

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

NEW YORK CITY CHARTER REVISION COMMISSION 2019

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B E F O R E: GAIL BENJAMIN
Commission Chairperson

COMMISSIONERS:
Commissioner Sal Albanese
Commissioner Dr. Lilliam Barrios-Paoli
Commissioner Lisette Camilo
Commissioner James Caras
Commissioner Eduardo Cordero Sr.
Commissioner Stephen Fiala
Commissioner Paula Gavin
Commissioner Lindsay Greene
Commissioner Alison Hirsh
Commissioner Rev. Clinton Miller
Commissioner Sateesh Nori
Commissioner Dr. Merryl Tisch
Commissioner James Vacca
Commissioner Carl Weisbrod

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

Stephen Nelson, New York City resident

Jack Noland, Policy Researcher
Represent Us

Alan Leidner, President
GISMO

Daniela Lebling (sp?), New York Resident
Member Green Party

Eric Kober, Former Director of Housing,
Economic, Infrastructure Planning
New York City Department of City Planning

Luis Tejada, Campaign Organizer

Heather Miranda, NYC resident and Member
of Campaign for Elected Review Board

Jonathan Bailey, Organizing Committee
Democratic Socialists of America

Frank Morano (sp?)

Joyce D. Hutton, NY Resident

Richard Cazami (sp?), NY Resident and
President of Old Astoria

Robert Seran (sp?), Chief Operating
Officer
United Planning Solutions, INC.

Ken A.
Open New York

Susan Lerner, Executive Director
Common Cause New York

CHAIRPERSON BENJAMIN: Good evening. Can you hear me? Okay. Thanks. Good evening and welcome to tonight's public hearing of the 2019 New York City Charter Revision Commission. I'm Gail Benjamin, the chair of the commission and I am joined by the following commission members: Alison Hirsh on my right. On my left, Jim Caras, Ed Cordero, and Rev. Clinton Miller. David Sitzer (sp?) is my counsel who will be helping me keep track of how the meeting is going and what I'm supposed to do. Tonight we kick off our second round of public hearings throughout the five boroughs in order to solicit feedback from the public on proposals the commission is considering for changes to be New York City Charter. As I have emphasized throughout our public meetings, as the city's foundational governing document, the charter plays a vitally important role in establishing the structures and processes of city government, which, in turn, affect many aspects of our everyday lives. It has been our task to evaluate how the current charter is performing since it was largely put into place in 1989 and to identify areas in which improvements may be made in order to best

serve the city for the next 30 years. At our first round of borough hearings in September, as well as through engagement online and in person, we received hundreds of suggestions for changes to the charter. The commission ultimately adopted a set of focus areas which outline those ideas which we decided to pursue further and then held a series of expert forums at which we were able to hear from a wide variety of people knowledgeable in those areas. Following that month long process, the commission staff issued a preliminary staff report containing each recommendation regarding those proposals which they feel merit further consideration for presentation to the voters on the ballot in November of 2019. As I said, that is they merit further consideration. They are not endorsed by the commission nor has the commission taken any particular view of the ideas that you might see in the staff report. But that report is what brings us here today. We look forward to hearing your comments about any recommendation in the report that you support or oppose or ideas that you may have for how best to craft any particular proposal. We are joined by Commissioner Sal Albanese and Commission Stephen

Fiala. Following testimony from the public, we will have some time for the Commissioners to discuss, with each other, the ideas and recommendations that have been raised. We will begin the public testimony shortly. If you wish to testify and have not yet done so, please fill out a speaker slip and submit it to our staff. We're happy to accept any written testimony you may have. We would appreciate you limiting your testimony to the recommendations that are in the report and you can get the report. If you don't have it, it is online on our website and available to you. We will limit your testimony to three minutes per individual in order to ensure that we can hear from everyone who wishes to speak. After you testify, members of the commission may have questions for you to follow up on the ideas that you presented. So, bear with us. The first panel is Stephen R. Nelson. If you would come up to the table here. Jack Noland, Marvin G. Bernard, and Allan Leidner. Mr. Nelson, whenever you're ready, you may start. The microphone? Is that one? Yes. It should be. It's not on. It is not on. Try it now.

STEPHEN NELSON: Now?

CHAIRPERSON BENJAMIN: No.

STEPHEN NELSON: Okay. It is on? Okay.
Is that better?

CHAIRPERSON BENJAMIN: Yes.

STEPHEN NELSON: Okay. Great. Good evening. My name is Stephen Nelson. I am a long-term New York City resident. My testimony relates to elections and redistricting.

CHAIRPERSON BENJAMIN: You can take it out of the cradle if you want to hold it.

STEPHEN NELSON: That's okay. I'll just-- Can you hear me like that?

CHAIRPERSON BENJAMIN: Yes.

STEPHEN NELSON: Great. Okay. My testimony relates to elections and redistricting and I'm testifying in support of ranked choice voting. I support ranked choice voting for all the reasons that have been offered in support of it throughout the process of the 2019 New York City charter revision commission and that is in my written testimony. Instead of repeating that in my spoken comments, I wish to focus on the benefits of ranked choice voting to voters that I believe has not received sufficient attention. Ranked choice voting empowers voters to believe that their votes count. It enhances their

vote counts. It enhances voter confidence in our electoral process. It permits voters both to vote for their favorite candidate and to be involved in electing the ultimate election winner. It shifts a voters attention from electability of candidates to the candidate's policy positions. With the ranked choice of voting, voters do not have to agonize over the dilemma that voting for their preferred candidate might be a wasted protest vote. Even worse, voters may be dissuaded from voting for their preferred candidate out of concern that doing so might split the vote between candidates with a generally similar policy positions and actually help the candidate they opposed to be elected. Finally, ranked choice voting enables voters to send a voting message that can influence other candidates, either in a subsequent general election or in future year primaries and elections. Although many of these aims are furthered by fusion voting, ranked order voting is a more precise and expansive approach. To address the specific questions the staff has solicited public comment on:

A, ranked choice voting should be used in all New York City elections: primary, special, and

general elections. Ranked choice voting has many benefits and there is no reason to limit it to less than all elections. At a minimum, ranked choice voting should be used for all primary and special elections.

B, similar to the types of elections above, ranked choice voting should be used for elections for all offices.

C, ranked choice voting should be implemented immediately without a phase-in period and at a minimum for the 2021 elections when, in addition to wide-open mayoral and comptroller races, there will be open primaries for borough presidents and many city council seats.

D, ranked choice voting should be used exclusively and not a hybrid RCB runoff system. By definition, ranked choice voting will produce a majority winner.

E, ranked choice voting should permit voters to rank order their preferences for all candidates in an election. A ballot with all candidates' names and ranking bubbles that you check or indicate your preference is easier for voters to fill out at the voting booth as all the names and all

the ranks will be on it. Voters will feel more empowered if they can rank order as many of the candidates as they choose. If they don't rank order all candidates, potentially resulting in their vote being exhausted, that's their choice. If the number of candidates a voter is allowed to rank is limited, say to three or even five candidates, voters may well feel that this is arbitrary and manipulative and may become frustrated and they may lose confidence in our electoral system. If the commission determines that there are compelling administer ability concerns or a risk that rank ordering too many candidates might result in voter confusion, at a minimum rank order voting should be permitted for a minimum of 10 candidates as there are 10 [inaudible 00:09:26] candidates for any elected office. In conclusion, I urge the commission to adopt the broadest possible rate choice voting approach to submit to voters.

Thank you.

CHAIRPERSON BENJAMIN: Thank you very much, Mr. Nelson. Are there questions for Mr. Nelson? I actually have a question for you, if you don't mind.

STEPHEN NELSON: Sure.

CHAIRPERSON BENJAMIN: One of the concerns is that of ballot exhaustion. It's that you could end up in a situation, if there are-- Let's say in the last Public Advocate race, when there are 17 candidates, that a candidate could be elected who was actually with a minority. A significant minority of votes. How would you think that should be addressed?

STEPHEN NELSON: Well, in terms of exhaustion, like in San Francisco there was exhaustion, because there was only three choices permitted to rank, so if you rank everybody, then you can't have exhaustion because your vote always counts. And that's the most important thing to me is that a vote always counts. And that's why you shouldn't limit the number of rank orderings, in my opinion. And there's always a majority, so, by definition, any candidate that wins, did get a majority.

CHAIRPERSON BENJAMIN: And how are you-- on what are you basing that?

STEPHEN NELSON: Well, you know, if--

CHAIRPERSON BENJAMIN: It could be a plurality.

STEPHEN NELSON: Well, again, in terms of the votes that are actually counted, there always is a majority. If somebody rank orders fewer than they're able to, they're vote could be exhausted and there could be some small portion of votes that aren't counted in the final majority count. But that percentage has been single digits in almost every election that I'm aware of that's been looked at in the United States. Less than 10 percent has been exhausted in all of the elections that I've seen data on and the number of voters that don't show up and runoffs or, you know, don't necessarily come vote is very significant in general plurality elections. So I think this does improve voter participation and voter counts that actually contribute to the final result.

CHAIRPERSON BENJAMIN: Okay. Thank you.
Alison?

STEPHEN NELSON: I hope I answered your question.

COMMISSIONER ALISON HIRSH: Thank you very much. You know, one of the critiques of ranked choice voting that I've heard recently is that it has the possibility to disenfranchise-- Actually, or

sorry. Unduly benefit highly educated voters who have access to information and negatively impact particularly lower income communities of color that may not have access to the same level of detail around who all the candidates are and what their platforms are and so aren't able to rank all, you know, 10 to 15 candidates. And I was wondering if you could speak to that issue at all or--?

STEPHEN NELSON: Sure. Yeah. I think the research from ranked choice voting research center and fair vote and other organizations is that ranked choice voting increases representation of non-majority groups and candidates. And I'm not sure I understood the rest of your question, but I think the, you know, essential issue, when it comes to questions of confusion is, rather than structurally limiting voters opportunity to participate, let's say, by limiting the number of choices that you give them, I think the duty is on the government and setting up, you know, an election and educating people and providing information on the candidates to educate constituencies as to how it works. And when you look to Santa Fe or Maine, other places that have done this, you know, they've got very good outreach

methods, you know, with sample ballot cards and things like that that actually have improved voter comprehension significantly. And I think the data shows that participation in the elections has increased.

CHAIRPERSON BENJAMIN: Anyone else? Thank you, Mr. Nelson. And now we have Mr. Noland?

JACK NOLAND: That's right.

CHAIRPERSON BENJAMIN: Could I just ask-- If I may take minute. One, I'd like to recognize Commissioners Camilo, Gavin, and Vacca have joined us, but I would also like to ask if you are someone who has a phone, if you could put it on airport mode or vibrate or turn if off. That would really be helpful. Thank you.

JACK NOLAND. Good evening. My name is Jack Noland. I'm a policy researcher at Represent Us, the nation's largest nonpartisan grassroots anti-corruption organization. I'm also a member of Represent Us' volunteer New York chapter which advocates for democracy reforms in our city and state. I live in Queens and I want to thank all of you for hosting this hearing here and for recommending further consideration of implementing

ranked choice voting in New York City elections. The issues with our elections are well documented and thank you to the commission staff for their deep analysis. In primaries for citywide office, if no candidate garners 40 percent of the vote, there is a runoff between the top two finishers. But as the preliminary staff report notes, turnout tends to decline rapidly in these costly runoff elections, as in the 2013 Public Advocate Democratic runoff where participation fell 61 percent. And our other elections, our first past the [inaudible 00:15:00] system allows winning candidates to emerge from a crowded field without the support of a majority of voters. The 2019 special election for Public Advocate, featuring a field of 17 candidates, was won with just 33 percent of the vote and, unfortunately, results like this aren't rare. An analysis by Common Cause New York found that over the last three election cycles, almost 64 percent of primaries with more than two candidates were one with a less than a majority. Further, just under 30 percent of those races were decided by less than 40 percent of voters. And, even worse, seven percent saw winners receive less than 30 percent of the vote. With ranked choice

voting, we can change that. RCB offers better representation to voters in the process where we have more opportunities to express our true preferences without fear of [coughs] excuse me. Without fear of accidentally helping candidates who we don't support and better representation in the outcomes since successful candidates have to go beyond their bays and build broader coalitions to govern. And under RCB, we also enjoy more voices in our elections as candidates no longer have to fear spoiling an election by entering the race and siphoning support from others they might agree with. This body has a rare opportunity to square the energy of our political moment with the way that we elect our city officials. Now is the time. In 2021, 70 percent of city Council members, every borough president, and the Comptroller and the Mayor will be term limited out of office. We will likely and, hopefully, see robust fields of candidates running to replace them. By placing and passing RCB on the ballot this year, we will have the time to implement the program thoughtfully and collaboratively with education for voters and candidates across the city. We don't have to pay for representation over participation. We can

give voters more choice, free candidates from the spoiler effect, and save the city money by eliminating runoff elections. I strongly urge the commission to put ranked choice voting for New York City elections on the 2019 ballot and I want to thank you all for your diligence in your time. Thank you.

CHAIRPERSON BENJAMIN: Thank you very much. Are there any questions of Mr. Noland? Thank you. And the next speaker I have, I believe, is either Marvin Bernard or Alan Leidner.

ALAN LEIDNER: It's Alan Leidner.

CHAIRPERSON BENJAMIN: And is Marvin Bernard here? Okay. Mr. Leidner, the floor is yours.

ALAN LEIDNER: Okay. Thank you. And thank you, Commissioners, for hearing my testimony. My name is Allan Leidner. I'm a 35 year veteran of city service. I also served for 10 years working for Boze, Allan, Hamilton working for the Department of Homeland Security and the national geospatial intelligence agency. I am currently the president of gizmo, which is the city's GIS or geospatial information systems organization and I'm also speaking on behalf of Jack Eichenbaum who is the

former president of GISMO and is the current Queens Borough historian. So let me get my statement over with here. On the morning of September 11, 2001 the World Trade Center was destroyed. During the following hours and days, maps had to be created to guide rescue workers across the debris field. Aerial photography and sensitive data had to be collected daily to understand what was happening on and under the pile. Inspections had to be carried out on all buildings south of Canal Street. Underground infrastructure damage needed to be assessed and repaired. Subsurface fires needed to be located and related to a buried tank of Freon gas that could have released [inaudible 00:18:52] or mustard gas across lower Manhattan. Thousands of maps had to be created and distributed to the entire responsive community need to give them situational awareness and a common operating picture. There was only one way to manage all these data products. Through the use of geospatial information systems. And just the point of note, I was the director of the emergency mapping and data center during 9/11. What makes geospatial information systems so special? GIS extends information technology by taking the location

characteristics found in almost every database and tying them to an accurate map point on the earth. GIS can measure the distances between objects and performs dozens of other geographic analytics. In this way, GIS enables thousands of databases to be used together. Imagine data like a stack of pancakes or like Lego pieces that fit together in any combination. GIS needs special attention to achieve accuracy, currency, and interoperability. However, New York City is now going through an extended period where it's technology leaders have not fully grasped the importance of GIS and what needs to be done to maximize its benefits. Today we have no citywide GIS officer. The collaboration between agencies is not encouraged and we have no plan to take advantage of the latest spatial technologies and methods. We seem to have forgotten that GIS is an essential tool to prevent, prepare for, respond to, and recover from disasters. Consequently, gizmo, the city's GIS user group with more than 400 members, and I might add, we have a larger community of 3000, we are leaving an initiative in league with more than 30 other organizations and institutions to add provisions into the city charter to permanently provide for proper

management of GIS. We aim to bring standards of GIS government to the level of best practices found in cities across the US and around the world. Could quickly, just through the points. Focusing on--

CHAIRPERSON BENJAMIN: If you could, that little annoying sound you heard--

ALAN LEIDNER: I know that was my time.

CHAIRPERSON BENJAMIN: was your three minutes.

ALAN LEIDNER: But I've got 20 seconds and I could be through.

CHAIRPERSON BENJAMIN: You've got 20 seconds.

ALAN LEIDNER: Okay. Focusing on chapter 48 of the city charter which covers do it, the appointment of the deputy commissioner to serve as a city's chief geospatial information officer, and the establishment of a GIS steering committee made up of agency GIS leaders and other experts, a requirement that the city produce and maintain a GIS strategic plan, a requirement that the spatial data found in almost all city open data sets be standardized to promote interoperability and ease of use, and the creation of an underground

infrastructure committee made up of representatives from city agencies and private utilities. Thank you very much.

CHAIRPERSON BENJAMIN: Thank you. Are there questions? The only thing that I would say is I think that this could actually be done by legislation by the city Council. I don't believe that it would require a charter revision, but we will certainly ask staff about that.

COMMISSIONER ALBANESE: Uh--

CHAIRPERSON BENJAMIN: Sal?

COMMISSIONER ALBANESE: I'm very interested. Admittedly, I don't know much about it, but it seems like it's something that we should strongly consider. My question is, why you didn't come forward earlier on this because--

ALAN LEIDNER: We just learned about this, I'm afraid to say.

COMMISSIONER ALBANESE: You mean the charter?

ALAN LEIDNER: About the charter revision. We have our heads and maps most of the time. So--

COMMISSIONER ALBANESE: Because I--

ALAN LEIDNER: we didn't look up.

COMMISSIONER ALBANESE: Because I think that is very technical--

ALAN LEIDNER: Yeah.

COMMISSIONER ALBANESE: could probably use some expert testimony with some maps and some video to really drill down on what this is about, but I think it's very interesting and certainly something that should be considered. I don't know if at this late stage if-- because we haven't had any real education about it. Madam Chair, what--

CHAIRPERSON BENJAMIN: This is, as you, the first I've heard about it. If Lisette has any additional knowledge, we are happy to glean from her, but if not-- It is my first.

ALAN LEIDNER: I would say that we have sat down with Gail Brewer's staff and also with Councilman Levin and Brooklyn. We're thinking about a--

CHAIRPERSON BENJAMIN: Legislation?

ALAN LEIDNER: Legislation.

CHAIRPERSON BENJAMIN: Okay.

ALAN LEIDNER: But this might be a way, I saw.

CHAIRPERSON BENJAMIN: Okay. Thank you very much. Any-- Council member Fiala?

COMMISSIONER FIALA: Thank you, Madam Chair. Mr. Nelson, and Jack, forgive me. I'm having a hard time hearing. And I don't have testimony from you. Your last name is-- Is it Dillan?

JACK NOLAND: Noland.

CHAIRPERSON BENJAMIN: Noland.

JACK NOLAND: N o l a n d.

COMMISSIONER FIALA: Noland. Well, that doesn't sound like Dillan at all. Is for both Mr. Nelson and Ms. Stern Noland. You both seemed to support ranked choice voting. Mr. Nelson, and your testimony, you say that it empowers voters to believe that their votes count. You can see that-- And this is a question, so is you don't agree, you will disagree with me, I hope. It empowers voters who would be eligible to vote in that election or that primary, right? In New York City, there are probably 1 million voters who, for all intents and purposes, are closed out of the decisive round of voting, right? That if you can't vote in a Democratic primary in the decisive rounds and most elections in

New York City, you don't really have a decisive voice, do you?

STEPHEN NELSON: Are you saying because of the predominance of the Democratic Party?

COMMISSIONER FIALA: Right. So, what I'm saying is is rank choice voting, in your estimation, a really bold move for this city or is it just a move that is important, it's efficient. I happen to agree with it, but it's not bold. That it still disenfranchises roughly a million people who aren't registered of a particular party from voting. Right? Do your organizations hold any positions on nonpartisan elections or open primaries? Would that be a bold move for the city of New York?

STEPHEN NELSON: That's a lot. Thank you. So, first of all, I'm not part of any organization, so I'm a citizen. I'm speaking for myself. These are my opinions. I think it's both bold and efficient. So I will say yes to both of those. I think it's efficient because it improves the system. I think it is bold because it changes the dynamic. I think that our country and New York City citizens, residents, as far as I can tell, are losing confidence in the two-party system and I think

that this can get people more sense of empowerment. If more parties run and you can express your view for another party, without having to be a protest vote, then that can influence the major party. And so I think it actually does dramatically change the dynamic and I think it does it better than fusion voting because, instead of having a candidate that sort of somehow kind of gets a green vote or something like that, even though they are a Democrat, here you could actually vote for a candidate that's legitimately within the party that represents the minority view and have as your second choice. Let's say a Democrat versus a Republican or a Republican versus a Democrat. So I think it actually does give voters a sense of empowerment to actually express their views. That is a Democrat party, let's say a candidate who succeeds, looks and says,, there's like 15 or 20 or 25 percent trending up towards another view, let's say it's any particular political view you might have and this candidate in this minority area keeps getting more and more votes, I better pay attention. Finally, as you wanted to take some more dramatic step, which I think is probably not politically feasible right now, but personally I

would support long-term, is to get rid of parties altogether and not have Democrat primaries and then have just one candidate at the end, but have some sort of threshold that that allows candidates to get in. So I might have a Republican being my first choice, a green be my second choice, and then Democrat being my third choice and then a different Republican being my fourth choice. So I think that it allows voters to, ultimately if you went that far, and I don't think we could get there today, so this is a very important first step that sets the stage for may be more dramatic changes down the road. It actually does re-empower, in that sense. I don't think they are disenfranchised, but if there are people who will vote Republican, they are voting and this actually gives more active voices and nuanced press size information to the elected officials and to the rest of the populace. So I think it's bold and more efficient.

COMMISSIONER FIALA: Mr. Noland?

JACK NOLAND: Yeah. Councilmember, thank you for your question. As I understand it correctly, I would take a similar attack and that I do believe that ranked choice voting is a bold reform. I don't

think it addresses the closed party or primary system in New York, but it doesn't intend to. Or it doesn't set out to. And I think that's not necessarily something that should be held against it, but I would agree that ranked choice voting does allow better representation of voters throughout the process. So, if there was an open primary reform in the future, we would have a better sense of, you know, the candidates who were supported by voters across the city throughout that system, but not in the system. No. Does that answer your question?

COMMISSIONER FIALA: You're both very articulate. Thank you.

COMMISSIONER ALBANESE: Just to follow up with Commissioner Fiala, so you both endorse open primaries. I mean, ranked order voting, which I agree with Commissioner Fiala is a step forward, but I think it's a tiny step and, hopefully, a forerunner to opening up the process so a, you know, 1 million or so of the voters can participate. You know, we saw what happened to poor Bernie Sanders in the election in New York a while ago. So, would you both endorse open primaries?

JACK NOLAND: So, Represent Us has endorsed open primaries in the past. We have not taken a position in New York City. It's not something that we have studied, but it is something that we can look into further.

COMMISSIONER ALBANESE: Well, why would it be different in New York City?

JACK NOLAND: There are sort of variance says within every primary system that we would have to-- I can't personally give you an endorsement on that issue, but it is something that we have endorsed in other places in the past.

STEPHEN NELSON: Thank you for asking the question. Again, I'm not part of an organization. I am speaking for myself as a citizen. I have not looked at the issue of open versus closed primaries, has some not going to express a view. So, no, you cannot say that that is my view. I don't know in terms of an open versus closed versus getting some sort of eligibility standard to get onto a general election ballot and then not having primaries would be a better approach, but, again, it's not something I've given a lot of thought to. But I thought this

was an important thing that I should be supported in New York and then elsewhere in the country.

CHAIRPERSON BENJAMIN: Okay. Thank you very much and I'd like to thank the panel. The next panel is Daniela Lebling, Eric Kober, Thomas Hill Gardner, and Luis Tejada. We will start with Ms. Lebling.

[Background comments]

DANIELA LEBLING: Hi. And thanks for having us today and thanks for all the work that you've done so far. I really, honest to God, tried to make this three minutes. I really did.

CHAIRPERSON BENJAMIN: Okay.

DANIELA LEBLING: I will do my best. And I just have to say that I did of everything the other two ranked choice voting advocates said. So, my name is Daniela Lebling and I'm here tonight as a New Yorker and member of the Green party. To call for ranked choice voting to be instituted and all New York City elections, not only for primaries and special elections, but most importantly for general elections. The Green party has been fighting for ranked choice voting for many years. We know all too well how broken and corrupt our electoral system and

political system have become because time and time again, we have been the victims of an undemocratic system that routinely and intentionally keeps our voices out of debates and off the media airwaves, while at the same time, and allows a wealthy and powerful donors and corporations to engage in the legal bribery of our elected officials. Polls show that more and more Americans strongly disapprove of our current electoral system and of the job our elected officials are doing. At the same time, voters agree with many of the issues that the Green party has been fighting for. I can't list them all here due to time, but for those who may not know, the Green party is the party that pioneered, wrote, and campaigned on the Green New Deal in 2010 that you've been hearing so much about lately. When our candidate, Howie Hawkins, ran for governor here in New York. We are also the only party that never takes any corporate donations whatsoever. When I am campaigning out in the streets from my candidates, I often encounter voters who love all the issues we stand for, but they say they can't or won't vote for candidates because they are too worried about splitting the vote. So voters want to vote for

candidates, but because of our corrupt winner take all undemocratic system, they can't vote their conscience. That is not democracy. I understand that some groups present and I feel that it is too confusing or difficult for ranked choice voting to be implemented in the general elections due to our current fusion system. We could not disagree more with that view. In order to truly level the playing field and make a major impact on our democracy, ranked choice voting must also be used for general elections. If we limit the use of ranked choice voting to primaries and special elections, we will only be improving elections for Democrats and Republicans who already have all the power, money, and influence. So let's use all the potential power that RCV has to actually care our diseased electoral and political system. There are clear options for how candidates can be listed on the ballot in a general election that is not confusing. For example, in the 19 thirties, New York City had a proportional form of RCV. They got rid of it, unfortunately. Each candidate was listed only once with third-party endorsements under the same name. Under their name. Another option for voters who are used to voting by

party affiliation is that each party would be listed with their endorsed candidate and allow the voter to rank their choice. The voter selects candidate X on party line a as their first choice. Candidate X on their next choice. Candidate Y on party lines see as their third choice and so on. Voters are already used to voting by party line when candidates appear on multiple lines. If voter confusion is the concern, there is a much bigger problem with having voters change from RCV voting in a primary to a plurality vote in a general election. In addition, changing software, modalities between a primary and a general election opens the BOE up for potential voting machine fiascoes. And we know they are capable of that. We thank the commissioners who put this issue on the agenda and we thank all the groups who have been advocating for ranked choice voting. Please now do what must be done to make a seismic shift in our democracies so that we can stop climate change and ensure future for our children. Thank you.

CHAIRPERSON BENJAMIN: Thank you very much, Ms. Lebling. Are there questions?

COMMISSIONER ALBANESE: I have a question.

Does--

CHAIRPERSON BENJAMIN: Sal?

COMMISSIONER ALBANESE: Did the Green party take a position on democracy vouchers?

DANIELA LEBLING: We haven't specifically taken a position. I know some people in our party are interested in that and have advocated for that within the party, but as a party, we haven't taken a position.

COMMISSIONER ALBANESE: Thank you.

CHAIRPERSON BENJAMIN: Thank you. Eric Kober is next.

ERIC KOBER: Good evening and thank you for the opportunity to testify. My name is Eric Kober. I am the former director of housing, economic, and infrastructure planning for the New York City Department of City Planning. Now retired at a visiting scholar at the school of public service at NYU. I am, however, speaking today as a private citizen. I have written for the city Journal website to op-ed articles about the work of this commission. The first raised an alarm about the charter revision proposals advanced in January by the city Council,

which I saw as an all-out assault on the mayor's authority. The second, published yesterday, cautiously praises the preliminary staff report which generally adheres to the good government standards established by the 1989 charter revision commission. That is conservatism of processes welcome and a credit to the commission's leadership. Nonetheless, this staff report also includes proposals that could impede, not improve, governmental operations. For example, the report proposes that the Council approved the appointment of the Corporation counsel who would also serve an unspecified term. This change, the report asserts, would insulate the Corporation counsel from undue influence by the mayor, preserving the independence of the position. But, really, the opposite is true because the proposal would enable the city Council to exert pressure on a Corporation counsel nominee to dismiss advice from the law department staff and potentially work against the city's best interest. The report also recommends giving the Public Advocate some means to compel agencies and officials to provide information, quote, whether that mechanism be some form of subpoena power or otherwise, unquote. Since

the public advocate has no specific responsibilities or authority, his staff could be empowered to draw up an unlimited number of wide ranging of requests. One can imagine such a mechanism becoming a costly and time-consuming distraction against-- for agencies that have real administrative responsibilities.

Regarding land-use, the report recommends that community boards and borough presidents be permitted to comment on land-use applications before the start of the formal ULURP process. The report implies that a ULURP common period, specified in the charter, would be more influential than the current practice of an informal consultation. However, such a provision raises the question of what the Department of City Planning and the City Planning Commission are expected to do with these official ULURP comments. Private applicants will still choose what to submit for Planning Commission approval. They are not obliged to make changes in in response to comments. ULURP kicks off when the application is complete. Not when the planners support it. The Planning Commission votes to approve, reject, or modify the application only after it adheres to the community board and borough president again during the

designated review periods. I applaud the reports idea of rationalizing the various planning requirements of the charter, but note that there are no penalties for disregarding charter planning requirements. Plus, the charter can, at best, give a nudge towards good planning, not mandated. Any planning provisions in the charter should be high level and provide the flexibility to adapt to specific times and conditions. Thank you. And I'm happy to answer any questions.

CHAIRPERSON BENJAMIN: Thank you. Are there any questions for Mr. Kober? Steve?

COMMISSIONER FIALA: Director Kober, thank you for being here. Am I correct that ULURP is, at its core, tantamount to certainty in the development process in the city of New York? It injects a degree of certainty into a process? Everybody know what the rules are. Is that an accurate description of what ULURP is? An injection of certainty of process into our vision for development in the city?

CHAIRPERSON BENJAMIN: Once the application has been certified.

COMMISSIONER FIALA: The process. The ULURP process?

ERIC KOBER: Well, I think it has two functions. I think, you know, if you go back and look at the sort of documentation for 1975 Charter Commission that created it, first of all, it creates certainty as to when the process begins and end which was seen at that time as being a major step forward. The other things that it does is by having multiple public hearings at different levels of government. It create legitimacy which is very important. That people had several chances to be heard and that a record was established in which their voices were heard and a sort of considered decision was achieved. Then I think those are really sort of the two purposes of the ULURP process.

COMMISSIONER FIALA: So, certainty and legitimacy are the big themes of ULURP in the city, what does amending the charter to permit for a pre-application discussion due to-- Does it impede? Does it improve governmental operations? If we--

ERIC KOBER: Well I-- You know, in my view, it creates confusion as to what supposed to happen. You know, let's say that the charter is

amended so that there is a 30 day pre-ULURP period. So that would require, I think-- I mean, I'm sort of thinking aloud, that the Department of city planning would be required to issue a list of intended certifications 30 days in advance and that the community boards and borough presidents would get presentations by the applicant and they would have the opportunity to comment. But what should be done with that? The application would be certified even as the applicant makes no changes since it's the applicant's submission and, assuming it's complete, it would be certified. The community board in the borough president would then get the application. They would comment again, and only then, with the city planning commission be in a procedure will position to amend the application or turn it down and then the council would be in a position to do the same. So it just doesn't seem to me to make sense in the context of the way the process is structured to have this pre-ULURP comment. Because it can't be acted upon.

COMMISSIONER FIALA: Thank you.

CHAIRPERSON BENJAMIN: Commissioner Vacca?

COMMISSIONER VACCA: Thank you, Mr.

Kober. Thank you for your testimony. Several questions. You speak about the public advocate and your concern on one of the staff recommendations which we have yet to discuss on this commission, the staff recommended that we consider giving the public advocate subpoena powers. You don't seem to me in favor of that.

ERIC KOBER: I'm not because I think that that is potentially dangerous and, I mean, I'll give you one example. There was a candidate for public advocate several cycles ago who ran who didn't win, but his sort of campaign theme in the primary was that he was going to sue the city over land-use decisions that had been approved by the planning commission and the city Council. And his thinking was that, you know, we just talked about legitimacy, but his thinking was that merely being approved by the planning commission and the Council did not confer legitimacy unless he also agreed with it. And the public ultimately, in the primary, did not go for that argument. Let's imagine that a person like that got elected public advocate. You could imagine an endless barrage of requests for information to the

Department of City Planning, which I am very familiar with having worked there for a number of years and it could be a major impediment to operations. And I don't think it would serve any beneficial public purpose.

COMMISSIONER VACCA: Thank you. I wanted your view. I also am opposed to the subpoena power for the public advocate and I have voiced my opinion on that. I noted there are many who want to give the public advocate something formal to do, but I do not think this is what I would do with the public advocate's office and I know that subpoena power now rests in the city Council. It rests with people who audit. It rests with the law enforcement agencies. The public advocate is not an executive and the public advocate is not part of or is not a leader of a legislative body. So, in both cases, I don't see subpoenas as being-- subpoena power as being constructive. I want to ask you to more questions.

ERIC KOBER: Sure.

CHAIRPERSON BENJAMIN: Okay. Just--

COMMISSIONER VACCA: One more que-- Am I talking too much?

CHAIRPERSON BENJAMIN: Well, we have other people who do have--

COMMISSIONER VACCA: Okay.

CHAIRPERSON BENJAMIN: questions, too.

COMMISSIONER VACCA: Well, I want to ask some questions, too. Thank you. Let me ask you about Environmental Assessment Statements, EAS's. I want to get to this. I had requested that we consider here that, as-of-right construction, once it reaches certain thresholds, be included as part of a requirement that EAS statement be produced. Local neighborhoods often complain that, even if it's as-of-right, the impact on transportation, on infrastructure, on gentrification, all off these impacts are not studied once the as-of-right designation is achieved. So I wanted to know how you felt about that. Should we have, at least, an EAS statement required once certain thresholds are reached when it comes to residential or commercial development that is as-of-right?

ERIC KOBER: I think my response would be similar to my response to pre-ULURP suggestion, which is that, in the situation where you're talking about where there's an as-of-right development, there's no

decision-maker who would receive an EAS and do something in response to it. The sort of basis of the environmental review process is that the decision-makers have all the information that they need to make an informed decision where there is no decision-maker in an as-of-right situation. What you are really asking for is planning. The appropriate agencies, given, you know, the specific impacts of concern to study them and take action. And, you know, this, I think, is something that can be-- it should be negotiated through the oversight process at the city Council exerts over all city agencies and they can, council members, can request that particular issues be studied. You know, the amount of study that takes place is going to, obviously, be limited by time and resources, but that is also an issue with EAS's because resources would have to be expended.

COMMISSIONER VACCA: It's a question of resources, but I--

ERIC KOBER: Yeah.

COMMISSIONER VACCA: think it's the right thing to do. The last thing is that you work for the Planning Commission. I wanted to ask you, I

had proposed that the community boards be included in pre-ULURP discussions that take place before items are certified. Community boards and borough presidents. There are multi-agency meetings that take place before an item is certified and, at those multi-agency meetings that are planning meetings and scoping meetings that take place before certification goes to the borough president and the community boards, those two city agencies are not represented at those meetings. So we're talking about community engagement. I thought it should begin there. How do you feel on that?

ERIC KOBER: I think that any such process would have to sort of carefully calibrated. There are often-- For complex applications, there are many meetings that take place between applicants and city staff. I don't think it would be practical to have community boards represented at every one of those meetings.

COMMISSIONER VACCA: No.

ERIC KOBER: So I think it would have to be--

COMMISSIONER VACCA: I agree that--

ERIC KOBER: have to be very carefully calibrated to identify steps in the process that might be appropriate for the presence of community boards.

COMMISSIONER VACCA: I'd like to request that staff go back and review that recommendation that I made, again, and that the staff calibrate a process whereby community boards and borough presidents are involved in those meetings. I do agree with you. There has to be a specificity, but I do think that we have an opportunity here and I'd like the staff to review that. Thank you.

CHAIRPERSON BENJAMIN: Jim and then Sal. Oh, I'm sorry.

COMMISSIONER CARAS: That's okay. Thank you, Mr. Kober. I wanted to ask a question about your position on the Corporation Counsel. It seems to me that your position sort of presumes that the mayor is the holder of the city's best interest. Unlike Administrative Department head, like the Commissioner of the Department of Consumer Affairs or the Commission of Social Services, the Corporation Counsel is the lawyer for every-- for the city and for every independently elected city official. I

think New York is the only major city that either does not have an elected city attorney or, at a minimum, advise and consent or as some kind of check on the process. Why do you-- What do you think of advice and consent for the law department? Why would that somehow work in the Corporation Counsel's adherence to the best interest of the city?

ERIC KOBER: I think it has potential to do that, depending on how the Counsel handles advice and consent. And whether it-- you know, I think the imposition of a term on top of that, in particular create sort of a level of-- an additional level of influence over the Corporation Counsel. I would say-- I worked for the city for 38 years. I never saw Corporation Counsel take a legal position that was not based on the considered professional expertise of the law department's staff. And I would be concerned that the corporate-- the Counsel, had advice and consent powers and, particularly, if it had the ability to set a term or the charter set a term, that situations would sort of unfold in which the Council pressured the Corporation Counsel to take positions that were not supported by the professional

experts in the law department and were not in the best interest of the city.

COMMISSIONER CARAS: You didn't think there was tinge, maybe, of politics involved in the Giuliani administration decision to take support away from the Brooklyn Museum because Mayor Giuliani didn't like a painting when the law department supported that--

ERIC KOBER: I--

COMMISSIONER CARAS: virtually all of the other city officials opposed it the first amendment--

ERIC KOBER: [interposing] I don't think that that specific incident is-- You know, in the 30 years that the '89 charter has been in effect, if you-- you know, I don't think that specific incident is the case that what demand an amendment to the charter.

CHAIRPERSON BENJAMIN: Sal?

COMMISSIONER ALBANESE: Mr. Kober, given your background, what is your view of a charter amendment that would mandate that the city promulgate a comprehensive plan involving infrastructure,

zoning, and all of the essentials that a real city needs.

ERIC KOBER: A couple things. First of all, the charter had a requirement for master plan for 49 years from 1936 until 1975 and the city never actually produced a master plan. It produced in 1969 a draft master plan and, you know, those volumes still exist in libraries. It transpired when the city tried to produce a master plan, that it was very difficult to get to any level of, you know, sort of be on the really a description of what was rather than any actual sort of vision of the future. Just because there wasn't time and money to do it. And public consensus. I think that-- So, that's one sort of observation. Another observation I would have is that, in New York City as a whole, under any sort of planning scenario that one could think of, the vast majority of the city's land area is not going to change over any reasonable time frame. Most of the city looks exactly the way it looked 20 years ago and that is, you know, a, because it was built out and it has been generally well maintained. The zoning is relatively adapted to whatever currently exists and no one is proposing to change it. So,

comprehensiveness is also something that we have to be a little cautious about. What the city needs is and has great difficulty accommodating, is to develop the consensus on the amount, type, and location of growth that is going to take place somewhere, though not in most places in New York City, over the next decade or two. And to the extent that the charter can-- and this is why I said in my remarks, that the mandate that is embedded in the charter should be a high level mandate and it should be addressing that very issue, which is that it is beneficial as a nine inch for the charter to require that the Department of City Planning identify in a broad sense the areas of the city in which growth should take place and the amount and type of growth that needs to take place over a reasonable timeframe, which is really not more than 10 to 20 years. That is useful. To say that we should go beyond that and have a comprehensive plan for every neighborhood is not realistic because the resources will never be available and it's not really necessary because most neighborhoods are not going to change over the foreseeable future.

COMMISSIONER ALBANESE: But aren't there macro-- We're not talking about, at least I'm not,

that micro issues are impacting local neighborhoods.

What I'm addressing is the macro issues.

Sustainability. The fact that climate change is going to be a major factor going forward in this town. The fact that, you know, we a major city where our infrastructure is still below par. Our subway system, you know, needs a huge amount of work. And don't we need some sort of a guide, some sort of the benchmark Mac, on the macro side, whether it be housing, transportation, sustainability, that should be used as a guidepost for the city going forward. I assume other major cities in the world have these kinds of plans that are obviously upgraded on a regular basis. Updated and what have you.

ERIC KOBER: Well, it's an intergovernmental issue with transit, obviously, which makes it very difficult to-- for the city to address trends that way about the sort of participation of the MTA.

COMMISSIONER ALBANESE: I understand all that, but--

ERIC KOBER: Yeah. But, you know, in terms of the city has a Planning Agency which I

worked for for almost 40 years and the Planning Agency has a limited staff. Okay?

COMMISSIONER ALBANESE: Okay. But--

ERIC KOBER: [interposing] And so it needs to focus on critical issues that confront the city. If you ask first sort of more than that, then you have two sort of confront those sort of [inaudible 00:58:13] contingencies which is that the city has a certain amount of capacity to do long-term planning and--

COMMISSIONER ALBANESE: Mr. Kober--

ERIC KOBER: no more.

COMMISSIONER ALBANESE: that's why we're here. I mean--

ERIC KOBER: Yeah.

COMMISSIONER ALBANESE: If we propose an amendment for a comprehensive plan, that would mandate that the city provide the resources, whether it be City Planning or somewhere else that we have a macro view of what it means to be done in this town over the next 30, 40, 50 years.

ERIC KOBER: I'll tell an anecdote which may give you an idea of maybe-- maybe that's not true. In the 1989 charter, the City Planning

Department was made sort of coequal with OMB and the preparation of the 10 year capital strategy and in the, it would've been fiscal 90-- It was the first year of the Dinkins administration. Several positions were added to the Department of City Planning's budget in order to implement that mandate whereupon the city went into a budgetary crisis. There was a recession. The positions were yanked before anybody was hired. So I happen to have been the division director who got those positions so I ended up with a charter requirement that we be coequal, we being the Department of City Planning, be coequal with OMB and the preparation of the 10 year capital strategy and no staff. And I had, for many years after that, the mandate to be coequal and I had no staff.

COMMISSIONER ALBANESE: Well, that's mismanagement. I don't know who is-- I mean, that's incompetence. You know?

ERIC KOBER: Yeah. I--

COMMISSIONER ALBANESE: I can't address that. You know?

ERIC KOBER: I-- I--

CHAIRPERSON BENJAMIN: I think Mr. Kober has addressed the question.

[Background comments]

CHAIRPERSON BENJAMIN: Thank you, Eric.

ERIC KOBER: Thank you.

CHAIRPERSON BENJAMIN: The next speaker is Thomas Hill Gardner. Slide it in. No?

THOMAS HILL GARDNER: goes. Okay. Thank you. I'm sorry about that. My name is Thomas Hill Gardner. I am with the New York greens. I am here today-- I want to thank the commission for being here. I only recently became aware of your work. I actually haven't even read your full report. I have moment today to look over some of the bullet points here in the handouts and I'm here today to talk about ranked choice voting. This is why I came here. And I have no prepared remarks, but this issue is so important to me and I think it is such an important issue and it's all about democracy and I came down here and I just said I'm going to give you my two cents extemporaneously and--

CHAIRPERSON BENJAMIN: And we appreciate it.

THOMAS HILL GARDNER: about ranked choice voting. And you're going to have it in the next couple weeks.

CHAIRPERSON BENJAMIN: That's great.

THOMAS HILL GARDNER: But, ranked choice voting. In fact, I don't know anybody, when they really get informed, supports winner take all. It really doesn't have a lot to commend to itself. Ranked choice voting, looking at your issues here, it saves money, sure. You know, it's going to save you money on the runoff elections. I think the low turnout is something that you ought to be concerned of. It's terrible for democracy when elections are decided when eight percent of the people show up. That's just surrenders. So that's a really important issue. I think you take the money that you save on the elections then you throw that added even more robust campaign finance system. But the most important thing, I think about ranked choice voting is how people feel about their votes in a ranked choice voting system. People vote their hopes, not their fears. In a winner take all system, you vote on, oh, my God. That guy is going to win if I don't vote for this other creep. And you end up choosing

between the lesser of two evils and you don't vote for what you want. For what is in your heart, for what you really believe out of fear. And I think people would feel better about their votes as they had a system where, when you vote, it's about what you believe in. And even if your candidate doesn't when-- And I made to time unsuccessful candidate for public office. I've never run for city office. I've never seen-- to run for state office. Statewide office. I ran for federal office. But I think that this is a bold move because New York City is a world-class city and when New York City does something, lots of people follow. And ranked choice voting is something that should be sweeping this country and I really-- As Mr. Nelson said, I urge you to adopt the broadest type of ranked choice voting that you possibly can, including in the general election. And I want to reiterate what was also said about confusion. If you move from one system to another-- In 20 seconds. If you move from one system to another, you are going to confuse the voters. I think you want to adopt a system and get people use to it and that's the best way to deal with the confusion issue is to just go full bore for a system

that is going to work in every election. Thank you very much for your time today.

CHAIRPERSON BENJAMIN: Thank you very much, Mr. Hill Gardner. Steve?

COMMISSIONER FIALA: Thank you, Mr. Hill Gardner for your testimony. Let me conceive-- Let me back up. You and the previous panel, you have convinced me it's a bold move.

CHAIRPERSON BENJAMIN: Huh.

COMMISSIONER FIALA: And the city deserves bold moves, as you just referenced. This city, presently-- Since you brought up the issue of certainty and elections, the city for a number of decades has operated in a bipolar fashion with respect to elections, hasn't it? We have, in certain elections, a standardized election and then we have, and other elections, we called them special elections, nonpartisan elections. We have already got multiple systems. And I should have asked you this earlier, so feel free to jump in here. Is the nonpartisan system, and your views, as third-party leaders, beneficial to the city as a whole?

THOMAS HILL GARDNER: I'm not really prepared to speak to that issue today. I've got to bow out. I'm sorry.

COMMISSIONER FIALA: Okay.

CHAIRPERSON BENJAMIN: Ms. Lebling?

DANIELA LEBLING: Yes. In general, the Green party is not a proponent of nonpartisan elections because--

COMMISSIONER FIALA: [interposing]
Opponent or proponent?

DANIELA LEBLING: and it's-- Not.

CHAIRPERSON BENJAMIN: She said she's not an opponent.

DANIEL LEBLING: because we--

COMMISSIONER FIALA: I am having trouble--

DANIELA LEBLING: I'm sorry. Maybe I'll speak closer to the mike. We are not necessarily in favor of nonpartisan elections in the Green party because we believe that parties have principles and we have principles and we have an extremely detailed set of rules that we go by. A set of principles that we go by which other parties don't even have. We have a platform that is extremely detailed and--

COMMISSIONER FIALA: So--

DANIELA LEBLING: we don't believe-- We believe that when you vote for someone, you should be expressing who you are and what you believe with that vote. So we are not--

COMMISSIONER FIALA: [interposing] So ranked choice voting in your view and the parties view, would be the appropriate type of election reform that we should tackle.

DANIELA LEBLING: Sorry. Say that again.

COMMISSIONER FIALA: Ranked choice-- Yeah. I think there is a problem. Right? You're having trouble. I'm having trouble. Ranked choice voting, in your view, would be the appropriate remedy to the existing election problem that is been identified in this city.

DANIELA LEBLING: Correct.

COMMISSIONER FIALA: That's the appropriate measure?

DANIELA LEBLING: Correct. We don't necessarily need nonpartisanship or nonpartisan this to get that democracy that we need. We need ranked choice voting. And we also need proportional representation, which we will get to next time.

COMMISSIONER FIALA: Thank you.

CHAIRPERSON BENJAMIN: Okay. Thank you very much. Are there other questions. Okay. Mr. Tejada?

LUIS TEJADA: Yes. Hello. My name is Luis Tejada and I am an organizer with the campaign for an elect [inaudible 01:07:13] board and a mental health counselor here in the borough of Queens. I treat a specific group of vulnerable individuals that share a long history of unjust suffering at the hands of law enforcement. Few, if any of their family members, received justice as for our current police oversight administration and prosecutorial platform. Your staff preliminary report, they say discredit to the families that have lost a loved one at the hands of certain NYPD officers. To the [inaudible 01:07:49] that have testified in support of meaningful police accountability. And to the thousands of individual claims that the ineffective Civilian Complaint Review Board has truncated throughout the years. We don't need to hand more oversight power to the police commissioner in regards to discipline, neither do we need to have him produce more words to explain why he has the power to negate evidence and made his own

decision on behalf of the NYPD. The majority of civilians demand that we need effective and unbiased governmental institutions that are impartial and make decisions based on evidence and not on allegiance to special interests. Hopefully, you also agree that we need a major change to the city charter that restructures and provides full credibility to democratically elected board members with disciplinary empowerment without subjection to the police commissioner. In the addition of an elected special prosecutor that can prosecute officers accused of criminal acts. The Civilian Complaint Review Board cannot be fixed. Its mandates are legally powerless and time and time again, their appointees show no courage to advocate for civilians they are supposed to serve with, quote, thoroughness and impartiality, fairness and independence, end quote. You have the power to do something about this crisis of public safety by adding our legislation to the ballot and providing civilians with the opportunity to vote for a respectable and autonomous new police oversight body this upcoming November. Good evening.

CHAIRPERSON BENJAMIN: Thank you very much, Mr. Tejada. Are there questions? Thank you very much and I thank the panel. The next panel will be Heather Miranda, Jonathan Bailey, Frank Morano, and Joyce D. Hutton. Ms. Miranda, I believe you're first.

HEATHER MIRANDA: I want those four seconds back. Commissioners, can you hear me okay?

CHAIRPERSON BENJAMIN: Yes.

HEATHER MIRANDA: Thank you for your time. I am a member of the campaign for an elected civilian review board and a New York State citizen. As staff has addressed in their recommendations to you, we have a problem that needs to be solved. Unfortunately, none of the recommendations include the three changes our campaign deems necessary to fix the problem of unchecked police brutality. I have read the recommendations from staff in the preliminary report. Repeatedly, they suggest that you solicit feedback, so here I am with feedback. First of all, the civilian complaint review Board must be elected so that its members cease to be in the pocket of the Mayor, the City Council, and the police commissioner. Let the people choose the

board. Second of all, the conclusions must be binding so that citizens can regain a sense of trust in the police force. You can see this lack of trust for yourselves on the in our communities and, if you haven't seen it yet, I urge you to look with the eyes of a mother or a father whose children has historically been targeted by a system of unchecked power. Finally, give the board the ability to impose binding discipline which cannot be waived away or flat out ignored by a biased police commissioner and allow them to be equipped with an elected special prosecutor to provide unbiased prosecution of officers. Commissioners, you have the power and responsibility to save lives. If an officer knows there will be real repercussions when they fire their weapon, the life saved will be, in part, saved by you. Please take that power seriously. Thank you for your consideration.

CHAIRPERSON BENJAMIN: Thank you very much, Ms. Miranda. Are there questions? Thank you. Mr. Bailey? Jonathan Bailey? I remember you from the last meeting.

JONATHAN BAILEY: Cool. I remember you too. [Laughter] Okay. I name is Jonathan Bailey.

I am a member of the organizing committee of the Queens branch of the Democratic Socialists of America. I have been involved with various Queens electoral campaigns, including the campaign to elect Alexandra Ocasio-Cortez. Is a young black man in America, was the issue of police violence brought me to being politically engaged. It's because of this fund I am here today to discuss the charter revision commission's proposed changes for police discipline. As I am sure you are all aware, you have chosen to not give New Yorkers the opportunity to vote for any of the things they or we have requested. You have seen our marches demanding police accountability and we all sat together in City Hall and saw the entire room being filled with New Yorkers demanding an opportunity to vote for the elected civilian review board. I know that my wife and myself were a little bit rowdy, but I'm glad that you guys tolerated our rowdiness. There was no group in the room championing what the commission has instead put forward there are three critical components to this legislation which has been in your hands from the very beginning that is being ignored. Those are, one, that the members of the board be elected from

the community districts. If we don't do this, if we don't allow for this, then, essentially, we have police dominion over the community. That's not right. To, that disciplinary decisions be binding and not subject to being ignored or reduced or sidelined by the Police Commissioner. I saw and this hand out today when I got here that, you know, it's clearly like state and that, you know, that the Police Commissioner just explain why they deviate from the guidelines. The Police Commissioner just being able to explain why they are deviating from the decision, it's also not right. We can't have that. These decisions have to be binding and may have to be decisions made by the community. Finally, three, that there be an elected independent special prosecutor for all cases of criminal misconduct. If we don't do this, then, essentially, what you are doing is you are preserving the system of the police policing the police. It's entirely irrational to think that this constitutes accountability. For me as a citizen, not paid by anyone to be here with no financial interests at hand, I expect the charter revision commission to represent a process that allows us to democratically decide the proposals

requested. That we request an opportunity to vote for. The validity of this process is predicated upon our ability to communicate the things that we, as the public, want to be able to vote for so your ability to give the city an opportunity to vote for these things. Please give us the chance to vote for an elected civilian review board.

CHAIRPERSON BENJAMIN: Thank you very much, Mr. Bailey. Any questions? Jim?

COMMISSIONER CARAS: Thank you, Mr. Bailey. And I'm sorry.

HEATHER MIRANDA: Ms. Miranda.

COMMISSIONER CARAS: Ms. Miranda for your testimony. I've expressed my views that I think, you know, there does need to be more measures taken to make the CCRB stronger. I strongly believe, though, that at least two out of your three proposals would counter the state law and that your arguments are better directed to the state legislature rather than to us. And what we've tried to do is come up with some proposals that could strengthen the CCRB within the box that, you know, we are able to work in. So, I just wanted to--

JONATHAN BAILEY: There is--

COMMISSIONER CARAS: put that out there.

JONATHAN BAILEY: I know that there's been a little bit of engagement around the legality of this and like our-- I know our legal experts have like communicated that, indeed, this is something that we can give New York City the opportunity to vote for. I think like also, you know, if it represents something that is unconstitutional, I think that would also be decided in the courts, correct?

COMMISSIONER CARAS: Yes, but we would have to-- We could not put something on the ballot that appears to our analysis to have serious, you know, legal problems.

JONATHAN BAILEY: The legislation was specifically crafted for New York, though. For New York state law. I know that there's-- Like I know that there's some like frustration from some people that feel like that this issue of trying to debate around like the legality of it, it's kind of a-- It's essentially like a way to like deflect us from like really addressing the issues like straight on. But I would encourage maybe more engagement with like our legal experts. You know?

HEATHER MIRANDA: Can I saw something, as well? Mr. Caras?

COMMISSIONER CARAS: Caras.

HEATHER MIRANDA: Caras. I'd love to invite you or someone from your staff to a meeting to discuss this in greater detail because, obviously, it's not something we can fully hash out here, but I think that getting an answer to that question-- I agree with Jonathan, but getting an answer to that question is important in our campaign.

CHAIRPERSON BENJAMIN: Okay. Alison? Thank you very much. Mr. Morano?

FRANK MORANO: Thank you.

CHAIRPERSON BENJAMIN: You've been here before, too?

FRANK MORANO: Once or twice. Good evening, Commissioners, and, first, I want to commend not only you, but the staff in putting together a really impressive preliminary staff report not only in terms of the diversity of issues covered, but I don't know that I've seen the commission staff report that was least avoided of both grammatical errors, factual errors, and typos. So, clearly, this staff was on its "A" game throughout every aspect of this

process and I think you and they are to be commended. There are so many different areas that you focused on in the staff report. I am just going to speak this evening with respect to choice voting. I will endeavor not to repeat too many of the things that the previous folks said and would certainly be happy to answer any questions that you have. I am strongly in favor of ranked choice voting for all the reasons laid out in the staff report. So I want to do my best to give my two cents to address the aspects that the staff said they were look-- that you guys were soliciting feedback on. The first, in terms of which types of elections should be subject to ranked choice voting. Primary elections, special elections, or general elections. I really have to reiterate the suggestion from everybody that spoke previously that said it should really be all three. Not only for consistency's sake, not only for simplicity's sake, but for common sense sake. I mean, if the public and if you ultimately agree that ranked choice voting is beneficial, it surely should be beneficial for all the reasons cited in the staff report for all three of those types of elections. In terms of consistency's sake, we have seen that different

elections here in New York City produce different outcomes. It's not unusual and, Commissioner Vacca those lives having served in the city Council with the few people this happened to. To see someone elected in a nonpartisan special election only to lose their election in the partisan primary or general election that same year or a year later. Not only does having such a short tenure at elected official-- and I know you are addressing the question of special election timing separately. But not only is having such a short tenure at elected official means that their entire tenure in government is solely about politics, but it's difficult to see the value to their constituents of not allowing them to at least get some seniority. And in terms of simplicity, it makes no sense for voters to learn one system from a primary, one system for special, and one system for general, in my judgment. In terms of which offices should be subjected to RCV, in my view, all New York City elected offices should be for all the same reasons. In terms of when implementation should begin, I think the best choice for you guys, in my judgment, is the 2021 elections. The next year in which every citywide election is up and it gives

enough time for the Board of Elections to prepare for any reforms to the ballot that needs to be done. It gives enough time for the Board of Elections, the Commission, and candidates to do some outreach and messaging informing the public about the new system. And I'm just about done. So if you feel that a phase and is necessary, then I would encourage you to phase it and for the citywide elections in 2021, Mayor, Public Advocate, and Comptroller, and for all the subsequent City Council elections in 2023. But I don't believe that if they as it is necessary. I really would discourage you from using a hybrid RCV and runoff system. It still saddles the taxpayer with the cost of the second election and, with eight two one matching funds to go to two candidates for an additional round of voting, really does very little in terms of managing that. Into rooms of how many candidates a voter should be able to rank on a ballot, I would suggest-- I would agree with the previous testimony that you should be able to rank as many candidates as there are or almost as many candidates as there are and that will mitigate that issue we saw in San Francisco in that Board of Supervisors arrays of ballot exhaustion. Because

that usually only happens when you can rake three candidates or four and there are 10 or 11 candidates running. Then we saw in the recent public advocate special election that is not exactly an alien concept. In terms of what type of tabulation should be used, I would encourage you to look at a system called STAR, which is an acronym for score and automatic runoff. When you compare that to the hypothetical instances of instant runoff voting in the-- that the commission staff laid out in the report, it's so much better in terms of honesty, quality, accuracy, simplicity, and expressiveness. So the STAR system what, in a nutshell, allow voters to rank, to score, all the candidates the two candidates with the highest score, ever preferred more of those candidates is the election. No need for a second runoff. Every voter gets to express their vote. It mitigates the need of strategic voting, so I would--

CHAIRPERSON BENJAMIN: But--

FRANK MORANO: encourage you to look at that.

CHAIRPERSON BENJAMIN: doesn't bother you that one of those candidates may only have gotten 30

percent or 20 percent of the vote, they just happened to be in the right place and they have the majority of votes for the last two, but in--

FRANK MORANO: Well, that--

CHAIRPERSON BENJAMIN: the larger scheme of things that a person who had only really received 20 or 30 percent of the votes cast is now the winner?

FRANK MORANO: Well, that doesn't bother me nearly as much as the scenario that we see these days where you have 70 percent of New Yorkers voting for someone else and yet the person that was supposed by 70 percent of New Yorkers get selected. But, in the s--

CHAIRPERSON BENJAMIN: That could still happen.

FRANK MORANO: That is, actually, not even a hypothetical. That's exactly what happened in Burlington, Vermont in the 2009 Mayor's race when the person that wine was not preferred by a majority of anybody and Burlingtonites, I don't know the proper usage.

CHAIRPERSON BENJAMIN: People from Burlington.

FRANK MORANO: Yeah. They did away with it the next election and that's why the STAR method, it would really, really reduce the likelihood of that ever happening. So I would encourage you to look at a STAR method, but don't get me wrong. Any instance runoff voting method would be infinitely preferable to this winner take all system, the first past the post that we have now.

CHAIRPERSON BENJAMIN: Thank you, Mr. Morano. Mr. Vacca? And then Mr. Fiala.

COMMISSIONER VACCA: I have an open mind on the rank voting, but I wanted to ask just some questions. Let me ask, first of all, I was on a school board years ago and rank voting or something similar to it took place. It was called proportional representation. Many voters were confused by that model. They didn't know if they should mark their first, second, and third choice. Should they vote for everyone? Should they put an X or a circle rather than a one, two, three? And we had to go through an education process with voters. This was new to them. This was a little confusing to them. So lead to want to maximize voter turnout and engagement. Do you think that this will encounter

similar problems and require a decision? And I was also concerned about your other remark that, if we do it in 2021, it should be for the three citywide offices--

FRANK MORANO: Only if you think a phase in is necessary.

COMMISSIONER VACCA: Because I think that is the worst thing--

FRANK MORANO: I--

COMMISSIONER VACCA: that we can do--

FRANK MORANO: I'm--

COMMISSIONER VACCA: is have people vote--

FRANK MORANO: Agreed.

COMMISSIONER VACCA: Rank voting for some people and then, for other people don't rank vote and I don't know how the board of elections would ever do that.

FRANK MORANO: Completely agree. Again, I think the worst thing we could do is keep the system the way it is now. I would agree with you the second worst thing we could do is having people need to go to the poles with a decoder ring to figure out how to vote in every type of election. In terms

of the first part of your question, voter education and possibility of confusion, that's why, with respect to simplicity, the star system of tabulation is a much better one than traditional instant runoff voting. However, we had proportional representation in this city for 12 years to elect the city Council at a time when there was far less technology than when the school board elections ended in 2003. People were able to figure it out pretty easily because you had candidates with a vested interest in being able to tell the voters and needing to tell the voters how to vote. The problems with the school board elections, as I'm sure you know better than me, where many fold. The biggest one was that the elections were May and the elections for everything else where in November. So you didn't have a whole lot of people coming out naturally to vote in the spring when they are usually voting in the fall. Another part of that was they had, seemingly, so little authority and they are wrestling with the Board of Education, wrestling with the superintendents, wrestling with politicians so people felt like their vote didn't matter. I think it-- a better comparison to the school board elections were

the 2013 runoff for Public Advocate where people knew it doesn't really matter who wins. It's essentially a useless office that we are paying 10 million dollars to have an election for. If you look at the experiment with ranked choice voting in Minneapolis, voters, and overwhelming majority, from the first time they used it to the second time they used it, said they not only understood the system, but wanted to keep using the system in the future. And in city after city, when they have tried this, voters are able to understand it. As a voter education campaign a good thing? Of course. Even in that controversial Vermont election that I alluded to, something like 90 percent of the voters the first time they used ranked choice voting in 2006 said they understood the system and were able to use it effectively. Even in the controversial 2009 election three years later, it was about 95 percent of voters. In only three years that number and gone up to 95 percent that said they understood it, they felt like their vote counted, and they didn't have any problems with confusions.

CHAIRPERSON BENJAMIN: Uh-hm.

FRANK MORANO: Yes.

COMMISSIONER VACCA: Well, I just had one follow up quickly. If you can answer me very quickly.

FRANK MORANO: Certainly.

COMMISSIONER VACCA: People do ask me-- because with the school board election it was all done on paper and it took two weeks for people to know who won.

FRANK MORANO: Uh--

COMMISSIONER VACCA: So, under the way you envision ranked choice voting, would the voters know that night who the new mayor was and their new councilperson was?

FRANK MORANO: In the overwhelming majority of cases, the answer is yes. When they had the school board elections, votes were not counted by optical scanners as they are now. So even though people would vote on paper, they optical scanners are able, not only to tabulate the vote that night at the pole site, but upload that information to the board of elections or some sort of central election database that same evening. So it is an election where you could have someone win by 32 vote somewhere don't know that night? Yeah. But I don't envision

any scenario where it's taking weeks with people counting paper or chads or anything like that.

COMMISSIONER VACCA: Thank you.

FRANK MORANO: Sure.

CHAIRPERSON BENJAMIN: Commissioner Fiala?

COMMISSIONER FIALA: Thank you. Mr.

Morano, I want to first of all thank you for your testimony tonight, but I also want to thank you for your written submission to us a month or so ago. I want you to know I did get it and I did read every line of it.

FRANK MORANO: Thank you.

COMMISSIONER FIALA: And as--

FRANK MORANO: My sympathies.

CHAIRPERSON BENJAMIN: No typos?

FRANK MORANO: There were a few.

Sorry.

COMMISSIONER FIALA: None that I caught.

It helps to inform my judgment on this body and you testified for us before other bodies that I've been on, so you know my feelings. You know, when you keep hearing 25 years the same complaint you get a little frustrated when you start to listen to proposed remedy is to deal with the ailment. I'm a Catholic

and the fastest-growing segment of the populations out there as Catholics today are the nones. N O N E S. It's the same with voters. All right? The fastest-growing segment over the last decade has been the unaffiliated. And the argument that I keep hearing and have heard for 20 some odd years and now my third commission is we don't have any meaningful voice and everything you guys talk about doing doesn't affect me unless I decide to join the club that you want me to join. So here's the question I have because we have established that or I have conceded that ranked choice voting is bold and insufficient in your view, is ranked choice voting sufficient enough to incentivize more people to come out to the polls? In other words, will people come out and will the politicians running have two appeal to a broader swath of voters? Can ranked choice voting get us there?

FRANK MORANO: I think the first thing that ranked choice voting would do is make campaigns a little less negative because people not only have to appeal to their narrow, narrow plurality, they have to hope that they are the second choice of a whole other group. So I think that's one of the

reasons why you see and say it is that have utilized ranked choice voting, they report much less negative campaigns, which I think we could all agree is a positive for voter participation and for voter education. Look, nonpartisan elections is something that I have been coming before charter revision commissions and testifying in support of sense, literally, 2002. Why only for the members of this commission decided that it was worth giving the voters the opportunity to weigh-in themselves and have you make that decision for them is something that I will honestly never understand and it really reinforces not only my cynicism about commissions appointed five politicians, but I think reinforces the cynicism of the public that you have decided that they shouldn't have the right to choose. And that you don't think they should determine what type of election system they deserved to participate in. As an unaffiliated voter myself, I consider myself a second-class political citizen. I have to pay for elections that I have no ability to participate in. I have Democrats coming up to me all the time, and Republicans, almost literally on a daily basis saying, you know, you should really be a Democrat.

You could get elected to public office. Or you should really be Republican. You could get elected to public office. What a sad commentary that you are telling voters, not this individual, but the system is telling voters that you have to set aside your own political convictions and order to even have a chance at serving your community. I wish you would reconsider nonpartisan elections or proportional representation which worked well for 12 years to elect the city Council, but you're not. So we all do what we can and I think this ranked choice voting would be an important reform to move the needle forward a little bit. And I think it would really help.

COMMISSIONER FIALA: Thank you. You added a little twist--

CHAIRPERSON BENJAMIN: Huh.

COMMISSIONER FIALA: about making-- that ranked choice voting, aside from being bold and efficient, you said it would make us a little more civil?

FRANK MORANO: I hope so. And that's what's been reported.

COMMISSIONER FIALA: Now, we have a reasonable expectation to assume that, because--

FRANK MORANO: That's what's happened.

COMMISSIONER FIALA: politicians will appear to a broader swath and they won't be appealing to the base and--

FRANK MORANO: Right.

COMMISSIONER FIALA: and maybe will be a little more civil.

FRANK MORANO: Right.

COMMISSIONER FIALA: Thank you.

FRANK MORANO: Thank you.

CHAIRPERSON BENJAMIN: Anyone else?

Thank you very much.

FRANK MORANO: Thank you.

CHAIRPERSON BENJAMIN: Joyce D. Hutton, was she here? Ah. You missed your-- We called you before. If you would come up along with Richard Cazami, Robert Saren or Saran, Ken A., and Susan Lerner. We're going to get an extra chair.

[Background comments]

CHAIRPERSON BENJAMIN: Okay. Ms. Hutton, if you would take the microphone.

JOYCE D. HUTTON: Oh. I didn't know I was coming up here.

RICHARD CAZAMI: Okay.

CHAIRPERSON BENJAMIN: Oh. Well, you filled out a speaker slip. You don't have--

JOYCE D. HUTTON: Yes. But I thought--

CHAIRPERSON BENJAMIN: to speak.

JOYCE D. HUTTON: I was going to stand over there. I'll do the best I can.

CHAIRPERSON BENJAMIN: Okay.

JOYCE D. HUTTON: Okay.

RICHARD CAZAMI: Here. I got it. Let me get the mic for you.

JOYCE D. HUTTON: Yes.

CHAIRPERSON BENJAMIN: The floor is yours.

JOYCE D. HUTTON: Oh. I'm a little nervous. Okay? You really caught me off guard. I'm a native New Yorker. See you. I won't tell you my age. I'm proud of it, but-- I live in NYCHA in an Astoria development for 30 years. I [inaudible 01:37:13]. My request here is to let you know we need more low income developments and senior buildings. I left Astoria housing because a few of us worked. A lot of people didn't work. They were

taking care of their grandkids. Grandkids taking care of the grandparents. And a lot of friction going on, so I moved into a senior building. So I've been there 14 years. Then the president for 13 years. The police are limited with rules and regulations. I know all y'all can speak and change your life, but you need a civilian group to interact with the mayor and the police commission because the police department hands are tied. We have young drug addicts and drug dens in our senior building all four floors. And the police are trying to work with love, but their hands are tied because Mayor is all about-- we need cool people being in the streets? Homeless people. So they slow up on rules and regulations. You need civilian people that talk. We live in these buildings. We experience a whole lot. A lot of us are scared where we live. All senior buildings because you've got adults coming in with some of the seniors that go outside, become friends with them, then they move in. Once they come into your apartment, you can't get them out. So, all the rules need to be changed with the police department and the mayor. Never mind with the homeless. You've got to build more development. There is not enough

buildings took place people. You are allowing people to come to this country. That's fine. But you're not building no low income houses. They are not there. They've got all these skyscrapers all around in Queens, but you can't afford them. I mean, I get Social Security and a little pension, thank God for that. A couple of years they didn't give us the cost of living because they said they had to take that money and how people come to this country with no money. Nowhere to go. Okay? I'm not for [inaudible 39:58] ascension. I'm sorry. This is the fact. There are people living in our building and I'm sure other buildings the taste of two worlds, of milk and honey. And some of them in my building, they've got homes in their country renting it out or whatever. They go back and forward and, if you are born here, you have to fight for your rights of survival here because I don't have no other place to go. This is it.

CHAIRPERSON BENJAMIN: Thank you, Mrs. Hutton.

JOYCE D. HUTTON: But it's got to be more buildings for the seniors. We don't have nowhere to go. Change those rules. Get these drug addicts out

of our buildings. That's what you all have got to work on.

CHAIRPERSON BENJAMIN: Thank you, Mrs. Hutton. Mr. Vacca?

COMMISSIONER VACCA: I want to thank you for your testimony. I'd too want to be honest and let you know that much of what you spoke about is not something that the New York City charter, per se, can address. But I am very upset when I see a senior citizen IQ talk at a meeting and say that you live in a senior citizen building and you have for drug dens in your building. That upset me very much.

JOYCE D. HUTTON: Have you ever heard of piggyback?

COMMISSIONER VACCA: Piggyback? No.

JOYCE D. HUTTON: Yes.

COMMISSIONER VACCA: I don't know what that means.

JOYCE D. HUTTON: A social worker had to tell me that. I came home one evening celebrating my birthday 12 o'clock at night. Got off the [inaudible 01:41:31] being I'm born in the Bronx, I looked to the left, I looked to the right. I didn't see anybody. As soon as I got to the first doors, this

guy came right up behind me. He was coming in with me, but there were other people in this-- the lobby with the security guard and he sucked his teeth because he couldn't come in with me because there were other people there. And he scared me. He had to stay there and wait until I came in and then he rang the intercom to let one of his buddies buzz him in and he ran up the stair. Then I called security because I got angry because the security guard didn't even ask him to sign the book. He just ran up the stairs. And they're so comfortable. They even have the nerve-- One apartment went to court. NYCHA came up with a locksmith and the police, changed the lock. The guys had run out. Change the lock. 20 minutes later, two guys came back with a locksmith and they changed the lock and they're back in there and they can't get them out.

COMMISSIONER VACCA: Well, I know we have to move on, but you are a tenant president. I want you respected. We do have, at the City Council, and community engagement unit. I'm not--

JOYCE D. HUTTON: You're not talking about NYCHA community engagement--

COMMISSIONER VACCA: No. No. No. I'm not talking about NYCHA community engagement.

JOYCE D. HUTTON: Oh, no. Don't--

COMMISSIONER VACCA: We're talking about--

JOYCE D. HUTTON: [interposing] Don't go there with NYCHA.

COMMISSIONER VACCA: people in the council who want to help people like you and I would like someone from the council staff to, at least get you a phone number and have council engagement, community engagement reach out to you.

JOYCE D. HUTTON: Please. My--

COMMISSIONER VACCA: Because you should not have to--

JOYCE D. HUTTON: heart is racing--

COMMISSIONER VACCA: live that way.

JOYCE D. HUTTON: right now.

COMMISSIONER VACCA: And you came here tonight and you're entitled to some response and I would like that done. Let us try to help you.

JOYCE D. HUTTON: Thank you. I appreciate it.

COMMISSIONER VACCA: Thank you.

CHAIRPERSON BENJAMIN: Thank you, Mrs. Hutton. Richard Ca-- Cazami?

RICHARD CAZAMI: Yes. That's me. Thanks. I want to begin by saying that I just found out about this, myself, yesterday through email. But I wanted to come down and take an opportunity to hear what's going on with the commission and, again, as the other individuals said before, I saw the bullet points and there is a few things I'd like to comment on. So, I am the president of the Old Astoria and Neighborhood Association. I'm also 20 years on Community Board One and I've been sitting on the Land Use Committee that long in Queens. Also 11 years of Park Chair. So, you want to relieve the community board and the responsibility meeting in June-- or July and August Fernley meanings on any land use. Was that when it said?

CHAIRPERSON BENJAMIN: what the staff has recommended--

RICHARD CAZAMI: Yeah.

CHAIRPERSON BENJAMIN: is that we look at-- A number of community newborns came to our hearing earlier and spoke about the problems of ULURP applications that are certified during this summer.

RICHARD CAZAMI: Right. Uh-hm.

CHAIRPERSON BENJAMIN: And so the staff has recommended that we look at adding an additional period of time, maybe 15 days, to the 60 days for applications that are certified--

RICHARD CAZAMI: Yes.

CHAIRPERSON BENJAMIN: In the summer.

RICHARD CAZAMI: So we can push our day up until September so that--

CHAIRPERSON BENJAMIN: Right.

RICHARD CAZAMI: as-- You know, as volunteers, we need our summers off. So, I appreciate that and I'm fully in favor of that. Also, on the rezoning section, again, if I am reading this correctly, you are speaking about the EIS on as-of-right development-- Oh. You were. One of the things that's an issue is there is areas on community District One that haven't been raised on for 61 years. So, those as-of-right are so out of date at this point that I think that you make a good point in requiring it. So maybe there's a time element that could be used to require an environmental statement. That's a possibility. Also, the re-zonings themselves, I would like to see, because of that I

just happen to have written a letter to City Planning a while ago and these were some of the-- We're trying to rezone that area that hasn't been rezoned in Ravenswood for 61 years. Some of the points that were brought up: number one, the neighborhood would have been put in what the neighborhood would look like to ensure the quality of life they deserve while allowing controlled growth and facilitating jobs in commercial development. Two, the developers would be able to forgo the expensive and time-consuming ULURP process. They would know immediately what type of building they would be able to put in and make smart investment decisions with some certainty. Three, home owners and buyers would have clarity as to the nature of the neighborhoods they are investing in. Four, the new zoning would reflect more accurately current uses and guide development in a positive fashion for the neighborhood. Five, this is something that used to gall me. It's almost impossible for a spot zoning or variance to be properly determined without an overall plan to compare it to. You know, without doing that, we would do a lot of spot zoning, you're just going to create chaos. You know, recently, we had a 14 story

zoning on Northern Boulevard, but we had no idea whether they wanted to create a corridor or [inaudible 01:46:56] or 14 stories. So how do we decide, you know, with any intelligence, you know, whether to approve it or not. So, this is-- We're in the midst of trying to get this done. So, couple other things having to do with budget. Okay? Quickly. With itemized budgets, great idea. You know? I was Parks Chair. It was budgets. We were giving the 5 million dollars to put a bathroom in a park. You know? The community wanted to know where the hell that 5 million dollars was going and all we got was the flat number. We did get a breakdown, so I think that's really, really very, very important. So, those are my points.

CHAIRPERSON BENJAMIN: Thank you very much. Are there any questions for Mr. Cazami?

COMMISSIONER VACCA: You mentioned spot zoning. Are you saying that in your district, spot zoning was done?

RICHARD CAZAMI: You know, [inaudible 01:47:52] zoning variances.

COMMISSIONER VACCA: Well, variance--

RICHARD CAZAMI: Basically, yeah.

COMMISSIONER VACCA: variance to VSA is one thing.

RICHARD CAZAMI: Yeah.

COMMISSIONER VACCA: By nature--

RICHARD CAZAMI: [interposing] VSA is also the ULURPs, too.

COMMISSIONER VACCA: Well, variance by nature is for an individual property. But the City Planning Commission has always said that they don't do spot zoning, yet I know that they do do spot zoning when they want to do spot--

RICHARD CAZAMI: VSA--

COMMISSIONER VACCA: zoning.

RICHARD CAZAMI: does also. There are, maybe-- City Planning will rezone a block. Half of it will be for one particular owner. Okay? They will expand a little bit. That's what happens quite often. So, yeah.

COMMISSIONER VACCA: Okay. Thank you.

RICHARD CAZAMI: It's still hard to make decisions when you don't know the context as to what people are looking ahead for.

COMMISSIONER VACCA: Well, consistency.

CHAIRPERSON BENJAMIN: Thank you very much, Mr. Cazami. Mr. Seran or Saran?

ROBERT SERAN: Seran. Robert Seran.

CHAIRPERSON BENJAMIN: Seran.

ROBERT SERAN: Seran. Thank you for the opportunity to be here. I just found out about this today also. I am a Chief Operating Officer for United Planning Solutions Incorporated here in Hollis, New York and we provide financial services for individuals and families. But one of the things we do a lot of his help provide low income individuals with the first time home buyer grant program available in New York City. We also work with Global [inaudible 01:49:09] LLC, which is a developer of great initiatives out of which Donovan Garden, one of our partners is now the right hand man for Governor Cuomo. One of the questions that I have and you guys have already alluded to all of [inaudible 01:49:24]--

CHAIRPERSON BENJAMIN: Mr. Seran? Could you move the microphone a little further away? We're having a little trouble hearing you.

ROBERT SERAN: Okay. How about now?

CHAIRPERSON BENJAMIN: Try that.

ROBERT SERAN: Okay? All right. What we do as at United Planning Solutions Inc. is help low income individuals to have access to the first time home buyer grant program in New York City. We also work with Global Resurrection LLC which is a land developer that has green initiatives of which Hal Hamilton and Donovan Gordon especially now are working with Governor Cuomo. But one of the things that we have seen, and I'm not an expert in the field, but as far as the land development and environmental issues, the way they impact low income individuals and keep them from having access. But what I would like to know is as this commission looked into planning issues, read zoning measures as what was alluded here and time of effectiveness as well as opportunities for low income individuals to participate in this land music program.

CHAIRPERSON BENJAMIN: We have heard a lot from different communities about the need for planning and the need for planning different parts of the community and staff has been looking at these issues both with respect to doing overall assessments of the city and where it needs to go in, as Mr. Kober said, where growth should go. But, yes. There are a

number of recommendations in the report about planning for the future and about how to conduct the individual ULURP items that may come before the council or the community board or the borough president: Is that system working? So, you may want to take a look at that and, you age, then be in touch with us some more. Thank you very much, Mr. Seran. Are there any questions? Ken A.?

KEN A.: Hello. Can you hear me?

CHAIRPERSON BENJAMIN: Yes.

KEN A.: Yes. Great. So I am with a group called Open New York. We advocate for more housing and the reason for that is, since 2009, we added to the population of about half 1 million people to New York City and the great. We welcome them that, but we only added about 100K new housing units to the city and that is causing rates to go up as well as making buying your first home, is here millennial impossible and one of the key things that we want to see is more housing in New York City, especially to keep up with population growth. So, on the issue of comprehensive planning, there is a couple things that we would like to see. First, comprehensive planning would be a big first step to address the macro issue

that we are not building enough housing for, not only people like me who are come into the city. Then in New York City since 2011. I plan to be here for the rest of my life and people like her who have been here their whole life and have their roots here. And so I encourage like a comprehensive plan, but also a comprehensive plan with some teeth in it. And what I would like to see, or we would like to see, is a comprehensive plan that addresses population growth as something that must be addressed with new housing. And your housing targets should be measured against population-- housing demand and population growth and if a neighborhood decides not to meet it's target, then the Department of City Planning should be able or mandated to rezone or allow for more housing growth in that neighborhood. And one more last thing is we would like to see no delay. No summer breaks for new housing. The city desperately needs new, not only for newcomers, but for a long time residents, too. So, my comments are.

CHAIRPERSON BENJAMIN: Thank you very much. Are there any questions for Mr. A? Reverend Miller?

REVEREND MILLER: Okay. Thank you for your testimony. Certainly we're in an affordable housing crisis and there should be a comprehensive housing plan for everybody. There are a lot of homeowners in New York City that own homes that have vacant basements. In addition to building new construction, would you consider basements a key part of a comprehensive plan for affordable housing?

KEN A.: Oh, yes. If new basements become available for housing in a safe and can satisfy housing needs, I'm all for it. Yes.

CHAIRPERSON BENJAMIN: Are there any other questions for Mr. A? Thank you very much. And our next speaker is Susan Lerner.

SUSAN LERNER: Yes. Now I do. Thank you very much. Thank you very much for holding the hearing. Susan Lerner, Executive Director of Common Cause New York and I am planning to testify today about ranked choice voting. I'll take the opportunity to address other issues in another hearing. We at Common Cause strongly supported the need for ranked choice voting here in New York City and we appreciate the staff's report and strong endorsement for the concept of ranked choice voting

and welcome the opportunity to talk about the details. We think that now is the right time to adopt ranked choice voting because of the really significant number of races which will be open in the 2021 cycle for the city because our research has shown that, when you have open seats, you have a significant number of multicandidate primaries and we have prepared some charts to help you comprehend really what an out five excellent influence our campaign finance system has by encouraging multiplicities of candidates to run. And we believe that this is a direct result of our campaign finance system and term limits. Then, therefore, we have a unique situation, I believe, in New York City because we have such a large number of multi-candidate races not unusual for an open seat, particularly the primaries for the City Council to seat eight, 10, or 12 candidates running and, when that happens and more than two thirds of the races, when you look at the totality where we analyzed 2009 through 2017, we see that 66 percent of the races were multi-candidate races in the primaries. And what was also striking to us was how many of those-- So, the result of that is that when you have multi-candidate primaries, what

we see is that the result is, pretty much, a duplication of that pie chart that we have. 36 percent of the multi-candidate races, the winter one with a clear majority. So, flip that. Two thirds of the people who ultimately win the primaries, in all honesty, in virtually every single race-- In our city, if you win the primary, there's an extraordinarily high percentage probability that you are going to be the office holder after the general election. So you have--

CHAIRPERSON BENJAMIN: Is that true for--

SUSAN LERNER: people who won--

CHAIRPERSON BENJAMIN: all parties or just for the Democratic Party?

SUSAN LERNER: Well, think of Staten Island, okay, where you have a heavy Republican electorate and there's a very high probability that if you are the Republican candidate for borough-wide office, you're-- and you win that primary, you're probably going to be the borough president. Same thing with the council districts that have traditionally been Republican. So, no. I-- It is both parties. But what that means is that we have elected officials who ultimate-- who at the very

beginning were the choice of a minority of the voters, particularly in the City Council. We think this is not healthy and we think that rank choice voting is a very effective way to address that. So that the ultimate winner of the primary with all that candidates can say that they are the consensus choice for the people in the district. That's not to say that they're first out of the post, but with rank choice voting, that they have built a broad base of support and we think that that is much healthier for our democracy. And we also were struck with the breakdown. It's my next chart. And how few multicandidate races in the primary we saw four citywide offices or for borough president. Less than 10 percent of the primary races for city wide office are multi-candidate. And when you look at the borough president primaries, five percent. And yet, when we look at city Council primaries, it's almost 90 percent. It's 86 percent of the races are multicandidate. For which we mean three or more candidates running in the primary. So, for that reason, we believe that ranked choice voting would be very positive for our particulars situation and looking at our particular situation in New York City,

we believe that ranked choice voting should be used in the primaries and in the specials. We disagree with our colleagues and friends in the Green party that right now for our situation in New York City, we are not recommending it for the general election. And that is an evolved position that Common Cause has had a change between the two charter revision commissions. Originally, we suggested rank choice voting for all elections. And as we started looking at actually drafting the position, and we have suggested a specific language for ranked choice voting, the complications of how fusion voting is treated on ballots, it seemed to us, was the difficulty which would end up in actually creating more ballot exhaustion. That's the one place where we thought ballot exhaustion could appear and in all practical terms, the truth of the matter is we do not see our New York City board of election open to the idea of changing the way in which they lay out the ballot. And they insist on having candidates run in multiple places under different party lines, rather than the Oregon style of fusion where you list of the candidate and then whatever party they are running under. We believe that that would result in people

voting for the same person two or three times and that could invalidate and must send the strength of ranked choice voting.

CHAIRPERSON BENJAMIN: Okay. Could you sum up, Susan?

SUSAN LERNER: Yes. Also we provided some information regarding the impact on candidates of color. The experience in four cities in the bay area in California is very striking. Whether you have a white district, you have a district where you have a white plurality with people of color as the majority, or you have a majority people of color district, in each of those circumstances, people of color did better under ranked choice voting than they did with first out of the post. So we've provided our answers to the five considerations and I'd like to just run through them and we'll expand with a written explanation. We believe ranked choice voting should be applied to the primary and special elections only. We believe that to gain the full benefits of ranked choice voting it should be used in primaries and special elections for all city offices. We don't believe that it should be phased in. We have so many offices opened in 2021, it

should be for all offices in 2021. We don't believe that a hybrid system is beneficial. In fact, we think it plays on the weaknesses of both systems. We recommend ranking five candidates and we recommend using the machine tabulation as they do in Minneapolis. I would also like to point out that, unfortunately, STAR voting is used for any political elections anywhere in the world, unlike ranked choice voting, which is a used in countries in many cities here in the US. So, thank you.

CHAIRPERSON BENJAMIN: Thank you, Susan. I know that Council member Fiala has been waiting anxiously. And listening.

COMMISSIONER FIALA: Thank you. Ms. Lerner, thank you, as always, for testifying and for the multipage presentation. I took note in your remark and you referenced it. The Common Cause position has changed. And that's a curious factor for me. Why is it that-- Let me back up. I think you see a theme with me and it's this: That I keep hearing bold, bold, bold solutions for a bold, big city. And what I keep seeing is solutions where we dip one toe in and keep one toe out. We want regular elections and we want nonpartisan elections.

SUSAN LERNER: [interposing] Well,
we're not recommending--

COMMISSIONER FIALA: Recommending rank
choice voting for some elections, but not all
elections. Why is it good in some instances and not
in others and, if I give you the other question-- I
have two. Two more. You depart from all of those
that testified earlier. You are saying that limit it
to five when we are being told that limiting it
actually leads to increase in voter fatigue. And,
finally, I'm just curious because you referenced
campaign finance. What is Common Causes position on
democracy vouchers? So there are three things. I'm
sorry, but I thought I better throw it all at you and
let you answer it.

SUSAN LERNER: So, we are intrigued by
democracy vouchers. We think we need to have more
experience. At something, actually, that we are
looking at this possibility a hybrid matching funds
system and vouchers to suggest to the state level.
In terms of why we would recommend for New York City
that we use a ranked choice voting only for the
primaries and special and not the general, that is
only specific to New York City and that has to do

with the peculiarities of our ballot that our Board of Elections insists on laying out a particular way. Otherwise, we would prefer to see rank choice voting for all elections, but we believe that it will lead to over voting and ballot fatigue. People who vote for the same candidate two or three times because they appear to or three times and then, when you rank, they will not have the full benefit of the ranking. And I'm sorry. Remind me of your middle question.

CHAIRPERSON BENJAMIN: The five.

COMMISSIONER FIALA: The five.

SUSAN LERNER: The five. Ah. It comes personally from my experience in making decisions in the Public Advocate's race. I realize there was no matter how much attention I paid, I was not clear on who my 12th, 13th, 14th, 15th, 16th, and 17th candidate were. But I am pretty clear on my top five. We recommend five as a direct result to the concerns which we think are overblown of Prof. Burnett. We think that exhaustion has been way over emphasized in the discussion particularly when you look at the extraordinary drop of to leave a race and a runoff. And we think that there is a much bigger

problem with campaign fatigue than there is with ballot fatigue in any one election.

COMMISSIONER FIALA: Okay. Just so I'm clear--

SUSAN LERNER: So that's why we chose five.

COMMISSIONER FIALA: That was very thorough. Thank you. Just so I'm clear, back on the exclusion or inclusion of general election, the board of elections could accommodate ranked choice voting in the general election system, Common Cause would be in favor of it?

SUSAN LERNER: They can accommodate it. It's not the accommodation. The voting technology that's in use in New York City today is the same as in Minneapolis and with minor reprogramming, is able to handle rank choice voting. It's the actual layout of the ballot, which as I thought about how I would educate voters, I realized people have a natural sense of drinking, but to say, if you rank-- is the same person is here three times, uh-uh. You can only pick them as one, two, three. If you pick out one or two or three-- If you pick the same person because that is your favorite three times, you are

only going to get the benefit of having them in the first place. When we go to number two, you're not going to have a number two. You go to number three, you are not going to have a number three. And so, when I was drafting a proposal of language for charter revision and I included specific suggestions regarding requirements for education including that there be an entire page of the voter guide devoted to ranked choice voting, I thought I personally would have a very difficult time explaining to the voter hell not to vote for the same person over and over again.

COMMISSIONER FIALA: Thank you.

COMMISSIONER VACCA: This is very interesting. So, why not tell them you only have two choices. You have six people running for mayor, why don't you just tell the voter you can go in and vote for your first choice in your second choice? Is that-- Doesn't that enable the voter to focus more on who is the second choice? They may have their first choice picked out, but they're not able to vote for a third or fourth. So therefore, they're going to have to focus on who their second is going to be.

SUSAN LERNER: So, in that situation where you've got a really large spade of candidates, you don't have enough mathematically to do a meaningful ranking. So you are eliminating so many people as one and two, that when you two further rounds, there is a chance that you don't actually reach a majority. Then you would need a hybrid system and we believe that a hybrid system is the worst of both worlds. You don't get the full benefit of the ranking. You're running a simultaneous tabulation and then you are spending 15 million dollars for a runoff.

COMMISSIONER VACCA: But, do you see a complication, because when we vote in primaries, we're going to have-- Let's say we have a primary for 2021 for Mayor, Public Advocate, Comptroller.

SUSAN LERNER: Right.

COMMISSIONER VACCA: So then we have some borough president and city Council. But, at the same time, we could have primaries for district leaders, state committee people--

CHAIRPERSON BENJAMIN: DA's.

COMMISSIONER VACCA: DA's--

SUSAN LERNER: Uh-huh.

COMMISSIONER VACCA: Judges. So, therefore, those are state offices--

SUSAN LERNER: Right.

COMMISSIONER VACCA: and the state is not going to have ranked voting. So how do we have a ballot that tells the people, tells the voter, this is where you have ranked voting, but, now, when you reach a certain point, you have to only vote for one person for the office and not rank who you're--

SUSAN LERNER: So--

COMMISSIONER VACCA: voting for because of the state not having a system?

SUSAN LERNER: Right. So we don't have to invent the wheel on this one. There are cities in exactly that situation. And what they do is it's a question of ballot design and ballot layout. One thing that you can do is have your city offices on one side with clear instructions and then you flip over the ballot for the state offices and that is different instructions. So what we've seen is that the one thing that is a through line and that is essential is that supporters of ranked choice voting like Common Cause and others have got to be ready to follow through with meaningful voter education or

else whatever change is adopted whether it's ranked choice voting or something else will not work. So the city needs to engage in voter education, but the advocates also have to engage in voter education. And that is why we have been putting together a coalition of groups that include the New York immigration coalition and the Chinese-American Planning Council and MINK One. Citizen's Union and others who want to see the city adopt ranked choice voting and who are prepared to put our time, energy, and skills into ensuring that voters know what's happening.

CHAIRPERSON BENJAMIN: Any other questions? I'd like to thank you for coming.

SUSAN LERNER: Thank you.

CHAIRPERSON BENJAMIN: And for sharing your time with us and I'd like to thank everyone in the audience for the same. I have exhausted my speaker slips. So with that, I would say this public hearing is over. Thank you very much for coming.

[Applause] [Background comments]

CHAIRPERSON BENJAMIN: We do need to vote on the minutes from the last meeting. Let me just-- Oh. It's still here. I will entertain a motion to

adopt the minutes of the commission's meeting held on March 25th at City Hall. A copy of which has been provided to all of the-- Hello? So moved.

[Laughter] all those in favor?

PANEL: Aye.

CHAIRPERSON BENJAMIN: Aren't you?

COMMISSIONER VACCA: No. I'm not marked present. [inaudible 02:12:20]

CHAIRPERSON BENJAMIN: Okay. We'll take a look, Jimmy. I do rem you being there.

COMMISSIONER VACCA: [inaudible
02:12:27]

CHAIRPERSON BENJAMIN: So, if you're not marked present in the minutes, we'll-- I'm not sure we're being taped now, but if you're not marked present in the minutes, we'll get you present and we'll adopt an amended version at the next meeting on Thursday.

[Background comments]

CHAIRPERSON BENJAMIN: So, now can we do it again? Once we have a motion, we have a second. All in favor?

PANEL: Aye.

CHAIRPERSON BENJAMIN: All opposed?

[Silence]

CHAIRPERSON BENJAMIN: The minutes are adopted. Now, as you know, we have one last item which was discussion. My mic is not working. I can't-- I don't know what--

COMMISSIONER VACCA: Hello?

CHAIRPERSON BENJAMIN: I think they cut the sound.

COMMISSIONER VACCA: I think they cut the sound.

CHAIRPERSON BENJAMIN: Hello?

[Background comments]

COMMISSIONER GAVIN: Hello? No? Hello?

CHAIRPERSON BENJAMIN: Maybe this is the deity's way of saying we shouldn't be doing this.

[Laughter]

CHAIRPERSON BENJAMIN: They're not working.

[Background comments]

CHAIRPERSON BENJAMIN: Um--

COMMISSIONER HIRSH: This is a great way to end--

CHAIRPERSON BENJAMIN: Yeah. I would like--

COMMISSIONER HIRSH: the discussion--

CHAIRPERSON BENJAMIN: talk about what [inaudible 02:15:15] and getting a sense from the other commissioners about their concerns about the same. I would say that I thought, in general, and I have cautioned everyone, that this is a report that is presented by the staff to the commissioners and is not a product of any commissioners thinking or thoughts. There well, a time when we well clearly have two put up or shut up, as they say where I grew up, but this is not that moment. It is still the information gathering. But if there are things that you know you would like to know more about or things that you think you would like to not have staff pursue, we can all talk about those things so that, when we finally get to voting, we are more of a consensus and not. Paula?

COMMISSIONER GAVIN: I could just shout. You know? I did work for the YMCA, right? You know, I have a general concern that I just want to say and I have expressed it before to a number of you. You know, in keeping with our bold-- bold is the word for tonight-- goal to really make changes that will help us for the next 30 years, I am concerned that a

number of the recommendations are not addressing our current problem or our future opportunity and that they are seemingly addressing some other issue. So I will give examples. From my point of view, the corporate counsel advise and consent and power men. The revenue estimates. I don't see those as big problems having heard all the expert forums. I don't see those as being opportunities for solving future problems. So I just hope as we go forward we will look at things from their impact. What is their impact as well as do no harm. So I just wanted to express that to everyone and I have told a number of people that, but I just publicly wanted to say that.

CHAIRPERSON BENJAMIN: And I can scream. So thank you. I think, actually, Steve was next.

COMMISSIONER ALBANESE: Yeah. Do you want to go next?

CHAIRPERSON BENJAMIN: And then--

COMMISSIONER FIALA: I would-- I should've done this at the beginning, so I'm sorry for not having done this at the beginning. This is the stage when the staff kind of gets punched in the gut by everybody. Right? I want to say the staff has done an extraordinary job in taking all the

materials that we have heard, and it was a lot, and putting them in the right buckets and giving it to us in a manner that was easy to read, easy to understand, and now to listen to the debates. So kudos to the staff. You are probably not going to hear that much now going forward. I would just like to ask the commission to consider diving in deeper. The areas for me are the ones that, you know, I started this process with. The rainy day fund, I think, is an extraordinary opportunity for this body to address. It is bold. Right now we have a healthcare stabilization fund, which is used as a rainy day fund. That is wrong. It's wrong fiscally. It's wrong morally. We have an opportunity to shore up the health stabilization fund. Bear in mind this city has a quarter of 1 trillion dollars in unfunded liabilities going forward. So I think we have a fiduciary responsibility to generations yet born. Well, then, at the same time also creating a true rainy day fund. I want to add something and I talked about this previously briefly. I started out as a nonstarter on, I have to say to my right is the-- I guess the forefather of this idea. The democracy vouchers. And listening to the materials that I

heard, I think that is a bolder approach, a cleaner approach. A leaner and more transparent approach than the one we presently have. So I would like us to look at that. I have submitted to the staff some thoughts. I don't want to go into much more detail here because we still have several of these hearings, but those are two areas that, if we could take a deeper dive, I think we would be doing a great service to the city. And I think you all know where I stand on the election stuff. I hope I didn't lead anyone to conclude that I don't think ring choice voting is a good idea. I do. I just happen to think that it's not as bold as we could be. But I can see that it is very, very bold. And I love what Mr. Morano brought up that I hadn't brought up that I haven't heard before and that is that it could lead to an even more civil way of campaigning. So that in and of itself is a worthy endeavor. Sal, yours.

COMMISSIONER ALBANESE: Well, thank you.

I, too, would like to commend the staff for their great work. Their thoroughness. However, at the end of the day, the commissioners that are accountable. Staff will be held accountable and my concern, as many of you know, has been how do we make the city

government more democratic? How do we increase participation? How do we reduce conflicts of interest and I have to say I think that the democracy vouchers is one of my top priorities and I will ask people to vote on it at the end of the day because I think that the second round in Seattle has been even more successful than the first-round. I just read the latest information. It's, obviously-- It's cheaper, it's cleaner. It makes average people real players in our electoral process. We do know that people of color are, basically, not donors in this town, as we saw that there is-- The campaign-finance board doesn't even have stats on how many people of color donate to campaigns and most middle-class and working class people, regardless of color, chose don't donate to campaigns. They live check to check and I think this is an opportunity for us to do something really bold. I mean, the matching system, in my opinion, is an adequate. It favors insiders. It's expensive and doesn't really democratize the process. And I speak from personal experience. It doesn't really help independent grassroots candidates. I think that I was disappointed, obviously, and our failure to even explore open

primaries. And I'm, you know-- That ship has sailed. I would like for us to explore independent redistricting. I don't think that was addressed in the report where we talk about there are other cities that really involve citizens in their region redistricting process. I think that should be separated from politics and people who are in office should not be selecting the people who designed to these districts and, finally, the issue of pension reform is very important. You know, the city contributes 12 billion to our pension fund. It definitely underperforms other pension systems, especially in the Canadian system which I favor. And, I think, at the very least, we should consider asking that a blue ribbon commission study the pension system and look at the structure. And I'm a little bit concerned about the fact that we talk about we need state involvement in this particular area, therefore we can't address it. While in other areas we say, okay. Staff recommends we do this and we also recommend that the state legislature approved X, Y, and Z. So, in one respect, we are saying we can't include something because of state legis-- the state overrides the city and in other cases we are

saying, well, we're going to-- rank order voting, for example, which I think is a good thing or saying that staff recommends we explore it, but at the same time we do need state legislation for X, Y, and Z. So sometimes we use that as a shield and other times we use it as a sword. So, those are my concerns.

COMMISSIONER HIRSH: I keep going back and forth, but I'll-- So I just want to third or fourth the staff compliments on the detail and rigor that went into the report. I want to second some of what Paulo was saying. I think I have-- I think, in general, the scope from the beginning the scope of our commission have been huge and I have-- I am concerned that, as we get into crunch time, some of what we are proposing, we won't actually have the time to think through all of the repercussions and I do believe that we need to be bold in some areas and do no harm in others. Well, we need to do no harm throughout, but I think that to no harm principle will have to stop us from being bold in other areas. I also am trying to visualize, and this may be a conversation for later, what the ballot will look like with, I out, pages and pages of charter revision changes in an election out we probably expect the

lowest voter turnout of any election in the last decade, probably, because there is no other-- this is the only thing on the ballot.

CHAIRPERSON BENJAMIN: Public Advocate is on--

COMMISSIONER HIRSH: Oh. The public advocate is on the ballot. I forgot about that.

CHAIRPERSON BENJAMIN: and we are replacing [inaudible 02:25:42]--

COMMISSIONER HIRSH: The Queens--

CHAIRPERSON BENJAMIN: [inaudible 02:25:44]

COMMISSIONER HIRSH: The Queens Day.

CHAIRPERSON BENJAMIN: and there may well be other Council members that are on the ballot.

COMMISSIONER HIRSH: Well--

CHAIRPERSON BENJAMIN: It the Public Advocate that will [inaudible 02:25:51]

COMMISSIONER HIRSH: That is a good point and I actually forgot about, but just understanding that part of my job, once we get to the point of really winnowing these down into proposals to move forward is a robust education campaign to

make sure that the voters have a true understanding of what we want to accomplish.

CHAIRPERSON BENJAMIN: I absolutely agree with you about the robust voter. I don't know how many questions there will be on the ballot. That is something we are going to have to deal with and talk about. As you know, everybody points to 1989 and the massive amount of change as, but there were only two questions. So however large the scope is, it will be up to us to determine how many questions we think would be appropriate and what would be in each question.

COMMISSIONER CARAS: Uh--

CHAIRPERSON BENJAMIN: Oh. And everything was in one question. There was only one thing in the second question which was police accountability. That was in the second question.

COMMISSIONER CARAS: I wanted to thank the staff for all their work. I think they did a great job and I think, you know, like Gail said, it's up to us to sort of, you know, take it from there. I want to give a little counterpoint to what Paula said in the sense, you know, some of the proposals that I agree with such as the law department and the budget

changes, you know, I don't think that they are going to be solutions to major problems, but I think that you are talking about sword of the structure of government and democracy and anything, you know, we have probably is stronger mayoral government then just about any big city in the country. And I think it should remain a strong mayoral government, but there are small changes and I think would allow other voices to, at least, be present in discussions. And, right now, for example in the budget, when you have each Commissioner essentially having a blank check for his or her agency because it's not broken down at all, the entire agency's programs are in one unit. What I think does is make the Council focus on their little pot of discretionary funding and I think that is what the mayor wants. We have a 92 billion dollar budget. You have 250 million dollars in discretionary funds. You go into the kiddie pool and play with the discretionary funding and let the big boys deal with a 91.75 billion dollars. And I think some of these proposals, they are not going to magically change things. They are not going to undermine the mayor's powers. They are not going to cause the creditors to flee the city. They are just

going to give the Council a little more voice. So I like some of the land use proposals. Something where people can submit comments or have meetings precertification so that certification doesn't mean that cake is baked and you can decide where the candles go or what color the frosting this, which is essentially what happens under ULURP. Just giving people slightly-- I think that's part of democracy, letting other voices at least be present at the table and waves someone and then the conversation even if, ultimately, the decision making, you know, authority remains the same. And I think the one other thing-- the one thing that I would support that, perhaps, wasn't in the proposals was the idea that, maybe, borough presidents can submit a text to a ULURP that wouldn't require a lengthening of the ULURP process. It would have to fit within the timeframe. Again, it wouldn't be that the borough president could change a ULURP. They can just make in a text (sic) proposal that would then go to the City Planning Commission so that they would have no more ultimate authority. It would just be another voice. So I think that is-- that's part of democracy.

COMMISSIONER CORDERO: Just like everybody else, general consensus is that staff is doing a fantastic job and we all agree with them. I don't think anyone of us here denying that. I, too, concern about how large this proposal is going to be. So, obviously, we are going to have to do our due diligence to bring it down to-- and only one an acceptable number is, but whatever it is we feel the public can handle. There are a lot of things here that I really want to comment on, the one thing I do think we have to look at it and I know the Chair has said that maybe some of it can be done through the legislative process, but we have to look at what the public has been asking. Excuse me. And I'm the one-- I'd be willing to sit on that or go visit that panel of discussion with the police elected review board. I would be willing to listen to that and hear what they've got to say. Because, I think, obviously, it's a concern. It's been a concern from the beginning and I do believe we have to pay attention to that. But, again, I think the commissioners, the committee, the staff has been doing a fantastic job. I think one of the commissioners and it was a Herculean-- Hercules--

forget what she said. I think it was you, Camilo, right? That it was Herculean--- whatever it was. Fantastic job. You guys are doing a great job man I want to thank you for all the work you are doing and, obviously, making our life a little easier.

COMMISSIONER REVEREND MILLER:

Certainly, the staff is on point. On point. Considering that there has been a low voter turnout, I think our work, as far as the changes we propose on the city charter said the very aggressive, yet responsible. There are a couple of landmarks on the neighborhood on the way here that drove by [inaudible 02:32:34] a couple blocks away. Donald Trump grew up in the church-- going to church right around the corner, as ironic as that is. So I guess my question is a procedural question. I would like to have seen the ability for us to do more as far as the CCRB do-- be elected. How much latitude do we have of the commission despite the recommendations that are made by the staff to go back and make our own recommendations? I guess my question.

CHAIRPERSON BENJAMIN: Well, we have some abilities, but we do need to operate within the law and, as you know, the police is an area that is well-

regulated. Many of the regulations are not ones that are available to this commission to change. They are in say law. They are in documents that are specifically about discipline, whether they are union contracts. There is a whole-- I'm sorry. There's the whole area that surrounds the police that we have to operate within and then, within the, what is left and available as a charter issue. So, I agree that we should meet with people. I know that we have asked a number of the people who have spoken about this issue to give us their thinking and papers, if they have them, on how they see the law and the issue of elected boards in this area. But we do have to operate within that. I think Lisette is next.

COMMISSION CAMILO: Thank you. That was the longest pass in a while. I'm a terrible catch. So, first, I just wanted to say thank you very much to the staff. This is, like I said, Herculean effort to bound together all of the things that we have heard and to sift through all of the testimony and to put together this report. I just really want to say how appreciative I am. But I wanted to just flag two things. I want to echo Allison's point before. I have serious concerns with

putting forward about it with even a subset of the recommendations that are included in the report. We have a very broad mandate and I know that it has been done in the past when you cram all of these different things into one or two questions, but I think it does a disservice to the electorate to do that. Because if you happen to agree with one and not the other, you're forced to pick or answer a question that might not represent your entire position on all of the different elements. So that then would lead to multiple questions if you are going to parse out one question per topic. It is we start going down the line, you are going to have an unwieldy ballot and I think that is going to lead to either uninformed responses or an unwieldy ballot that I don't believe that it serves the electorate well. So, I just had to get that off my chest because if I'm looking through the proposals, all of which are, you know, I understand why they're there. I think we have to make tough choices to scale back the proposals we put forth. That's just my-- I feel very strongly about that. The second thing is as we start looking at things to carve out, I know that we have taken a number of proposals off the table that could be done

through legislation. I think we can still continue to do that. I do think that there are some recommendations in the report that can be achieved through legislation or other means. I'm one of the things that I will highlight and I won't go through all my opinions and positions, but for the units of appropriation, for example, I agree that some agencies are-- the units of appropriations are too large and you don't have a lot of visibility. But that's not the case for all agencies. DCAS, my agency, has 18 units of appropriation and, come this budget cycle, we will have 19. So that can be achieved through negotiation through and other means other than changing the charter to do this. Because what will be changing is the language to be tweaked and, you know, that will have its own potential, you know, interpretation and people can use that to circumvent either way. So, I think, ultimately the power of negotiations through a budget that the Council can achieve or can use to put pressure on agencies to get more clarity and more transparency can be done. Budget hearings, oversight hearings, all of these things are tools to gain visibility and to budget. I just wanted to highlight that one

because, yes. There are some examples where it's truly rolled up, but there are other examples that, like my agency, have multiple units of appropriations. We talk about them we try to be as transparent as possible, but that comes out through a negotiation. So we can start looking at ways to scale back on the proposals and use some sort of guiding post like that, it would be helpful for all of us.

COMMISSIONER VACCA: I, first, of course, want to thank the staff and Gail and everyone. The staff did a fantastic job with the report. A couple of things that I wanted to be heard on. First of all, I support what Jim Caras spoke about regarding units of appropriation and I did hear the commission's remarks. I have to say that we went through this in the Council. When Julissa Ferreira was Chair of the Finance Committee, Julius had requested more specificity on the units of appropriation. The mayor's office to disagree. It went back and. I think that we can have things agreed upon where sometimes formality and making it part of our charter would be better. The charter lives in perpetuity. The Council cannot do its

oversight job correctly as intended unless we have the information that are just so that we need. I am concerned with any possible infringement upon the mayor to impound funds. We had a fiscal crisis in the 1970s which it brought our city to its knees. The Mayor had to lay people off, including schoolteachers and firemen. I am old enough to remember those days. The Mayor and-- Okay. The Mayor had to do what he had to do or we would have bankruptcy at that time. We were attacked at 911 in an unpredictable attack that brought the CV to its financial needs. The Mayor, time, Mayor Giuliani and Bloomberg had to make tough decisions. So I don't want to infringe upon that ultimate power. It should not be used or [inaudible 02:40:11]. It is not being used recently to my recollection, but it should be there for the mayor. And by the same token, talking about accountability, the mayor, based on the financial control board that we had instituted back in the 1970s when we had Washington telling us to drop dead at that time, that financial control board reasserted that it is the Mayor who is held ultimately responsible for the fiscal shape of this city. And I don't want an independent budget office,

as independent as they are, to give that budget estimate. The budget estimate is an estimate. The Council has the right to negotiate a budget. The Council has the right to say there is more money than you say, Mr. Mayor. We want restorations. And we have done that. But I have an entity not elected by the people not accountable to anyone, make budget estimates for the city is where I would take umbrage. My recommendations to the commission: one of the recommendations I made is that when an ULURP item is certified, that is said is a citywide application, that there be allowance for the planning commissioner, one member of the commission could step four and asked for a 30 day delay in certification. We are always talking about community engagement. Everywhere we went and everywhere the Mayor's commission went, we heard about communities that felt they were not in the process. That they were locked out. And I have recommended that prior to an item being certified, one commissioner and one commissioner only of the Planning Commission would be allowed to say, I am requesting a 30 day hold to allow for more community engagement. I think that is important. Let's say the Mayor comes forth and he

proposes five marine transfer stations, one in each borough. Well, each borough may have site-specific objections to those marine transfer stations. Right now, those five marine transfer stations, one in each borough, can be in one ULURP application certified as a whole and the Council is told voted up or voted down. So the Council, basically, is not allowed to discuss site-specific objections or vote yes on Staten Island, but no in the Bronx. Councilmembers can shy to assert themselves and insert themselves, but there should be where there is a citywide application with site-specific locations, not a citywide application for X, Y, and Z, but where there are already sites listed, every borough should have the right to have a ULURP application certified for that borough. Lastly, I do want to reiterate I do not favor the Public Advocate having subpoena powers. I do not. I think it is going down a path we do not want to go. Public Advocates, by their nature, are advocates. They are adversarial. Look at the history. Probably, that's their job. But the Council is the body with the oversight responsibility over agencies. The advocate is an advocate and I do not think that we can possibly go down that road of

having further subpoena power. If the Public Advocate has issues with getting information, by rights, that City Councils should be there for the Advocate and the Council should follow up. The Advocate already has a right to introduce legislation through the Council. Thank you.

COMMISSIONER HIRSH: Thank you. I just want to comment on a few specific proposals, since I did not do that before. So, on the CCRB, I would also be interested in meeting with the advocates and understanding the proposal more. I have real concerns about an elected CCRB, whether or not it is legally feasible, just from the perspective of a concern that we can't really-- there is a very high likelihood that nonprogressive forces who do not have interest in police accountability and oversight would put every dollar resource they have into winning those elections and it would actually undermine our goals for additional police oversight as opposed to answer them. So that's a conversation I would love to understand how the advocates for the proposal are thinking that through. I think on the planning side, I appreciated in the report the suggestion and I-- to figure out attend various reports, I think, that

are required now by city government that really aren't related to one another. I think a really good job of this commission would be to rationalize the planning processes that already exist in the city and make them more understandable, more accessible, and, therefore, more effective. I do not think that we should be proposing a broad-based comprehensive plan aimed system beyond that kind of rationalization because I could not, over the course of the public hearings and the expert hearings, I've yet to understand how one balances the various contradictory needs that exist within planning through a comprehensive planning system. On one hand, we want more community engagement, more involvement from local neighborhood leadership and, on the other hand, we are very serious fair share goals and the need to cite, you know, less than favorable solid waste management, waste management facilities or, in some neighborhoods, homeless shelters or, you know, unpopular or municipal jails and how you maintain that balance of requiring fair share citywide and the comprehensive plan, but also giving people local engagement involvement is-- I just can't wrap my head around it and I don't think we have enough time

to figure out a system that doesn't potentially do more harm. And then, lastly, I would be remiss not to mention the diversity-- the Chief Diversity Officer. I was unclear in this proposal whether, in what the staff drafted, in whether the suggestion is to have a separate Deputy Mayor or whether it could be an administration has one of the various Deputy Mayors take on the portfolio of Chief Diversity Officer which I think could, potentially undermine the goal of putting it in the charter to begin with. And I would like to see the idea of the CDO requirement in each agency.

CHAIRPERSON BENJAMIN: Okay. And I will have staff talk to you more about that. So I am not speaking as Chair now, but just as one individual member who happens to sit on this commission. I was in city government in 1989 and some of you may now, prior to that time, I sat on the Board of Estimate. The 1989 commission made decisions, much as we are being asked to do, not objectively completely, but politically also. When the Supreme Court made a decision that the voting structure of the Board of Estimate was illegal, it was not require that the Board of Estimate be eliminated. That was a

political decision that was made and that the decision that went along with that was then where to put the power that the Board of Estimate that previously exercised and that was, in many ways, a balance of power in the structure of New York city government. I think it personally, I think it's fair to look at the balance of government again now that we are 30 years later in the process and now that we've had changes that weren't anticipated in 1989 including, but not limited to, term limits and how that affects the balance of power. So, while I know some of you may not agree with that, that is something that I find to be both important and something that a guise for which I look at things is '89 got many things right, but it did make a strong Mayor and an even stronger Mayor because most of the power that the Board of Estimate had exercised did go to the Mayor. Does that work well for everyone, and if it doesn't, are there tweaks that we can make? I'm not holding out for that everything that was done was wrong. I don't think it was. I think New York City is a well-run big city. But I am looking at all of those things. So, that's just my personal orientation to the task at hand. I would also say,

as I said, in 89, which everybody you came before us in the expert hearings talked about is the kind of seeing quantum (sic) of charter revisions, there were many, many, many parts of the questions. I think that a big part of whatever we do is going to be education of the voters, identification of the elected officials, outrage to all of them about what it is. Whether there are three questions over 20 questions. I think that that is going to be an important part of our jobs going into the next number of months. Anyone else? If not, is there a motion to adjourn? Second? All in favor?

PANEL: Aye.

CHAIRPERSON BENJAMIN: Opposed? The meeting is adjourned. Thank you everyone.

C E R T I F I C A T E

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



Date May 6, 2019 .