

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

CHARTER REVISION COMMISSION 2019

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MAY 14, 2019
Start: 6:05 p.m.
Recess: 8:21 p.m.

HELD AT: COLLEGE OF STATEN ISLAND

B E F O R E: GAIL BENJAMIN, CHAIRPERSON

COMMISSIONERS: SAL ALBANESE
DR. LILLIAM BARRIOS-PAOLI
LISETTE CAMILO
JAMES CARAS
EDUARDO CORDERO SR.
STEPHEN FIALA
PAULA GAVIN
LINDSAY GREENE
ALISON HIRSH
REV. CLINTON MILLER
SATEESH NORI
MERRYL TISCH
SATEESH NORI
MERRYL TISCH
JAMES VACCA
CARL WEISBROD

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

JACK NOLAND,

JOSEPH PENNARONO[SP?], small business
advocate

ANDREA GONZALES, Latina activist

TOWSA FASAN, New York Public Interest
Research Group, NYPIRG

DIANE SIGNORELLI, Concerned resident

JOE BORELLI, Councilman

ANDREW SMITH, AFSCME

STEPHANIE CASTRO, Student Civilian for
police accountability

HEATHER QUICK[SP?], Campaign for an
Elected Civilian Review Board

SISTER SHIRLEY, Forgotten Borough of
Staten Island

TERESA FENGINE[SP?], New York Immigration
Coalition

MIKE HARE, in favor of an elected Civilian
Review Board

FRANK MURANO, Staten Island resident
James Lane, Green Party

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

CANDACE CARPENTOR, Green Party

EMMA ALABASTER, Lifelong New Yorkers

LEO FERGUSON, Jew for Racial and Economic
Justice and Communities United for Police
Reform

MATT BRAYLOW, concerned resident

PATRICIA OKOUMOU, climbed Statue of
Liberty

JAY ARENA, Associate Professor of
Sociology here at the college of Staten
Island, City University of New York

2 CHAIRPERSON GAIL BENJAMIN: Hello, hello.
3 Good evening and welcome to tonight's meeting of the
4 2019 New York City Charter Revision Commission. I'm
5 Gail Benjamin, the Chair of the Commission, I am
6 joined by the following Commission members: The
7 honorable Sal Albanese, the honorable Jim Caras, the
8 honorable Stephen Fiala, the honorable Paula Gavin,
9 the honorable Alison Hirsh, the honorable Sateesh
10 Nori, and the honorable Carl Weisbrod.

11 With these members present, we have a quorum.
12 Before we begin, I will entertain a motion to adopt
13 the minutes of the Commissions hearing held on May
14 9th at City Hall. A copy of which has been provided
15 to all of the Commissioners. Do I hear a motion?
16 Second? Discussion? All of those in favor?

17 ALL: Aye.

18 CHAIRPERSON GAIL BENJAMIN: Opposed? The
19 motion carries.

20 Tonight, we conclude our second round of
21 public hearings throughout the five boroughs in order
22 to solicit feedback from the public on proposals the
23 Commission is considering for changes to the New York
24 City Charter.

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2 As I have emphasized throughout our
3 public meetings as the city's foundational governing
4 document, the Charter plays a vitally important role
5 in establishing the structures and processes of City
6 Government which in turn effect many aspects of our
7 lives.

8 It has been our task to evaluate how the
9 current Charter has performed since it was largely
10 put into place in 1989 and to identify areas in which
11 improvements may be made in order to best serve the
12 city for the next 30 years.

13 At our first round of public hearings in
14 September as well as through engagement online and in
15 person, we have received hundreds of suggestions for
16 changes.

17 The Commission ultimately adopted a set
18 of focus areas which outlined those ideas which we
19 decided to pursue further and then held a series of
20 expert forums at which we were able to hear from a
21 wide array of people knowledgably in those areas.
22 Following that months process, the Commission Staff
23 issued a preliminary staff report containing
24 recommendations regarding those proposals which they
25 feel merit further consideration for presentation to

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2 the voters on the ballot this November. The staff
3 report is what brings us here today. We look forward
4 to hearing your comments about any recommendations in
5 the report that you support or oppose or ideas you
6 may have for how best to craft any specific proposal.
7 Than, following testimony for the public, we will
8 have some time to open the floor to the
9 Commissioners, so that we may discuss with each other
10 the ideas and recommendations that have been raised.

11 Now, we will begin the public testimony.
12 If you wish to testify and have not yet done so,
13 please fill out a speakers slip and submitted it to
14 staff. We will limit testimony to three minutes per
15 individual in order to ensure that we can hear from
16 everyone who wishes to speak.

17 After you testify, members of the
18 Commission may have questions for you to follow up on
19 your ideas. If you have copies of written testimony
20 that you would like to submit, please hand them to
21 staff when you are called up to speak. We will also
22 accept written testimony via email until May 24th.
23 Our email address is info@charter2019.nyc. And as
24 before for those of you who have been here before and
25 those who have not, I would like to run this hearing

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2 with a maximum of good manners and if you have a
3 reaction to something somebody is saying, I would
4 appreciate it if you use jazz hands instead of
5 wooing, booing, hissing, or applauding. If you want
6 to indicate you are not in favor, if you do the
7 opposite with your jazz hands, we can see you and we
8 will know your reaction to what is being said.

9 With that, I am going to call up the
10 first panel; Jack Noland, Joseph Pennarono[SP?],
11 Andrea Gonzales, Towsa Fasan[SP?]. We need a fourth
12 chair.

13 We will start with Mr. Noland.

14 JACK NOLAND: May I begin?

15 CHAIRPERSON GAIL BENJAMIN: Yes.

16 JACK NOLAND: Good evening. My name is
17 Jack Noland. I testified at the start of this round
18 of public hearings two weeks ago in Queens and I am
19 very thankful to have the opportunity now at the
20 final hearing to again, lend my support for Ranked-
21 Choice Voting in New York City elections and I have
22 paper copies this time.

23 I want to take the time to thank all of
24 you serving on the Commission and all the Commission
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2 Staff for your essential work to improve our
3 government and our City.

4 At its heart, the way we elect our
5 officials is essential to the way our government
6 functions. This Commission has the almost
7 unprecedented opportunity to present voters with a
8 bold reform prime to address a number of the issues
9 we face in that space right now. We are lucky in a
10 sense that deficiencies with our elections are so
11 clear. For example, since 2009, when more than two
12 candidates have run municipal primaries, the winner
13 is advanced with less than 50 percent of the vote
14 almost two-thirds of the time.

15 In seven percent of multi-candidate
16 primaries, we saw candidates win with less than 30
17 percent of the vote. The democratic runoff for
18 public advocate in 2013, saw just 7 percent turnout
19 and a \$10.4 million price tag. That's more than \$50
20 per vote cast.

21 As you know, Ranked-Choice voting has
22 been — thank you so much. As you know, Ranked-Choice
23 voting has not been raised to gird against
24 hypothetical issues. These are problems that we have
25 grappled with for awhile and ones that we will likely

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2 face again especially in a year like 2021. Seventy
3 percent of our City Council seats will be open along
4 with the Mayor and Comptrollers offices. Here on
5 Staten Island as you know, open races for Borough
6 President and two of the three City Council seats.

7 We know New Yorkers want to throw their
8 hats in the ring. This year's special election for
9 Public Advocate should be our guide and that's a good
10 problem to have, but one reason Public Advocate
11 Williams just elected under the current system has
12 spoken out in favor of Ranked-Choice voting is that a
13 majority winner is good for voters and officials
14 alike.

15 Let's give office holders a clear mandate
16 and the public the right to feel represented.
17 Building a broader base means building a stronger
18 constituency and it increases the incentives to run
19 civil issues-oriented campaigns.

20 And voters feeling truly heard in our
21 political process. It's crucial to our system
22 functioning properly. Accountability depends on
23 representation. That's why I am here tonight
24 speaking to you and it is something we can truly
25 offer to New Yorkers with Ranked-Choice voting. We

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2 have the opportunity to learn from election
3 administrators around the country who have
4 successfully implemented RCV and I will encourage you
5 to continue to reach out to them by allowing voters
6 to Rank a slate of candidates, at least five. In all
7 our city elections, we can greatly reduce ballot
8 exhaustion, increase representation, eliminate costly
9 runoffs, ensure broader support for the officials
10 taking office and eliminate the spoiler effect.
11 Thank you.

12 CHAIRPERSON GAIL BENJAMIN: Thank you
13 very much Mr. Noland. The next speaker is Joe.

14 JOSEPH PENNARONO: Hi, how are you? Hang
15 on a second please. Good evening, this is Joseph
16 Pennarono. I am a small business advocate. I am a
17 small businessman myself, but I am also very involved
18 in the political process. I am involved in the
19 Staten Island republican party. You know,
20 unfortunately, you know, I don't feel that we are
21 properly representing Staten Island. Although we
22 have a great Borough President who is doing a
23 fantastic job, Jimmy Oddo. You know, he doesn't have
24 enough power to advocate for our borough. Although
25 this might not be raised tonight as an important

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2 issue, this should be put on your mind because you
3 know, many, many years ago, you said this body equal
4 the board of estimate. In which there will be one
5 Borough President for each borough and although
6 obviously, there will be four democrats and on
7 republican, the republican would have a strong
8 influence on this legislative board or governmental
9 board.

10 Although it was found unconstitutional by
11 the Supreme Court of the United States, I don't
12 remember the exact ruling specifically.

13 CHAIRPERSON GAIL BENJAMIN: The Board
14 wasn't unconstitutional; the voting structure of the
15 board was unconstitutional.

16 JOSEPH PENNARONO: Exactly, that's what I
17 am referring to but I want to find a way that we
18 could be able to bring that back so we can have fair
19 representation in City Hall, so that way the Borough
20 President could have more influence because currently
21 there are two roles of the Borough President, the
22 first role is to appoint Community Board members.
23 That's number one and to handle zoning issues. Those
24 are the two important roles of the Borough President.
25 I think we should have a third role for them, in

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2 which they could be able to represent the people more
3 properly. And not only that, the Public Advocate
4 should have a stronger role.

5 Now, the Public Advocate does have a role
6 in which the Public Advocate does have some oversight
7 over the Mayor, which unfortunately, this time
8 around, we have a Mayor who does not have the best
9 interest of all the people at heart, especially right
10 here in our hometown of Staten Island with his high
11 taxation, over regulation, and an emirate of other
12 problems that he is causing the city.

13 The Public Advocate is not really going
14 to oversee the Mayor and I think that we should
15 change the Public Advocate position to a nonpartisan,
16 non-party affiliated position in that manner.

17 That's another thing, although we had a
18 non-partisan election the last time, I think it
19 should be all non-partisan elections and I think it
20 should be a no party affiliation public advocate
21 because the public advocate should be representing
22 100 percent of the people and not just those in his
23 own party. So, if we could find a way to be able to
24 implement that, that would be a great idea because
25 unfortunately the public advocate will not hold this

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2 Mayor accountable. Especially the current one, who
3 has a very long voting history and the City Council
4 with Bill de Blasio and with Bill de Blasio's
5 policies.

6 So, I think we should have more
7 accountability in government. I think we should have
8 you know, more power to the Borough Presidents,
9 especially the local officials in Staten Island and
10 more power to the Office of Public Advocate and more
11 non-partisanship, especially with the Office of
12 Public Advocate or a citywide office that would hold
13 the Mayor accountable. Because, if you think about
14 it, although the Supreme Court and the United States
15 and other oversight bodies and judicial bodies are
16 considered to be non-partisan technically speaking.
17 They do have party registrations and I think that we
18 should treat the Public Advocates Office as a non-
19 partisan type of an office.

20 So, if you could find a way to get that
21 arranged, that would be a fantastic thing to do.
22 Thank you so much. Have a great night.

23 CHAIRPERSON GAIL BENJAMIN: Thank you
24 very much Joe. The next speaker is Andrea Gonzales.

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ANDREA GONZALES: Good evening everyone.
My name Andrea Gonzales. I am an indigenous Latina
activist and a Staten Islander since the age of two.

Before I begin my testimony, I would like
to thank Communities United for police reform and
girls gender equity for the opportunity to speak
about my experiences.

As we all know, we have a large
population of police officers living on Staten
Island. They are members of our community and we as
a community need to hold everyone accountable.

We are here today to discuss proposed
revisions of the City Charter. Specifically, to
recommend changes that would increase safety for all
New Yorkers by holding all community members
accountable for their actions. More and more often
on the news, we are seeing cases where police
officers are using extreme forms of violence against
community members and we know that these cases are
only the tip of the iceberg and there are more day to
day interactions with officers that dehumanize our
communities. Many of these interactions lead to a
traumatization and lead to death often.

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2 We suggest that in these cases of
3 misconduct, the Civilian Complaint Review Board also
4 known as the CCRB will be able to determine the
5 discipline in the cases that they prosecute and to
6 include related misconduct.

7 Currently, the Commissioner gets to
8 decide the discipline which allows for corruption and
9 the obstruction of justice.

10 We also believe that in cases where the
11 Commissioner does deviate from recommended
12 discipline, the Commissioner should be required to
13 make a publicly available statement that explains his
14 reasonings for deviation.

15 Another measure that would increase
16 transparency and accountability is that the CCRB
17 would have oversight over Peace Officers, which
18 includes school safety agents within the Charter. In
19 cases in which students have negative experiences
20 with school safety agents, the CCRB would be unable
21 to investigate. Therefore, we need to include
22 language that includes all Peace Officers who we
23 interact with more often.

24 Students within our public education
25 system depend on this change. There are more school

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2 safety agents in schools than social workers which
3 result in police interactions when they are not
4 necessary.

5 Police presence in New York City public
6 schools often traumatize students and they make them
7 feel criminalized an unsafe in their school
8 environments, which are meant to be safe spaces.

9 I have been in public school since
10 kindergarten and I know firsthand the impact of
11 police officers. My younger sister is still in
12 public school system and deserves to learn in an
13 environment where all safety agents are held
14 accountable for any misconduct.

15 In order to have a just and safe society,
16 we must strive to hold all members of our city
17 accountable. There is no one above the law and these
18 recommendations enforce that belief.

19 Community members should be able to feel
20 safe in their homes and in their streets at all times
21 and by holding those who enforce the law accountable,
22 we can protect everyone better. Thank you.

23 CHAIRPERSON GAIL BENJAMIN: Thank you
24 very much Ms. Gonzales. The fourth speaker is Mr.
25 Fasan.

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2 TOWSA FASAN: Hello. So, good evening
3 everyone. My name is Towsa Fasan and I am the Civic
4 Engagement Coordinator at the New York Public
5 Interest Research Group, NYPIRG for short. NYPIRG is
6 a statewide non-partisan not-for-profit research and
7 public education organization. We appreciate this
8 opportunity to share our thoughts on a number of the
9 proposed revisions and we are responding specifically
10 to the 2019 Staff Report. We wrote a very thorough
11 written report. I am just going to give the
12 abbreviated version. Thank you so much for this
13 opportunity.

14 So, first, I am going to talk about
15 Ranked-Choice Voting. Ranked-Choice Voting all over
16 the country in places where it has been implemented,
17 we are seeing the highest voter turnout that these
18 places have experienced in years.

19 There are many theories for why Ranked-
20 Choice Voting encourages voter turnout and one idea
21 is the concept of ballot expression and voter
22 anxiety.

23 In a multi-candidate race with an all or
24 nothing ballot, some voters find it so difficult to
25 decide who to cast their vote for, but often they

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2 just don't vote out of frustration. Perhaps they
3 believe one candidate is more aligned with their
4 beliefs, while they believe another candidate is a
5 compromise who is more likely to win. RCV allows
6 voters to express the nuance of their political
7 beliefs much more completely and voters respond well
8 to a system that makes it feel like they are being
9 heard. Rather than being forced to vote
10 strategically, people can vote conscience without
11 feeling like they are throwing their vote away.
12 NYPIRG supports the institution of Ranked-Choice
13 Voting in primary elections and municipal offices.

14 Next, special elections, the Board of
15 Elections has testified that currently they don't
16 have enough time to set up for a special election.
17 This may increase the likelihood of lower voter
18 turnout and technical issues allowing the Board of
19 Elections to sufficiently prepare for a special
20 election makes sense unifying the state and city
21 timeline, they also create efficiencies for special
22 elections which occur at similar times for multiple
23 levels of government.

24 We also want to talk about the
25 redistricting process. So, there is going to be a

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2 new redistricting process pretty soon and we urge
3 measures that make it more transparent and has more
4 community input. We want to respond to the staff
5 report which wanted to shift the redistricting
6 timeline to provide council candidates with their
7 traditional petition period. We agree with the
8 suggestion, but we also urge the Commission to
9 consider other changes that would increase
10 transparency and community input.

11 On the Conflict of Interest Board, given
12 that the Mayor with the consent of the Council,
13 chooses the board members of an ethics watchdog with
14 jurisdiction over those same individuals. NYPIRG
15 urges additional steps to ensure the board members
16 independence. The first step would be to guarantee a
17 budget for the COIB. Otherwise, they can just be
18 defunded or underfunded by the very offices they are
19 supposed to watchdog and the second recommendation
20 that we make is to change the structure so that in
21 addition to the public advocate and comptroller
22 getting appointment authority, NYPIRG urges that the
23 Commission explore ways in which the COIB appointment
24 powers be redistributed so that the Mayor does not
25 have majority appointment.

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2 There is a lot more that I wanted to
3 cover but it's all in the written testimony. Thank
4 you, guys, so much for your time and have a great
5 evening.

6 CHAIRPERSON GAIL BENJAMIN: Thank you
7 very much. Stephen Fiala, I know you have a question
8 and Paula.

9 STEPHEN FIALA: Quick, let me thank all of
10 you. You are all very, very eloquent.

11 I just want to focus on the two
12 organizations that address Ranked-Choice Voting,
13 represent us and NYPIRG. We've heard a lot of
14 testimony in favor of Ranked-Choice voting but where
15 there is a divergence of viewpoints is when you get
16 to the number. How many people. You have heard
17 about voter fatigue or voter exhaustion. You may
18 have said it, I didn't catch it in the testimony, is
19 there a magic number? Would you allow voters to rank
20 as many candidates are running or would you limit it
21 to a specific number and if so, what is that number
22 and what is the rational for that?

23 TOWSA FASAN: So, NYPIRG does not have a
24 position on how many choices voters should get when
25 they make their preferences. There is a lot of data

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2 out there. A lot of good practices in other areas
3 which have already instituted this. So, our
4 direction would really be, look at what they have
5 done.

6 So, maybe they have done five and that
7 works really well and maybe they have done ten and
8 that works really well. There is just a lot of data
9 out there because this has been implemented in other
10 places, so I would just suggest that the staff look
11 at these numbers and arrive at best practices from
12 there.

13 CHAIRPERSON GAIL BENJAMIN: Thank you,
14 Paula. Oh, I am sorry.

15 JACK NOLAND: And I would largely echo
16 that point. I think that the best way to approach
17 this is by sort of deep discussion and consultation
18 with the Election Administrators that have done this
19 in the past. Our feeling is generally that at least
20 five will probably be the best way to sort of control
21 for ballot exhaustion while still allowing for
22 representation.

23 STEPHEN FIALA: Thank you very much.

24 JACK NOLAND: Thank you.

25 CHAIRPERSON GAIL BENJAMIN: Paula.

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2 PAULA GAVIN: Thank you. Again, I want
3 to thank you all for being here and I wanted to also
4 ask a question on Ranked-Choice Voting and really,
5 it's about voter turnout and what other actions we
6 should take associated with Ranked-Choice Voting to
7 really ensure that voters do come out and vote,
8 because that is the goal.

9 JACK NOLAND: I could start with this one.
10 I think that any sort of Ranked-Choice Voting
11 implementation is going to require pretty substantial
12 voter education plan and so, part of that is
13 educating voters on what their ballot is going to
14 look like. What the process of ranking candidates
15 will look like and I think that's how we can mitigate
16 some of the concerns and then also, get people
17 excited.

18 JOSEPH PENNARONO: Although I didn't
19 bring this up tonight, you know, I am in the
20 marketing business and I can help with that in that
21 aspect and you know, explainer videos, which I know
22 that the CFB does that, but they don't push it enough
23 in terms of adds. I can help you guys in terms of
24 doing that. So, I would be glad to speak with one of
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2 you regarding that issue, in terms of getting voters
3 out to vote.

4 TOWSA FASAN: So, yeah, I am going to
5 echo the point that voter education is definitely
6 necessary, but it is not it's not a very difficult
7 barrier to surpass. I think people intuitively make
8 lists and preferences for really everything without
9 even realizing it, so asking them to do that when
10 they vote is really a no brainer. I wanted to
11 mention in my testimony that voter turnout is
12 especially a problem for New York City. Our last
13 election, we had a turn out of 38 percent and outside
14 the city, it was closer to 50 percent. So, it's the
15 city bringing down the average.

16 So, Ranked-Choice voting as a tool to
17 increase voter turnout, I think is pretty powerful.
18 People feel way more engaged when they are asked
19 about their preferences rather than, do you like one
20 candidate, or do you like another candidate? I mean,
21 just to list like another silly example, listicle's
22 are just very popular right now. I think people are
23 much more engaged with the idea, list your candidates
24 in order, than they are chose one candidate and just
25 discard the rest.

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2 CHAIRPERSON GAIL BENJAMIN: You don't get
3 to ask him on the record, I am sorry. Alison, you
4 were next.

5 ALISON HIRSH: Yes, just a follow up on
6 Ranked-Choice Voting, one of the challenges that
7 folks have raised that I've thought a lot about in
8 terms of voter education is that there are going to
9 be times when we have a local city election on the
10 ballot at the same time there is a state or federal
11 election on the ballot that we can't require to be
12 Ranked-Choice Voting. And so, how do you navigate
13 two different types of voting structures in the same
14 ballot?

15 JACK NOLAND: I forget the examples off
16 the top of my head, but this is not a theoretical
17 problem. There are places where RCV is instituted at
18 the municipal level but not at the state level. Once
19 again, I would just say do the research, there are
20 best practices. There are clerks who have had to
21 deal with this problem already, but it just seems
22 like every single time you implement RCV, the results
23 seem to be all pointing in a very positive direction,
24 so just replicating the steps that they took to
25 figure out those positive results is what I would do.

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2 Even the idea of creating a bifurcated
3 ballot where you have the municipal elections on one
4 side and the state elections on the other side. Some
5 clerks have just done that, and it really doesn't
6 seem like that's a problem.

7 ALISON HIRSH: Great thank you.

8 CHAIRPERSON GAIL BENJAMIN: Sal.

9 SAL ALBANESE: This is for NYPIRG. I
10 couldn't agree with you more that we need to enhance
11 the independence of the redistricting process and I
12 have got my own proposals around that issues. But I
13 am puzzled by NYPIRG's recommendation at the Campaign
14 Finance Board, be the entity that points some members
15 to that commission. Who do you think appoints the
16 members of the Campaign Finance Board?

17 TOWSA FASAN: I am not sure.

18 SAL ALBANESE: It's the City Council and
19 the Mayor that appoint those folks. So, that would
20 hardly be a buffer in my opinion, and I would ask you
21 if you studied other proposals for enhancing the
22 independence of the redistricting process?

23 TOWSA FASAN: Yeah, I would defer because
24 I personally deferred when writing the section on
25 redistricting, but in addition to that

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2 recommendation, other things that we put in our
3 written testimony and I think that this is something
4 that you guys can relate to, public hearings and
5 public meetings with targeted outreach with community
6 leaders and having them really get involved in the
7 redistricting process is very key.

8 We have a lot of elected representatives
9 and a lot of city office holders whose job it is to
10 figure out the redistricting process but really
11 getting the people who are going to be effected by
12 this more involved by doing that kind of outreach and
13 getting them in the same room and just getting some
14 kind of input from them, I think is very key.

15 SAL ALBANESE: Have you looked at other
16 proposals, what California does and what some other
17 states do where they actually elect citizens to the
18 redistricting commission through a process that
19 obviously vets people, but those citizens tend to be
20 – they are not elected officials, they are not
21 related to elected officials, they are not appointed
22 by elected officials. It is truly an independent
23 process. Has NYPIRG looked at that at all?

24 TOWSA FASAN: I am not sure. I remember
25 when I was sitting in for other Charter Revision

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2 Commission hearings that that process did seem
3 familiar. It definitely seem amenable with the
4 suggestions that we are making getting regular voters
5 more involved is always a good thing.

6 I can't say that that's our position, but
7 it definitely sounds like an idea that NYPIRG would
8 be amendable to.

9 CHAIRPERSON GAIL BENJAMIN: Okay, thank
10 you very much. Carl.

11 CARL WEISBROD: Yes, thank you and thank
12 you to all of you. I have a question about Ranked-
13 Choice Voting and voter education. Would you favor a
14 phase in of Ranked-Choice Voting to cover for certain
15 offices and later others to first phase it in for
16 primaries and then general elections given the need
17 for voter education and the substantial number of
18 elections and races that we have in a municipal
19 election year? Do you think it all should be phased
20 in at one time?

21 JACK NOLAND: Personally, I think that
22 passing Ranked-Choice Voting in 2019 on the ballot
23 for the 2021 municipal election would give us fairly
24 substantial time to do that voter education. I
25 understand your concern. Personally, I think the

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2 uniformity of having all of these offices sort of
3 roll out at the same time in a coordinated voter
4 education effort would be probably for the best.

5 TOWSA FASAN: Yeah, I would agree with
6 that point. I am not aware of any situation where
7 RCV has been implemented and then you get the
8 situation where the first election with RCV is just a
9 huge disaster and then afterward they kind of start
10 getting used to it. It seems like after RCV is
11 implemented, voters are pretty savvy. They
12 understand, okay, I am ranking my candidates instead
13 of just choosing one. So, I don't think that it is
14 necessary to answer you're question. I think that if
15 implemented, RCV would be a very successful program
16 in the city.

17 CARL WEISBROD: And just to follow up on
18 that. I am assuming that you believe that Ranked-
19 Choice Voting should apply to all municipal
20 elections. Council members elections as well as
21 citywide elections? Primaries as well as general
22 elections.

23 TOWSA FASAN: NIPIRG's position is just
24 for the primary and our position is just for
25 municipal offices.

1
2 CARL WEISBROD: Well, clearly, we only
3 have the power to implement this in municipal
4 offices, but just to be clear, your position is only
5 for primaries?

6 TOWSA FASAN: That is NYPIRG's position,
7 correct.

8 CARL WEISBROD: But for all municipal
9 offices including council elections as well citywide
10 elections?

11 TOWSA FASAN: That is correct.

12 CARL WEISBROD: Thank you.

13 CHAIRPERSON GAIL BENJAMIN: With that, I
14 think, oh, I am sorry, Paula.

15 PAULA GAVIN: Thank you. I wanted to ask
16 Mr. Gonzales a question about neighborhood policing
17 and whether you have seen a difference since
18 neighborhood policing has been implemented in your
19 community?

20 ANDREA GONZALES: Yeah, I personally
21 still haven't seen much of a difference. I still
22 feel rather unsafe in my community. I think that
23 there still needs to be serious reform done with the
24 CCRB. So, I can feel that someone is out there
25 making sure that these actions committed by just any

1
2 kind of officer – they are being held accountable. I
3 know that I will hopefully get my justice if this is
4 reformed.

5 CHAIRPERSON GAIL BENJAMIN: Okay, I'd
6 like to thank the panel. We appreciate your coming
7 and speaking and we have your written testimony. I
8 believe there is one person who did not have written
9 testimony, if you want to submit it later, that would
10 be great. Thank you very much.

11 The next panel will be Diane Signorelli,
12 okay, Councilman Joe Borelli, Andrew Smith, and
13 Stephanie Castro. Council Member.

14 COUNCIL MEMBER BORELLI: Well, hi
15 everybody, welcome to Staten Island. I am happy to
16 see two of my constituents, Steve and Sal
17 Commissioners, thank you very much.

18 While there is a large number of issues,
19 I would like to comment on regarding the City
20 Charter, I'd like to speak primarily about the role
21 of Public Advocate.

22 Unexpectedly, I found myself running for
23 this office and have had the opportunity to somewhat
24 study the powers and responsibilities of the office
25 which took about 90 seconds.

1
2 As you know, the job of Public Advocate
3 as it is currently constituted is largely to make
4 sure the Mayor is alive and breathing and certainly a
5 task, I am more than up for.

6 While that might take up most of the
7 Public Advocates day, the rest is generally spent
8 breaking all sorts of ties that the City Council may
9 have. Certainly, there hasn't been one in my tenure.
10 Gail, you would know better than me. I don't
11 remember ever there being a tie in a 51-seat body.

12 Not only is the Public Advocate a
13 tremendous waste of taxpayer money, because again,
14 the office can't do anything with any of the
15 complaints that it receives. But when one adds the
16 substantial costs to the taxpayers of eight to one
17 matching funds which cost about \$8 million. This
18 February, the election cost \$15 million, we'll
19 probably spend \$40 million just this year to elect an
20 office with no power but a budget of \$3.8 million;
21 that neither here nor there.

22 For these reasons, I am urging the
23 Commission to go in one of two directions. Either
24 give the office some real authority or to abolish it
25 entirely.

1
2 Based on the recommendations of the
3 preliminary staff report, it seems that you all
4 thankfully are inclined to do the former and give it
5 some power. Now, in addition to the subpoena power,
6 which is a positive step, I would also offer the
7 following changes. First, we should be able to
8 openly say how absurd it is that the Mayor was able
9 to fire a Commissioner who was tasked with
10 investigating his agency. And I won't get into the
11 merits of whether or not he should have fired DOI
12 Commissioner Peters, but the mere fact that the Mayor
13 has the authority to fire the one person whose task,
14 the only task, is to investigate corruption within
15 his administration, is something that could easily be
16 remedied by putting the powers of the Department of
17 Investigation under the purview of the Public
18 Advocate.

19 It is very tough for s Public Advocate to
20 be corrupt. You can't have quid's without any pro
21 quo's and like I said before, the Public Advocate has
22 no real authority. It would therefore be a better
23 place for the DOI's power to originate.

24 In order to make sure the PA job is
25 actually meaningful; we should also give him or her

1
2 appointments on the Boards and Commissions that
3 actually have more of a bearing on our lives in many
4 ways than the actual City Council perhaps. We are
5 talking about the boards of NYCHA, the Taxi and
6 Limousine Commission, the Water Board, Conflict of
7 Interest Board, Civil Service Commission, ECB, HAC,
8 Landmarks, BSA, the whole thing. PA has an
9 appointment on the City Planning Commission as you
10 know, but if that is good, why not expand it to have
11 an elective representative on some of these boards.

12 Can I have some more time folks? Thank
13 you.

14 CHAIRPERSON GAIL BENJAMIN: Don't take
15 advantage though.

16 COUNCIL MEMBER BORELLI: No, I won't. I
17 realize it would take some state law, but as part of
18 your Commission Report, it would be beneficial to
19 even urge that one of the MTA appointments be given
20 to the Public Advocate. I think and I think many
21 people in the audience would agree. Having at least
22 one person directly accountable to the taxpayers on
23 the MTA Board would only serve the public in a better
24 capacity than just the hegemony essentially that the
25 Governor now has.

1
2 And finally, if there is no effort to
3 improve the office or give it any power, than I would
4 suggest making another one of the positions, one of
5 the positions that actually has some authority over
6 some government policy; whether it the comptroller or
7 the speaker, or even a deputy Mayor for argument
8 sake, the actual next in line of succession should
9 the Mayor be incapacitated in any way.

10 And lastly, I wanted to speak just about
11 the Public Advocate. I just want to say with respect
12 to the Civilian Complaint Review Board, the Police
13 Department in this City are doing an outstanding and
14 tremendous job and they are what keeps our city from
15 devolving into a chaotic mess that we have seen in
16 the past. I think the vilification of cops is
17 something which is just appalling and upsetting and
18 while I certainly admit there are certain bad apples
19 in the NYPD, there are already a Marianne of
20 disciplinary actions that they face.

21 If the Mayor is doing a bad job and the
22 Police Commissioner who you appointed is doing a bad
23 job, you have one solution and I think that is to
24 reelect the Mayor and thank you very much.
25

1
2 CHAIRPERSON GAIL BENJAMIN: Thank you
3 very much Commissioner. Ms. Signorelli.

4 DIANE SIGNORELLI: Hi, my name is Diane
5 Signorelli. I have come before you and you all look
6 very handsome and beautiful.

7 I am so sorry I have to do this. Ten
8 years, I have been assaulted three times. I have
9 been sexually assaulted and physically assaulted in
10 Mass. 331 19 and Saint Patrick's Church with three
11 female police officers behind me, I tried everything
12 in my power to get help.

13 I did everything I was taught for the
14 past ten years because since the first assault, when
15 I was assaulted in 2010, the neighbor next door was a
16 union boss and paid off the police officer who
17 retired. Then the second police officer got
18 involved, was paid off by Homers Association. They
19 kept giving me fines but the crazy woman next door
20 whose husband assaulted me, then she assaults me. I
21 go to the precinct for help, I get told to leave. I
22 went to Puerto Rico, I come back, I get arrested
23 because they keep calling 911 on me. I am not even
24 home. This is disgusting, what has been going on. I
25 got assaulted again. I have MRY reports. I went to

1
2 the one, two, three precinct where these people live,
3 it didn't matter. The woman police officer told me
4 the fourth time I get assaulted; they will arrest the
5 person. Then I went to Richmond, to get x-rays of
6 all my damages, they decided to put me in a psych
7 ward from eight o'clock to two o'clock. Of course,
8 they did drug tests. So, now, I would like my priest
9 to be drug tested and him mentally evaluated.

10 I go to church every day, now I am having
11 a problem going to mass. See this book, I did foil,
12 I did CCRB, I did IOGNYPD, I did New York State
13 Commission of Human Rights. I did the Integrity
14 Division of the Attorney General and you know who
15 helped me? Not one republican in Staten Island.
16 Mayor de Blasio and his staff, those wonderful people
17 for the past two years, they coddled me. I have been
18 asking Republicans, they laugh at me. I have court
19 transparency, I have court transcripts, that my own
20 attorney is telling me he is on drugs when he spoke
21 to the judge. They named the police officer. I paid
22 for the transcripts, they thumbed it out, the cops
23 name.

24 My attorneys have my money \$10,000 in
25 escrow. I did all of the court paperwork myself,

1
2 thanks to this man named Joe down at the Court House
3 in Alamo. If it wasn't for him, everything I wrote,
4 everything I did, and I don't want to be a lawyer
5 anymore. I want to be a real estate broker. But it
6 is hard because they black balled me. I can't even
7 get a job; I am on disability. Now, they are telling
8 me I need to go back to the one, two, two. When I
9 went to them, when they told me, after they tried to
10 put me in the psych ward, the officers were very
11 rude, and it just so happened that CCRB was there and
12 this is the paper from CCRB. They are not doing
13 anything. Nobody does anything.

14 Why is this CCRB goes to IAB and you get
15 nothing? I have a book here that goes to 2010, this
16 is criminal. I come from a law enforcement family
17 and for me, this is the hardest thing for me to do.
18 But I want you all to know, April the 10th, I was at
19 the Retirement ceremony at one police plaza and I was
20 so happy and proud of all of those policeman and
21 their families and that day, when I saw all the high
22 rankers, I was happy for them and I didn't think of
23 the corruption. But look at me, here I am again, and
24 I want it to stop. I want them to be held
25 accountable. I want my priest to hand over the

1
2 paperwork, because I sent him something that said
3 that he needs to preserve the audio proof and I guess
4 it's who you know, that I am not getting any help.
5 Ten years.

6 CHAIRPERSON GAIL BENJAMIN: Ms.
7 Signorelli.

8 DIANE SIGNORELLI: I am sorry.

9 CHAIRPERSON GAIL BENJAMIN: It's okay, I
10 understand.

11 DIANE SIGNORELLI: I apologize.

12 CHAIRPERSON GAIL BENJAMIN: Take a
13 minute.

14 The next speaker is Andrew Smith. You
15 can just move the microphone; you don't have to move
16 the whole stand.

17 ANDREW SMITH: Thank you Madam Chair. My
18 name is Andrew Smith. I am an AFSCME shop steward in
19 DC 37's Local 1503. I speak to you tonight as a
20 union activist and in support of the proposal for an
21 elected civilian review board. I want to begin by
22 telling you what some unions are doing about police
23 violence.

24 In recent years, the International
25 Longshore and Warehouse Union filed a lawsuit to stop

1
2 police violence. Here in New York, DC 37's Local 375
3 organized a demonstration that 450 participants to
4 protest police violence. A Chicago teachers union
5 supported a proposal for an elected police
6 accountability council.

7 My own local 1503 of DC 37, voted by an
8 overwhelming majority to support an elected civilian
9 review board. Local 1503 also donated \$1,000 to the
10 campaign for an elected civilian review board. I
11 assure you it is a lot of money for us. We are very
12 conscious of where our dues money comes from and
13 where it goes. In this case, to printing the
14 brochures and posters you see in the hall here
15 tonight and I've seen in all of your hearings this
16 year.

17 Police accountability is a union issue,
18 because we are among those targeted by police and we
19 want it to stop.

20 Unions in New York are diverse, much more
21 than people generally think. We are made up for the
22 most part of racial, ethnic, and national minorities
23 as our source of strength and solidarity.

24 Unfortunately, it means that most of our members and
25 their families and their communities are vulnerable

1
2 to police violence. We thus have a deeply personal
3 reason to demand accountability.

4 There is also a historical reason. We
5 know that any day bosses can call the police to bust
6 our organizing to break up our strikes and other
7 demonstrations of workers power. And even if
8 nowadays police presence is generally there to keep
9 us in line, we know that in the past they have broken
10 demonstrations with arms, indiscriminately shooting
11 down dozens of unionists at a time.

12 As at the Haymarket Riot, the level of
13 massacre, the Homestead Strike, the Pullman walkout,
14 the Colorado Labor wars. We know about this history;
15 we know that there are armed and dangerous and we
16 know that ultimately, they are not on our side.

17 So, we have good reason to use our power
18 to push for greater accountability. I urge the
19 Commission to put the proposal for an elected
20 civilian review board on the ballot for this
21 November. Thank you.

22 CHAIRPERSON GAIL BENJAMIN: Thank you
23 very much Mr. Smith. Ms. Castro.

24 STEPHANIE CASTRO: Good evening, my name
25 is Stephanie Castro. I am a student and a civilian

1
2 fighting for the right to hold the police accountable
3 for what they are doing. I have gone to two hearings
4 and when I hear a member speaking up, every
5 commissioner here stays quite. And let me tell you
6 something, it makes me angry because not only am I a
7 young Latino woman, but I am a woman who grew up her
8 whole life in the hood.

9 Let me tell you, the amount of police
10 misconduct that happens is ridiculous and they get
11 away with it, and they do not get accounted for.
12 Look at what happened to Everett Gardner and nothing
13 was done in 2014 until now. It is time for change.
14 It is time to hold police accountable.

15 Last week, one Commissioner said, having
16 an Elect Civilian Board will not work and will fail,
17 how would a civilian solve anything? Let me tell
18 you, having a person who is elected by their peers
19 will remove the bias. They will look into the
20 situation and would not be biased against people of
21 color and when I mean people of color, I mean Black,
22 Latinos, Middle Eastern Asians and etc. Versus
23 someone who is appointed by major politicians in this
24 city who are biased against people of color and are
25 more towards the police and ignore the fact that most

1
2 of them go against protocol and do what they please.
3 It is time for change to happen and listen to what
4 people have to say for once and have an elected
5 Civilian Review Board. Thank you for hearing me out.

6 CHAIRPERSON GAIL BENJAMIN: Thank you
7 very much Ms. Castro.

8 STEPHANIE CASTRO: Thank you, God bless
9 you.

10 CHAIRPERSON GAIL BENJAMIN: Alison and
11 the Steve.

12 ALISON HIRSH: I have a question for
13 Council Member Borelli and also for the elected
14 Civilian and Complaint Review Board. I have two
15 questions.

16 So, on the Public Advocate question about
17 a public advocate appointing the Department of
18 Investigations Commissioner. Are you at all
19 concerned that given the Public Advocate has
20 historically been somebody who wants to become Mayor,
21 is creating his or her own citywide platform, the
22 concern that that would turn the Department of
23 Investigations into just a political arm of the
24 Public Advocates Office and in some ways a weapon
25

1
2 against either an incumbent Mayor or City Council or
3 whoever.

4 COUNCIL MEMBER BORELLI: Well, I think
5 you have correctly articulated that the Public
6 Advocates role is to do nothing but try to run for
7 Mayor. I think I will commend you on that, perhaps
8 inadvertently for reminding us.

9 The role of DOI Commissioner is a very
10 vital role and regardless of how we look at it, in a
11 democracy, the ultimate power has to come from some
12 elected source. I don't think combining the too low
13 key of power under the same person is beneficial in
14 any respect. I mean, just imagine the outrage that
15 would have of followed should President Trump have
16 fired Robert Mueller in that investigation and yet,
17 when you look at Mayor de Blasio action, you can
18 certainly see similarities. You could certainly see
19 similarities to Governor Cuomo's disbanding of the
20 Moreland Commission.

21 So, if the penalty is that the Public
22 Advocate with improved powers of the Department of
23 Investigation can some how be a more potent check on
24 the Mayor, I am not entirely opposed to that. But
25 you know, if you are saying that someone is going to

1
2 use their prosecutorial power to a grandstand or to
3 enhance their own career, than that's probably a good
4 argument against elected CCRB as well.

5 ALISON HIRSH: And then my next question
6 is for the folks here for the Elected CCRB and
7 particularly for my Union brother. I am a member of
8 32BJ and we to have worked very hard to combat police
9 violence and support a number of reforms and
10 communities in Ed for police reform etc., and here is
11 my question to both of you. Can you explain why
12 electing the CCRB is the reform that will change the
13 oversight of the Police Department given the fact
14 that we don't control elections and you could argue
15 that in an elected CCRB, when you have, my
16 understanding of the proposals, you have districts
17 across the city. You could have a situation where
18 the PBA for instance says, we are not going to pay
19 attention to the Mayors raise, we are not going to
20 pay attention to the City Council. We are going to
21 put every ounce of resources that we have financial
22 and membership resources into electing police
23 officers to the Civilian Complaint Review Board and
24 you know, not reformist police officers and thereby
25 potentially nullifying the entire role of the CCRB.

1
2 So, I guess my question is in some ways
3 can you explain to me why you think there is a lot
4 that can be done to reform the CCRB process. Why is
5 the election itself the key reform?

6 UNIDENTIFIED: Do you want me to answer
7 that?

8 ALISON HIRSH: I was referring to those
9 folks, but you are free to.

10 UNIDENTIFIED: I would love to give you
11 that opportunity. You want to talk?

12 UNIDENTIFIED: I believe why there should
13 be an elected civilian board because I've lived in
14 East New York my whole life. I would rather have
15 someone in my community talk about what's happening
16 in my community. I have gone to school with cops
17 since I was in kindergarten. There shouldn't be cops
18 in schools throwing kids on the ground. I am dressed
19 in sweats and a hoody and bomber jacket. I am in the
20 streets; a cop will stop me. That's not right.
21 That's not right at all. And there is people of
22 color, if I was dark skinned, that's not right. I
23 believe someone in my community, in every community,
24 in every borough should have a person speak up. And
25 not having someone I'm sorry to say, that's White,

1
2 has never lived in the hood. That doesn't know how
3 it is. That doesn't know that environment and I find
4 that unfair. I find that very unfair.

5 And I believe someone of color, someone
6 Latino, Black, Middle Eastern Asian, should be up
7 there speaking for us.

8 ALISON HIRSH: Can I just point out
9 information, can the staff at some point, because I
10 don't know what the current demographic makeup of the
11 CCRB is.

12 CHAIRPERSON GAIL BENJAMIN: We can
13 certainly get that.

14 ANDREW SMITH: Yes, I will respond to
15 Commissioner Hirsh's question as well. First, I
16 agree with everything that she has said, and I think
17 that it is really the important point that you all
18 should be considering. I will also say that I am
19 rather astonished at the suspicion of the democratic
20 process that we've heard from many Commissioners here
21 in the past few weeks. Almost at every hearing, the
22 response to the proposal for an elected Civilian
23 Review Board has been well, if we open it up to the
24 public to vote, you know bad people will be elected.

1
2 I find that quite astonishing and I wanted to
3 highlight it.

4 As for the elected board, one reason I
5 think that it is so important and so necessary,
6 because the Civilian Complaint Review Board as it is
7 does such a bad job as we know in our bones and you
8 all know in your statistics, is that they are
9 accountable to the Mayor and the Police Commissioner
10 and City Council. They have their jobs to do the
11 work for those people and not for us and the reason
12 we want an elected board is we want a board that's
13 accountable to us, that will care about us in our
14 community that will prioritize our needs as victims
15 of police violence and not the needs of the Police
16 Commissioner.

17 I think that it's so simple and I am
18 really sorry that you all missed it.

19 CHAIRPERSON GAIL BENJAMIN: Thank you
20 Steve.

21 DIANE SIGNORELLI: It is very upsetting
22 when you try to do everything the right way. I've
23 been in politics my whole life and that's what hurts
24 me more. I was hand picked by Republicans. I was a
25 Councilwoman. I came back to Staten Island, the

1
2 place I was born, and I was so disrespected, but it
3 seems to be the new regime because I did undercover
4 work for Jim Molinaro. I did work for a place called
5 **[INAUDIBLE 53:00]** as you all know for abusing
6 autistic disabled children. I shut down a place in
7 New Jersey for abusing animals. So, I thought by
8 sticking up for myself for ten years, by being
9 abused, these cops were being paid off.

10 I just had to claim bankruptcy to save my
11 home. I pay my bills. I have everything, it is all
12 transparent in court and I won't be going to
13 arbitration in Brooklyn, but it shouldn't have to be
14 like this. We need somebody. CCRB is nothing. IEB
15 is nothing, IOGNYPD, the integrity division of the
16 Attorney General and Latisha James did absolutely
17 nothing and I am so sorry to say that.

18 But Mayor de Blasio and his staff is
19 amazing, and they gave me hope for the past two years
20 until I get assaulted again in church. I feel like
21 there is a hit on me. That's all.

22 CHAIRPERSON GAIL BENJAMIN: Thank you.
23 Steve.

24 STEPHEN FIALA: Thank you. Thank you all
25 for being here. Councilman Borelli, you are my

1
2 Councilman. This is the eighth Charter Revision
3 Commission since the 89 Charter was adopted and I
4 participated in every single one of them except the
5 last one and that was by design. And I have had the
6 privilege of serving now on three. You start this
7 process hearing, a thousand different ideas and you
8 can't help you know, our tendency is to immediately
9 we have an opinion on an idea.

10 I promised myself that I would adopt
11 Saint Benedict's rule and his first admonition very
12 first word of Benedicts rule, listen. And that's
13 what I've tried to do in every Charter Revision
14 Commission. When you propose, when I read in the
15 newspaper, your proposal, my initial opinion was no.
16 I mean, I am already pretty much against the office
17 to begin with but the idea of granting this level of
18 authority to this office, no. But I listened and
19 tonight you added in something in your remarks that I
20 would like you to expand on. I'm not suggesting that
21 I am with you, but I am suggesting that you framed an
22 argument that I had not thought about when you
23 brought up the notion of a Public Advocate not being
24 beholden to anyone, therefore, that being the logical
25 person with which to entrust the investigatory

1
2 authority to. Could you expand on that angle,
3 because I hadn't given that sufficient thought or any
4 thought.

5 COUNCIL MEMBER BORELLI: Well, first of
6 all, eight times in a row and you still haven't
7 gotten it right. I mean, forgive me for saying that.

8 If you look at the way government is
9 formed in the United States of America, there is 51
10 Constitutions essentially. The majority of them in
11 fact, all I can think of save the federal
12 constitution separates the powers of the executive
13 branch into a multiple executive. This has served
14 this state fairly well since its inception. If I
15 recall the Attorney General was a position that
16 existed before New York was a state. So, this state
17 has a very long history, even in the 1800's in the
18 second or third constitution when the powers of the
19 governor were changed. There was always a separation
20 between the executive branch proper, meaning the
21 agencies that provided services and the law
22 enforcement arm.

23 So, this would be almost duplicating
24 that. Admittedly, the Public Advocate would never be
25 an Attorney General with the power to prosecute

1
2 people on the street. Perhaps that's another
3 solution for the CCRB issue. But this would separate
4 as it does in the majority of states that I am aware
5 of, the roles of the executive branch. I mean, we do
6 that in it of itself with the Comptroller. Just like
7 most states have a separate CFO.

8 So, I don't think this is abnormal or out
9 of any sort of governmental norms that exist in the
10 United States. In fact, it is probably more in line
11 with most other places than we think.

12 STEPHEN FIALA: Thank you.

13 CHAIRPERSON GAIL BENJAMIN: Seeing no
14 further questions, I thank the panel and I will be
15 calling up the next panel. Heather Quick[SP?],
16 Sister Shirley from the Forgotten Borough, Teresa
17 Fengine[SP?], and Mike Hare from **[Inaudible 58:07]**.
18 Ms. Quick.

19 HEATHER QUICK: Good evening. My name is
20 Heather Quick, and I represent the Campaign for an
21 Elected Civilian Review Board.

22 Tonight, I would like to read a statement
23 that the Campaign has published in response to
24 current events which is especially relevant tonight
25 in Staten Island.

1
2 Our statement is entitled, With an
3 Elected and Empowered Review Board, Eric Garner might
4 be a live today. If you would like copies of this
5 statement, it is all over our social media. It is
6 super easy to find.

7 CHAIRPERSON GAIL BENJAMIN: Okay.

8 HEATHER QUICK: After five years of
9 justice denied, officer Daniel Panteleo was finally
10 facing charges this week in internal police court due
11 to his use of an illegal choke hold that resulted in
12 the death of Eric Garner. Eric Garner denied as a
13 result of Panteleo's actions but the worst that
14 officer could face is punishment ranging from the
15 loss of vacation days to firing.

16 And his discipline is completely up to
17 the Commissioners decision. Even if the police
18 courts find him guilty, justice will not be served
19 for Garner and his family. Where are the criminal
20 charges? How is an officer with many complaints on
21 file and a violent history able to continue abusing
22 civilians in committing this crime. And what about
23 the many other officers present who contributed to
24 his death?

1
2 If we had an elected civilian review
3 board and an independent prosecutor, it would be a
4 different story. Here is how.

5 First, disciplining can prevent
6 escalating violence. A board of elected and
7 concerned community members representing the
8 diversity of the five boroughs would have
9 investigated and made binding decisions of discipline
10 in earlier complaints filed against Panteleo. An
11 elected board with the power to meet out binding
12 disciplinary decisions may have removed him from the
13 force or at least checked his violent behavior with a
14 stiffer penalty than the slap on the wrist of
15 instruction that the police commissioner gave
16 Panteleo in 2011. Thereby, possibly saving Eric
17 Garner's life. It is in this way that effective
18 police oversight prevents death. Abusive officers
19 are effectively disciplined or fired before their
20 behavior escalates and causes a death, like
21 Panteleo's behavior did.

22 Secondly, an unbiased independent special
23 prosecutor can bring criminal charges against the
24 police. An elected independent special prosecutor
25 unlike the DA would prosecute without bias. Staten

1
2 Island District Attorney Daniel Donovan failed to
3 convince a grand jury to indict Panteleo, despite
4 video evidence showing clear use of an illegal
5 chokehold which has been banned for over 20 years due
6 to lethal danger.

7 Like all DA's, Donovan works with the
8 police regularly. This is clearly a conflict of
9 interest. Only a fully independent prosecutor can
10 ensure fair and effective prosecution of the police.

11 This is why we need an elected Civilian
12 Review Board and an independent special prosecutor
13 with jurisdiction over all cases involving egregious
14 police misconduct. Otherwise the NYPD and Mayor will
15 continue to protect police, cover up crimes, and
16 there will be no justice for communities suffering
17 under police abuse. Thank you.

18 CHAIRPERSON GAIL BENJAMIN: Thank you
19 very much. Sister Shirley.

20 SISTER SHIRLEY: From the Forgotten
21 Borough of Staten Island. Okay, first, I'd like to
22 say that the Public Advocate position is a joke.
23 Okay, no power or anything. The CCRB unfortunately
24 in the past, I have had dealings with them. In the
25 future, it amounted to a valuable waste of time.

1
2 Last year, I had an incident with the
3 cops which called for police discipline. I was told,
4 once again my only recourse was to go to the CCRB. I
5 declined. CCRB needs power, real power to ensure
6 police accountability. CCRB needs to be ECRB with
7 power. Currently, the people who appoint the CCRB
8 are the ones who also need accountability. Mayor de
9 Blasio, he hired more cops and the City Council also
10 voted for more cops. Okay, and we already have cops
11 who are not doing the right thing. They are racist
12 and this whole system is racist against people of
13 color and they are doing the bidding of the racist
14 system.

15 The Police Commissioner with the quality
16 of life, had this over twenty years ago was battered
17 under Giuliani and they had the system of quality of
18 life. Than de Blasio brings back Bratton and now he
19 is calling it broken windows. It's the same Kool-Aid
20 only different flavors, okay.

21 My sons over 20 years ago were walking in
22 their own community and one of them got into an
23 argument with a friend of his, a girl. The cops
24 pulled up and said, it looks like you are going to do
25 bodily harm to the girl and proceeded to arrest my

1
2 son. My other son said, what are you doing, that's
3 my brother? The cops said, get out of here before we
4 arrest you to. So, my son went to the corner to call
5 me, at that time they still had phones on the block.
6 The cops came up to him again and said, get off the
7 block. He went around the corner unto the porch of
8 his friends house. The cops came around the corner
9 and said, we are going to arrest you for something
10 and proceeded to arrest my other son and my godson
11 for trespassing on their friends porch. So, that
12 day, my two sons and my godson were arrested. Not
13 only were they arrested, it even went to trial.

14 This is what we're subjected to. Okay,
15 de Blasio says that he is going to make a difference.
16 He is making things worse and when the cops turn
17 their backs on him, they were rightly doing so,
18 because he had told them to go clean up Staten
19 Island. It's gentrification rightly so.

20 So, I finally want to say that when the
21 cops did what they did to Eric Garner, Eric wasn't
22 even the first person who was choked to death here on
23 Staten Island by the cops, he was the third. The
24 first one was in 1994. This brother named Ernest
25 Séance. He was just going about his business; the

1
2 cops knew him and everything. They stopped him and
3 they choked him out. Nothing was done. The second
4 one was in 2002, this brother names Charles Nelson.
5 He was going to the hospital, on his own. We call
6 the hospital barely breathing but the hospitals name
7 is Bayley Seton. He went to emergency psych. He did
8 not want to stay there, and the cops choked him out
9 at the gate.

10 It's a continuation of what's happening.
11 We need a strong ECRB. We need something that makes
12 the Police Commissioner accountable. Even the Mayor
13 accountable. Everybody has to have some type of
14 accountability. Thank you.

15 CHAIRPERSON GAIL BENJAMIN: Thank you
16 very much. The next speaker is Teresa Fengine.

17 TERESA FENGINE: Perfect, great. Thank
18 you. Good evening, I am Teresa Fengine and I am the
19 manager of member engagement at New York City at the
20 New York Immigration Coalition. Thank you for the
21 opportunity to testify today and thank you also to
22 the Commission Staff for all their work on the
23 Preliminary Staff Report.

24 The New York Immigration Coalition will
25 submit a longer written testimony for the record, but

1
2 tonight, I want to speak specifically about
3 redistricting. I also want to mention I grew up on
4 Staten Island in Saint George. So, this is a great
5 moment for me to be able to testify.

6 New York City has one of the model
7 redistricting processes in the country. The existing
8 requirements for diverse representation on the
9 Districting Commission as well as clear directives to
10 produce fair and effective representation of racial
11 and language minority groups, provides a solid
12 framework. However, a redistricting process can
13 still be improved. Previous Commissions reached
14 beyond the minimum requirements outlined in the
15 Charter and their best practices could be codified.
16 This includes specific language around transparency
17 of meetings and data and strengthening language
18 related to the fairness of drawing of lines.

19 Lastly, the Charter must expressly
20 prohibit the drawing of district lines based only on
21 the population of citizens rather than the total
22 population of those residing within New York City.

23 I am going to talk more about drawing
24 lines based on total population now. In a 1966 case,
25 the Supreme Court left it up to the states to draw

1
2 state level district boundaries based either on the
3 entire population counted by the census, by excluding
4 populations ineligible to vote, such as noncitizens
5 and children. Only ten states legally permit
6 excluding certain populations during the
7 apportionment process, New York is one of them.

8 In 1969, New Yorkers approved a statewide
9 ballot measure defining "inhabitation excluding
10 aliens" to mean "the whole number of persons." It
11 can be argued; this change prohibits noncitizens from
12 being excluded from the total population count for
13 the purposes of redistricting. However, the phrase
14 inhabitation excluding aliens still appears ten times
15 under multiple sections of the state constitution
16 relating to the apportionment.

17 Furthermore, the language of the 1969
18 Ballot Measure reads, that for the purpose of
19 apportioning state senate and assembly districts.

20 Just quickly, I just want to also say
21 that the Charter prohibits separating concentrations
22 of voters of the same political party. We recommend
23 adding language prohibiting a practice known as
24 packing. The inverse of cracking, in which voters
25 have one political party are intentionally placed

1
2 within fewer districts possible for the purpose of
3 reducing voting power.

4 We will be submitting written testimony.
5 Thank you so much for you time.

6 CHAIRPERSON GAIL BENJAMIN: Thank you
7 very much and if you would do that as we said, before
8 the 24th, we would appreciate it.

9 TERESA FENGINE: Yes, I do have five
10 copies here.

11 CHAIRPERSON GAIL BENJAMIN: Okay, if
12 someone would get them from you, we can distribute
13 them and Mr. Hare.

14 MIKE HARE: Oh yes, I am here to speak
15 very strongly in favor of an elected Civilian Review
16 Board with teeth. I would like to echo all the
17 sentiments that Sister Shirley had. Sister Shirley
18 lives in the Mariners Harbor section of Staten
19 Island, I live in Stapleton. I would like to speak
20 from a slightly different perspective. I am 61 years
21 old, I come from Texas, I grew up there. I am old
22 enough to remember "legal segregation" in the early
23 60's and what that meant. And then as a youth in
24 college a little bit, you know, I protested against
25 the partite in South Africa. You know, I have spent

1
2 more than half of my life in Stapleton. My children,
3 who are White, have gone to the schools there with
4 largely children that happen to be Hispanic or
5 African American or from other countries and I've
6 seen these kids grow up. Not everybody gets choke
7 holed to death by Eric Garner or ends up like Ernest
8 Séance who is from my neighborhood and things like
9 that. But I also see you know, just personally,
10 dozens of people that wind up in the system and are
11 friends of my children. You know, they wind up in
12 upstate prisons and then I have cousins of my
13 children that live in White neighborhood's,
14 Tottenville, you know, you name it and for some of
15 the same crimes, nothing happens to them.

16 You know, and we have Mayor de Blasio who
17 talks about a tail of two cities and it is a tail of
18 two cities and very much policing in a lot of our
19 neighborhoods in this great city of New York, it is a
20 tail of two cities. You know, the policing is not
21 unlike a partite, it's not like some of the things I
22 witnessed as a small child in segregated Texas.

23 And you know, one other story, just a
24 personal story and my son you know, hasn't suffered
25 like other kids in the neighborhood. He happens to

1
2 have an Italian American last name, but he grew up in
3 this neighborhood. His friends are Hispanic, his
4 friends are Black. How many times have they been
5 pulled over because they were 14 or 15 years old
6 thrown up against a brick wall, searched, stripped,
7 and a cop gets out and says Lombardi, what are you
8 doing here?

9 You know, it's like hey, or the next kid
10 might have a name like Torrez, the next kid may have
11 a name like Johnson or William. You know, but this
12 is the reality that it is for hundreds of kids in
13 Stapleton, hundreds of kids in Mariners Harbor, and
14 different neighborhoods all throughout New York City
15 and much like you know, the young woman spoke to it
16 before. So, that's why I think we strongly need an
17 elected Civilian Review Board.

18 Also, one more thing, Elinor
19 Buffers[SP?], I think a lot of remember that. My
20 mother pretty much did the same thing. Nobody cut
21 her down with gun fire, the cops just backed off and
22 talked to her and that's the reality. Thank you.

23 CHAIRPERSON GAIL BENJAMIN: Thank you
24 very much. Are there questions of the panel. Seeing
25 none, thank you very much. Oh, Carl.

1
2 CARL WEISBROD: Thank you. I had a
3 question, I am sorry, I didn't catch your name.

4 TERESA FENGINE: Teresa.

5 CARL WEISBROD: Thank you, you sited
6 language from the State Constitution regarding
7 inhabitation excluding aliens and as you know, we
8 really don't have any power over the State
9 Constitution. There's nothing similar in the New
10 York City Charter and when redistricting commission,
11 considers one person, one vote, do you acknowledge,
12 do they consider all inhabitation as in making those
13 determinations?

14 TERESA FENGINE: Unfortunately, I don't
15 know the answer to that question, but I can
16 definitely have someone from our organization follow
17 up on that.

18 CARL WEISBROD: Thank you.

19 CHAIRPERSON GAIL BENJAMIN: Thank you
20 very much. The next panel is Frank Murano, James
21 Lane, Candace Carpenter, and Emma Alabaster. If we
22 could perhaps get another chair, is that going to be
23 possible? There is one other speaker, Leo Ferguson.

24 Okay, Mr. Murano.
25

1
2 FRANK MURANO: Good evening Madam Chair
3 and member of the Commission. Welcome to Staten
4 Island. Those of us that live here have a great
5 appreciation of how difficult it is to commute here,
6 so we definitely appreciate all of you making the
7 effort, which especially in weather like this is not
8 easy. Having spoken to you a couple times before, I
9 have tried to add something each time and not to be
10 duplicative of many of the previous speakers, but I
11 absolutely want to reiterate my support for Ranked-
12 Choice Voting generally for many of the reasons that
13 everybody here and in the previous hearings have
14 said. Mainly, it saves the cost of runoff elections.
15 It produces a greater mandate for the winner. It
16 eliminates the possibility of a spoiler effect and in
17 my judgement, it produces not only greater voter turn
18 out but greater civility in campaigns.

19 I am happy to answer any questions with
20 respect to either Ranked-Choice Voting or any of my
21 previous testimony and I have printed out all of my
22 previous testimony, both in the first round of
23 hearings and those that happened after the
24 preliminary staff report. But the words that have
25 haunted me since Thursday night or I guess,

1
2 technically it was Friday morning have been from you
3 Madam Chair where you said that my arguments in favor
4 of Ranked-Choice Voting or in favor of star voting as
5 a tabulation method for Ranked-Choice Voting had not
6 yet convinced you.

7 So, briefly, I wanted to go through some
8 of the areas where I thought star voting was superior
9 to the instant runoff voting method of tabulation
10 which is used in some other cities. Namely, if you
11 look at all the knocks against Ranked-Choice voting
12 that we've heard from both experts and the public,
13 one of them, the most common one is that it's too
14 complicated. That people don't want to sit there and
15 rank 13, 14, 15 candidates and that makes sense. I
16 get it and if you just ask people to score five, I
17 strongly approve, one I strongly disapprove, it is
18 simple, it is easy for voters to understand and it
19 creates the same sort of a mandate for whom ever wins
20 in a star voting method as conventional instant
21 runoff voting.

22 Second, the issue of ballot exhaustion.
23 Whereas, the more voting continues, the less ballots
24 are actually counted. In a star voting method, there
25 is no ballot exhaustion and I have printed for you a

1
2 pamphlet that an organization that advocated for star
3 voting in Oregon printed, comparing all the different
4 methods of Ranked-Choice Voting and I think that
5 you'll find that star voting is not only simple, but
6 it's fair and it's equitable.

7 In terms of equal vote and one person,
8 one vote, by definition, while instant runoff voting
9 would be certainly superior to the current system,
10 it's not one person one vote. If you pick the person
11 that's most likely to win, you get one vote. If you
12 pick the person that's most likely to lose as your
13 first choice, you get two votes. So, some people get
14 one vote and some people get two votes in an instant
15 runoff voting system.

16 Now, I've been reluctant to point out
17 some of the pitfalls of instant runoff voting because
18 I don't want you to point to the one's that I
19 mentioned and say, oh, well, that's why we need to
20 keep the system the way that it is. But if you look
21 at star voting as a tabulation method, it is superior
22 in so many different ways and if you look at what the
23 state legislature has done on pay raises, on matching
24 funds, on redistricting. What they have done is they
25 didn't find the need to find all of the answers to

1
2 every single problem now. What they did is they
3 created a panel. So, should you chose to implement a
4 Ranked-Choice Voting system, there is no reason that
5 you can't leave the details of the proper tabulation
6 method to a panel that convenes in the next year or
7 so. Thank you.

8 CHAIRPERSON GAIL BENJAMIN: Thank you
9 Frank. The next speaker is James Lane.

10 JAMES LANE: Thank you. So, my name is
11 James Lane, I am a lifelong New Yorker and a member
12 of the Green Party. I have run for office as a Green
13 Party candidate three times, twice for Public
14 Advocate and once for Congress in Staten Island.
15 Obviously, I think Public Advocate is not a stupid
16 office, but we just have bad people run it.

17 I am here to strongly support the effort
18 of Ranked-Choice Voting for all New York City
19 elections and most importantly for the general
20 elections. As a Green Party candidate, I have seen
21 firsthand how broken and undemocratic our current
22 winner take all electoral system is and how the
23 corporate media outlets glued with the two major
24 parties to keep alternative voices silent.

1
2 As a candidate for Public Advocate from a
3 legitimate party with statewide ballot line, I was
4 intentionally excluded from televised debates and
5 from most corporate media reporting in all three of
6 my campaigns.

7 When I ran for Congress in a special
8 election, right here in Staten Island with only three
9 candidates, I attended every public forum possible,
10 yet my name was often excluded from newspaper and
11 television stories about those events. A system that
12 allows monied interest to shut out alternative voices
13 and candidates is not a democratic system. Voter
14 turnout in New York City and all across our country
15 is embarrassing low.

16 Yet, other than voter shaming, the two
17 major parties have done very little to figure out why
18 the public is not voting. Low voter turnout is not
19 the fault of us as individuals, instead it is the
20 vault of a system that is completely controlled and
21 corrupted by wealthy donors and corporate interests.
22 The people of our city know that their votes don't
23 matter at all. That's why they don't vote. Poll
24 after poll shows that the public want more voices,
25 more choices and definitely more parties. The

1
2 systematic straggling of our democracy is exactly
3 what has brought us to a climate catastrophe with
4 less than 12 years to figure out how we're going to
5 change this tide for survival.

6 Many others have testified to all
7 legitimate research showing that RCV increases voter
8 turnout. That it ensures candidates are elected with
9 a clear majority of support. That it ensures that
10 candidates work for the constituents as opposed to
11 their corporate contributors and it eliminates the
12 need for expensive runoff etc. But the most
13 important problem that RCV can fix is the fear of
14 vote splitting.

15 In every one of my campaigns, I talked to
16 many supporters who wanted to vote for me or wanted
17 to vote for other Green Party candidates. But who
18 were afraid by doing so, that they would cause a
19 victory of another candidate they were really afraid
20 of. We need to free voters from this cycle of fear.
21 We must champion a system where the people can freely
22 vote for candidates that align with their morals and
23 values instead of being forced to hold their noses as
24 they vote for candidates that they don't like simply
25 to avoid victory of candidates they like even less.

1
2 There is nothing to fear with Ranked-Choice unless
3 you feel real democracy. This Commission has the
4 power to give disenfranchised communities
5 unaffiliated voters, alternative parties a chance to
6 have real voice to run candidates on an even more
7 playing field. It would be tragic to waste that
8 opportunity.

9 The movement for real democracy is
10 coming, whether this Commission votes for it or not,
11 the public is quickly losing patience for corruption,
12 so why not let a New Yorker be a heroic leader in
13 this movement and not just for an adventural
14 follower. New Yorkers deserve to vote for their
15 hopes and their dreams now. Our climate is telling
16 us, we don't have time to waste.

17 CHAIRPERSON GAIL BENJAMIN: Thank you
18 very much Mr. Lane. The next speaker is Candace
19 Carpenter.

20 CANDACE CARPENTOR: Carpenter with an O
21 though, that's correct. My name is Candace
22 Carpenter, I am the Chair of the Green Party in
23 Brooklyn and I am a state delegate to the Green Party
24 of New York State.
25

1
2 I am very excited that one of the issues
3 that this panel is addressing is Ranked-Choice
4 Voting. I believe that reform of our electoral
5 system is essential to turning the tide, as James
6 said.

7 I am not going to read my speech because
8 despite the fact that James and I did not speak at
9 all, our speeches are virtually identical, and it is
10 pretty amazing. But I do want to say that I think
11 that New York has a particularly unique position
12 because we are who we are and I think by exploring
13 Ranked-Choice voting and allowing a more democratic
14 system, we will have an influence on the rest of the
15 country and I think that is as much an important part
16 of our role as what we do in this city. I think the
17 example that we set is important and for other large
18 cities to take our lead would be a lot easier if we
19 do it first.

20 I do want to mention however, one of the
21 questions that was asked early on this evening was
22 how, what other ways can we use to expand voter
23 participation and I am not larnite in this field as
24 one of our members is, Craig Seaman but I did ask him
25 that question and Craig said that one of the

1
2 strongest ways to enhance voter participation is
3 democracy vouchers because when you narrow the
4 gapping campaign funding, there won't be the
5 disparity in targeting that there is now.
6 Underfunded candidates representing economically
7 disadvantaged communities have to have more limited
8 targets, meaning less outreach for new and peripheral
9 voters. If all you ever reach is the prime voters,
10 than those classified as nonprime don't get the
11 mailings from the candidates and as a result, primes
12 are more likely to vote for the well-funded
13 candidates, widen the disparity and the access. This
14 is one prime reason we have ever decreasing voter
15 turnout in New York. We are marginalizing the people
16 that we want to give the vote to because they aren't
17 targeted and that is really because we've got so much
18 money in our electoral system.

19 So, that from somebody who knows more
20 than I do, and I thank you for your time.

21 CHAIRPERSON GAIL BENJAMIN: Thank you
22 very much. The next speaker is Emma Alabaster.

23 EMMA ALABASTER: Good evening everyone.

24 I am Emma Alabaster; I am a livelong New Yorker and I
25 live in Staten Island. I am also an educator and a

1
2 member of Jews for Racial and Economic Justice, and I
3 am here to speak a little more about police
4 accountability.

5 I live not far from where Eric Garner
6 was killed. I know he has been brought into the room
7 a lot tonight. You know, just today, Officer Daniel
8 Panteleo is finally on trial. The worst that could
9 happen to him is that he would be fired. In the
10 meantime, five years later, he has received raises
11 and make \$120,000 a year and no justice has been
12 sought. All the other officers involved in the
13 murder of Eric Garner have been impacted in no way at
14 all.

15 Yesterday it came out in his trial that
16 four years ago, there was an internal investigation
17 that ruled that he was in fact killed by an illegal
18 chokehold and yet, the police force still did not do
19 anything about it and the only reason that there is a
20 trial now, is because of the CCRB.

21 So, I think that's really important when
22 we are thinking about what is the actual real state
23 of police accountability right now, which is to say
24 very little. And in a city like New York, I think
25 that we can do a lot better and I think that it's

1
2 really important to me to believe that my friends and
3 my family will be safe and the people that are
4 supposed to keep them safe are the people that I
5 fear. And that when police do harm, right now, there
6 is no accountability.

7 So, it's very important; there are some
8 real concrete things that this Commission can do to
9 increase police accountability for killings,
10 brutality, sexual violence and gender-based violence
11 and to increase police transparency.

12 Right now, there is very little
13 transparency particularly, we want transparency
14 related to the NYPD budget that includes related to
15 surveillance technologies, military grade equipment
16 and expenses paid by private or other sources that
17 are not currently subject to Council oversight.

18 Thank you very much.

19 CHAIRPERSON GAIL BENJAMIN: Thank you
20 very much Ms. Alabaster. Mr. Ferguson.

21 LEO FERGUSON: Hi, thank you so much for
22 having me. My name is Leo Ferguson, I am with Jew
23 for Racial and Economic Justice and Communities
24 United for Police Reform. I echo everything that
25 Emma just said. I am a born and raised New Yorker.

1
2 I have always been very proud of my city. I want New
3 York to be leading the nation when it comes to
4 keeping all of its citizens safe and holding the
5 police accountable. And right now, I am profoundly
6 embarrassed and ashamed of the lack of accountability
7 and what officer Panteleo was allowed to get away
8 with and what his colleagues have been allowed to get
9 away with.

10 So, what are the concrete things that
11 this Commission can do? One is enable the CCRB to
12 determine discipline in cases that they prosecute by
13 the Administrative Prosecution unit. We can expand
14 the CCRB's authority to prosecute other related
15 misconduct such as lying in official reports, false
16 statements and failure to follow body worn camera
17 protocols and other protocols instead of referring
18 these finding to the Internal Affairs Bureau.

19 We can expand the CCRB's authority to
20 explicitly include school safety agents and other
21 Peace Officers. We can require that when the
22 Commissioner deviates on CCRB findings, that
23 Commissioner has to say why and give a reason that is
24 public. And as Emma stated, we need fiscal
25 transparency and expanded City Council oversight on

1
2 the NYPD budget and that includes amending the
3 procurement process, so that it would require
4 transparency equity impact statements public input
5 and opportunity for council veto prior to purchases
6 of surveillance equipment, software and technology
7 and other major purchases such as new weapons and
8 military grade equipment. We can require the NYPD to
9 report private sources of income and we can just
10 require more detailed units of appropriation in the
11 NYPD budget. If you have ever tried to look through
12 it as I have it is pretty impenetrable and opaque. I
13 will leave it there. Thank you.

14 CHAIRPERSON GAIL BENJAMIN: I am sorry,
15 he was just asking me your organizations name again.

16 LEO FERGUSON: Jews for Racial and
17 Economic Justice, Community United for Police Reform.

18 CHAIRPERSON GAIL BENJAMIN: Sal.

19 SAL ALBANESE: Good evening. I'd like to
20 commend the Green Party for their enlightened
21 positions on Ranked-Choice Voting and for democracy
22 vouchers, I think both are essential to fixing our
23 broken political system and I would like to say that
24 Mr. Lane, I've watched you at a couple of forum and
25 your performance was excellent and I was disappointed

1
2 you were not included in any debates or even mention
3 in some of the papers, because you did have a lot to
4 contribute and you had a lot of depth to your
5 presentation and the issues that you raised.

6 I wanted to ask either one of you, how do
7 you feel about the redistricting process, if you have
8 any recommendations or suggestions around that
9 process?

10 CHAIRPERSON GAIL BENJAMIN: We need you
11 to speak into the microphone.

12 JAMES LANE: So, sorry. I have always
13 been more of a fan of redistricting that makes sense
14 geographically with areas, such for example, like
15 looking at zip codes that make sense. Redistricting
16 as it is now, we know it is completely gerrymandered
17 based on the number of voters in a certain district.
18 It is just ridiculous, but if there is a
19 redistricting that is in support of neighboring zip
20 codes, or something that makes sense geographically,
21 than I am always more for that kind of solution.

22 CANDACE CARPENTOR: A would add to that
23 that another platform or plank of the Green Party is
24 proportional representation and that helps dissipate
25 the problem with districting and redistricting

1
2 particularly if you use a split system where half of
3 the delegates come from their districts and the other
4 half are at large. And so, the power of
5 redistricting loses its impact. And so, I think that
6 that's one way around this constant gerrymandering
7 that we do with the districts.

8 SAL ALBANESE: Did you have a
9 conversation with Frank Murano about this?

10 CANDACE CARPENTOR: Laughter.

11 CHAIRPERSON GAIL BENJAMIN: Any other
12 questions? Mr. Fiala.

13 STEPHEN FIALA: Thank you. Mr. Lane, Ms.
14 Alabaster, I am sorry, I don't have my glasses on.
15 Mr. Lane and Ms. Carpentor with an O. You have heard
16 the debate about Ranked-Choice Voting. The issue
17 that seems to really be up in the air is the number.
18 Do either of you have an opinion on how many
19 candidates a voter should be able to rank? Should
20 there be a fixed number? We've been all over the map
21 with respect to the testimony we've heard on this.
22 And then I have a question for Mr. Murano.

23 CANDACE CARPENTOR: I am fairly confident
24 the Green Party position is that there need not be a
25 number. People are not required to rank 14 if there

1
2 are 14, they can rank as many as they want to rank
3 and if they only are happy with five, or feel
4 comfortable with five, they only have to rank that
5 many and we do that all the time in the voting booth
6 anyway right. If you don't know a candidate, you
7 don't necessarily pull the lever. So, Green Party's
8 position is there should not be a limit on the number
9 of people who are in the ballot.

10 JAMES LANE: That is exactly right. I
11 mean right now, we use a Ranked-Choice voting system
12 where we are doing All Star games and you wouldn't
13 vote for someone that is a crummy right, so you pick
14 for the candidates that you truly support and like as
15 Candace mentioned, we use it in all of our county
16 organizations statewide, nationally, locally and we
17 have never had any problems with that.

18 STEPHEN FIALA: Thank you and to Mr.
19 Murano, thank you for this voluminous document.

20 FRANK MURANO: Thank you.

21 STEPHEN FIALA: That completes with our
22 own. This is your opportunity for a strong close.
23 We have heard a lot from you.

24 CHAIRPERSON GAIL BENJAMIN: We actually
25 have one more person after this panel.

1
2 STEPHEN FIALA: Oh, if there is one issue
3 and one issue alone that you think is paramount for
4 this year to be placed before the voters. You've
5 read the report, you've dissected the staff report,
6 you have participated in every hearing. So, you
7 clearly know what we've been entertaining. What will
8 that issue be and why?

9 FRANK MURANO: Well, I think so many of
10 the areas in the City Charter, this is the problem
11 with the document that is not just a barebone sketch
12 of government but actually has a pretty detailed plan
13 for how almost every city agency functions. There is
14 so many different things and that's why I have
15 suggested doing a perpetual Charter Revision Council
16 to continue looking at it. But if I had to pick one,
17 it would be the areas related to electoral reform
18 because whether you are talking the budget, whether
19 you are talking the land use process, whether you are
20 talking governance, whether you are talking police
21 accountability, ultimately it all comes down to our
22 elected officials. And if our elected officials are
23 people that are beholden to special interests and
24 campaign bundlers and non-independent redistricting
25 commission, than the whole system is corrupted. You

1
2 are not going to get a sound budget unless you get
3 elected officials that are truly representative of
4 the public. You are not going to get real police
5 accountability if you get a CCRB that's elected by
6 the very same special interests that control the
7 current elections for every other office.

8 So, electoral reform in all the areas
9 that it takes, whether it's proportional
10 representation, democracy vouchers, nonpartisan
11 elections, reforming the special election timing
12 process or Ranked-Choice Voting; which I commend the
13 Commission for considering it and being so bold. No
14 other Commission over the last 17 years has even come
15 close to touching upon an issue like that.

16 Electoral reform is the key to everything
17 else and more importantly it gives us the key, the
18 voters to fix the system for our self and not come
19 begging hat in hand to you guys next time you are
20 convened in the hopes that you have the answers to
21 all our problems because you don't, nobody does.

22 The only people that can solve the
23 problems of the body politic are the voters
24 themselves. You can give us that opportunity to
25 solve those problems.

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STEPHEN FIALA: Thank you.

CHAIRPERSON GAIL BENJAMIN: I'd like to thank the panel. Thank you. And our last two speakers are Matt Braylow[SP?] and Patricia Okoumou.

MATT BRAYLOW: Okay, hi, I feel like standing. My name is Matt, I am just a concerned resident here in New York. I have been here over 20 years and I went to the Manhattan meeting, but I didn't get a chance to speak because other people were speaking way over time and I had other responsibilities. But I wanted to share quickly just a few things that came up to me as far as possible ways forward New York, where more people can live here with dignity. With respect and balance in harmony with the earth, with life and to be creators and promoters of life rather than death and needless senseless suffering.

So, first of all, I think maybe possibly the words that we use like Charter and all these banks and the corporations, these are really corrupt entities as we probably all know by now and maybe we want to rethink even the whole City Charter to begin with and maybe start fresh with something new and even call it something different, I don't know. But

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2 we must have the ability as New Yorkers to be able to
3 quickly vote on this type of thing. You know, there
4 is about 50 people here and really this important
5 matter should involve way more people in my opinion.
6 So, if we had a way to engage people where people
7 wanted to you know, submit ideas and submissions,
8 maybe this process should continue, and this
9 testimony should be opened up for the public to view
10 if people want to do that.

11 But possibly change the name of the City
12 Charter to something else and maybe even throw it
13 out, I don't know. But I possibly was thinking
14 something that reflects more of the law of the land,
15 common law, natural law, flesh and blood human beings
16 rather than corporate fictions or robots or manmade
17 objects. To possibly have it reflect the New York
18 City people's platform. A vision for human, animal,
19 earth dignity, mutual respect and a promotion of non
20 psycho sadistic morally empty people getting away
21 with seemingly endless crime and mass human
22 manipulation causing unnecessary suffering and danger
23 to the vast majority of New Yorkers. Should be
24 grounded and indicated by common law and natural law
25 in an attempt for us to have balance and harmony with

1
2 the planet and cosmos friends, family and don't
3 forget ourselves to be able to live life in New York
4 City with as much dignity and personal collective
5 responsibility as possible. Why call the City
6 Charter - okay, I am getting redundant, but the major
7 thing that I wanted to suggest, is the ability for
8 people to recall any public official to quickly come
9 to a voting mechanism for both ideas and also for any
10 major issue to inform the public, use enough money to
11 promote and inform the public about what all the
12 issues are about a particular vote and then be able
13 to quickly come together and vote on that and get
14 mass input, make it easy inclusive.

15 So, I am for any method that works, like
16 Ranked-Choice voting or anything. If you would like
17 to know more about what I am doing, I have a hashtag
18 best ideas number four NYC. I also have a website,
19 we share, it points to a blog, I own the domain.
20 Weshare.nyc and my name is Matt Braylow.

21 I got a gazillion recommendation.

22 CHAIRPERSON GAIL BENJAMIN: Well, you get
23 the same three minutes as everyone has. Thank you.

24 Ms. Okoumou, would you say it for me, so
25 I can get it right?

1
2 PATRICIA OKOUMOU: Okoumou. Hi everyone.
3 My name is Patricia Okoumou. I am the woman who
4 climbed the Statue of Liberty. Thank you. I
5 testified over the summer and today I really didn't
6 want to testify because I am hurt, and I am upset
7 about the panel and the way you are disregarding our
8 demands. The way you are not listening and when I
9 spoke the last time, I was certain that I did not
10 trust in the system. I remember that much, and I
11 still do not trust in you and the system. You are
12 not listening to the civilians. You are not
13 listening to the people.

14 In 2014, when Eric Gardner was murdered
15 by Officer Panteleo, I had an experience in that area
16 of Staten Island. Not too far from base three and
17 victory. I live on Saint George and I have lived in
18 this country for over two decades coming from the
19 Republic of the Congo and we are here talking about
20 police violence and I am testifying which is weird
21 because we shouldn't be having this problem of police
22 murdering our people, but we do.

23 I had an encounter in 2009 with the NYPD
24 in which at least eight or twelve police officers
25 were yanking me out of my Camaro because KFC had a

1
2 truck driver who would go around and just take
3 people's cars. That was the business, but I did
4 complain to the CCRB and it went to deaf ears.

5 So, I am here to ask you to pay attention
6 please and elect a civil complaint review board
7 because we do need someone in our own community that
8 can hear our problems and will present us an advocate
9 for our needs. Some of us wouldn't do that unless
10 they come within our community and they represent us.

11 In 2016, I had an encounter in which you
12 can look online, where again officers over some
13 biased approach, someone had called the police on me
14 for no apparent reason. One of those incidents
15 that's called unconscious bias because that's what
16 happened to us. When the police are called, they
17 discriminate against us because of our color and they
18 make bad judgements against us because of our color.

19 But I am proud in that incident, again,
20 involving several police officers and I had to be
21 sedated, I broke an officers collarbone and I wish we
22 could do more of that. Break their collarbones,
23 fight back, I don't know, physically if we have to
24 because you guys aren't listening. You are on the
25 other end where you are benefiting for a system that

1
2 oppress the marginalized community and there's come a
3 time where we sometimes have to fight back. You know
4 why? When I climbed the Statue of Liberty on the
5 Fourth of July - I need more time please, I won't be
6 to long. I went to a trial on December 17th in which
7 the judge found me guilty on all three counts of
8 federal misdemeanors trespassing, disorderly conduct
9 and interference with government function and guess
10 what? On March 19, I face my sentence of five years'
11 probation and 200 hours of community service. But we
12 are here after four years is it, talking about
13 Officer Panteleo, still not facing the chargers for
14 murdering Eric Gardner. This is insane. This is
15 crazy and because of this trauma he lost his
16 daughter. We are traumatizing the community and you
17 are not listening. You need to be listening to us
18 and you need to stop being stubborn because one of
19 these days we will fight back, and we may fight back
20 physically. Thank you.

21 CHAIRPERSON GAIL BENJAMIN: Thank you.

22 Are there any questions? You were our last two
23 speakers. I thank you very much.

24 SPEAKERS: Thank you.

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2 CHAIRPERSON GAIL BENJAMIN: I would like
3 to thank everyone for attending and being part of
4 this important process both today and at all of our
5 borough hearings. As a reminder, we will also accept
6 written testimony via email until May 24th. Our
7 email address as I said before is
8 info@charter2019.nyc. The Commission will next meet
9 in June to discuss and vote on proposals that would
10 advance to the ballot in November. Please keep an
11 eye on our website and social media accounts for up
12 to date information and specific dates.

13 Now, as I mentioned earlier, we will open
14 the floor to discussion among the Commissioners.
15 Commissioners, please be as concise as possible with
16 your comments and respectful of everyone's time. I
17 look forward to this being an important and
18 productive opportunity to talk through the many
19 issues raised in both the staff report and by the
20 public this evening.

21 With that, we will begin. I see Jim, you
22 were the first out of the box.

23 JIM CARAS: Thank you. Is this on? I
24 just wanted to say a few words about my views on
25 police accountability and the CCRB and to thank all

1
2 the people who have showed up to talk about this
3 throughout all our hearings. I came to this
4 commission supporting meaningful reforms to the CCRB
5 and I have also read all the materials and memos from
6 the advocates who have uniformly testified that it is
7 totally clear that we have the authority to take
8 police discipline away from the police commissioner.

9 I respect the advocates who have appeared
10 before us, who have worked on this so hard. I concur
11 with their goals, but and now I am going to speak for
12 myself as one single commissioner who is also a
13 lawyer. I think their legal analysis overlooks some
14 critical and complicated points. The whole issue of
15 police discipline is sort of a very complicated
16 coming together of city and state laws in very
17 complicated manners and in one particular regard,
18 there are a number of issue, but the state civil
19 service law says the default for determining the
20 terms of employment is collectively bargaining
21 including discipline.

22 There is a provision of the state civil
23 service law that says discipline is not a subject of
24 collective bargaining if there was a city law in
25 effect before the state civil service law was passed.

1
2 New York City has that. We have the City
3 Charter provision and the Administrative code
4 provisions that you all have referred to that was in
5 effect before the state civil service law, but there
6 is only one problem with that, if there is a risk, a
7 real risk that if we change that law, we will no
8 longer be grandfathered. And that means that the
9 civil service law will kick in and police discipline
10 not only won't be a matter left to the police
11 commissioner, it will be a matter left to the PBA and
12 everyone of their contract negotiations.

13 So, I know staff is working really hard
14 on this issue. I know they are doing a lot of work
15 on this. We are listening to you, but it is also our
16 job to look at these kinds of risks of what could
17 happen if we propose something on the ballot that is
18 not on solid legal footing.

19 So, I just wanted to sort of put that out
20 there for my perspective of having looked at these
21 cases on my own and read your materials. And the
22 other thing I wanted to say because I think everyone
23 should have as much information as possible when we
24 start working on making decisions. I have made a lot
25 about spreading, sort of sharing a little bit

1
2 broader, the accountability of the law department and
3 I still believe that, but I just wanted to sort of
4 finish up on a story. I had given the Law Department
5 a hypothetical when they were up here about a borough
6 president wanting to sue on NYCHA infill and not
7 being able to. Our office reached out to the Law
8 Department and we have hired Conflicts Council and
9 the Law Department is footing the bill and we sued
10 the Mayor and NYCHA on NYCHA infill.

11 So, it doesn't change my position, that
12 there still needs to be more spread accountability,
13 but I just wanted the Commissioners to know that.

14 CHAIRPERSON GAIL BENJAMIN: Thank you
15 Carl.

16 CARL WEISBROD: Thank you Madam Chair. I
17 recognize this is the last of ten public hearings and
18 I think an additional at least four or five public
19 sessions with expert witnesses and so, this is an
20 appropriate moment to thank you Madam Chair and the
21 staff for conducting these hearings in a fair, open
22 and extremely confident fashion. So, I do want the
23 staff and you to know that I think on behalf of all
24 of us, we really appreciate the way you've managed
25 these hearings.

1
2 And I do think the public has had an
3 ability to express their views on a variety of issues
4 and as we've heard tonight and as we've heard
5 throughout these past hearings and I think we are all
6 better informed because of it.

7 I do want to take this opportunity also,
8 at the last hearing in Manhattan, there was testimony
9 regarding the City Planning Commission and a
10 statement that somehow six, as I recall, I haven't
11 reviewed the video tape, but my recollection is the
12 testimony was that six members of the Planning
13 Commission were in fact real estate developers and an
14 additional three were in the pocket of the real
15 estate industry and an additional three were
16 lobbyist's to the real estate industry and that
17 testimony was simply incorrect and I distributed to
18 all of the commissioners including you Madam Chair
19 and to the staff the profiles of in fact all 13
20 current members of the planning commission. Seven
21 appointed by the Mayor and one each by the Borough
22 Presidents and the Public Advocate demonstrating that
23 that clearly is not the case and in fact that of the
24 current Planning Commission, at least three, have
25 extensive experience as members or Chairs of

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2 Community Boards, or as Chairs of major communities
3 of Community Boards. At least four are heads of
4 community-based organization and at least five are
5 architects or planners with advanced degrees in City
6 Planning which I think is a broad reflection of what
7 a planning commission should be.

8 So, I would ask that the email that I
9 don't want to recite here, my entire email just
10 profiling the current members of the commission, but
11 I would ask that the email that I sent to everybody
12 be reflected in the record. Thank you.

13 CHAIRPERSON GAIL BENJAMIN: And we will
14 certainly do that. Is there any - okay, despite as
15 you I know have been told, we have closed the public
16 hearing, but we are going to allow you.

17 No, no applause folks, just thank you and
18 if you could fill out a speaker slip before you leave
19 and if you could tell us your name again.

20 JAY ARENA: Again, thank you for allowing
21 me to address this Commission. My name is Jay Arena,
22 I am an Associate Professor of Sociology here at the
23 college of Staten Island, City University of New
24 York.

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2 And I want to speak in favor of changing
3 the City Charter to have an elected Civilian Review
4 Board for the police with prosecutorial powers and
5 investigative powers. This is a very important issue
6 for our community here and for my own teaching.

7 I began here in 2008 and you know, with
8 our teaching, the budget is being slashed, the wages
9 are two tier system is expanding. There are a number
10 of tacks going on here that effects our teaching but
11 also, what happens beyond the walls permeates into
12 our classroom.

13 So, when my students are facing eviction
14 from ski rocketing, gentrification going on in New
15 York, that permeates into my classroom. Also, when
16 my student are being jacked up by the police
17 regularly, that permeates into my classroom. When we
18 have here – we are now holding a hearing, the police
19 are holding a hearing on the murder by Daniel
20 Panteleo of Eric Garner right here on Staten Island,
21 that affected us. But also, right here on this
22 campus, in November of 2011, yards away from where we
23 are gathered today, a long-time cafeteria worker,
24 African American cafeteria worker, who had come, he
25 was not even scheduled to work, he came in special.

1
2 And there was an engagement with the police, he was
3 in the lavatory before he went to work. The police
4 are not even supposed to, under agreements with the
5 police department in CUNY, they are not even supposed
6 to be on the campus. There was an engagement and
7 Cory Holmes ended up dead and nothing has happened.
8 You know, at least with Eric Garner, there has been
9 some kind of you know, attention brought to the case.
10 No justice, but there was attention brought to the
11 case. But in the case of Cory Holmes, it was just
12 brushed underneath the rug. And that is still an
13 open wound here at the college of Staten Island. As
14 co-workers, we had a small memorial made for him that
15 was taken down.

16 But if we at least had some kind of
17 review board to investigate this killing. This
18 killing, there is nothing, nothing happened at all.
19 And this happens just all too often here in the City.
20 And so, as a Professor here, for my students, who are
21 gathered here, right and this is an important issue
22 of justice and of power. We deal in sociology with
23 power. We've got organized money; we've got a lot of
24 that in New York and very closely connected to that
25 is the organized corrosive force. And we need to

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2 control the corrosive force that is being unleashed
3 by the New York City Police Department on a daily
4 basis. The Garner case gets a lot of attention and
5 it should, but on a daily basis, short of murder, my
6 students are on the receiving end of that. And it
7 comes into the classroom and it needs to end, and I
8 don't see the Civilian Review Board as being the
9 magic bullet, but it would be a step in the right
10 direction.

11 So, I encourage you on behalf of my
12 fellow co-workers here at CUNY on behalf of my fellow
13 students who are dealing with many obstacles to
14 getting their degree. But one of them is police
15 terror and it needs to end. So, thank you and again,
16 thank you for allowing me to speak.

17 CHAIRPERSON GAIL BENJAMIN: Thank you
18 Professor Arena.

19 With that I am closing the public hearing
20 again and is there any other member, Sal.

21 SAL ALBANESE: I also want to commend the
22 Chair for the way these hearing have been conducted.
23 Thank the public for coming out and thank my fellow
24 Commissioner. I look forward to reading your email
25 Carl about the City Planning Commission, I haven't

1
2 read it yet. I just want to once again beat the drum
3 that we need to really focus on elections and
4 governance as one of the major objectives of Charter
5 reform because it was mentioned by many speakers.
6 Everything flows from the way the government is
7 organized. And if we can make a major difference in
8 our democracy in New York City, we would have had a
9 real impact. I am heartened by the fact that we're
10 looking at Ranked-Choice Voting, I think that will
11 open up the process. I think we need to be bolder on
12 Campaign Finance Reform. I am of the position as I
13 have said repeatedly that the matching system is
14 really not doing much for the public and for benefits
15 political insiders.

16 I think there is a better system and it's
17 growing in popularity by leaps and bounds. As I
18 pointed out Senator Gillibrand just proposed
19 democracy vouchers in a national level and although
20 the staff said that they were concerned about the
21 fact that the City Council can do this by local law,
22 I have pointed out repeatedly that legislatures
23 generally do not propose open up the system where
24 competition becomes more prevalent. So, I think we
25 have a responsibility as a Charter Commission to look

1
2 closely at democracy vouchers and I am hoping to
3 advance that as we go along. Once again, I am
4 disappointed. We didn't consider open primaries and
5 nonpartisan elections, but we have the opportunity to
6 look at democracy voucher. Also, lobbying reform is
7 another issue we need to explore and consider for
8 placing it on the ballot.

9 Redistricting is another area that I
10 think is open for more of bolder action on the part
11 of the commission and I think the public will be
12 responsive to that. I am happy to hear that we are
13 getting more feedback from general public for
14 amenities that were not part of the testimony and I
15 know several of us will be going out speaking to the
16 public about this. And when talk to them about these
17 issues, they do get excited and hopefully over the
18 next couple of weeks, we the Commissioners will share
19 our views and our proposals and come to come
20 consensus that will make the city a much more
21 democratic city because as pointed out, what we do in
22 New York City has a ripple affect across America.

23 And if we can open this system up more,
24 it will also help other cities and the states across
25 the country.

1
2 So, once again, it's been great working
3 with you guys. I look forward to the next couple
4 sessions.

5 CHAIRPERSON GAIL BENJAMIN: Thank you.
6 Oh, I am sorry, I didn't see you Paula.

7 PAULA GAVIN: Thank you very much. I
8 wanted to echo the compliments and the thanks to
9 everyone. I have a couple things I want to say for
10 the next report. I want to be sure that we
11 demonstrate that we have listened. And that when we
12 report on our next set of recommendations that we
13 speak to the issues we've heard repeatedly. I just
14 think its important that we demonstrate what I know
15 is happening and that's that we are listening, and we
16 do care.

17 So, that is number one. Number two, I
18 know we are all going to get another opportunity to
19 respond before we go to the vote on June 12th. So, I
20 am looking forward to that and the one area that I am
21 excited about that I think is going to take a real
22 yeoman's job to figure out is the integrated planning
23 that we've been speaking to.

24 So, I am really excited that that can
25 have some really big impact on our future. So, just

1
2 to summarize, I want our next report to demonstrate
3 that we've listened and that we are responding to
4 what we think are the right actions to take.

5 I want to be sure that we get a chance to
6 have feedback once more, which I know is the plan,
7 and finally, that we address integrative planning.
8 So, thank you.

9 CHAIRPERSON GAIL BENJAMIN: Thank you
10 Paula, have I missed anyone else? And I would like
11 to assure everyone who has taken their time to come
12 here that we are listening. I know that you feel
13 that because we are not responding sometimes, that we
14 are not listening, but we have been listening and
15 we've been talking to try and understand what the
16 limits of what we can do. I certainly would like to
17 be associated with the comments of Jim Caras that for
18 those of you who are looking at an ECRB, I understand
19 why you are looking for an ECRB. However, as Jim
20 stated, I have concerns about whether that is the
21 best way for us to go about recommending to the
22 public that we increase accountability, which is the
23 goal.

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2 I'll stop there but I did not want people
3 to think that no one is listening to you, we are.
4 Steve.

5 STEPHEN FIALA: Thank you Madam Chair. I
6 think that's an important statement to make and the
7 frustrating part about sitting on a body like this,
8 you hear people's legitimate concerns and you see
9 their heartfelt feelings played out in front of you
10 and you know, if you had a magic wand, you would like
11 to help everybody. We have to wrestle with so many
12 different parts of this puzzle and Commissioner Caras
13 alluded to a very big part. We are having
14 discussions about this. There are very serious
15 differences of opinion with respect to the legal
16 impediments that exist, notwithstanding what the
17 very eloquent folks who have testified repeatedly
18 throughout these hearings. Notwithstanding that,
19 but I join you in saying we have listened, and we are
20 not done, but I share the sentiments.

21 I'd like to just use my opportunity to
22 thank you for your leadership. You have been a model
23 of what a Chairperson should be like. You have been
24 fair to the public. We have not denied anyone the
25 right to speak, to be heard. You have been generous

1
2 to us and I want to thank you for your leadership,
3 and I thank all of my colleagues on this board. I
4 have enjoyed interfacing as you have with the public,
5 but I have really enjoyed getting to know each of you
6 more and what I've learned from you as individuals in
7 our private discussions is immense. It has really
8 helped to shape my own thoughts.

9 There are two areas that I'd like to make
10 a pitch for. As I said, this is the eight Charter
11 Revision Commission since the 89 Charter had been
12 adopted. I think this is a Charter Revision
13 Commission that can actually achieve the most
14 substantial level of reform since that time. And
15 that's really exciting. I was skeptical in the
16 beginning and I grew more and more comfortable and
17 confident as we went about our business. The staff
18 has done a great job and I want to thank them. And I
19 want to especially thank the public, I forgot to do
20 that for coming out.

21 Many of them sat with us until 12 in the
22 morning and 1 in the morning and we thank you. Now,
23 we get to do this. [Applause].

24

25

1
2 But I really do appreciate them coming
3 out and really educating us and speaking honestly
4 about their concerns.

5 So, my two areas, I've tried for 22 years
6 to advance a few issues. The twin pillars for me and
7 not to suggest that anything in the staff report
8 isn't what I could support. There is a lot that I
9 don't support and a lot that I do. But there are two
10 areas that I have spoken about extensively in the
11 last two decades and in my two previous Charter
12 Revision Commission and the five that I wasn't on,
13 but I testified. So, I share the frustration.

14 CHAIRPERSON GAIL BENJAMIN: Were you the
15 Frank Murano?

16 STEPHEN FIALA: No, I've never been the
17 Frank Murano. I was a show up once and done. Our
18 job, as I said when we started this endeavor a year
19 ago, we're civic surgeons and I use that analogy
20 because I think it is most appropriate. We are
21 supposed to take a scalpel, not an axe. We take an
22 axe to this document and we can really do severe
23 damage, and this is a complex city. Eight plus
24 million people, 300 square miles or thereabouts
25 spread out over five boroughs.

1
2 So, we take a scalpel not an axe. Our
3 dilemma as I've also said repeatedly, I am a broken
4 record, is that we have the Goldilocks dilemma. We
5 got to find it just right, it can't be too hot, it
6 can't be too cold. We've got to find it just right
7 and a scalpel helps us do that.

8 Two areas where I think the 89 Charter
9 didn't get it necessarily wrong intentionally but did
10 not give enough thought to and they acknowledge it.
11 They acknowledge it.

12 I just want to read you with respect to
13 boroughs, this is from the Chairman Schwartz of the
14 89 Commission. The overall thrust of the Charter
15 Revision is not to diminish the role of Borough
16 Presidents or the voice, but to give them a new
17 executive function within their boroughs. Functions
18 which will enable them to and this is the important
19 part, this was the goal of that Charter, initiate
20 proposals, require them to make fiscal land use and
21 service delivery choices and compel public
22 deliberation and discussion about their decisions and
23 their initiatives. September 1989, Fritz Schwartz.

24 Eric Lane, Dr. Musio[SP?] and others have
25 all testified that they think they fell short of that

1
2 mark. Here is where we are at. We empower the
3 borough presidents and I will use this one example.
4 Borough presidents are empowered to propose a budget.
5 That's one of the powers they are given as a counter
6 to the Mayor's proposal.

7 Another section of the Charter says, but
8 if they propose X, they have to take away X from the
9 Mayor's side. In other words, they have to do equal
10 offsets. Sounds good so far. That adds up, oh but
11 wait, you get to another section of the Charter and
12 you find out, but they can't do that because the
13 Borough President can't get those numbers. If I have
14 a \$100 million in proposals, I have to find \$100
15 million to cut from the Mayors proposal in my
16 borough. The problem is the section that relates to
17 departmental estimates do not break down the numbers
18 by boroughs. So, the borough president, that
19 person's position and authority is severely
20 compromised and undermined.

21 So, if we could fix that, we would
22 empower the Borough Presidents voice to I think have
23 that meaningful role in public deliberation and
24 decision making without as Dr. Musio and Executive
25 Director Lane said, that wouldn't undermine the

1
2 authority of the principal players, the Council and
3 the Mayor. That's my first one, Borough Empowerment.

4 1902 is when Brooklyn, the Brooklyn
5 Alderman rebelled after 1898 when we got together and
6 the Brooklyn Alderman said, oh, Manhattan is too
7 powerful. So, they made some changes. We have been
8 fighting for a 100 years on this. I'd love for us to
9 get something done there, that would be really,
10 really substantial.

11 And the second thing and my baby, is this
12 notion of a rainy-day fund. I have said you know
13 that a government that robs Peter to pay Paul, always
14 has the cooperation of Paul. We're a quarter
15 trillion dollars in long-term debt. In an age of
16 terminance, no one is thinking about 3 years from
17 now, let alone 30. In 1989, the joke on the Charter
18 Revision Commission was this. The short-term is this
19 afternoons post. That's when we had a morning post
20 and an afternoon post.

21 The long-term is tomorrow morning times.
22 It's only gotten worse. In the aftermath of 911, if
23 we had had a true rainy-day fund, a true revenue
24 stabilization fund, we would not have had to
25 refinance the bonds for another 30 years, extend the

1
2 financial emergency act, cut services dramatically
3 and increase taxes. We could have dipped into that
4 rainy-day fund and stabilized the ship to weather the
5 storm. That's the responsible thing to do. That's
6 the morally right thing to do to future generations.
7 It's been discussed and debated for 30 years. I would
8 love it Madam Chair if we could do something about
9 it.

10 So, I will wait until the next meeting to
11 bore you all with more thoughts, but those are the
12 two areas that I have been pleading about and I hope
13 that a majority of you will find it acceptable and
14 that we do something in those areas as well. Thank
15 you so much.

16 CHAIRPERSON GAIL BENJAMIN: Thank you,
17 are there any other speakers. Than may I have a
18 motion to adjourn? Second, good. Discussion? All
19 those in favor?

20 Commissioners: Aye.

21 CHAIRPERSON GAIL BENJAMIN: Opposed?

22 The motion carries. The meeting is
23 adjourned, and the business of todays meeting has
24 concluded. While you are welcome, and we hope you
25 take the written materials with you. Please remember

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to leave your blue folders and your name cards, so
that we can recycle them and use them at the next
hearing. Thank you very much everyone.

C E R T I F I C A T E

Worldwide 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 April 22, 2019