so many
of us, but we do need to settle on the schedule
and then publicize it. Is that right?

MR. GEWOLB: Yes.

MR. PERALES: That is people will have
notice. We want be to have as much notice as
possible of when we're going to be meeting and
where we're going to have these meetings. It's
easy for the borough meetings. It will take a
little longer to set up the neighborhood
meetings. But I'm sure we can do that.

It says I should have a motion to adopt the
general time frame. Does that make sense guys?
Has everyone looked at the schedule? They have a sense? Without specifics, is there a motion to adopt this general schedule? This general time frame?

MS. CLARKE: So moved.
MR. BRAGG: Favor.
MR. PERALES: All those in favor?
(Chorus of Ayes.)
MR. PERALES: Those opposed? The motion carries.
Are there any other motions that I need before I ask Christine to give us a fascinating history of --
MR. GEWOLB: No other motions.
MR. PERALES: Are we ready to hear the presentation from our general counsel?
MS. BILLY: So as the chair noted, this commission is charged by State law to review the entire City Charter. And in light of this, this becomes something of a tradition to kick off Charter Revision Commissions with a presentation about the Charter as a whole with highlights of both its history and structure.
So first I'll discuss the history of the
Charter, focusing on past Chart Revision Commissions. And then second, I'll turn to a discussion of the Charter's general organization of structure and current form. I recognize that many of you sitting here are already familiar with aspects of this. And today I'm privileged to be joined by Steve Lewis, who was a veteran advisor to several of the past Charter Revision Commissions. And Steve, I hope you'll feel free to interject or perhaps kick me if I go too far astray.

MR. LEWIS: I'm not going to kick you, because that would be visible.

MS. BILLY: So to begin with, let's keep in mind that there are four fundamental ways to amend the City's Charter. First, by local law, which can either be done with or without a public referendum. Second, by State law. Third, by voter petition. And finally, as most relevant here today, by Charter Revision Commission.

Charter Revision Commission, in theory, can be convened in several different ways. Although in reality, the Charter Commissions that shape the City's Charter generally have either been called by a City mayor or pursuant to a specific
act of the State Legislature. This commission, like its immediate predecessors, will view the Charter as a fully empowered local legislative body, subject to voter approval.

Now, as a result of this long history of the Charter and many ways of amending it, the Charter does not come to you as a unified legal or political document. Rather, the Charter represents the combined actions of many bodies with legislative powers acting over centuries and sometimes across services. It includes state laws and Council laws. It includes the results of petitions and the proposals of 13 previous Charter Revision Commissions.

If it makes you feel better, confusion over the Charter is not new. As early as the mid-19th century, the City's mayor complained that the governing structure included portions of six different charters, which created nine executive departments, having undefined doubtful and conflicting powers. And you can decide at the end of this process, whether you think matters have improved much since the 1850s.

But now we're going to head into a whirlwind history of our Charter. And in your materials,
which were in your welcome packets, for those of you who brought them along, we included a brief description of past Charter Revision Commissions, if you would like to follow along or study for some late bedtime reading if you have trouble falling asleep.

From its origin to the present day, one could say that the history of the Charter represents an effort to respond to a core set of chapters. And I would summarize them as first, the balance between borough or community autonomy and centralized City government. Second, the balance within City government between the mayor and the legislative branch and other elected officials. Third, the balance between government efficiency on the one hand and transparency and accountability and public participation on the other. And after listening to this commission's discussion about what you want to see this process to be, I was really struck by how the work of this commission sits alongside the work of all the previous Charter Revisions that came before it, as sort of part of a broader constellation of efforts to improve our local democracy.
So going back on history: In tracing the Charter's history, one can begin with the colonial Charters of the 17th and 18th centuries, but in the interest of time, I'll skip ahead to one of the most important dates in City's history, January 1st, 1898, which as many of you here are well aware, was the birth of the modern City of New York with its multiple boroughs. And so after a public referendum regarding the unification of the cities of Brooklyn and New York, which at that time was Manhattan -- which by the way, barely passed in the City of Brooklyn, by a mere 300 votes -- the state legislature passed an act of consolidation 1896. And pursuant to this act, the 1897 Charter Revision Commission was convened. So let this be a lesson that every vote counts. And as a result, the first greater New York Charter took effect on January 1st, 1898. The Charter was very long and it included a lot of material that ended up being put in the City's administrative code. And in fact, the real structure of the early 20th century City government took shape based on a second Charter Revision Commission convened a few years later. And the resulting
1901 Charter, which was adopted by the State legislature made extensive changes. Including, solidifying the role of a body called the board of estimate and apportionment, which some of you may remember, which was made up of the mayor, the comptroller, the president of board and city Council and each of five borough presidents.

In your materials, I included a City government chart as it looked in 1907. It sort of has an hypnotic effect if you stare at it for too long, but it should give you a sense of the general structure of what the City government looked like at the dawn of the 20th century.

Moving along. After many failed efforts of Chart Revision in the mid 1930s, the Charter began to work toward its modern form, as Mayor Laguardia appointed a 1936 commission under a special state law. That Charter was adopted by the voters in 1936. It took a much shorter form and it was intended to reflect the fundamental, organic structure of City government, with the idea for the first time of the administrate code as dealing with the minutia of municipal law, which is sort of the balance that we still keep today. This 1936 Charter ran 83 pages and sold
for 25 cents at the David N. Dinkins Municipal
Building, although it didn't have that name at
the time. And I'll note that that same building,
which is where the City Store is located, no
longer sells copies of the Charter. I did check.
Although it is freely available online for your
perusal and it is now at a whopping 3,103
sections. I also included in the materials, a
chart of the City government as it looked after
that 1936 revision.

Mayor Wagner appointed a Charter Commission
in 1961 and then there was a state created in
addition it 1975. I should note that the 1975
Commission was really the exception to the rule.
So after those initial Charter Revision
Commissions that I just discussed that were
creatures of State law, every Charter Commission
from 1938 to the present, with the exception of
that '75 one, was convened by a mayor. Or I
should say every Commission that ended up with
proposals that were given to the voters,
regardless of whether they passed, was convened
by the mayor.

There isn't time to summarize the details of
the revisions over the mid 20th century. You can
read about them in your materials. But in
general, we can say the board remained strong
with powers over contract, budget, land use, real
property. The powers of the mayor and the
comptroller gradually increased, whereas the
powers of the borough presidents gradually
decreased. And I think perhaps most importantly,
there was an overall increase in public
prophecies. And this really took off in 1975
with provisions such as City Uniform Land Use
Review procedures known as ULURP.

Mayor Koch appointed a Charter Revision
Commission in 1986, which placed limited but
important issues on the ballot in 1988, including
for example, campaign finance, conflicts of
interest, the City administrative procedure act
in special elections for vacancies in elected
office. But its work was overshadowed by the
seminal Charter Revision Commission of 1989,
which was chaired by former Corporation Counsel,
Fred Schwartz. Mayor Koch called this Commission
in the face of a true Charter crisis. The United
States Supreme Court had struck down the
composition of the board of estimate as violating
the federal constitutional doctrine of one person
one vote. Basically each borough president had equal vote despite the vast discrepancy in populations in each of the five boroughs. So the 1989 commission was convened and responded by abolishing the board of estimate, which had been central to City government throughout the previous century. Its powers were redistributed more or less in a manner of separation of powers between executive and the legislative branch. But it really required a rethinking of almost every important City process, including budget, franchising, concessions, land use, as well as the roles of the borough president, the City counsel president now as the public advocate. And scholars say that it was this Commission that largely determined the present structure of City government as we now know it.

Moving on quickly ahead. In Giuliani years there were three Charter Revision Commissions, each looking at a narrow set of issues, such as campaign finance. And Mayor Bloomberg appointed a series of Charter Revision Commissions in the beginning of the 21st century. In 2002, the voters adopted a proposal related to special elections procedures to fill vacancies. In 2003,
the Charter Revision Commission proposed three
questions which were all defeated in the wake of
it being over its nonpartisan proposal. The 2005
Commission made two limited proposals related to
financial matters and administrative law judges,
both of which were adopted. The most recent
Charter Revision Commission was convened in 2010.
The issue of whether to restore two-term term
limits for elected officials I would say probably
overshadowed the political discussion, but all of
its other proposals passed. It included in
addition to term limits, regulation of disclosure
of political and independent expenditures. It
reworked voter assistance functions and assembled
a campaign finance board. And interestingly, it
also reduced the signature number requirements
for candidate petitions. Which is of note,
because those provisions of the Charter actually
supersede provisions of the State election law
and the legal theory that the City has authority
to engage in innovation in the context of local
elections. The Commission also considered
instant runoff and nonpartisan elections, but
didn't act on these. And we've included in the
materials, the ballot questions and abstract from
2010 as an example as the core work product of a
recent commission.

In concluding this Charter history, I want
to focus on a theme that may interest the
Commission. Throughout the history of the
Charter, there has been a perennial interest in
experimenting with and improving local democracy.
Commissions have taken a continuing interest in
campaign finance reform, voter assistance and
other election related matters. Some commissions
have taken a broad and sweeping look at the
City's organizational structure as a whole,
whereas others were limited to a narrow set of
issues. But every Commission was shaped by the
political and historical context in which it was
convened.

So unless there are questions, if you are
ready for more, I will turn to the modern
structure of the Charter, which I promise, is the
shorter portion of the presentation.

MR. PERALES: Are there any questions? No.
You can continue, general counsel.

MS. BILLY: Moving on. As you have probably
gleaned by now, the Charter is not a Moby Dick.
It is not a cohesive literary work with a
constant narrative theme. I think it's safe to say that most New Yorkers have probably not read it, much less tabbed their Charters from cover to cover. Being one of the lucky few who has, I thought it would be useful if I outline for you the basic structure of the Charter in its current form. So as we discussed, the Charter is intended to paint only the broad organizational strokes of our City government with more of the details being located in the City's administrative code, which is much longer. And conceptually, I think it's helpful to think of the contents of the Charter as roughly divided into three parts. The first part you can say contains instructions and descriptions of the City's elected officials. The second part, contains key processes, such as, the budget, capital projects, acquisition and disposal of the City's real property and other matters. And then the third part, sets forth the powers and duties of City agencies. Now this isn't a perfect description of the Charter's structure, because there isn't one. But it gives you an overall sense. And in the last exhibit in your materials is sort of a table of contents of all the
chapters in the City Charter, just as a quick
reference for you to look at with the subjects
contained therein.

So beginning with what we can call part one,
the Charter essentially begins with a description
of the City's elected officials, with chapters on
the mayor, the Council, the public advocate, the
comptroller, as well as the borough presidents.
Some of these chapters are more detailed than
others. But they all have the same basic
content; they set forth the manner in which the
City official is elected, the term of office, the
powers of duties of that official. They also
contain related provisions related to that
elected office. So by way of example, the
chapter on the mayor, which is chapter one, also
discusses the structure of the mayor's office
itself, including several offices within. So for
example, the mayor's office of operations, the
mayor's office of criminal justice. And more
recently, we've actually seen a trend of offices
added to this chapter by the City Council by
local law, which gives the mayor the flexibility
to establish a new agency either within the
mayor's office or another City agency. Which is
sometimes confusing, because agencies are not always in practice with other agencies, are described in chapter one related to the mayor. So a recent example of that would be the Office of Labor Standards and the Office of Civil Justice. The chapter about the Council not surprisingly also describes the process by which local laws are enacted and also contains details about which local laws must be approved by the voters by referendum.

Moving on. The second part of the Charter contains key governmental operations and processes. The budget process, capital projects, procurement. And specifically, it spells out the two major budgetary processes that we have in New York City; the expense budget and the capital budget. And then it describes the overall process of how the budget is determined. It also describes how the City's financial obligations are regulated, including the City's debt. This part of the Charter also includes provisions relating to the City's tax structure and establishes the tax commission.

Moving onto land use, another major City process. This chapter establishes the Department
of City Planning, as well as the City Planning Commission. And also includes our key land use provisions, most known as ULURP, the fair share process and others. If also outlines other key governmental operations; in particular, the processes by which the City may spend money on goods, such as the procurement process, as well as the process by which the City may raise money, apart from taxes. For example, the grant of franchises and concessions or the disposition of the City's real property.

And then finally, moving onto the third sort of general part of the Charter. The third part mostly concerns City agencies. This is by far, the longest part of the Charter. And it largely contains chapters that each deal with individual City agencies, describing each agency's organization, powers and duties. I should note that this is not an exhaustive list of City agency's powers and duties. So for example, some agencies that are listed in the Charter, are actually created pursuant to State law or act by powers described by State law. So the Department of Education is an example. But this is a good start to give you a sense of the City agencies
section. I'm obviously not going to go through every agency. You can look at the handout for that. But I'm sure you can get a picture of this. Within this third part, you'll also find a chapter setting forth the City Administrative Procedure Act, which concerns rulemaking and adjudications by City agencies. And you will also find provisions defining the term limits on elected officials, election and voter assistance, including the Voter Assistance Commission and the Campaign Finance Board. There are also provisions on conflict of interest, Chapter 68, which concerns ethical standards that apply to current and former public service. And finally, there are provisions on community government. So I'm talking about provisions that establish community districts and community boards charged with conducting public outreach and assisting with planning on capital projects.

So I know this has been quite a mouthful. This is actually just a general overview. But in conclusion, I just want to say that the Charter is the closest that we have to a constitution. And within it, you'll find the essential structure of how our City is governed. And for
those of us like myself who come from City agencies, I think we sometimes have a tendency to get sort of lost in the weeds of problematic detail. And a Charter Revision Commission is a time to take a step back and look at the big picture. How can our time be improved? How can the lives of real New Yorkers be improved by examining and potentially reforming the processes and powers elected in the Charter.

So now, if you have any questions, we will be happy to take them.

MR. PERALES: No questions? That was very good, Christine. Steve, you didn't get a chance to say anything.

MR. LEWIS: That's fine. She got it all.

MR. PERALES: So thank you, both. Matt, is there anything else I need to cover before I ask for a motion to adjourn?

MR. GEWOLB: That's it. Except that now with the motion to schedule, we'll plan to publish a schedule and provide that to the commissioners and the public as soon as tomorrow. And reminding the public to visit our website, which is NYC.GOV/CHARTER.

MR. PERALES: And if they want to see us on
live stream, they go to that?

MR. GEWOLB: To that address.

MR. PERALES: And then they press a button and they can watch us?

MR. GEWOLB: Yes.

MR. PERALES: Commissioner Clarke suggested that it's easy for those who know how.

MR. GEWOLB: Otherwise that's -- I'm sorry. I'm sorry if I remised the discussion of social media, but if I did not say that we have a Twitter handle now @NYCCHARTER. So we'll make that -- we'll disseminate that information to commissioners as well.

MR. PERALES: My generation does not know what a Twitter handle means. At any rate, I will entertain a motion to adjourn.

MS. CLARKE: So moved.

MR. PERALES: Is there a second?

MR. SCISSURA: Second.

MR. PERALES: All those in favor?

(Chorus of Ayes.)

MR. PERALES: Opposed? The motion carries.

We are adjourned. Thank you very much. And I want to thank you those of you who took the time to come listen to us and also those who checked
in through the live stream. Thank you very much.

(Whereupon, at 11:44 A.M., the above matter concluded.)
CERTIFICATE

STATE OF NEW YORK )
    : SS.: COUNTY OF RICHMOND )

I, JAMIE WILLIS, a Notary Public for and within the State of New York, do hereby certify:

That the above is a correct transcription of my stenographic notes.

I further certify that I am not related to any of the parties to this action by blood or by marriage and that I am in no way interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my hand this 3rd day of May 2018.

____________________________
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