

CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

NYC CHARTER REVISION COMMISSION

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June 18, 2019  
Start: 6:16 p.m.  
Recess: 10:22 p.m.

HELD AT: Council Chambers - City Hall

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  
Lindsay Greene  
Alison Hirsh  
Rev. Clinton Miller  
Sateesh Nori  
Dr. Merryl Tisch  
James Vacca  
Carl Weisbrod

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

2 [sound check] [pause] [gavel]

3 CHAIRPERSON BENJAMIN: Good evening and  
4 welcome to tonight's public meeting of the 2019 New  
5 York City Charter Revision Commission. I'm Gail  
6 Benjamin, the Chair of the Commission. I'm joined by  
7 the following Commissioner members: Commissioner  
8 Albanese, Commissioner Lilliam Barrios-Paoli,  
9 Commissioner Camilo, Commissioner Caras, Commissioner  
10 Cordero, Commissioner Fiala, Commissioner Gavin,  
11 Commissioner Greene, Commissioner Hirsh,  
12 Commissioner, Nori and Commissioner Weisbrod. With  
13 these Commissioners present, we have a quorum.  
14 Before we begin, I will entertain a motion to adopt  
15 the minutes of Commission's meeting held on June 12<sup>th</sup>  
16 here at City Hall, a copy of which has been provided  
17 to our Commissioners. Do I hear a motion? A

18 COMMISSIONER: Motion.

19 CHAIRPERSON BENJAMIN: Second?

20 COMMISSIONER: Second.

21 CHAIRPERSON BENJAMIN: Discussion? All  
22 in favor?

23 COMMISSIONERS: [in unison] Aye.

24 CHAIRPERSON BENJAMIN: Opposed? The  
25 motion carries. Last week we discussed, debated and

2 voted on many proposals for Charter changes to put  
3 people with the voters in November, but we did not  
4 get to everything, and that is what brings us back  
5 this evening. To the members of the public who have  
6 joined us, while we know you may have very strong  
7 feelings about some of the items that we discussed, I  
8 want to run an orderly meeting, and so I will ask  
9 that you please refrain from any cheering, jeering,  
10 or verbal comments, and instead indicate your  
11 agreement or disagreement as I've before, using jazz  
12 hands or reverse jazz hands. With that, let's begin  
13 with the two items that we sent back to staff last  
14 week for further refinement, which were--the two  
15 items were [pause] Revised Budget Proposal 8, which  
16 is the guaranteed CCRB Budget, and Revised Proposal  
17 No. 16, which was the guaranteed budgets for the  
18 Public Advocate and borough presidents. The language  
19 that is proposed now would require that the CCRB  
20 Personnel Budget be no less than 3% of the Personnel  
21 Budget for the New York City department--Parks  
22 Department unless the Mayor makes a written  
23 determination of fiscal necessity setting forth in  
24 detail (1) The basis for that determination, and (2)  
25 that the proposed reduction to the CCRB Personnel

2 Budget is part of an overall plan to address a  
3 downturn in city revenues of unforeseen financial  
4 circumstances. Oh, I'm sorry. I'm told I said 3%  
5 instead of .3%. If you would like to give CCRB 3%,  
6 I'm sure they would be thrilled, but I think they'd  
7 have no way to spend that amount of money. I would  
8 also ask if everyone could turn off their phones or  
9 put them on airplane mode, that would be helpful, and  
10 I will actually do the same to mine. Is there any  
11 discussion?

12 COMMISSIONER GREENE: I would like to  
13 sort of reopen, and I guess propose an updated  
14 version of the PPM that I proposed last week, which  
15 at a high level was to instead of paying CCRB's  
16 budget to the overall NYPD Personnel Budget, I would  
17 propose to peg CCRB's Personnel Budget to—as a ratio  
18 of people to people for CCRB's people to the NYPD's  
19 uniformed officers, and the—the reason for that is  
20 that the total PD Personnel Budget includes officers,  
21 not officers but—but Police Department employees that  
22 have nothing to do with CCRB's General Mandates.  
23 That includes crossing guards, Traffic Enforcement  
24 Agents, 911 Call Center operators. The—the—how we  
25 fluctuate those evident in administration is just not

2 germane to the work of CCRB. Whereas, the number of  
3 uniformed police officers actually is. So--so that's  
4 sort of the high levels for changing the calculation  
5 I wanted to propose, and in terms of the specific  
6 ratio, I want to--to have that ratio be .61% and that--  
7 that's a very specific number, but what that derives  
8 from is essentially to say CCRB's current personnel  
9 is I think 195, which is I think .54%, which was I  
10 think the Amendment I proposed before, and I'm  
11 proposing an increase to that Amendment to reflect  
12 levels of people they had indicated is what they feel  
13 like adequate staffing currently. So, instead of  
14 being the 195 or so, it would be I think 219 or  
15 something like that. So, the ratio would actually be  
16 .6 of the NYPD uninformed officers.

17 CHAIRPERSON BENJAMIN: Okay, hold on.  
18 We're joined by Commissioner Jimmy Vacca. Thank you.  
19 Jimmy, would you like to vote on the adoption of the  
20 minutes from the meeting last week.

21 COMMISSIONER VACCA: Yes, thank you. I  
22 vote yes. I'm sorry I'm--

23 CHAIRPERSON BENJAMIN: Thank you.

24 COMMISSIONER VACCA: --I'm sorry I'm  
25 late, but the rain. Thank you.

2 CHAIRPERSON BENJAMIN: Okay, can I ask a  
3 question, Lindsay?

4 COMMISSIONER GREENE: Yes.

5 CHAIRPERSON BENJAMIN: Is—am I to  
6 understand that the .61 that you are proposing  
7 represents the 2020 Executive Mayor's Budget?

8 COMMISSIONER GREENE: No, the—the .5 was  
9 the 2020 Executive Budget ratio. That reflects  
10 CCRB's current headcount as of the Executive Budget.  
11 I am aware that CCRB has been advocating for more  
12 staff count, and it's the fundamental plan. So this  
13 is to try to resource them more effectively, the .6  
14 corresponds the level that they feel like they would  
15 need now to be adequately resourced. So, it's an  
16 increase over what they have.

17 CHAIRPERSON BENJAMIN: It's an increase  
18 over the budget that is going to be adopted shortly?

19 COMMISSIONER GREENE: I don't—I'm not  
20 familiar with the intimate details of what their  
21 headcount may be in the Adopted Budget, but it—it—  
22 I'm—I'm just going based on what's reflected in the  
23 Executive Budget, .54, which was the previous ratio I  
24 proposed correspond to their current headcount at-at

2 195. .6 corresponds to a headcount of 219. So, it's  
3 an increase over that.

4 CHAIRPERSON BENJAMIN: And that is—it's  
5 my understanding that is their—the budget that is now  
6 in the budget that is to be adopted shortly by the--?

7 COMMISSIONER GREENE: I—I can't  
8 personally verify that. I know that's what they've  
9 been—what they have requested.

10 CHAIRPERSON BENJAMIN: Okay. Discussion.  
11 [pause]

12 COMMISSIONER GAVIN: So, maybe it's just  
13 repetition, but it's definitely an increase over  
14 their current level of funding?

15 COMMISSIONER GREENE: Yes.

16 COMMISSIONER GAVIN: Does it? What's the  
17 difference between like the .6% of uniformed officers  
18 and the .3%?

19 COMMISSIONER GREENE: Of the Personnel  
20 Budget?

21 COMMISSIONER GAVIN  
22 : The Personnel Budget, yes?

23 COMMISSIONER GREENE: I don't know if I  
24 ran that particular calculation. I think it's—it's  
25 material.

2 COMMISSIONER GAVIN: It is material?

3 COMMISSIONER GREENE: Yes.

4 COMMISSIONER GAVIN: The point, it  
5 represents a lower increase?

6 COMMISSIONER GREENE: The .6, the-the--

7 COMMISSIONER GAVIN: The .6 is one of the  
8 uniform budget represents--it represents a lower--a  
9 lower increase to the CCRB Budget.

10 COMMISSIONER GREENE: [interposing] If  
11 you're speaking to overall PD Personnel Budget. Yes.

12 COMMISSIONER GAVIN: At .3%?

13 COMMISSIONER GREENE: Yes. I think by  
14 definition because that budget is--is so large and has  
15 so many other things, which I--I still think is by a  
16 matter of course, not apples to apples is what CCRB  
17 is doing, but yes, what I'm proposing is--is a lower  
18 increase.

19 COMMISSIONER GAVIN: Of an increase over  
20 this?

21 COMMISSIONER GREENE: Correct. It's an  
22 increase over what they have now.

23 CHAIRPERSON BENJAMIN: It's an increase  
24 over what was proposed--

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2 COMMISSIONER GREENE: In the Executive  
3 Budget.

4 CHAIRPERSON BENJAMIN: Right, but not  
5 over what is to be adopted is my understanding. It's  
6 exactly what is being adopted?

7 COMMISSIONER GREENE: In their FY 2020  
8 Budget.

9 CHAIRPERSON BENJAMIN: Correct.

10 COMMISSIONER GREENE: Yes.

11 CHAIRPERSON BENJAMIN: [pause] I am going  
12 to [pause] vote on the Amendment first, and then we  
13 will vote on the proposal. So, I will call the  
14 question on the Amendment seeing no further  
15 discussion. Is there a second?

16 COMMISSIONER: Second.

17 CHAIRPERSON BENJAMIN: Please call the  
18 roll on the Amendment.

19 LEGAL COUNSEL: Commissioner Albanese?

20 COMMISSIONER ALBANESE: Yes.

21 LEGAL COUNSEL: Commissioner Barrios-  
22 Paoli.

23 COMMISSIONER BARRIOS-PAOLI: Yes.

24 LEGAL COUNSEL: Commissioner Camilo.

25 COMMISSIONER CAMILO: Yes.

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2 LEGAL COUNSEL: Commissioner Caras.

3 COMMISSIONER CARAS: One thing. This is  
4 the equivalent of .7 one?

5 CHAIRPERSON BENJAMIN: No, this is the  
6 point-

7 COMMISSIONER CARAS: [laughs] Very  
8 gently.

9 CHAIRPERSON BENJAMIN: This is .61, which  
10 represents what was in the budge that is now being  
11 adopted, but is not the 20% increase that was asked  
12 for by CCRB.

13 COUNCIL MEMBER CARAS: [pause] Pass.

14 LEGAL COUNSEL: Commissioner Cordero.

15 COMMISSIONER CORDERO: No.

16 LEGAL COUNSEL: Commissioner-

17 COMMISSIONER CAMILO: No, not present.

18 Commissioner Fiala voted for Commissioner Cordero--

19 LEGAL COUNSEL: Oh.

20 COMMISSIONER CAMILO:--accidentally.

21 [laughter]

22 COMMISSIONER CORDERO: I have to get a  
23 hearing aid. I'm sorry.

24 LEGAL COUNSEL: I'm going to call that  
25 again. Commissioner Cordero.

2 COMMISSIONER CORDERO: Yes.

3 LEGAL COUNSEL: Commissioner Fiala.

4 COMMISSIONER FIALA: Are you sure? No.

5 LEGAL COUNSEL: Commissioner Gavin.

6 COMMISSIONER GAVIN: Yes.

7 LEGAL COUNSEL: Commissioner Greene.

8 COMMISSIONER GREENE: Yes.

9 LEGAL COUNSEL: Commissioner Hirsh.

10 COMMISSIONER HIRSH: Sorry. I just want

11 to be clear. We're voting on the Amendment that

12 Commissioner Greene put forward-

13 CHAIRPERSON BENJAMIN: Yes.

14 COMMISSIONER HIRSH: --to the staff, put

15 forward

16 CHAIRPERSON BENJAMIN: That's correct.

17 COMMISSIONER HIRSH: No. [pause]

18 LEGAL COUNSEL: Commissioner Nori.

19 COMMISSIONER NORI: No.

20 LEGAL COUNSEL: Commissioner Vacca.

21 COMMISSIONER VACCA: No.

22 LEGAL COUNSEL: Commissioner Weisbrod.

23 COMMISSIONER WEISBROD: Yes.

24 LEGAL COUNSEL: Commissioner Caras.

25 COMMISSIONER CARAS: No.

2 LEGAL COUNSEL: Chair Benjamin.

3 CHAIRPERSON BENJAMIN: No. [pause]

4 LEGAL COUNSEL: The total is 7 votes in  
5 the affirmative, 6 votes in the negative. The motion  
6 carries. [pause]

7 CHAIRPERSON BENJAMIN: On the Amended  
8 Motion, discussion? [pause] Jimmy.

9 COMMISSIONER VACCA: I would just think  
10 that we would want to be supportive of the CCRB and  
11 their request, but I think that we're ending up  
12 giving them less than we were last week. We've—we've  
13 cut what we're giving them, yet so many people in our  
14 city feel that the CCRB is a priority. So, how are  
15 we representing those who come forth. We say it's a  
16 priority for failing us and equity issues if we give  
17 them a budget, which will impede them from doing  
18 their charter mandated responsibilities, and that's  
19 why I voted no on the Amendment.

20 COMMISSIONER HIRSH: But could we clarify  
21 again. I believe the Amendment we just approved  
22 increases their budget by the amount they have asked  
23 for. My understanding is that the Amendment that we  
24 just approved basically matches their budget to what

2 was approved in the 2020 Fiscal Year Budget Agreement  
3 between the Adopted Budget and City Hall--

4 COMMISSIONER GREENE: That is correct.

5 COMMISSIONER CAMILO: --Which not--it may  
6 be an increase from last year, and maybe what they  
7 asked for in this budget cycle, but is not in line  
8 with what they've asked for through this Charter  
9 Revision process.

10 CHAIRPERSON BENJAMIN: That is my  
11 understanding also.

12 COMMISSIONER CAMILO: Do they have a  
13 sense of what--

14 COMMISSIONER GREENE: [interposing] In a  
15 sense, it's a--it's a base.

16 COMMISSIONER CAMILO: --I-I say that--

17 CHAIRPERSON BENJAMIN: [interposing]  
18 Commissioner Green has the floor.

19 COMMISSIONER GREENE: I-I-I guess, I-I  
20 was-I was to be cognizant of--of what was--what we had  
21 heard was there--I didn't know there was a  
22 differential between what they had asked the  
23 Commission for versus for what they had been  
24 negotiating in--in the budget. Is it--is it a matter--I  
25 guess it's--it's a question for the floor. Are--are

2 folks comfortable with the--with the personnel to the  
3 uniformed officer ratio, and it's a matter of not  
4 being comfortable that the .61 ratio adequate given  
5 what CCRB has asked for. That's what I'm  
6 understanding, but I wanted to clarify that, and if--  
7 if so, do we know what it--either--either in terms of  
8 the number of people right what is it that CCRB had  
9 asked for of this commission?

10 CHAIRPERSON BENJAMIN: I believe what  
11 they asked for is 20%--

12 COMMISSIONER GREENE: Increase.

13 CHAIRPERSON BENJAMIN: --increase in  
14 personnel.

15 COMMISSIONER GREENE: Okay.

16 CHAIRPERSON BENJAMIN: And that I think  
17 would take you a number to .7.

18 COMMISSIONER GREENE: Okay.

19 CHAIRPERSON BENJAMIN: Is that something  
20 you would contemplate?

21 COMMISSIONER GREENE: I mean generally  
22 speaking, I think the ratio is--the--the methodology is  
23 more--is more significant, is the most significant  
24 piece in terms of my perspective on the issue. I  
25 think it's worth-- If--if folks really want to debate

2 the specific ratio, I think that is useful. Yes,  
3 sure.

4 CHAIRPERSON BENJAMIN: Sateesh was next,  
5 and then Lilliam, and then Lisette.

6 COMMISSIONER NORI: Frankly, I don't see  
7 why the ratio is so important. There's an elegance  
8 in the simplicity to just saying .3%. The-I fear any  
9 ratio in which we're obfuscating how much is really  
10 being given especially in relation to what's already  
11 been agreed up. So, frankly I think .3% is simple.  
12 There's no need to-to count, you know, apples and  
13 oranges here. Let's just give them the money they  
14 need to do their job.

15 CHAIRPERSON BENJAMIN: Commission Barrios  
16 Paoli?

17 COMMISSIONER BARRIOS-PAOLI: So, I guess  
18 my question was I mean I-I think what I'm hearing you  
19 say for the most important thing is the-the-the-using  
20 the base, the number of uniformed officers as opposed  
21 to the older staff of the Police Department, which  
22 may or my not be relevant to what the CCRB does.

23 COMMISSIONER GREENE: Yes. That includes  
24 traffic enforcement agents, 911 call center  
25 operators, crossing guards. It-it's totally

2 irrelevant to—to where CCRB's mission is, and can  
3 fluctuate based on other priorities that are not  
4 about police accountability.

5 COMMISSIONER BARRIOS-PAOLI: And does the—  
6 does your proposal—is it stagnant or would it be a  
7 floor or would that—like how—?

8 COMMISSIONER GREENE: It—it's—it's meant  
9 to be a floor, right. It's to serve—it's to  
10 establish that CCRB would have no less than that  
11 ratio. So, if during the budget negotiations at a  
12 subsequent period they feel like they want more, they  
13 can always ask for more. This is just the—the—the  
14 minimum requirement.

15 COMMISSIONER BARRIOS-PAOLI: So, it would  
16 protect—it would protect the budget from any incoming  
17 Mayor who might be philosophically opposed and--

18 COMMISSIONER GREENE: Correct.

19 CHAIRPERSON BENJAMIN: Alison.

20 COMMISSIONER HIRSH: The motion that we  
21 just voted, the Amendment to the motion that we just  
22 voted on includes changes to the staff proposal  
23 around what then—how the Mayor can reduce--

24 COMMISSIONER GREENE: Correct.

2 COMMISSIONER HIRSH: --that as well,  
3 right?

4 COMMISSIONER GREENE: Yes.

5 COMMISSIONER HIRSH: Is it out of order  
6 to make an Amendment to the Amendment once it's  
7 passed or to vote?

8 CHAIRPERSON BENJAMIN: You would have to  
9 ask whether this is a friendly Amendment.

10 COMMISSIONER GREENE: If we're a second.  
11 Can I ask, you're talking about the fiscal necessity  
12 language?

13 COMMISSIONER HIRSH: Yes. I am concerned  
14 that--in the Amendment that you put forward that the--  
15 the Mayor could write, and then I assume the board is  
16 the CCRB in this instance?

17 COMMISSIONER GREENE: Uh-hm, uh-hm.

18 COMMISSIONER HIRSH: The Mayor could  
19 write a memo to the CCRB saying: I don't think that  
20 we need to fund police oversight at this level,  
21 submit that letter, and that--and he-he or she--  
22 hopefully one day--will have to fulfill their  
23 obligation under this Amendment and to--to lower or  
24 decrease the amount of funding the CCRB gets, and I  
25 don't believe that it is strong enough.

2 COMMISSIONER GREENE: That. So-so-so,  
3 you're-you-you want to work further to strengthen the  
4 fiscal necessity written explanation and sort of more  
5 specifically define what that is?

6 COMMISSIONER HIRSH: Correct. I don't  
7 believe that we should be making a cut in the budget  
8 of the CCRB unless it is in line with a broader cut,  
9 and fiscal necessity that the entire city is.

10 COMMISSIONER GREENE: With that-is-is  
11 that the kind of language we could refine in a  
12 subsequent thing or do we have to iron it out now for  
13 the a ballot?

14 CHAIRPERSON BENJAMIN: I think we need to  
15 iron it out now so staff can work on the ballot.  
16 Could you accept that part of the language that was  
17 in the Revised Staff Proposal?

18 COMMISSIONER GREENE: I'm-I'm generally  
19 sort of inclined to the concept. I think there are  
20 sort of technical experts that I think the staff  
21 should consult with about what is sort of  
22 artificially boxing in fiscal necessity. It's the  
23 spirit of what Alison is saying is totally what we are  
24 trying to-to set up but I don't disagree with that.

2 I just don't know. I think it really matters the  
3 specific wording. [pause]

4 CHAIRPERSON BENJAMIN: I would suggest  
5 then, an amendment that would replace the last 2, 3,  
6 4, 5, 6, 7, 8, 9, 10. The last 11 words of the  
7 Amended Motion with the--what follows the sentence:  
8 NYPD in the Revised Proposal 8.

9 COMMISSIONER GREENE: Yes.

10 CHAIRPERSON BENJAMIN: The highlighted  
11 portion. Yeah.

12 COMMISSIONER CARAS: A point of  
13 clarification, Madam Chair.

14 CHAIRPERSON BENJAMIN: Yes. I made a  
15 motion. Yes.

16 COMMISSIONER CARAS: Would you mind  
17 reading that out in some form--

18 CHAIRPERSON BENJAMIN: Yes.

19 COMMISSIONER CARAS: Or would Counsel  
20 mind reading that out.

21 CHAIRPERSON BENJAMIN: Yes. Counsel,  
22 would you--?

23 LEGAL COUNSEL: The chair has made a  
24 motion to strike the following language from the  
25 Amended Motion, starting in the final sentence: And,

2 transmits to the Board a written determination of  
3 fiscal necessity. Strike that language and replace  
4 it with the highlighted language in the original  
5 Amendment, which reads as follows: Unless the Mayor  
6 makes a writer determination of fiscal necessity  
7 setting forth in detail (1) the basis for that  
8 determination, and (2) that the proposed reduction to  
9 the CCRB Personnel Budget is part of an overall plan  
10 to address a downtown in city revenues or unforeseen  
11 financial circumstances. [pause]

12 CHAIRPERSON BENJAMIN: Any discussion?  
13 Yeah, I don't think it was a friendly amendment. I  
14 don't think it's an amendment to the amended item.

15 COMMISSIONER GREENE: Yes. [laughs]

16 COMMISSIONER HIRSH: Yes, I'll—I will  
17 take it. I didn't interpret it as not friendly.

18 CHAIRPERSON BENJAMIN: Right. I mean if  
19 you say it's friendly then [laughter] we can just do  
20 it and okay.

21 COMMISSIONER GREENE: [interposing] Or to  
22 just say we wanted personal terms. (sic) [laughs]

23 CHAIRPERSON BENJAMIN: So what else? I  
24 call the question. Is there a second? [pause] Yes,  
25 we should know more. (sic)

2 LEGAL COUNSEL: On the Chair's Proposed  
3 Amendment. Commissioner Albanese.

4 COMMISSIONER ALBANESE: Aye.

5 LEGAL COUNSEL: Commissioner Barrios-  
6 Paoli.

7 COMMISSIONER BARRIOS-PAOLI: Aye.

8 LEGAL COUNSEL: Commissioner Camilo.

9 COMMISSIONER CAMILO: Just to clarify,  
10 first on these?

11 LEGAL COUNSEL: Yes.

12 COMMISSIONER CAMILO: The second part?

13 LEGAL COUNSEL: This is just on the  
14 Amendment--this just on Chair Benjamin's Amendment.  
15 Not on the main question still. So, it's just  
16 whether the main question should be further amended  
17 as Chair Benjamin suggested.

18 COMMISSIONER CAMILO: I think so, yes.

19 [laughs]

20 COMMISSIONER BARRIOS-PAOLI: We're voting  
21 on the Amendment again, right?

22 LEGAL COUNSEL: Commissioner Caras.

23 COMMISSIONER CARAS: Yes.

24 LEGAL COUNSEL: Commissioner Cordero.

2 COMMISSIONER CORDERO: Yes, I'm a little  
3 confused on the--on most of this because I thought we  
4 were looking to increase the budget for the CCRB, and  
5 we are but we're not doing it to the level that they  
6 wanted.

7 CHAIRPERSON BENJAMIN: Well, you can  
8 propose that, but we have to deal with this amendment  
9 and then that amendment can be proposed and we can  
10 vote on that. Okay.

11 LEGAL COUNSEL: So, you're clear on what  
12 this amendment is I can read it again, if that's  
13 helpful.

14 COMMISSIONER CARAS: Please.

15 LEGAL COUNSEL: Sure. So, the current  
16 amended motion is the--on your sheet Revised Proposal  
17 8--

18 COMMISSIONER CARAS: Uh-hm.

19 LEGAL COUNSEL: --the bottom par, that  
20 part that's in italics. The end of that reads: And  
21 transmits to the Board a written determination of  
22 fiscal necessity. Chair Benjamin has proposed to  
23 strike that language, and replace it with the  
24 highlighted text from above, which reads: Unless the  
25 Mayor makes a written determination of fiscal

2 necessity setting forth in detail (1) the basis for  
3 that determination and (2) that the proposed  
4 reduction to the CCRB Personnel Budget is part of an  
5 overall plan to address a downturn in city revenues  
6 of unforeseen financial circumstances.

7 COMMISSIONER CARAS: [pause] I'm going  
8 to vote yes for that.

9

10 LEGAL COUNSEL: Commissioner Fiala.

11 COMMISSIONER FIALA: No.

12 LEGAL COUNSEL: Commissioner Gavin.

13 COMMISSIONER GAVIN: Yes

14 LEGAL COUNSEL: Commissioner Greene.

15 COMMISSIONER GREENE: Yes.

16 LEGAL COUNSEL: Commissioner Hirsh.

17 COMMISSIONER HIRSH: Yes.

18 LEGAL COUNSEL: Commissioner Nori.

19 COMMISSIONER NORI: No.

20 LEGAL COUNSEL: Commissioner Tisch.

21 COMMISSIONER TISCH: I've been consistent  
22 on CCRB. I have—I have to abstain.

23 LEGAL COUNSEL: Commissioner Vacca.

24 COMMISSIONER VACCA: What I have to say  
25 is that a majority of the members of the CCRB are

2 appointed by the Mayor. So, we are saying that as  
3 long as the Mayor tells the members he appoints that  
4 I don't have the money, they won't get it.

5 CHAIRPERSON BENJAMIN: And it's part of  
6 an overall plan. It can't just be a CCRB-

7 COMMISSIONER VACCA: [interposing] But he  
8 says it's an overall plan. He can still exempt his  
9 office so he can exempt Parks Department. I-I can't  
10 go with that. I-I-it's not fair to police officers  
11 or to those-

12 COMMISSIONER GREENE: Yes.

13 COMMISSIONER VACCA: --who bring cases to  
14 have an inordinate amount of time that-that exists  
15 when complaints are filed. It's not fair to those  
16 who do things in error or those who feel that justice  
17 should be served, and I want to support a CCRB in  
18 that vain, and to say that the Mayor is going to let  
19 his members know I don't have the money, and to think  
20 that his members will do anything but say, okay, you  
21 don't have the money. We have to operate and do what  
22 you want us to do, I think is very naïve. So, I vote  
23 no.

24 LEGAL COUNSEL: Commissioner Weisbrod.

25 COMMISSIONER WEISBROD: Yes.

2 LEGAL COUNSEL: Commissioner Albanese.

3 COMMISSIONER ALBANESE: Yes.

4 LEGAL COUNSEL: Chair Benjamin.

5 CHAIRPERSON BENJAMIN: Yes.

6 LEGAL COUNSEL: 10 in the affirmative, 3  
7 in the negative, 1 abstention. The motion carries.

8 CHAIRPERSON BENJAMIN: Would you now like  
9 to offer your amendment Commissioner Cordero to  
10 increase the percentage. [pause]

11 COMMISSIONER CORDERO: Or I—I sincerely  
12 believe that we have to do everything we can to—to  
13 better the CCRB, but I'm—I'm going to hold off right  
14 now.

15 COMMISSIONER CARAS: [off mic] I have a—I  
16 have a question. [on mic] The—could somebody go  
17 through with me. I apologize, the .3 versus the .61  
18 and where that comes out in terms of where the CCRB  
19 was. Last year I believe they were at 15 point  
20 something million, and where this will put them?

21 CHAIRPERSON BENJAMIN: I can't give you  
22 those numbers off the top of my head. So, I'm going  
23 to ask staff to come over and give you the numbers.

24 COMMISSIONER CARAS: That would be great.  
25 I just feel like I'm operating in a vacuum and I'm

2 not sure what I'm actually doing. [background  
3 comments/pause]

4 CHAIRPERSON BENJAMIN: Are there any  
5 other amendments while Commissioner Caras is getting  
6 that information? Are there any other amendments  
7 that people would like offer? [pause]

8 COMMISSIONER CARAS: Just to add to the  
9 obfuscation as I described it before, given that we  
10 don't know where .3% compares to .6%--.61% of the  
11 number of uniformed budgeted headcount, I would offer  
12 a 1.0% of the number of uniformed budgeted headcount  
13 of the Police Department, and we can't figure out  
14 either of those numbers, then that takes me back to  
15 my original, you know, the elegance and simplicity of  
16 .3% of the Personnel Budget.

17 CHAIRPERSON BENJAMIN: I believe that  
18 .71% is equivalent of the personnel services of the  
19 full-time--the uniformed budgeted headcount of the  
20 Police Department that .71 would be roughly  
21 equivalent to what the CCRB asked for.

22 COMMISSIONER CARAS: Okay. So, I would  
23 modify my Proposed Amendment to amend the proposal  
24 that we just voted on to read .71% of the number of  
25

2 uniformed budgeted headcount of the Police  
3 Department.

4 CHAIRPERSON BENJAMIN: Is there  
5 discussion? Call the question?

6 COMMISSIONER BARRIOS-PAOLI: Can you  
7 repeat it? Can you repeat it?

8 COMMISSIONER CARAS: So, as I understand  
9 it because we've been through a number of twists and  
10 turns here, we are talking about the first portion of  
11 the Amendment to Proposal 8 with the last portion of  
12 the original proposal except that the number .61% is  
13 now .71%.

14 CHAIRPERSON BENJAMIN: That's what you're  
15 proposing?

16 COMMISSIONER CARAS: That's proposed  
17 amendment.

18 CHAIRPERSON BENJAMIN: Discussion? Call  
19 the question?

20 COMMISSIONER: Second.

21 CHAIRPERSON BENJAMIN: Call the roll on  
22 the amendment, which is to change from .61 to .71 of  
23 the number of uniformed budgeted headcount of the  
24 Police Department in the Amended and further amended  
25 Re-Proposal 8.

2 LEGAL COUNSEL: Commissioner Albanese.

3 COMMISSIONER ALBANESE: Yes .

4 LEGAL COUNSEL: Commissioner Barrios-

5 Paoli.

6 COMMISSIONER BARRIOS-PAOLI: Yes.

7 LEGAL COUNSEL: Commissioner Camilo.

8 COMMISSIONER CAMILO: To clarify, .71 of

9 uniformed.

10 CHAIRPERSON BENJAMIN: Yes.

11 COMMISSIONER CAMILO: And this is just on

12 the motion of city Amendment?

13 CHAIRPERSON BENJAMIN: It's just on the

14 Amend-the Amendment to the motion.

15 LEGAL COUNSEL: Okay.

16 COMMISSIONER CAMILO: Yes. [laughter]

17 LEGAL COUNSEL: Commissioner Caras.

18 COMMISSIONER CARAS: Yes.

19 LEGAL COUNSEL: Commissioner Cordero.

20 COMMISSIONER CORDERO: Yes.

21 LEGAL COUNSEL: Commissioner Fiala.

22 COMMISSIONER FIALA: No.

23 LEGAL COUNSEL: Commissioner Gavin.

24 COMMISSIONER GAVIN: Yes.

25

2 LEGAL COUNSEL: Commissioner Greene.

3 COMMISSIONER GREENE: Yes.

4 LEGAL COUNSEL: Commissioner Hirsh.

5 COMMISSIONER HIRSH: Yes.

6 LEGAL COUNSEL: Commissioner Nori.

7 COMMISSIONER NORI: Yes.

8 LEGAL COUNSEL: Commissioner Tisch.

9 COMMISSIONER TISCH: Abstain.

10 LEGAL COUNSEL: Commissioner Vacca.

11 COMMISSIONER VACCA: Yes.

12 LEGAL COUNSEL: Commissioner Weisbrod.

13 COMMISSIONER WEISBROD: Yes.

14 LEGAL COUNSEL: Commissioner Albanese.

15 COMMISSIONER ALBANESE: Yes.

16 LEGAL COUNSEL: Chair Benjamin.

17 CHAIRPERSON BENJAMIN: Yes.

18 LEGAL COUNSEL: 12 in the affirmative, 1  
19 in the negative, 1 abstention. The motion carriers.

20 CHAIRPERSON BENJAMIN: Now, I would like  
21 to vote on Proposal 8 as amended and as twice further  
22 amended. Any discussion? [pause] This is--

23 COMMISSIONER CAMILO: [interposing] Can I  
24 say-- (sic)?

2 CHAIRPERSON BENJAMIN: Commissioner  
3 Camilo.

4 COMMISSIONER CAMILO: [off mic] I just  
5 had--does anybody know--

6 CHAIRPERSON BENJAMIN: [interposing] Your  
7 mic is not on.

8 COMMISSIONER CAMILO: Yeah, it is.

9 CHAIRPERSON BENJAMIN: Oh, okay.

10 COMMISSIONER CAMILO: Do we have a sense  
11 of what the .71 translates into in terms of either  
12 headcount or budget? [pause]

13 CHAIRPERSON BENJAMIN: While you're  
14 getting that answer, I am going to read what I  
15 believe the [background comments/pause] [off mic]  
16 The appro--[on mic] The appropriations available to  
17 pay for the personnel services of the Civilian  
18 Complaint Review Board shall be at a minimum  
19 sufficient to fund personnel services costs of full-  
20 time CCRB personnel headcount at least equal in  
21 number to 0.71% of the number of uniformed budgeted  
22 headcount of the Police Department as determined  
23 consistent with published budgeted headcount  
24 documents of the Office of Management--Management and  
25 Budget provided, however, that the restriction in

2 this paragraph shall not apply in the event that the  
3 Mayo makes a written determination of fiscal  
4 necessity setting forth in detail (1) the basis for  
5 that determination, and (2) that the proposed  
6 reduction to the CCRB Personnel Budget is part of an  
7 overall plan to address a downturn in city revenues  
8 or unforeseen financial circumstances. Call the roll.

9 COMMISSIONER HIRSH: Oh, sorry.

10 CHAIRPERSON BENJAMIN: Oh, I'm sorry.

11 COMMISSIONER GREENE: Can I ask a  
12 clarifying question?

13 CHAIRPERSON BENJAMIN: Yes.

14 COMMISSIONER GREENE: Is-is-is the--  
15 We're talking about something that takes effect in  
16 what budget cycle because I-I-I imagine the one that  
17 has been agreed upon--

18 CHAIRPERSON BENJAMIN: Well, the voters--

19 COMMISSIONER GREENE: --that

20 CHAIRPERSON BENJAMIN: --the voters won't  
21 be voting on it until November of this--

22 COMMISSIONER GREENE: [interposing] But I  
23 mean, is it presumed to affect the FY21 Budget or-or  
24 after-after actually the conclusion of this current  
25 administrative and Council terms? So are we talking

2 about really this ratio comes into effect for Fiscal  
3 22? [background comments/pause]

4 CHAIRPERSON BENJAMIN: Okay, the  
5 Resolution is silent on that. Do you want to amend  
6 it further to--?

7 COMMISSIONER GREENE: [laughs] I-I-I  
8 mean for-for the sake of-of-of knowing the tenuous  
9 like nature of whether the budget is balanced or not.  
10 I mean it-it--

11 CHAIRPERSON BENJAMIN: Well, I don't  
12 believe that this could take--even if the public voted  
13 on it, frankly it would take a budget amendment to  
14 amend the budget, the Executive Budget once it's been  
15 adopted. So, the Mayor would have to have a budget  
16 amendment. The Council would have to approve it. I  
17 think we're in charge of that process nor I--nor can  
18 we be, I don't believe. So, I think it would have to  
19 be 2021, but--

20 COMMISSIONER GREENE: Okay.

21 CHAIRPERSON BENJAMIN: Alison.

22 COMMISSIONER HIRSH: Lindsay, I couldn't  
23 tell that you were suggesting that it should not take  
24 effect until 20--Fiscal Year 2023 I guess would be the

2 next administration or are you just asking that point  
3 of information.

4 COMMISSIONER GREENE: I was asking—I was  
5 trying to ask a—a—primarily a point of information  
6 first.

7 COMMISSIONER HIRSH: So, I—I would then  
8 like to offer an amendment [laughter] that this—that  
9 this ratio take effect in the budge cycle following  
10 its passage.

11 CHAIRPERSON BENJAMIN: Okay. Discussion?  
12 Carl.

13 COMMISSIONER WEISBROD: I don't want to  
14 be difficult situation here, but I'm—I'm really  
15 troubled by the fact and I think Jim has asked the  
16 question to which I still don't think I have answer.  
17 How many people are we talking about here and how  
18 many people—do we know how many people are on the  
19 staff of the CCRB now? What increase in the .61  
20 would be in terms of an additional headcount, and  
21 what in an—what an additional number of people would  
22 be if we increased it from what it is now to .71 or  
23 from .61 to .71 so at least we know what we're  
24 talking about. I mean I—I think all of us want to  
25 see the CCRB function efficiently and all of us want

2 to make sure that CCRB doesn't—doesn't cut through a  
3 malevolent relationship with whoever, but I don't  
4 even know of the CCRB can absorb in the first  
5 instance an increase from whatever it is now to .71  
6 in a budget year.

7 CHAIRPERSON BENJAMIN: I am told that it  
8 would increase from in—in Lindsay's number it would  
9 be 24 approximate personnel depending on the levels,  
10 et cetera, and—

11 COMMISSIONER WEISBROD: [off mic] And  
12 that's about—

13 CHAIRPERSON BENJAMIN: From 195.

14 COMMISSIONER GREENE: [interposing] 195.

15 COMMISSIONER WEISBROD: [off mic] And an  
16 increase to .71 would be what?

17 CHAIRPERSON BENJAMIN: Would be four  
18 additional people.

19 COMMISSIONER WEISBROD: Four additional  
20 people?

21 CHAIRPERSON BENJAMIN: Four.

22 COMMISSIONER GREENE: [off mic] I thought  
23 you said 24.

24 CHAIRPERSON BENJAMIN: No, four.  
25

2 COMMISSIONER WEISBROD: Four from .61 to  
3 .71 would be so an increase from 24 additional people  
4 to 28 additional people?

5 CHAIRPERSON BENJAMIN: It would be 27.  
6 Something.

7 COMMISSIONER WEISBROD: Thank you.

8 COMMISSIONER GREEN: Okay, I-I-I did my  
9 math wrong. Sorry.

10 CHAIRPERSON BENJAMIN: Oh. [pause]  
11 Okay, Steve.

12 COMMISSIONER FIALA: I want to—thank you,  
13 Madam Chair. I—I want to associate my concerns with  
14 Commissioner Weisbrod. You know, right in this  
15 chamber and in the committee halls across the street  
16 for the last many months City Council committees have  
17 been wrestling with budget proposals for the next  
18 Fiscal Year, and they are right now wrestling with  
19 this in the final stages. The idea of a body trying  
20 to import into the Charter what should be left in my  
21 view to the normal legislative process is a slippery  
22 slope. The question I have, Madam Chair is right now  
23 there is a—a 92—I believe it is a \$92.8 billion  
24 budget, the framework of which was accepted by the  
25 Legislative and Executive Branch yesterday or the day

2 before. What was the increase in CCRB's Budget from  
3 last year in this new Budget? And we realize that--

4 CHAIRPERSON BENJAMIN: It's the 6.1.

5 COMMISSIONER FIALA: They got a 6.1?

6 CHAIRPERSON BENJAMIN: That's the 6.1

7 COMMISSIONER FIALA: In, well and the  
8 City Council and Mayoral--?

9 CHAIRPERSON BENJAMIN: [interposing] .61.  
10 I'm sorry. .61.

11 COMMISSIONER FIALA: They got a .61, and  
12 a head count, right?

13 CHAIRPERSON BENJAMIN: Yes, a headcount,  
14 and a head count not in--not in person, not in--I'm  
15 talking--I'm talking about the current budget that's  
16 about to be adopted. CCRB is getting an increase  
17 over its present fiscal year, which ends in matter of  
18 what, days, or July 1st, right?

19 CHAIRPERSON BENJAMIN: Right, and it's my  
20 understanding that the--that the number that is here  
21 .61 equals the amount of the handshake budget, which  
22 is approximately 24 additional persons.

23 COMMISSIONER FIALA: Thank you for the  
24 clarification, and to Commissioner--

2 CHAIRPERSON BENJAMIN: [interposing] And  
3 that the 7.1 would add an additional four people.

4 COMMISSIONER FIALA: Thank you, and to  
5 Commissioner Green's point, you know, there is and to  
6 follow-up on Commissioner Weisbrod's comments, this  
7 will be voted on in November. We will be in the  
8 second quarter of the Fiscal Year of the 2021 city  
9 budget, and I think--

10 CHAIRPERSON BENJAMIN: 2020.

11 COMMISSIONER FIALA: --2020/2021, right?

12 CHAIRPERSON BENJAMIN: Well, no, it's  
13 Fiscal Year 2020. It's a calendar--

14 COMMISSIONER FIALA: [interposing] That  
15 bleeds over into my--okay, the--the Fiscal Year 2020  
16 Budget. Rather than over-complicate this with a lot  
17 of additional language, that's what a Council and a  
18 Mayor do. In a budget modification, shouldn't we  
19 leave something in their hands to determine whether  
20 or not in 2020 these new numbers could be absorbed or  
21 are we saying we're going to imposed our own  
22 determination as to what then number should be  
23 irrespective of the fiscal condition of the city at  
24 that time.

2 CHAIRPERSON BENJAMIN: Well, it's not-  
3 sorry. I would argue that it's not irrelative  
4 because we do have that language that the Mayor can,  
5 in fact be relieved of this requirement--

6 COMMISSIONER FIALA: Point taken.

7 CHAIRPERSON BENJAMIN: --and we have an  
8 amendment currently before us from Alison that would  
9 lock in the fiscal year, and we need to do something  
10 with it. Alison.

11 COMMISSIONER HIRSH: I can explain why I  
12 introduced that amendment based on the--Lindsay's  
13 question, I--I'm concerned that if we leave it open  
14 and to interpretation, we could be in a situation in  
15 which the budget increase does not actually go into  
16 effect until there is a new Mayor and the new  
17 Council, and I think that would not be in line with  
18 what the majority of this Commission intends ,and so  
19 it seems to me we might as well be clear and say that  
20 we expect the provision to go in place in the next  
21 budget cycle.

22 CHAIRPERSON BENJAMIN: Any further  
23 discussion?

24 COMMISSIONER WEISBROD: Just a point of  
25 clarification. There is slightly different language

2 in the amendment from the proposal particularly the  
3 amendment describes funding personal service costs  
4 whereas the proposal describes personnel budget. So  
5 what is the difference between those two terms? Why  
6 was the term change in the Amendment? What meaning  
7 does it have?

8 COMMISSIONER GREENE: [off mic] It-what-  
9 [on mic] Sorry. I turned it off. So, the-the  
10 difference you're pointing is personnel versus  
11 personal is like a-a weird technical thing like the  
12 personnel services or the personnel budget, which  
13 like in a ledger says personal services and other  
14 than personal services, but it wasn't really (sic)  
15 budget stuff. Personnel is the means to the same  
16 thing. It's the people or it's the stuff, but the  
17 Personnel Budget in total and for PV includes all  
18 this other stuff that I had said before I don't think  
19 is relevant to CCRB, because it's every-it's traffic  
20 enforcement, et cetera, et cetera, but-but are you  
21 asking about the--

22 COMMISSIONER WEISBROD: Well, what I'm  
23 asking is why is there a different term? Is there a  
24 limitation on the term personal service costs?  
25 Should it be personnel service costs?

2 COMMISSIONER GREENE: Sorry.

3 COMMISSIONER WEISBROD: Is that what  
4 Commissioner Gavin is saying?

5 CHAIRPERSON BENJAMIN: That's why that  
6 particular one. In the New York City Budget, there  
7 are two categories in the Executive Budget. There is  
8 P.S., which is Personal Services and then there's  
9 OTPS, Other Thank Personal Services.

10 COMMISSIONER GREENE: Yes.

11 CHAIRPERSON BENJAMIN: In the Budget  
12 itself there was nothing called Personnel. So,  
13 sorry-for-for purposes of this Amendment, the  
14 Personnel Budget for the New York City Police  
15 Department is a less specific term than the Personal  
16 Service.

17 COMMISSIONER GREENE: That is-that is  
18 correct, but I have to-so, so let me-let me sort of  
19 codify.

20 CHAIRPERSON BENJAMIN: Okay.

21 COMMISSIONER GREENE: Based on what I  
22 understand, .3% of the total NYPD Personnel Budget,  
23 which in the Ledger shows up as Personal Services is  
24 equivalent to the CCRB current level of staffing.  
25 That-that is what I understand. Do you guys have

2 different—does the staff have different math because  
3 I feel like that was an open question for the record.  
4 What is—what is like the overall Person—Personnel  
5 Budget compared to the Uniformed headcount ratio?  
6 What does—what does the—the original proposal mean in  
7 terms of CCRB staff?

8 CHAIRPERSON BENJAMIN: I believe that the  
9 3%--.3%, I'm sorry, gave the CCRB an increase.

10 COMMISSIONER GREENE: Gave them an  
11 increase? Okay.

12 CHAIRPERSON BENJAMIN: Yes.

13 COMMISSIONER GREENE: Got it. Okay  
14 because I feel like that was—that was the root of  
15 your question, right?

16 COMMISSIONER WEISBROD: My question is  
17 why is the language different? [laughter]

18 CHAIRPERSON BENJAMIN: Different people—  
19 it's because different people, where they—where they  
20 were looking at different things.

21 COMMISSIONER GREENE: Yes, that's a—  
22 that's a technical thing.

23 COMMISSIONER WEISBROD: But it's the  
24 same?

2 COMMISSIONER GREENE: It means the same  
3 thing.

4 COMMISSIONER WEISBROD: Yes?

5 COMMISSIONER GREENE: Yes.

6 CHAIRPERSON BENJAMIN: Okay, so now we're  
7 back on the last Amendment, which is Alison's  
8 Amendment. Is there further discussion on Alison's  
9 Amendment, which would add a further [coughing]  
10 clause to this item that it would take effect at the  
11 first budget cycle after adoption? Further  
12 discussion? Call the question? Second.

13 COMMISSIONER GREENE: Second.

14 CHAIRPERSON BENJAMIN: Call the roll  
15 please on the Third Amendment to the Amended item.  
16 [background comments/pause] That budget cycle would  
17 be Fiscal Year 2021, just so everybody is aware.  
18 Okay.

19 LEGAL COUNSEL: Commissioner Albanese?

20 COMMISSIONER ALBANESE: Yes.

21 LEGAL COUNSEL: Commissioner Barrios-  
22 Paoli.

23 COMMISSIONER BARRIOS-PAOLI: Yes.

24 LEGAL COUNSEL: Commissioner Camilo.

25 COMMISSIONER CAMILO: Yes.

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2 LEGAL COUNSEL: Commissioner Caras.

3 COUNCIL MEMBER CARAS: Yes

4 LEGAL COUNSEL: Commissioner Cordero.

5 COMMISSIONER CORDERO: Yes.

6 LEGAL COUNSEL: Commissioner Fiala.

7 COMMISSIONER FIALA: No.

8 LEGAL COUNSEL: Commissioner Gavin.

9 COMMISSIONER GAVIN: Yes.

10 LEGAL COUNSEL: Commissioner Greene.

11 [pause]

12 COMMISSIONER GREENE: Yes.

13 LEGAL COUNSEL: Commissioner Hirsh.

14 COMMISSIONER HIRSH: Yes.

15 LEGAL COUNSEL: Commissioner Miller.

16 COMMISSIONER MILLER: Yes.

17 LEGAL COUNSEL: Commissioner Nori.

18 COMMISSIONER NORI: Yes.

19 LEGAL COUNSEL: Commissioner Tisch.

20 COMMISSIONER TISCH: Abstention.

21 LEGAL COUNSEL: Commissioner Vacca.

22 COMMISSIONER VACCA: Yes.

23 LEGAL COUNSEL: Commissioner Weisbrod.

24 COMMISSIONER WEISBROD: Yes.

25 LEGAL COUNSEL: Commissioner Albanese.

2 COMMISSIONER ALBANESE: Yes.

3 LEGAL COUNSEL: Chair Benjamin.

4 CHAIRPERSON BENJAMIN: Yes.

5 LEGAL COUNSEL: 13 in the affirmative, 1  
6 in the negative, and 1 abstention. The motion  
7 carries.

8 CHAIRPERSON BENJAMIN: Now, on Revised  
9 Proposed four-time amended Proposal 8, is there any  
10 discussion? Can we call the question? [background  
11 comments/laughter] Second.

12 COMMISSIONER TISCH: Second. [pause]

13 CHAIRPERSON BENJAMIN: Please call the  
14 roll.

15 LEGAL COUNSEL: Commissioner Albanese?

16 COMMISSIONER ALBANESE: [off mic] I vote  
17 yes. (sic)

18 LEGAL COUNSEL: Commissioner Barrios-  
19 Paoli.

20 COMMISSIONER BARRIOS-PAOLI: Yes.

21 LEGAL COUNSEL: Commissioner Camilo.

22 COMMISSIONER CAMILO: Yes.

23 LEGAL COUNSEL: Commissioner Caras.

24 COUNCIL MEMBER CARAS: Yes.

25 LEGAL COUNSEL: Commissioner Cordero.

2 COMMISSIONER CORDERO: Yes.

3 LEGAL COUNSEL: Commissioner Fiala.

4 COMMISSIONER FIALA: No.

5 LEGAL COUNSEL: Commissioner Gavin.

6 COMMISSIONER GAVIN: Yes.

7 LEGAL COUNSEL: Commissioner Greene.

8 COMMISSIONER GREENE: Yes.

9 LEGAL COUNSEL: Commissioner Hirsh.

10 COMMISSIONER HIRSH: Yes.

11 LEGAL COUNSEL: Commissioner Miller.

12 COMMISSIONER MILLER: Yes.

13 LEGAL COUNSEL: Commissioner Nori.

14 COMMISSIONER NORI: Yes.

15 LEGAL COUNSEL: Commissioner Tisch.

16 COMMISSIONER TISCH: Abstain.

17 LEGAL COUNSEL: Commissioner Vacca.

18 COMMISSIONER VACCA: [off mic] Yes. (sic)

19 LEGAL COUNSEL: Commissioner Weisbrod.

20 COMMISSIONER WEISBROD: Yes.

21 LEGAL COUNSEL: Commissioner Albanese.

22 COMMISSIONER ALBANESE: Yes.

23 LEGAL COUNSEL: Chair Benjamin.

24 CHAIRPERSON BENJAMIN: Yes.

25

2 LEGAL COUNSEL: 13 in the affirmative, 1  
3 in the negative, and 1 abstention. The motion  
4 carries.

5 CHAIRPERSON BENJAMIN: Now onto revised  
6 Proposal 16 with which there was a direction with  
7 staff, which is reflected in Revised Proposal 16  
8 essentially adding the same fiscal necessity language  
9 that we added to CCRB and allowing for an adjustment  
10 there had been an issue about what to index and the  
11 increase to. Should there be one and the proposal  
12 now reads that it would be adjusted upward of in  
13 future fiscal years by the lesser of (1) inflation or  
14 (2) percentage increase in the City's total budget.  
15 Discussion. Jim.

16 COMMISSIONER CARAS: I really—I believe I  
17 should know this but I don't. Are there ever cases  
18 where the city's total budget decreases due to cuts?

19 CHAIRPERSON BENJAMIN: Uh-hm.

20 COMMISSIONER: [off mic] Would you repeat  
21 that question?

22 COMMISSIONER CARAS: Are there or have  
23 there ever been cases where the city's total budget  
24 has decreased due to cuts? I'm assuming that in the  
25 '80s there were a lot of—

2 COMMISSIONER GREENE: I don't know.

3 COMMISSIONER CARAS: That was before my  
4 time.

5 CHAIRPERSON BENJAMIN: I was here.

6 COMMISSIONER GREENE: Yes, sure.

7 CHAIRPERSON BENJAMIN: In the '80s there  
8 were reductions.

9 COMMISSIONER CARAS: [off mic] The '70s.  
10 [off mic] In the '70s there certainly were--

11 CHAIRPERSON BENJAMIN: Jim, and there  
12 were also--

13 COMMISSIONER CARAS: --serious cuts and  
14 layoffs.

15 COMMISSIONER GREENE: In the '80s, too.

16 CHAIRPERSON BENJAMIN: And what also  
17 occurred was the Mayor's Plan to Eliminate the Gap--

18 COMMISSIONER CARAS: Right.

19 CHAIRPERSON BENJAMIN: --which was  
20 adopted any number of years when the revenues that  
21 were projected did not equal--

22 COMMISSIONER CARAS: Right.

23 CHAIRPERSON BENJAMIN: --or exceed  
24 various percentages.

2 COMMISSIONER CARAS: That is what I  
3 remember, right.

4 CHAIRPERSON BENJAMIN: The Mayor required  
5 agencies to eliminate the gap.

6 COMMISSIONER CARAS: So, in Part 1 of  
7 this notwithstanding a letter by the Mayor detailing  
8 the fiscal necessity, the lesser of inflation or  
9 percentage increase in the city's total budget. A  
10 decrease in the city's total budget would effectuate  
11 a decrease even if inflation were going up.

12 CHAIRPERSON BENJAMIN: Yes.

13 COMMISSIONER CARAS: I'm make sense and  
14 try to understand.

15 CHAIRPERSON BENJAMIN: Yes.

16 COMMISSIONER FIALA: My I-may I question  
17 that, Jim?

18 COMMISSIONER CARAS: Sure.

19 COMMISSIONER FIALA: Commissioner Caras,  
20 to your point, are you just questioning that in the  
21 event of a downturn when everybody is absorbing cuts  
22 that it would be automatic to not be held harmless.  
23 They, too, would get their proportionate share.

24 COMMISSIONER CARAS: Without a letter  
25 from the Mayor.

2 COMMISSIONER FIALA: Right. I understood.  
3 That's what I want to make sure I understood, yes.  
4 Okay. [coughing] [background comments/pause]

5 CHAIRPERSON BENJAMIN: Okay.

6 COMMISSIONER VACCA: I move that we adopt  
7 the alleged Proposal 16.

8 COMMISSIONER CAMILO: [off mic] I just  
9 have on thing.

10 CHAIRPERSON BENJAMIN: Sure.

11

12 COMMISSIONER CAMILO: [off mic] The  
13 Proposed Amendment.

14 CHAIRPERSON BENJAMIN: We have an  
15 amendment, Jim.

16 COMMISSIONER CAMILO: So, I wanted to  
17 follow up on the discussion that we had in the  
18 previous. I guess it was last week raising some  
19 issues with tying they--any increases or budgets to  
20 inflation of the budge. There are things that occur  
21 for example even when there is a recession inflation  
22 increases. There are collective bargaining increases  
23 that would affect the budget that wouldn't  
24 necessarily affect or should affect the--the--the

25

2 largely administrative offices of the elected  
3 officials. So, was going to move—

4 CHAIRPERSON BENJAMIN: [interposing] Why—  
5 why wouldn't they affect the offices of elected  
6 officials?

7 COMMISSIONER CAMILO: If it's for  
8 collective bargaining for police officers or-or  
9 things—titles that don't, they don't--that don't--  
10 function within those offices. So, I Talk about the  
11 motion to amend that I believe was shared with the  
12 staff, and I think was actually also made by  
13 Commissioner Paoli to tie the—the—well, I'll just  
14 read it. The appropriations available to pay for the  
15 expenses of the Public Advocate and each borough  
16 president during each fiscal year shall not be less  
17 than the FY20 Executive Budget per centum of the city  
18 funded appropriations available to pay for the  
19 expenses of the Office of the Mayor. So tying it to  
20 the Office of the Mayor excluding the Office of  
21 Management and Budget, the Office of Labor Relations,  
22 and the Office of Contract Services during such  
23 fiscal year provided, however, that the restriction  
24 in this paragraph shall not apply in the event that  
25 the Mayor makes and transmits to the Council of

2 written determination of fiscal necessity similar to  
3 the proposal associated with the CCRB.

4 CHAIRPERSON BENJAMIN: Well, except Chair  
5 prerogative, the Mayor is not the same as an agency.  
6 They Mayor has and does farm lots of people out or  
7 borrow people from agencies that are not included in  
8 the Mayoral Budget that are rather included in the  
9 agency budgets, but they work here at City Hall, and  
10 in the Tweed Building and the Op-eds, and in other  
11 Mayoral establishments. So, that number can be  
12 completely, and is completely manipulated by a Mayor  
13 who wants to show that his budget and his office is  
14 smaller. So, I would recommend against using that as  
15 the indexing because it's not real.

16 COMMISSIONER CAMILO: In the past—I know  
17 that in the past—sorry.

18 CHAIRPERSON BENJAMIN: Sorry. Alison.

19 COMMISSIONER HIRSH: You can answer that.  
20 You can just talk about it however it is. I know  
21 that decision.

22 COMMISSIONER CAMILO: I—I understand that  
23 that's your point, but certainly in the past, and  
24 there have been many instances where the Mayor's  
25 Offices—the Mayor's Office has grown as it's not a

2 fact to be accepted as truth that it will always be  
3 that case that it won't always stand firm or  
4 stagnant. So, certainly, you know, we can point to  
5 instances where—where the—where the headcount has  
6 increased in their operating budget, and—and, you  
7 know, I think that that's a fair—as they're an  
8 elected official much, much like these are as well,  
9 we would—that would be the proposal that I would  
10 prefer.

11 CHAIRPERSON BENJAMIN: Alison.

12 COMMISSIONER HIRSH: So, I—I may just not  
13 have heard you because it was hard to hear, but I—I  
14 don't quite understand what the problem you're trying  
15 to solve with this amendment is because the proposal  
16 on the table is not like the CCRB Proposal. It's not  
17 tying these office—the budgets of these offices to  
18 any percentage index or any connection to any other  
19 office. It's simply taking the existing budget  
20 agreement and whatever their budgets are right now  
21 and saying they'll stay the same or sort of increase  
22 based on inflation or a percentage increases. So, I  
23 don't quite understand why we would want to tie them  
24 percentage wise to any other office.

2 COMMISSIONER CAMILO: So, if we tie it to  
3 I think inflation is one of the markers, right,  
4 during the last—during the last recession for example  
5 where there were reduction in—in citywide personnel  
6 headcount, et cetera, inflation still went up. So,  
7 when you have a situation where, you know, there is  
8 an economic downturn, where it cuts need to be made,  
9 inflation, which is a bit—it might not necessarily  
10 relate to an economic, a condition would still be  
11 increasing. The dollar value of money continues to  
12 increase over time. So, separating inflation we  
13 thought, I thought might be the—the way to—to tie the  
14 budgets rather than that index.

15 COMMISSIONER HIRSH: But doesn't the  
16 proposed language solve for that both by suggesting  
17 that the increase is only—it's either inflation or  
18 the percentage increase of a budget of the citywide  
19 budget, and whichever is less, and Jim just clarified  
20 that that means if the city budget goes down, the  
21 budget for these offices would also go down.

22 COMMISSIONER CARAS: [off mic] Or go down  
23 half their size. (sic)

24 COMMISSIONER HIRSH: Oh.

2 COMMISSIONER CARAS: [off mic] It's off  
3 the worksheet.

4 CHAIRPERSON BENJAMIN: Yeah, I would move  
5 to strike upward, and just say adjusted so that if it  
6 moves downwards, it moves downwards. Okay, I'll make  
7 that amendment after you're done.

8 COMMISSIONER HIRSH: So, assuming--so you  
9 make, assuming we were able to--

10 CHAIRPERSON BENJAMIN: [interposing]  
11 Allowing such a movement.

12 COUNCIL MEMBER HIRSH: --I mean could  
13 run--amend the original language to remove the word  
14 upward. Wouldn't the problem that you're trying--  
15 isn't the problem that you're trying to solve already  
16 incorporated in the proposed language? [pause]

17 COMMISSIONER CAMILO: There might be a  
18 situation and I believe and I believe that there has  
19 been a situation where though there was an economic  
20 downturn because of contractual requirements or what,  
21 et cetera, the cost that we would have to pay that  
22 the budget actually increased anyway. So, I think  
23 that that's what we were trying to divorce the--the  
24 budgets for these offices from the overall city's

2 budget to tie it some-something else that can be-that  
3 would expand or contract or-but similarly.

4 COMMISSIONER HIRSH: But the original  
5 statement also allowed for the Mayor to submit  
6 rationale for why that can't work anyway.

7 COMMISSIONER CAMILO: That's if it's not-  
8 if-if there's a-a move to specifically call out or-or  
9 change the-the current arrangement as written.

10 COMMISSIONER GREENE: Like I just kind  
11 of-I guess I don't-I think based on the way we've  
12 been talking about the fiscal necessity language,  
13 being in a situation where the overall city goes up  
14 because of collective bargaining, but trying to sort  
15 of turn off that because of the-the recession. I-I  
16 guess I-

17 CHAIRPERSON BENJAMIN: [interposing]  
18 Well, if OMB. If-if-if DC37--if the Mayor, a Mayor  
19 reaches a collective bargaining agreement with DC37  
20 and Borough Presidents have DC37 employees, et  
21 cetera, they are going to give--

22 COMMISSIONER GREENE: Yes.

23 CHAIRPERSON BENJAMIN: --the Borough  
24 Presidents that money, too.

25 COMMISSIONER GREENE: Yeah.

2 CHAIRPERSON BENJAMIN: So, if it's the  
3 collective bargaining, they're going to be made whole  
4 for the collective bargaining anyway whether there's  
5 an upturn or downturn.

6 COMMISSIONER GREENE: Well, if it's not  
7 everyone in of a BP's offices, Public Advocate's  
8 office is-is part of those collective bargaining  
9 arrangements. So, it's right that-

10 CHAIRPERSON BENJAMIN: [interposing] OMB  
11 gives you the money for all of-for the headcount--

12 COMMISSIONER GREENE: Right.

13 CHAIRPERSON BENJAMIN: --and then you can  
14 determine how you want to allocate it. If the  
15 settlement with a DC37 is 4%, you get 4% times your  
16 employees, and if they are not unionized, you can  
17 give person 12% and another person 2% is how it  
18 works, but you get the full pot of money. [pause] Mr.  
19 Vacca.

20 COMMISSIONER VACCA: I rise to oppose the  
21 amendment, and I think the proposal submitted by the  
22 staff really does indicate how I would proceed. To  
23 tie the budgets of the Public Advocate and the  
24 Borough Presidents to the Office of the Mayor is  
25 something I-I would want to first the question: What

2 is the budget of the Office of the Mayor. The Mayor's  
3 Budget has never been fully transparent because there  
4 are people that the Mayor, whoever the Mayor is,  
5 hires and puts on lines of other city agencies, the  
6 Special Assistants, the Deputy to the Special  
7 Assistant, the Assistant to the Special Assistant,  
8 the Assistant to Deputy to the Special Assistant. We  
9 all know about this. I've been around for years.  
10 The Budget of the Mayor whoever the Mayor is, is not  
11 transparent, and why we should link other elected  
12 officials to that budget or to the budget of the  
13 labor-of the Office of Labor Relations, Contract  
14 Services. It-it-it just doesn't make sense, and I-I  
15 don't know how this was written. I think that we're  
16 on the right path. We-this money that they're  
17 proposing to give to the Public Advocate or the  
18 Borough Presidents, the money is peanuts. I said it  
19 last week. I say it again: Peanuts. Yet, are we  
20 going to make a commitment to having effective  
21 borough presidents and an effective Public Advocate?  
22 Well, that's the decision we have to make, and we do  
23 have a formula, which is not going to break the  
24 city's bank. Let's be honest.

25 CHAIRPERSON BENJAMIN: Any further-

2 COMMISSIONER CARAS: I'll just ask Jim:  
3 Would you prefer walnuts. [laughter]

4 COMMISSIONER VACCA: [off mic] And he's  
5 got his light on.

6 CHAIRPERSON BENJAMIN: Any further  
7 discussion on [background comment]—any further  
8 discussion on the Amendment? Call the question on  
9 the Proposed Amendment that offered by Commissioner  
10 Camilo? Call the question?

11 COMMISSIONER HIRSH: [off mic] Yes.

12 CHAIRPERSON BENJAMIN: Is there a second?

13 COMMISSIONER CARAS: [off mic] Second.

14 CHAIRPERSON BENJAMIN: Call the roll,  
15 please on the Amendment, which is referred to as the  
16 Anticipated Motion to Amend on the sheet you have in  
17 front of you.

18 LEGAL COUNSEL: Commissioner Albanese.

19 COMMISSIONER ALBANESE: [off mic] I'll  
20 pass.

21 LEGAL COUNSEL: Commissioner Barrios-  
22 Paoli.

23 COMMISSIONER BARRIOS-PAOLI: No.

24 LEGAL COUNSEL: Commissioner Camilo.

25 COMMISSIONER CAMILO: Yes.

2 LEGAL COUNSEL: Commissioner Caras.

3 COMMISSIONER CARAS: No.

4 LEGAL COUNSEL: Commissioner Cordero.

5 COMMISSIONER CORDERO: No.

6 LEGAL COUNSEL: Commissioner Fiala.

7 COMMISSIONER FIALA: No.

8 LEGAL COUNSEL: Commissioner Gavin.

9 COMMISSIONER GAVIN: Yes.

10 LEGAL COUNSEL: Commissioner Greene:

11 COMMISSIONER GREENE: Yes.

12 LEGAL COUNSEL: Commissioner HIRSH:

13 COMMISSIONER HIRSH: No.

14 LEGAL COUNSEL: Commissioner Miller.

15 COMMISSIONER MILLER: Yes.

16 LEGAL COUNSEL: Commissioner Nori.

17 COMMISSIONER NORI: [off mic] Yes. (sic)

18 LEGAL COUNSEL: Commissioner Tisch.

19 COMMISSIONER TISCH: No.

20 LEGAL COUNSEL: Commissioner Vacca.

21 COMMISSIONER VACCA: No.

22 LEGAL COUNSEL: Commissioner Weisbrod.

23 COMMISSIONER WEISBROD: Yes.

24 LEGAL COUNSEL: Commission Albanese.

25 COMMISSIONER ALBANESE: Yes.

2 LEGAL COUNSEL: Chair Benjamin.

3 CHAIRPERSON BENJAMIN: Yes. Oh, I'm  
4 sorry. Scratch that. No. [background  
5 comments/coughing] I've jumped ahead of myself.  
6 Sorry.

7 LEGAL COUNSEL: 6 in the affirmative, 9  
8 in the negative. The motion fails.

9 CHAIRPERSON BENJAMIN: And now on the  
10 Revised Proposal 16. [pause] I'm sorry, everyone.  
11 I'm just—

12 COMMISSIONER VACCA: I make a motion to  
13 accept Reso—Revised Proposal 16.

14 LEGAL COUNSEL: Yes, sir.

15 CHAIRPERSON BENJAMIN: Okay. Yes. I  
16 would like to make one amendment, and then I think we  
17 can vote to change the language to read in the second  
18 clause: Adjusted removing the word upward. So that  
19 if there is a downward trend in future years, it  
20 would be adjusted downward. With that amendment,  
21 discussion? Call the question? Second? Call the  
22 roll.

23 COMMISSIONER GREENE: We're voting on  
24 the--?

2 CHAIRPERSON BENJAMIN: Revised Proposal  
3 16 with the one change--

4 COUNCIL MEMBER GREENE: Of the--?

5 CHAIRPERSON BENJAMIN: --that says--I'm  
6 being asked to read. I can tell Ed moves over my  
7 shoulder. Require that the budgets for the--  
8 [background comments/pause] I'm told that my  
9 amendment to remove the word upward, can we vote on  
10 that by unanimous consent removing the word upward.  
11 All in favor?

12 COMMISSIONERS: [in unison] Aye.

13 CHAIRPERSON BENJAMIN: All opposed?  
14 Okay, so now, I'm going to--I will read the proposal:  
15 Require that the budgets for the Public Advocate and  
16 Borough Presidents be set at or above their  
17 respective Fiscal Year 2020 Budgets adjusted upward  
18 in future Fiscal Year--I'm sorry. Adjusted in future  
19 fiscal years by the lesser of (1) inflation or (2)  
20 percentage increase in the city's total budget.  
21 Notwithstanding the above, the Mayor may propose and  
22 the Council may adopt a lower budget for the Public  
23 Advocate of Borough Presidents if the Mayor makes a  
24 writer determination of fiscal necessity setting  
25 forth in detail (1) the basis for that determination,

2 and (2) that the proposed reduction for that office's  
3 budget is part of an overall plan to address a  
4 downturn in city revenues or unforeseen financial  
5 circumstances. [pause] [coughing] Call the question?  
6 Yes. Second? Please call the roll.

7 LEGAL COUNSEL: Commissioner Albanese.

8 COMMISSIONER ALBANESE: [off mic] I'll  
9 pass. (sic)

10 LEGAL COUNSEL: Commissioner Barrios-  
11 Paoli.

12 COMMISSIONER BARRIOS-PAOLI: Yes.

13 LEGAL COUNSEL: Commissioner Camilo.

14 COMMISSIONER CAMILO: No.

15 LEGAL COUNSEL: Commissioner Caras.

16 COMMISSIONER CARAS: Yes.

17 LEGAL COUNSEL: Commissioner Cordero.

18 COMMISSIONER CORDERO: Yes.

19 LEGAL COUNSEL: Commissioner Fiala.

20 COMMISSIONER FIALA: Yes.

21 LEGAL COUNSEL: Commissioner Gavin.

22 COMMISSIONER GAVIN: No.

23 LEGAL COUNSEL: Commissioner Greene:

24 COMMISSIONER GREENE: No.

25 LEGAL COUNSEL: Commissioner HIRSH:

2 COMMISSIONER HIRSH: Yes.

3 LEGAL COUNSEL: Commissioner Miller.

4 COMMISSIONER MILLER: Yes.

5 LEGAL COUNSEL: Commissioner Nori.

6 COMMISSIONER NORI: Yes.

7 LEGAL COUNSEL: Commissioner Tisch.

8 COMMISSIONER TISCH: Yes.

9 LEGAL COUNSEL: Commissioner Vacca.

10 COMMISSIONER VACCA: Yes.

11 LEGAL COUNSEL: Commissioner Weisbrod.

12 COMMISSIONER WEISBROD: No.

13 LEGAL COUNSEL: Commission Albanese.

14 COMMISSIONER ALBANESE: Yes.

15 LEGAL COUNSEL: Chair Benjamin.

16 CHAIRPERSON BENJAMIN: Yes.

17 LEGAL COUNSEL: 12 in the affirmative, 4  
18 in the negative. The motion carries.

19 CHAIRPERSON BENJAMIN: Thank you. Now we  
20 move onto our next items of business, which were  
21 additional Commissioner proposals, which were sent to  
22 us by a number of you. The first one of which is  
23 establishing a democracy voucher system for financial  
24 electoral campaigns. Is there any discussion?  
25

2 COMMISSIONER ALBANESE: Yes, of course.  
3 There's a malfunction here.

4 CHAIRPERSON BENJAMIN: You've broken the  
5 microphone. You will now have to pay for it.

6 COMMISSIONER ALBANESE: Okay we're all  
7 set. Before I begin my presentation of Democracy  
8 Vouchers, which is relatively lengthy. Let me—let me  
9 say that I've listened to a lot of comments about  
10 Democracy Vouchers. Democracy Vouchers from different  
11 folks so a lot of reservations about implementation,  
12 about whether it—it's ready for the 2021 elections,  
13 and whether a hybrid works for the 2021 election. I  
14 don't think those arguments are—are strong. I—I  
15 don't subscribe to them, but I'm willing to amend my  
16 proposal, amend my proposal so that if Democracy  
17 Vouchers is adopted by the voters, that New York City  
18 begin its implementation in the City Council races in  
19 2023 and that implemented in all races in 2025. So,  
20 that's my proposed amendment. The Charter's most  
21 important responsibility is organizing our political  
22 system so that we have a true democracy where the  
23 voice of every citizen counts. There's no denying of  
24 the influence of big money is ruling our democracy.  
25 That's why I'm recommending we adopt Democracy

2 Vouchers as our—as a reform in this city. Let me  
3 begin by analyzing what I consider a flawed matching  
4 money campaign finance law, and followed up with a  
5 discussion of the Democracy Vouchers adopted by  
6 Seattle and would be voted on and Albuquerque and  
7 Austin and in the fall elections. In addition,  
8 Senator Gillibrand had proposed vouchers on the  
9 national level as a presidential candidate. I was a  
10 Council Member in the late '80s when we voted to  
11 adopt this matching money system as a method to curb  
12 Pay-to-Play corruption after a series of scandals  
13 rocked the city. The goal was to empower some more  
14 donors eliminating the influence of conflicted big  
15 money contributors. I voted for it despite doubts  
16 about its effectiveness. The law initially matched  
17 small contributions on a one-to-one basis. Over the  
18 years, the match increased to 6 to—6 to 1. Now we're  
19 at 8 to 1. Pay-to-Play corruption under the 6 to 1  
20 match as anyone who reads the papers knows has been  
21 on steroids, and it won't be addressed with an 8 to 1  
22 match. However, it will cost taxpayers more money,  
23 help incumbents, consultants, lawyers. It's throwing  
24 good money after bad. This spin sound great. You  
25 hear that a \$10 donation from a city resident will

2 turn to \$90. What you don't hear is the qualifying  
3 for the match. As a candidate for mayor for example  
4 you have to raise \$250,000 in matching dollars, and  
5 have a total of city resident donors. In other  
6 words, a thousand people have to give you money.  
7 Therefore, if you're running for Mayor with the real  
8 powers in this city, depending on \$10 donors, you  
9 would need to have 25,000 people to reach the  
10 matching threshold, 25,000. The 1,000 city resident  
11 is fair. I think you—in order to be a credible  
12 candidate you need to—you need to show that you've  
13 got support of a 1,000 people. However, it's a  
14 different story when it comes to \$250,000 match.  
15 Here's what happens. Political insiders have a  
16 Rolodex or the fix is in the city, they're well  
17 healed donors. They get on the phone. They  
18 immediately raise—raise money from these folks who  
19 have—many of them have commercial interest in the  
20 city. Our law allows a \$2,000 contribution as a  
21 match, which is really very high. The insiders will  
22 ask and receive \$2,000, which of the first \$250  
23 they'll be matched by the city—by the Campaign  
24 Finance Board, and they'll quickly reach the matching  
25 threshold. They'll get there very quick. The

2 independent, the credible independent may have a  
3 thousand city residents who have donated small  
4 amounts of money like \$10 would be left in the  
5 proverbial dust, written off by the press and  
6 incumbents is poorly funded, a long shot with no  
7 chance of winning, which further erodes that person's  
8 ability to raise money. Basically, you become a non-  
9 candidate still being on the ballot because you can't  
10 compete because these folks have already reached the  
11 matching threshold with this private money. For  
12 example, today as we sit here the—the Mayoral  
13 contenders have already raised over \$5 million in  
14 private money, already. Most of that money doesn't  
15 come from the Queens Bridge Houses or all the  
16 residents or the working class residents of Staten  
17 Island. It comes from wealthy folks who have—many of  
18 them have—have conflicts—not conflicts. They have  
19 interest in the city, city government, businesses and  
20 what have you. Incredibly, under this system  
21 lobbyists and conflicted parties are able to bundle  
22 cash for their favorite candidate. In other words,  
23 if I'm a lobbyist, I get 20 people in a room and say,  
24 I want to \$2,000 from all of you. You raise \$40,000  
25 like that. It does—once again, ordinary people are

2 left out of the process. Ironically, these folks now  
3 they have to spend less—less cash because the  
4 taxpayers will pick up the rest of the tab. Russell  
5 Berman wrote an article in the Atlantic on campaign  
6 finance. Here's what he said about the New York  
7 City's matching fund program: Where it has been held  
8 up as a model by good government groups, it has done  
9 little to disrupt domination by the political class.  
10 The matching systems are a bureaucratic nightmare.  
11 Don't take my word for it. Ask anyone who has dealt  
12 with the Campaign Finance Board. Candidates are  
13 forced to hire lawyers, consultants. An entire  
14 cottage industry has been created to deal with this  
15 \$17 million agency. It has failed miserably to curb  
16 Pay-to-Play. It doesn't empower small donors, and  
17 for the city's most important race in 2017, 8%, 8% of  
18 the money came from small donors, those contributing  
19 \$250 or less, and I'll bet you half of the people  
20 within that category are from the wealthiest zip  
21 codes of this city. Another failure to matching law  
22 is very important, but seldom mentioned when they  
23 call this system a model. There's a huge economic  
24 and racial gap among donors. The vast majority of  
25 donors are white and from the higher income strata.

2 I asked the Campaign Finance Board on how many people  
3 of color donate to campaigns and they can be only to  
4 have—didn't have any data. Seattle had the data. It  
5 was available. I suspect that the answer in New York  
6 City is embarrassing as well. This expensive system  
7 helps insiders or large lobbies and other conflicted  
8 actors to bundle campaign cash, has not mitigated  
9 Pay-to-Play and has little participation from  
10 ordinary people and should be replaced. This leads  
11 me to Democracy Vouchers and likes are much superior  
12 campaign finance system. It's considered the gold  
13 standard. Seattle adopted vouchers by referendum in  
14 2015, the first of its kind in the United States and  
15 implemented for the 2017 election cycle. Every voter  
16 in the city received four \$25.00 vouchers to use in  
17 the City Council and City Attorney races, which by  
18 the way, citywide races, and even one cycle the  
19 program nearly tripled the number of citizens  
20 participating in the Campaign Finance system.  
21 Voucher users were substantially more diverse in  
22 terms of race, age and especially income. This year  
23 in City Council contests, those numbers are already  
24 significantly higher than 2017, and the final numbers  
25 are not in. At this point in 2017, about 13,000

2 vouchers were received. In 2019, the number has  
3 grown to nearly 57,000. I provided data from  
4 researchers for your packet, by the way, on that  
5 issue. In 2017, six candidates for large City  
6 Council seats and City Attorney participated in the  
7 program. This year there are a whopping 42  
8 candidates on track to collect Democracy Vouchers.  
9 Seattle is now on pace on to use vouchers in all  
10 races in 2021 including the Mayor's race. The 2019  
11 tour is trending to bring in a record number of  
12 citizens into their local campaign finance system,  
13 and far surpasses the number of private donors that  
14 funded elections before vouchers were adopted. The  
15 Democracy Voucher system is significantly less  
16 bureaucratic and perhaps cheaper than the New York  
17 City. It might even—it will save taxpayers money. To  
18 be eligible for vouchers, you must be a credible  
19 candidate by garnering signature donations. In  
20 Seattle, you need 600 signatures and 600 people have  
21 to give you at last \$10 to qualify for vouchers.  
22 Unlike New York City the maximum donation is \$500.  
23 The beauty of this program, and the secret to its  
24 success is whether you're a wealthy resident, a  
25 working class or a poor citizen, you will receive the

2 same four vouchers, and you can donate to anyone  
3 running for municipal office. I always use this  
4 example that if you're a resident of NYCHA earning  
5 \$30,000 a year, you will be mailed the same four \$25  
6 vouchers as the hedge fund manager who lives in the  
7 wealthiest zip code. Vouchers change the game. The  
8 candidates whether incumbents or challengers so that  
9 they spend their time talking to ordinary voters  
10 rather than the donor class vouchers turn every  
11 single voter into a donor, influence peddlers, and  
12 there are many in this city. Lobbyists and other  
13 conflicted donors are no longer in the fundraising  
14 equation, effectively end Pay-to-Play, and boy, the  
15 Pay-to-Play scammers in this city have been nothing  
16 short of outrageous including comments from the U.S.  
17 Attorney and the D.A. about Pay-to-Play in this town.  
18 I'm familiar with arguments which some will make  
19 against vouchers. I don't agree with them, but they  
20 include the distributors (sic) more time to see if it  
21 works. While two cycles is a lot of time and the  
22 results have been sterile. This is why Seattle will  
23 be moving forward with the program in their races in  
24 2021. This is why Albuquerque and are sort of  
25 comfortable with the program. It will be on the

2 ballot for adoption in November. This is why  
3 presidential candidates Joe Brandon and Yang have  
4 proposed vouchers, and they're actually on the level.  
5 Another argument is that that New York City is too  
6 large. With others in terms of scaling, that may be  
7 an issue. I don't—I don't subscribe to that  
8 argument. Ms. Gillibrand is proposing this on a  
9 national level. So, you could imagine that its  
10 scaling will not be an issue, and we just adopted  
11 Ranked Choice Voting. Talk about something that's  
12 confusing. Democracy Vouchers were a lot easier to  
13 adopt, and it's pretty straight forward than Ranked  
14 Choice Voting. I don't buy the arguments, but one,  
15 I'm willing to compromise and as per my amendment,  
16 and finally, will vouchers upset the political quest  
17 by truly providing regular people with a voice in the  
18 elections? Yes, it will. Will vouchers create real  
19 competition in our elections? Absolutely. Will  
20 vouchers minimize or eliminate Pay-to-Play  
21 corruption? Absolutely. Will it increase citizen  
22 participation? Absolutely. My fellow commissioners  
23 we have a chance to be part of history. We will be  
24 on the leading edge of addressing one of the major  
25 defects of our political system, the corrosive

2 influence of money on our politics. Let's not blow  
3 this opportunity.

4 CHAIRPERSON BENJAMIN: Well, thank you,  
5 Sal. Discussion? Fiala and then Reverend Miller

6 COMMISSIONER FIALA: Thank you. [coughs]  
7 Thank you, Madam Chair. Commissioner Albanese, I  
8 confess that no position under consideration by this  
9 Commission has proven to be more vexing to me than  
10 your signature issue of Democracy Vouchers. After  
11 the appointment of this Commission, but before we  
12 even held our first organizational meeting, you were  
13 reaching out to me and other commissioners to enlist  
14 support for your proposal. I told you then that I  
15 was not philosophically supportive of public finance  
16 campaigns as a general proposition, and that I  
17 believe such systems have resulted in a mixed record  
18 at best, and often with more hype about being a  
19 genuine reform of success than being an actual  
20 success. The forecasted outcomes and promises about  
21 such systems—systems are laudable goals to be sure. I  
22 agree with you that the obscene levels of money in  
23 political campaigns is perverse, and cries out for  
24 redress, but I have not been convinced that taxpayers  
25 subsidize campaigns are the anecdote. Nor to I

2 believe that the evidence to date has shown that the  
3 forecasted increases in political competitiveness in  
4 races and reduced levels of corruption, which in  
5 recent years have been staggering, have materialized.

6 A Gotham Gazette opinion piece this past January  
7 pointed to the historical hoped for impact on civic  
8 engagement that has indeed not materialized since the  
9 creation of publicly funded campaigns. In 1989, the  
10 piece went on to note voter turnout in the mayoral  
11 election, the first to occur under a publicly  
12 financed plan, was 60%. In 1993, it was 57%. The  
13 Board of Elections reports indicate that in 1997,  
14 voter turnout was 40%. In 2001, 41%; 2005, 33%;  
15 2009, 28%; 2013, 26%; 2017, our last mayoral race  
16 under 25%. Interestingly, more eligible voters than  
17 ever are registered in our city, but a 42% decline, a  
18 42% decline in turnout over a 30-year period that  
19 happens to coincide with the publicly financed  
20 campaigns. Even worse, in 2017, the citywide primary  
21 elections, citywide primary elections, the decisive  
22 round let's face it in this city, to determine our  
23 citywide officials, saw only 12% of eligible voters  
24 come out to the polls and vote. The trend lines are  
25 beyond refute, and they speak to a civic crisis

2 demanding a solution. Politics is about contested  
3 ground. It's a forum of for reconciling our  
4 differences through civil, informed, competitive yet  
5 responsible debate. The alternative to politics is  
6 barbarism. It was no accident with the very first  
7 words of our nation's Constitution began with: We the  
8 people. You, Sal, Jimmy, myself how many hundreds of  
9 time, hundreds of meetings have we been in that room  
10 during a Stated Meeting, and pointed up to the  
11 beautiful mosaic above the Speakers rostrum with that  
12 artwork? You know it, Madam Chair. We the people.  
13 I ask you to pause for one moment and reflect on  
14 that, and if you do, you realize something. You  
15 realize that the birth of America was the longest of  
16 longshots. It was the very first of its kind, and it  
17 wasn't supposed to happen. That birth was dependent  
18 upon two essential and mutually re-enforcing  
19 ingredients. The first still remains I hope obvious  
20 even today. It was a new vision of what a  
21 government's relationship to its citizenry could and  
22 should be. It was a near perfect vision for a self-  
23 governing people crafted by a very capable yet  
24 imperfect group of founding fathers. The second  
25 essential ingredient was the participation and the

2 support of ordinary people, we the people. If those  
3 two sides of that same coin were not aligned and  
4 fused together in one accord, we would not be able to  
5 be sitting here today debating the issues of our own  
6 time. In Federalist Paper No. 51, James Madison  
7 offered in a reflection on government and human  
8 nature, but what is government itself, but the  
9 greatest of all reflections of human nature? Madison  
10 asked. If men were angels, no government would be  
11 needed. If angels were to govern men, neither  
12 external nor internal controls on government would be  
13 necessary. Informing a government that is to be  
14 administered by men over men, the great difficulty  
15 lies in this: You must first enable the government  
16 to control the governed, and in the next place force  
17 it to control itself. Federalist 51 is my favorite  
18 of the 85 Federalist Papers. Hamilton, Madison and  
19 Jay really got something right. In my mind that  
20 paper speaks to the great challenge every succeeding  
21 generation has in perpetuating our 230-year  
22 experiment as the world's leading democratic  
23 republic. We are delusional if we believe our form  
24 of government can be run on auto pilot for very long.  
25 Our political system like the world itself is not

2 static, but dynamic. It's success and survival  
3 depend on every generation being able to meet the  
4 evolving challenges of an aging democracy, and make  
5 not mistake, we are an old democracy. Both the  
6 political class and the people are jointly  
7 responsible for preserving, improving and maintaining  
8 a vibrant election system. One of my favorite  
9 authors C.S. Lewis once said: A sick society must-  
10 must think about politics as a sick man must  
11 think about digestion. We think about such things to  
12 be able to think about something else. I interpret  
13 C.S. Lewis' words to mean that we should take great  
14 care of what we have because it might not be there  
15 tomorrow. Last year when I started-when we started  
16 our work, I said I would I would do what Saint  
17 Benedict admonished his monks to do in his rule. The  
18 very first words of the Benedictine Rule was listen,  
19 listen. As I've wrestled with my position on your  
20 proposal, Councilman Albanese, I thought about that  
21 pledge and of all the people who have stopped me  
22 after these meeting we've had across the city this  
23 year and last, and told me I owed this issue a fair  
24 hearing, not a closed mind simply because of my  
25 philosophical predispositions against public

2 financing, and I've see Mr. Manning. I see Mr.  
3 Morano and others who traverse the city with us. I  
4 thank you for being here tonight, and I think you for  
5 having attended then. As of tonight, my  
6 philosophical opposition remains. The efficacy of  
7 public financing of campaigns is still suspect in my  
8 mind. In working through this vexing conundrum, I  
9 came to a conclusion late Sunday night after thinking  
10 about something Saint Augustine said regarding  
11 philosophy and life. I turn to him often. He said  
12 this: If I have said something reasonable, then  
13 follow not me, but reason itself. John Henry Newman,  
14 the great theologian and poet, priest and cardinal  
15 was the greatest convert to my faith in the 19<sup>th</sup>  
16 Century. He converted because he realized like  
17 Augstine, that to live is to change, and to be never  
18 content with the last formulation of a particular  
19 issue. I may prefer an apple to a lemon, but the  
20 choice I'm called upon today isn't a choice between  
21 an apple and a lemon. It's not a question of shall  
22 we have a publicly funded finance campaign system in  
23 New York City or shall we not? New York City has had  
24 for 30 years, and will continue I imagine to have for  
25 many years to come a publicly finances campaign

2 system. The question tonight rather is whether a  
3 different method of public financing, one that offers  
4 hope and portends better outcomes in the areas of  
5 campaign competitiveness, efficiency, increased  
6 grassroots campaigning, a lost art by candidates, and  
7 empowering—empowering voters who have for too long  
8 felt too disconnected from and dismissed by their own  
9 government. My choice tonight isn't between an apple  
10 and a lemon. There is only one choice, the choice is  
11 between a 30-year-old lemon with a spotty record at  
12 best of a lemon characterized as the next generation  
13 and logical extension of campaign finance systems.  
14 Therefore, in my judgment notwithstanding my personal  
15 feelings or apprehensions a compelling case has been  
16 made and has been excitingly made, and the threshold  
17 test has been met for allowing the question of  
18 Democracy Vouchers to be placed before the voters  
19 themselves this November and debated in the court of  
20 public opinion in earnest between now and Election  
21 Day. With that Sal, I hope I've delivered on my  
22 commitment to keep an open mind, and I support your  
23 measure. [background comments/pause]

24 CHAIRPERSON BENJAMIN: Reverend Miller,  
25 you were next.

2 COMMISSIONER MILLER: Thank you, Madam  
3 Chair. I think I'm in total agreement with the  
4 proposed amendment that's on the-about to be on the  
5 floor, hopefully. Last we decided to adopt Ranked  
6 Choice Voting for the people of the City of New York  
7 to consider on the ballot. So, if we're going to be  
8 about change, and I think we have a wonderful  
9 opportunity here, and why stop there. We can take it  
10 further, and establish a Democracy Voucher system for  
11 the people to consider on the back of the ballot.  
12 The character that New York City always touts itself  
13 politically as progressive. I feel like we have  
14 Seattle, Washington, Albuquerque, Austin, and other  
15 municipalities around the country are going to adopt  
16 Democracy Vouchers, New York City will be not  
17 progressive, but reactors as far as this-this  
18 measure. So, for two reasons I think it's important  
19 for us to give this our whole time and attention, it  
20 will revive the spirit of the electorate and number 2,  
21 it will offer a legitimate and clear avenue for new  
22 potential elected officials to come to the floor,  
23 lesser known officials that are-lesser known  
24 candidates that don't have access to-to great  
25 resources. So, I think the argument against

2 Democracy Vouchers is that the City Council can adopt  
3 it by virtue of the existing statutes of-of the city.  
4 One problem I have with that argument is that the  
5 pattern that I see from my position as a pastor I see  
6 a lot of people who first start out as concerned  
7 citizens who become candidates, candidates who become  
8 electives, and when they become elected, something  
9 changes. They-they become real turned on by the  
10 access to resources and wealth, and so the pattern  
11 that I see is one that starts in-in surges that ends  
12 up in complacency, and so, the only two things that  
13 stop elected officials from being elected officials  
14 is in my estimation are term limits and scandal. So,  
15 to again reference Mr. Fiala's reference to Saint  
16 Augustine, which I appreciate. There was so much  
17 theological material in your presentation. I think I  
18 have a sermon for Sunday. Thank you very much.  
19 [laughter] Saint Augustine also wrote City of God,  
20 and-and I think when it comes to campaign financing  
21 and how elections are swayed in this city, there are  
22 some very ungodly things that go on in this city not  
23 that Democracy Vouchers will make elections and  
24 campaign financing perfect, but it will make it  
25 better than it is right now. So, I think it's

2 totally worth our time and attention, and I think it  
3 should end up on the ballot as proposed.

4 CHAIRPERSON BENJAMIN: Thank you Reverend  
5 Miller. Is there any other discussion? [pause]  
6 Commissioner Cordero. (sic)

7 COUNCIL CORDERO: Well, I'd like to just  
8 add there's a—I think it's a—we were talking about  
9 being bold and I think this is possibly one of the  
10 boldest moves we could make. I don't know if it's  
11 actually going to work for the city, but I am in  
12 support of it, and I move to call the question.

13 CHAIRPERSON BENJAMIN: Any other  
14 discussion. Call the question.

15 COMMISSIONER GAVIN: Second.

16 CHAIRPERSON BENJAMIN: Call the roll.

17 LEGAL COUNSEL: Commissioner Albanese.

18 COMMISSIONER ALBANESE: [background  
19 comments] Can I offer another amendment at this  
20 point procedurally?

21 CHAIRPERSON BENJAMIN: You can't offer it  
22 now that the question has been called.

23 COUNCIL MEMBER ALBANESE: Subsequent?

24 CHAIRPERSON BENJAMIN: Depending on what  
25 happens.

2 COUNCIL MEMBER ALBANESE: Of course, aye.

3 LEGAL COUNSEL: Commissioner Barrios-  
4 Paoli.

5 COMMISSIONER BARRIOS-PAOLI: Yes.

6 LEGAL COUNSEL: Commissioner Camilo.

7 COMMISSIONER CAMILO: No.

8 LEGAL COUNSEL: Commissioner Caras.

9 COMMISSIONER CARAS: I want to commend  
10 Sal and his passion. I think it's a rally  
11 interesting, intriguing idea. I love the thought of  
12 people in communities that have not been included  
13 being included. I've talked to experts, though and  
14 they have told me that, you know, questions should be  
15 studied such as should this replace our current  
16 system? Should this be added onto our current  
17 system? And I just feel like it's-it's precipitous  
18 to act now. So, I vote no.

19 LEGAL COUNSEL: Commissioner Cordero.

20 COMMISSIONER CORDERO: Yes.

21 LEGAL COUNSEL: Commissioner Fiala.

22 COMMISSIONER FIALA: I'd just point out,  
23 Sal, that in 1998 when you adoptee Campaign Finance  
24 system, New York didn't lead at that time either. It  
25 actually followed Seattle, Washington. I vote aye.

2 LEGAL COUNSEL: Commissioner Gavin.

3 COMMISSIONER GAVIN: [off mic] Hold on.

4 [on mic] I, too, want to thank Commissioner Albanese  
5 for his passion, and his commitment to this, but I,  
6 too, feel that there's a need for further study. So,  
7 I will have to vote no.

8 LEGAL COUNSEL: Commissioner Greene:

9 COMMISSIONER GREENE: No.

10 LEGAL COUNSEL: Commissioner Hirsh.

11 COMMISSIONER HIRSH: I, too, want to  
12 thank Commissioner Albanese, and I just, you know,  
13 this is an issue that we've been—I've been studying  
14 personally and through my work in all of the cities  
15 in which we work, and I think it is something I  
16 really want to spend a lot more time figuring out. I  
17 think any point that we're not quite sure whether it  
18 works in New York City is what gives me pause at this  
19 moment on putting something so bold onto the ballot  
20 without enough thought and—and figuring out how to—  
21 how it impacts our current system, et cetera. So,  
22 I'll be voting no.

23 LEGAL COUNSEL: Commissioner Miller.

24 COMMISSIONER MILLER: Yes.

25 LEGAL COUNSEL: Commissioner Nori.

2 COMMISSIONER NORI: Yes.

3 LEGAL COUNSEL: Commissioner Tisch.

4 COMMISSIONER TISCH: No, but I do want to  
5 say when I spoke to Sal I promised him I was going to  
6 read up on it, and speak to some people, which I did,  
7 and a lot of them consider themselves national  
8 political experts, and they—to the person before them  
9 today said to me that this is an idea whose time may  
10 not be today in New York, but you can be sure over  
11 the next decade it is coming at us with full speed.  
12 So, Sal, I vote no, but I like to know a pioneer.

13 LEGAL COUNSEL: Commissioner Vacca.

14 COMMISSIONER VACCA: I, too, want to  
15 thank Sal, and I want to thank Commissioner Fiala for  
16 his fantastic, fantastic explanation, and clarity on  
17 the issue. I'm committed to campaign finance reform,  
18 very much so, and I'd be willing to look at this as  
19 other members have indicated as a part of a  
20 commission that would study it at public hearings,  
21 get public input, flesh it out. We've spent so much  
22 time here on so many specific things, and I think  
23 that that's the same opportunity we should afford  
24 that proposal. So I will vote no on this motion, and  
25 I would be open to further study.

2 LEGAL COUNSEL: Commissioner Weisbrod.

3 COMMISSIONER WEISBROD: I'm also going to  
4 vote no, and again, commend Sal and—and Stephen Fiala  
5 for their passion and Reverend Miller and Mr.  
6 Cordero. I do note that we as a commission are  
7 taking for New York City a very bold step here in  
8 recommending Ranked Choice Voting to go to the voters  
9 this November, and that in and of itself is likely to  
10 have profound impact and I hope a very positive  
11 impact on the concerns that have been raised about  
12 voter participation. I think we will get a much  
13 better feel and a handle on whether Democracy  
14 Vouchers are appropriate for New York after we see  
15 the effect of Ranked Choice Voting, and I hope that  
16 the voters will embrace our recommendation on that—on  
17 that matter, and just want to agree with Dr. Tisch  
18 that this may be something that is on the horizon,  
19 but it's on—it has not come yet, and I think it  
20 should be examined in the light of hopefully a very  
21 new world of voting that we will see in 2020.

22 LEGAL COUNSEL: Chair Benjamin.

23 CHAIRPERSON BENJAMIN: I, too, would like  
24 to thank all of the people who have been involved in  
25 this discussion. Sal and I have certainly had many a

2 discussion about this item. I certainly agree that  
3 the fact that voting participation is so low is  
4 criminal. Whether that in part is because of the  
5 candidates who run, because of people's disaffection  
6 for government, because of a lack of voting  
7 opportunities or voter suppression. All of those  
8 things add into where we find ourselves that  
9 Commissioner Fiala talked about, which is that every  
10 year participation goes down. I think that is a  
11 critical issue facing our entire country, and trying  
12 to understand why that is, is something that I am  
13 interested in doing. I don't find at this stage that  
14 Democracy Vouchers are the answer for me to that  
15 question. So, I will be voting no on that, but I  
16 would really like to be involved in studying the  
17 question of participation, and ways to increase it.  
18 [coughing] I vote no at this time on this matter.

19 LEGAL COUNSEL: Five in the affirmative,  
20 10 in the negative, the motion fails.

21 COMMISSIONER ALBANESE: Madam Chair, I'd  
22 like permission since we've had a number of  
23 Commissioner express interest in a study, I'd like to  
24 offer an amendment.

2 CHAIRPERSON BENJAMIN: You're going to  
3 have to wait 'til the end on that. That's not what  
4 is on this question, and will you put that off to the  
5 end when new business comes?

6 COMMISSIONER ALBANESE: Yeah.

7 CHAIRPERSON BENJAMIN: Okay. I think it's  
8 you again Sal, establishing a 5-Year Post-Employment  
9 lobbying ban for elected officials and senior  
10 appointed officials. I-I would just add, as you know,  
11 there is a time—a 5-minute time limit that we went  
12 way beyond, and I would just ask you to be mindful of  
13 that.

14 COMMISSIONER ALBANESE: I will definitely  
15 keep to that timeframe. My proposal calls for a 5-  
16 year—a 5-year ban on—on lobbying for elected  
17 officials and other appointed, high appointed  
18 officials. There is a wide swath of agreement on  
19 this issue that legislators, some legislators at the  
20 end of their term could be influenced as they look  
21 for new a new job and—and may look favorably on  
22 issues that in—that are being promoted by—by  
23 lobbyists and others hoping to wind up there with a  
24 big lobbying job, and it's—I think it's a—a conflict  
25 of interest and it's something that not only I'm

2 proposing, but we have folks at the federal level  
3 from Congresswoman Ocasio Cortez to Senator Ted Cruz.  
4 They're proposing lifetime ban on-on lobbying by  
5 elected officials. I mean we are New York City.  
6 This is a very, you know, a town full of lobbyists  
7 and-and elected officials that-that obviously would  
8 like those jobs and-and it-it brings about conflicts  
9 of interest, and we have a one-year ban in Albany,  
10 which is a-not a bastion of ethical comportment, and  
11 has a two-year ban. So, I'm proposing a five-year  
12 ban and-and hope that my fellow Commissioners support  
13 it.

14 CHAIRPERSON BENJAMIN: Discussion? Mr.  
15 Fiala.

16 COMMISSIONER FIALA: Thank you, Madam  
17 Chair. Commissioner Albanese, would you be open to a  
18 friendly amendment at this time?

19 COMMISSIONER ALBANESE: From you, of  
20 course. [laughter]

21 COMMISSIONER FIALA: I applaud what  
22 you're trying to do. I think you-you-you-you've been  
23 a thoughtful maverick through your whole career and  
24 trying to clean up government, wanting to good  
25 government. I just have concerns about the length of

2 the ban and how unique this would be. Would you  
3 consider adopting the staff proposal that had been  
4 discussed in—in our Preliminary Staff Report that  
5 brings us into alignment with the state, but doesn't  
6 go beyond? That would in effect be, and please  
7 correct me if I'm wrong Madam Chair and—and Executive  
8 Director that—the—the staff—the Preliminary Staff  
9 Proposal was a two-year.

10 CHAIRPERSON BENJAMIN: That's correct.

11 COMMISSIONER FIALA: I—I—and I—I—I'm  
12 trying to build a bridge and meet you half way, that  
13 you could--

14 COMMISSIONER ALBANESE: [interposing] I  
15 now you could.

16 COMMISSIONER FIALA: I—I couldn't go five  
17 years. I just want to—I—I don't want to sandbag you  
18 in a vote, and I'm going to be a no vote, but would  
19 you consider amending your proposal--

20 COMMISSIONER ALBANESE: To a two-year  
21 ban. (sic)

22 COMMISSIONER FIALA: To be—to be  
23 consistent with--

24

25

2 COMMISSIONER ALBANESE:[interposing] I  
3 would—I would certainly consider that, yes, and would  
4 support that.

5 COMMISSIONER FIALA: And I would—I would  
6 be in favor of voting on that.

7 COMMISSIONER VACCA: I'll second the  
8 amendment. [pause]

9 CHAIRPERSON BENJAMIN: Just to be clear,  
10 you're proposing to reduce it to two years. The  
11 staff, what the staff has looked at was a two-year  
12 post-appearance ban. You couldn't appear before the  
13 body for two years, which I believe is the Albany  
14 ban.

15 COMMISSIONER FIALA: My understanding in—  
16 my understanding when we looked at this previously  
17 and please correct me if I'm wrong, and the  
18 preliminary staff talked about a two-year, which  
19 would mirror New York State. That's—that's about as  
20 far as I think at this time we—we-we should probably  
21 go. So, I'm looking—I'm looking to adopt—well, I  
22 would—I should say I would be favorable in an  
23 amendment that corresponded to the discussion we had  
24 some moths back about the—the two-year and the exact  
25 language was articulated previously.

2 COMMISSIONER TISCH: It was my  
3 understanding--having spent time in Albany, it is my  
4 understanding that the two-year ban is an appearance  
5 ban that you are not allowed to appear before the  
6 elected body. There is no two-year ban on having  
7 meetings that are not--that are known polls of the  
8 body. (sic) That is just my understanding, and I  
9 would--I would like to say that I am in favor of your  
10 amendment--

11 CHAIRPERSON BENJAMIN: Would you--

12 COMMISSIONER TISCH: --who are aligning  
13 with the Albany--with the state because there is so  
14 much contiguous work between the city and the state.  
15 So, a natural alignment in these policies I think  
16 would be--would go a long way.

17 COMMISSIONER ALBANESE: Well, when we  
18 talk about appearances or--or appearance before. So  
19 someone leaves the--leaves the Legislature, and then  
20 they can not appear before that--before that body for  
21 two years, right.

22 COMMISSIONER TISCH: That's correct.

23 COMMISSIONER ALBANESE: --right, it  
24 they're lobbyists, but you said something about  
25 meetings. What--what does that mean?

2 COMMISSIONER TISCH: Fortunately—I'm not  
3 an expert on this subject.

4 COMMISSIONER ALBANESE: Okay.

5 COMMISSIONER TISCH: So, I don't lobby.  
6 I don't get involved in that.

7 COMMISSIONER ALBANESE: Right. I  
8 understand.

9 COMMISSIONER TISCH: So, my understanding  
10 from my time in Albany is that individual legislators  
11 can take meetings with people who have previously  
12 served in the body.

13 COMMISSIONER ALBANESE: Within that two-  
14 year period you mean?

15 COMMISSIONER TISCH: Yes, within that two  
16 years, but I could be wrong, Sal. I'm—I'm not 100%  
17 sure.

18 COMMISSIONER ALBANESE: Yeah, I mean it  
19 doesn't sound—it doesn't sound—

20 COMMISSIONER TISCH: Yeah, staff assure  
21 you Sal that the lobbyists those who are engaged in  
22 this feel the burden of it. It is changing the  
23 discourse and it is changing—

24 COMMISSIONER ALBANESE: [interposing]  
25 That's good.

2 COMMISSIONER TISCH: --the attitude.

3 COMMISSIONER ALBANESE: This is a tiny  
4 step, but we'll-we'll-I mean I am-I am concerned  
5 about this meeting stuff because it's basically the  
6 same. I mean it seems to me--

7 CHAIRPERSON BENJAMIN: [off mic] It's  
8 all on the same theme. (sic)

9 COMMISSIONER ALBANESE: No, no, no I-

10 COMMISSIONER TISCH: [off mic] Hold on,  
11 please.

12 COMMISSIONER ALBANESE: No, we-we have  
13 plenty of--

14 COMMISSIONER CARAS: [interposing] Madam  
15 Chair, may I-I--

16 COMMISSIONER TISCH: [off mic] Let him  
17 speak for you. (sic)

18 COMMISSIONER ALBANESE: Jim, what's--  
19 what's your view on it? I'm a lawyer.

20 COMMISSIONER CARAS: May I-may I read the  
21 language of some of the actual. So, rather than me  
22 guessing let me just read exactly what the Staff  
23 Report talked about. The post-employment appearance  
24 restrictions, and I'll only read the relevant part.  
25 In these contexts the Charter defines the term appear

2 as any communication for compensation other than  
3 involving administrative matters. New York State has  
4 certain lengthier post-appearance restrictions. For  
5 example, state officers and employees are prohibited  
6 from appearing or practicing before the former agency  
7 for two years. That was what I was intending to get  
8 at to try to as Commission Tisch has said, you know,  
9 to have, you know, an alignment with New York State.  
10 There is a synergy or-or I think you used the word-  
11 you used the word-you used a big word that I liked,  
12 and I can't remember, but so-I-I'm-I'm-I'm simply  
13 referencing what we had discussed previously, and it-  
14 it refers to the post-employment restrictions, which  
15 would bring us in accord with what New York State has  
16 Commissioner.

17 COMMISSIONER ALBANESE: It's a sad day  
18 when we have to bring ourselves up to the Albany  
19 standard, but I, you know, I guess, you know, it is  
20 what it is.

21 CHAIRPERSON BENJAMIN: Staff has proposed  
22 that we extend the cities to two years, which I  
23 believe that the city's post-employment restriction  
24 is more-is one year, but it is more restrictive than  
25 the state. So that we would I think want to be

2 consistent, and apply the city standard for a two-  
3 year period rather than adopting the state standard  
4 for a two-year period.

5 COMMISSIONER ALBANESE: Right. So, what  
6 that in effect would mean is it's actually a more  
7 robust and stronger system even though it's still  
8 only two, you know, two years.

9 CHAIRPERSON BENJAMIN: For that.

10 COMMISSIONER ALBANESE: It's actually a  
11 stronger version than the state has, but the same  
12 amount of time.

13 CHAIRPERSON BENJAMIN: Correct and Carl,  
14 you were next.

15 COMMISSIONER WEISBROD: Yeah, I-I can't-  
16 just, and it's really more of a point of  
17 clarification having looked at this and spoken to the  
18 Conflicts of Interest Board many, many, many times in  
19 order to avoid not only restrictions in the statute,  
20 but avoiding lobbying altogether, which-which I do  
21 not do, and clearly at least my understanding of the  
22 way the city's Conflicts of Interest Board interprets  
23 appear it is much, much broader than the-than the  
24 state, and it-it-it really refers to any  
25

2 communication basically on behalf of a paying client  
3 that--

4 CHAIRPERSON BENJAMIN: [interposing]  
5 Appear is not just physical. It's telephonically,  
6 it's--

7 COMMISSIONER WEISBROD: [interposing]  
8 It's not just physical. I can't say that that would  
9 necessarily be the same as--as Dr. Tisch pointed out  
10 for legislators or Council Members as it is for  
11 appointed officials, but certainly for appointed  
12 officials it is appearances essentially any contact  
13 with your former agency, and I dare say --

14 CHAIRPERSON BENJAMIN: [interposing] And  
15 it's a lifetime ban on any type of--

16 COMMISSIONER WEISBROD: [interposing] Ms.  
17 Barrios-Paoli has looked as well, and that--and--and  
18 been on the very, very safe side of this--of this  
19 issue and has been very conservative about it, and--  
20 and as you know in certain positions in the city that  
21 doesn't just apply to your prior agency, but applies  
22 to any--any appearance before any city agency and this  
23 is on the--on the senior official policy making side.  
24 I can't speak for what the legislators do, but it is  
25 much more--having been in both state and city

2 government, it's much more restrictive in the city  
3 than the state.

4 CHAIRPERSON BENJAMIN: So you accept that  
5 firm amendment?

6 COMMISSIONER WEISBROD: I do.

7 CHAIRPERSON BENJAMIN: And then Jim.

8 COMMISSIONER CARAS: Just really quickly  
9 also although I don't know Albany well, I know the  
10 city's lobbying laws very well, and things that  
11 ordinary people would not necessarily consider  
12 lobbying in the city are lobbying. So, for example,  
13 an engineer testifying before City Planning can be  
14 lobbying. So, it's—it's actually quite broad at the  
15 city level.

16 CHAIRPERSON BENJAMIN: Any more  
17 discussion? Call the question.

18 COMMISSIONER CARAS: [off mic] Question

19 CHAIRPERSON BENJAMIN: Second.

20 COMMISSIONER TISCH: [off mic] I make a  
21 second.

22 COMMISSIONER WEISBROD: Can I just add a  
23 few more questions.

24 COMMISSIONER TISCH: [off mic] Which  
25 question are we on?

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2 CHAIRPERSON BENJAMIN: The question we're  
3 on

4 COMMISSIONER WEISBROD: [interposing] A  
5 few more questions.

6 CHAIRPERSON BENJAMIN: The question we're  
7 on is as I understand the Amended Proposal is to  
8 establish a two-year post-employment appearance ban  
9 for elected officials and senior appointed officials  
10 consistent with the city's current ban. [pause]

11 LEGAL COUNSEL: Commissioner Albanese

12 COMMISSIONER ALBANESE: Yes.

13 LEGAL COUNSEL: Commissioner Barrios-  
14 Paoli.

15 COMMISSIONER BARRIOS-PAOLI: Yes.

16 LEGAL COUNSEL: Commissioner Camilo.

17 COMMISSIONER CAMILO: Abstain.

18 LEGAL COUNSEL: Commissioner Caras.

19 COMMISSIONER CARAS: Yes.

20 LEGAL COUNSEL: Commissioner Cordero.

21 COMMISSIONER CORDERO: Yes.

22 LEGAL COUNSEL: Commissioner Fiala.

23 COMMISSIONER FIALA: Yes.

24 LEGAL COUNSEL: Commissioner Gavin.

25 COMMISSIONER GAVIN: Yes.

2 LEGAL COUNSEL: Commissioner Greene.

3 COMMISSIONER GREENE: Abstain.

4 LEGAL COUNSEL: Commissioner Hirsh.

5 COMMISSIONER HIRSH: Yes.

6 LEGAL COUNSEL: Commissioner Miller.

7 COMMISSIONER MILLER: Yes.

8 LEGAL COUNSEL: Commissioner Nori.

9 COMMISSIONER NORI: Yes.

10 LEGAL COUNSEL: Commissioner Tisch.

11 COMMISSIONER TISCH: Yes.

12 LEGAL COUNSEL: Commissioner Vacca.

13 COMMISSIONER VACCA: Yes.

14 LEGAL COUNSEL: Commissioner Weisbrod.

15 COMMISSIONER WEISBROD: Yes, and I'd—I'd

16 just like to stress or underscore one of the things

17 that Dr. Tisch said, which is even though the city's

18 restrictions are somewhat restrictive than the

19 state's I do think given the fact that so many

20 matters are intertwined between the city and the

21 state, bringing the city and state into alignment on

22 this at least in terms of time is I think a step

23 forward. So, I vote yes.

24 LEGAL COUNSEL: Chair Benjamin.

25 CHAIRPERSON BENJAMIN: Yes.

2 LEGAL COUNSEL: [Pause] 13 in the  
3 affirmative, 2 abstentions. The motion carries.

4 CHAIRPERSON BENJAMIN: Thank you. The  
5 next item: Prohibit members of the Conflicts of  
6 Interest Board from making political donations.

7 COMMISSIONER ALBANESE: Yes, I'm  
8 proposing that member of the Conflicts of Interest  
9 Board should not be allowed to donate to municipal  
10 campaigns. They can donate obviously to any other  
11 kinds of campaigns. I-I think that that agency,  
12 which is the arbiter of the conflicts of interest  
13 should not have commissioners donating to office  
14 holders. It--there's an appearance of impropriety,  
15 and the--that body calls for those commissioners not  
16 to be lobbyists, and not to run for office, but it  
17 allows them to donate to campaigns, municipal  
18 campaigns. I-I think it's a conflict. I'd like to--  
19 I'd like to ban that practice.

20 CHAIRPERSON BENJAMIN: Discussion? Call  
21 the question? Second. Oh, well.

22 LEGAL COUNSEL: Commissioner Albanese

23 COMMISSIONER ALBANESE: Yes.

24 LEGAL COUNSEL: Commissioner Barrios-  
25 Paoli.

2 COMMISSIONER BARRIOS-PAOLI: Yes.

3 LEGAL COUNSEL: Commissioner Camilo.

4 COMMISSIONER CAMILO: No.

5 LEGAL COUNSEL: Commissioner Caras.

6 COMMISSIONER CARAS: No.

7 LEGAL COUNSEL: Commissioner Cordero.

8 COMMISSIONER CORDERO: Yes.

9 LEGAL COUNSEL: Commissioner Fiala.

10 COMMISSIONER FIALA: No.

11 LEGAL COUNSEL: Commissioner Gavin.

12 COMMISSIONER GAVIN: Yes.

13 LEGAL COUNSEL: Commissioner Greene.

14 COMMISSIONER GREENE: No.

15 LEGAL COUNSEL: Commissioner Hirsh.

16 COMMISSIONER HIRSH: Can I ask a point of  
17 clarification? The ban would be on current  
18 appointees of the Conflicts of Interest Board, but it  
19 would not where people who made a contribution in the  
20 past to municipal candidates--

21 CHAIRPERSON BENJAMIN: Right.

22 COMMISSIONER HIRSH: --would be allowed  
23 to be appointed to the Conflicts of Interest Board?

24

25

2 COMMISSIONER ALBANESE: Oh, yeah. I mean  
3 when they're on the Board I mean when they're  
4 Commissioners.

5 COMMISSIONER HIRSH: It's during the time  
6 that they're commissioners.

7 COMMISSIONER ALBANESE: During the time  
8 of their commissions they should not be donating to  
9 candidates. Obviously, it would be difficult to-to  
10 exclude folks that might have contributed in the  
11 past. I don't think it's fair, hut I'm open to-do  
12 you have a-

13 COMMISSIONER HIRSH: No news. (sic)

14 CHAIRPERSON BENJAMIN: It's--you can't  
15 amend it now, it's-

16 COMMISSIONER HIRSH: Yeah.

17 CHAIRPERSON BENJAMIN: --in the middle of  
18 the vote.

19 COMMISSIONER HIRSH: I'm curious. I'm  
20 going to pass.

21 LEGAL COUNSEL: Commissioner Miller.

22 COMMISSIONER MILLER: Yes.

23 LEGAL COUNSEL: Commissioner Nori.

24 COMMISSIONER NORI: Yes.

25 LEGAL COUNSEL: Commissioner Tisch.

2 COMMISSIONER TISCH: Yes.

3 LEGAL COUNSEL: Commissioner Vacca.

4 COMMISSIONER VACCA: Yes.

5 LEGAL COUNSEL: Commissioner Weisbrod.

6 COMMISSIONER WEISBROD: No, and I'd like  
7 to explain my vote. I think this is not an issue that  
8 we have adequately discussed. I think there are  
9 conceivably First Amendment issues regarding campaign  
10 contributions that we haven't really thought about.  
11 I think that there are concerns about whether there  
12 is precedence of this in terms of which public boards  
13 and is Justice, COIB or are there examples around the  
14 country of--of boards where board members who are not  
15 public employees are barred from making political  
16 contributions. I--I just think this is not something  
17 that has been--I understand the intent behind it. I  
18 understand that we want to make sure that the  
19 Conflicts of Interest Board members are beyond  
20 reproach. We have already recommended an expansion  
21 of the appointing authority to the Conflicts of  
22 Interest Board, and I just think that barring people  
23 from making contributions to this body when we  
24 haven't really thought it all through, is an  
25 impetuous step and, therefore, I vote no.

2 LEGAL COUNSEL: Commissioner Hirsh.

3 COMMISSIONER HIRSH: Abstain.

4 LEGAL COUNSEL: Chair Benjamin.

5 CHAIRPERSON BENJAMIN: I'm going to vote  
6 no on this, and I'd like to be associated with the  
7 comments of Commissioner Weisbrod. I think we  
8 haven't really looked at this issue. I believe that  
9 even Conflicts of Interest Board members can  
10 contribute. I believe that in many instances  
11 political contributions are considered political  
12 speech, and I don't know enough about those issues to  
13 vote yes at this time.

14 COMMISSIONER ALBANESE: Could I comment  
15 on that?

16 CHAIRPERSON BENJAMIN: Sure.

17 COMMISSIONER ALBANESE: Well, I mean this  
18 is not—we're not breaking new ground here. I mean  
19 federal employees can't donate to certain candidates.  
20 People who work in the security industries are banned  
21 from contributing to folks that—that they appear  
22 before to solicit business. I mean this is not—this  
23 is not revolutionary, you know, and—and I don't think  
24 it's a First Amendment issues. It's an issue of  
25 conflict.

2 COMMISSIONER TISCH: Sal, I sit on a lot  
3 of boards, and some of these boards come along with  
4 real restrictions about what I might do politically  
5 or not do politically. So, there's nothing new under  
6 the sun, and when you sign onto a board, there are  
7 often times those types of restrictions, and I think  
8 in the Conflicts of Interest Board in the City of New  
9 York given the headlines that we read everyday, I  
10 think people would want that level of security in-in  
11 knowing that. So, you know, I mean why should the  
12 Conflicts of Interest Board be different than other  
13 boards that other citizens sit on?

14 COMMISSIONER ALBANESE: I associate mine  
15 with--

16 CHAIRPERSON BENJAMIN: [interposing] I  
17 just don't-I'm just not aware of any boards in city  
18 government that have that requirement.

19 COMMISSIONER VACCA: If I may, Madam  
20 Chair, I wish to associate myself with the remarks or  
21 Dr. Tisch. The Conflicts of Interest Board is held  
22 in high esteem, and should always be held in high  
23 esteem without question, and I think on that basis, I  
24 would echo the Doctor's remarks.

25 COUNCIL MEMBER ALBANESE: And just--

2 CHAIRPERSON BENJAMIN: [interposing]

3 Okay, but I would also say we're in the middle of a  
4 vote here. If you have comments you get to explain  
5 your vote when you're doing it not--so I vote no.

6 LEGAL COUNSEL: 9 in the affirmative, 5  
7 in the negative and 1 abstention. The motion  
8 carries.

9 CHAIRPERSON BENJAMIN: The next item is  
10 to clarify the bounds of the Mayor's Budget  
11 impoundment power. [pause]

12 COMMISSIONER CARAS: Okay. I'm going to  
13 make this quick. I think that legally the Mayor  
14 cannot impound for other than financial reasons, but  
15 it has happened before. It may not have been called  
16 an impoundment, but the money has been withheld duly  
17 appropriated funds, and my sincere belief is that it--  
18 the fact that a mayor was able to do something  
19 similar to that and get away with it, and create a  
20 situation where thousands of not-for-profits didn't  
21 get their funding, and descended on City Hall, and  
22 essentially I think it created a chill over the  
23 Council exercising its full budget authority for  
24 years after if not continuing to this day. I think  
25 given all the changes we've made in all these

2 amendments to fix budgets where the Mayor has the  
3 right to—to show an economic necessity for doing  
4 something that we can craft the same language around  
5 the impoundment powers, and ensure that the Mayor  
6 when he impounds, it's only for reasons of fiscal  
7 policy and keeping the budget balanced. So, I would  
8 ask you to please consider supporting this. I think  
9 it's probably the most important thing to the Council  
10 exercising its full budget powers.

11 CHAIRPERSON BENJAMIN: Discussion?

12 COMMISSIONER GREENE: Yes, I would like—I  
13 would like to make a comment. I—I know Jimmy feels  
14 very strongly about this. I think that changing the—  
15 the nature of the Impoundment Statute fundamentally  
16 takes the control of the Executive Budget away from  
17 the Mayor and—and puts it more in the hands of—of the  
18 Council, which is just meant to be.

19 COMMISSIONER CARAS: Only if he wants to  
20 impound for political or policy reasons, which he  
21 should not be doing. Political reasons shouldn't be  
22 a consideration and policy reasons should be  
23 discussed in the budget negotiations. I—I would  
24 disagree.

2 CHAIRPERSON BENJAMIN: Any other  
3 discussion, Paula.

4 COMMISSIONER GAVIN: I also feel that we  
5 should not do any harm, and we've made great progress  
6 in our financial position with institutions, and I  
7 just do not think we should make any changes right  
8 now.

9 CHAIRPERSON BENJAMIN: Carl.

10 COMMISSIONER WEISBROD: As one  
11 Commissioner who shall remain nameless said—said to  
12 me privately and maybe said publicly, this is a  
13 solution looking for a problem, and this is an  
14 instance that arose. The issue of impoundment being  
15 used inappropriately is an issue that arose once some  
16 looking for a problem, and this is an instance that  
17 arose. The issue of impoundment being used  
18 inappropriately is an issue that arose once some 25  
19 years ago. I think we should be for reasons stated  
20 by others extremely, extremely careful about messing  
21 round with a budget process that is—has produced  
22 balanced budgets, effective budgets, and has produced  
23 well managed budgets over the last four decades, and  
24 I for one who remembers well when the city did not do  
25 this, and—and not do it well, and was not fiscally

2 managed. So, I-I really would urge that with respect  
3 to impoundment where that has not been an issue where  
4 the Mayor has to be the one who-whether that Mayor  
5 who addresses and deals with emerging challenges and  
6 we've had a few in all of our lifetimes that have  
7 stressed this city, and-and-and our fiscal condition.  
8 I just think we cannot erode the power of the Mayor  
9 to act responsibly in this area.

10 CHAIRPERSON BENJAMIN: Any other  
11 discussion? Call the question. Second.

12 COMMISSIONER: [off mic] Please call the  
13 roll.

14 LEGAL COUNSEL: Commissioner Albanese?

15 COMMISSIONER ALBANESE: I'll pass.

16 LEGAL COUNSEL: Commissioner Barrios-  
17 Paoli.

18 COMMISSIONER BARRIOS-PAOLI: No.

19 LEGAL COUNSEL: Commissioner Camilo.

20 COMMISSIONER CAMILO: No.

21 LEGAL COUNSEL: Commissioner Caras.

22 COMMISSIONER CARAS: Yes.

23 LEGAL COUNSEL: Commissioner Cordero.

24 COMMISSIONER CORDERO: No. I vote no.

25 LEGAL COUNSEL: Commissioner Fiala.

2 COMMISSIONER FIALA: Just quickly to  
3 explain. Commissioner Caras, you-if-if I had gold  
4 stars, I'd put the whole packet on you. You have  
5 been for as long as I've known you, and you were  
6 there when it happened. So, I understand your great  
7 concern, and I know it's for the-the betterment of  
8 the city. I just-I think it's-it's just a stretch too  
9 far. So, I'm going to vote no.

10 LEGAL COUNSEL: Commissioner Gavin.

11 COMMISSIONER GAVIN: No.

12 LEGAL COUNSEL: Commissioner Greene.

13 COMMISSIONER GREENE: No.

14 LEGAL COUNSEL: Commissioner Hirsh.

15 COMMISSIONER HIRSH: No.

16 LEGAL COUNSEL: Commissioner Miller.

17 COMMISSIONER MILLER: No.

18 LEGAL COUNSEL: Commissioner Nori.

19 COMMISSIONER NORI: No.

20 LEGAL COUNSEL: Commissioner Tisch.

21 COMMISSIONER TISCH: No.

22 LEGAL COUNSEL: Commissioner Vacca.

23 COMMISSIONER VACCA: No.

24 COMMISSIONER WEISBROD: No.

25 LEGAL COUNSEL: Commissioner Albanese.

2 COMMISSIONER ALBANESE: I vote no.

3 LEGAL COUNSEL: Chair Benjamin.

4 CHAIRPERSON BENJAMIN: No.

5 LEGAL COUNSEL: 1 in the affirmative, 14  
6 negative. The motion fails.

7 CHAIRPERSON BENJAMIN: Establish a  
8 commission to study the management and investment  
9 performance of the city's Public Pension Fund.  
10 Discussion?

11 COMMISSIONER ALBANESE: You all heard me  
12 talk about the New York City pension system, and this  
13 is no reflection on—the folks running the system,  
14 but structurally it is a—it's archaic. It's  
15 underfunded, it's—it's not—it's not—its performance  
16 is subpar when you—when you compare it to the  
17 Canadian model, and some models in Europe, and even  
18 some models in the U.S. It's cumbersome, and Mayor  
19 Bloomberg and John Liu tried to restructure the—the  
20 pension system, and they predicted that it would save  
21 a billion dollars. That was years ago. My—my stats  
22 say we would save \$2 billion a year. The city is  
23 allocating about \$12 billion into the pension system.  
24 It's a great system, but it's—it's a clunker. It  
25 needs to be overhauled do its performance can be

2 upgraded, and it's controversial. Some of the labor  
3 unions won't be happy with it. The Comptroller may  
4 not be happy with it because I-I-I've called for  
5 demolition of the pension system, and have that  
6 office into an independent agency, but obviously  
7 there are state laws involved, and there are some  
8 conflicts. So, what I'm proposing is that a  
9 commission of financial experts, a blue ribbon  
10 commission study our pension system and come up with  
11 a couple of models to see-to determine how we can  
12 bets improve its performance, and-and I've-I've shown  
13 through a-through a couple of conversations with-with  
14 staff how the Canadian system is significantly  
15 better, and-and they're-they're saving an awful lot  
16 of money because they're better-a state of the art  
17 pension system, while New York City's a clunker.  
18 We're the financial capital of the world, and we have  
19 a cumbersome pension plan, and by the way, things  
20 will get significantly worse in terms of dollars  
21 going into that plan from the city because Baby  
22 Boomers are retiring, and you're going to be pumping  
23 a lot more money into that system, and if you look at  
24 it in comparison to the Canadian Investment Board,  
25 it's been, you know, it out-performs it by 2% every

2 year. That's an awful lot of money. So, I'm calling  
3 for a commission to study it to see if we can develop  
4 a better model.

5 CHAIRPERSON BENJAMIN: Comments? Any  
6 other discussion? Call the question? Second?

7 COMMISSIONER: [off mic] Second.

8 CHAIRPERSON BENJAMIN: [laughs] I've  
9 lost my mind for a minute. Call the roll, please.

10 LEGAL COUNSEL: Commissioner Albanese?

11 COMMISSIONER ALBANESE: Yes.

12 LEGAL COUNSEL: Commissioner Barrios-  
13 Paoli.

14 COMMISSIONER BARRIOS-PAOLI: No.

15 LEGAL COUNSEL: Commissioner Camilo.

16 COMMISSIONER CAMILO: No.

17 LEGAL COUNSEL: Commissioner Caras.

18 COMMISSIONER CARAS: No.

19 LEGAL COUNSEL: Commissioner Cordero.

20 COMMISSIONER CORDERO: [pause] Just  
21 dropped it. No.

22 LEGAL COUNSEL: Commissioner Fiala.

23 COMMISSIONER FIALA: Yes.

24 LEGAL COUNSEL: Commissioner Gavin.

25 COMMISSIONER GAVIN: No.

2 LEGAL COUNSEL: Commissioner Greene. Oh,  
3 Commissioner Hirsh.

4 COMMISSIONER HIRSH: No.

5 LEGAL COUNSEL: Commissioner Miller.

6 COMMISSIONER MILLER: I don't think a  
7 study would hurt. Yes.

8 LEGAL COUNSEL: Commissioner Nori.

9 COMMISSIONER NORI: No.

10 LEGAL COUNSEL: Commissioner Tisch.

11 COMMISSIONER TISCH: No.

12 LEGAL COUNSEL: Commissioner Vacca.

13 COMMISSIONER VACCA: I'll vote no.

14 COMMISSIONER WEISBROD: No.

15 LEGAL COUNSEL: Chair Benjamin.

16 CHAIRPERSON BENJAMIN: No. [pause] We  
17 can hold the vote for a few minutes or announcing it  
18 so that when Commissioner Greene returns, she'll be  
19 able to vote. The next item I believe is- So, we're  
20 going to set that aside at this moment. The next  
21 item I believe Jim you wanted to speak about.

22 COUNCIL MEMBER CARAS: Yes. We had a lot  
23 of people come before us about, you know,  
24 comprehensive planning, procedure planning, and I-I  
25 think it's a really important issues. I have sort of

2 sympathized everything people had come to us and  
3 said, and I—I think there is something that could be  
4 done here by taking—something that could be done by  
5 taking, you know, the goals that we heard, equity,  
6 resiliency, access to housing, a city where we have  
7 condition assessment, cording the various planning  
8 documents, and clarifying the timing of those  
9 documents. The agency is responsible for them with a,  
10 you know, robust community engagement process. I was  
11 going to move that we require the Council to do this  
12 by Local Law. I don't think most of the members here  
13 are there yet, but I think it's really important. I  
14 mean a lot of people spend a lot of time on this.  
15 Came to us. They have some really good idea, and I  
16 think if you look at everything they were saying,  
17 aside from the fact that many of them wanted it to  
18 binding, which I don't think there's any way we're  
19 there yet. But this sort of boils down to what  
20 theywere saying, and it seems to me that, you know,  
21 the—this—this could done as a, you know, sort of  
22 readily done as a first step. So, I won't raise as a  
23 motion now, but I would really like to emphasize that  
24 I think we should make clear in our report that we  
25 think the Council should proceed with this as a sort

2 of significant first step forward to some type of  
3 organized and—and strategic planning.

4 CHAIRPERSON BENJAMIN: Thank you, Jim. As  
5 you know, I was very concerned. This was the—I  
6 thought originally when I agreed to sit on this  
7 Commission this would be my signature issue, but then  
8 I realized as time went on how difficult it was to  
9 try and put forth a vision for a plan that somebody  
10 else was going to have to carry out in a way that we  
11 did not know, and you—we have my commitment that I  
12 would like to have an after action type of report  
13 from the Commission that would recommend both to the  
14 Administration and to the Council for the steps that  
15 we think could be taken and that would transmit some  
16 of the information that we receive from both  
17 interested groups and our expert testimony so that  
18 they could take a look at what we heard and why  
19 that's important in making their determination.

20 COMMISSIONER: [off mic] Can I just talk  
21 a little?

22 CHAIRPERSON BENJAMIN: Certainly.

23 COMMISSIONER TISCH: [off mic] Sorry.  
24 I'll turn it on. Thank you, though. Are you talking  
25 about the firs bullet or the collective of bullets?

2 Because I have to say I don't know much about land  
3 use. My last name is Tisch not Tishman, and people  
4 often think [laughter] we're related, but we're not  
5 and we're in the real estate industry. So I plead it  
6 when it's on the subject. However, I thought sitting  
7 on this commission was a remarkable tutorial in the  
8 advocacy of communities around development, and so  
9 what you say now about your first bullet, I could  
10 actually interpret through all these land use  
11 bullets. So, I'm just wondering are you talking as a  
12 collective of making an addendum to the suggestions  
13 or are you just doing the first bullet?

14 COMMISSIONER CARAS: Right now I'm just—  
15 I'm just talking about the first bullet, the  
16 Strategic Planning, and I think what I provided on  
17 the paper, although I'm not going to make the motion  
18 is sort of a synthesis of what I thought people were  
19 asking for, and what made sense given how far we've  
20 gotten. I think any more—any more—to make a document  
21 binding would require a Charter Commission, but I  
22 think we're in a position that we could rather than  
23 my make motion here for us to order the Council to  
24 pass a Local Law, which is a little unusual. We're—  
25 we're in a position that we should—I'm saying we

2 should strongly recommend that the Council and the  
3 Administration pick up on this, and-and carry it  
4 forward.

5 CHAIRPERSON BENJAMIN: Carl, you were  
6 next.

7 COMMISSIONER WEISBROD: Yeah, I would  
8 just like to--first of all, I appreciate Jim, your  
9 receptivity to a staff report. I think one of the  
10 things all of us recognize having sat through so many  
11 of our meetings and hearings is how incredibly  
12 complex this area is, and just going back to our  
13 first maxim of do no harm, I think it's really  
14 important that the issue be looked at and-and  
15 examined very, very carefully by the Administration  
16 and by the Council, and I do think that based on what  
17 we've heard and the expertise of the staff and  
18 Commissioners, that we can provide to the Council and  
19 the Administration some thoughts that would help  
20 guide them and enable them to make improvements and  
21 be responsive to many of the things we've heard. So,  
22 I appreciate what the Chair said, and appreciate what  
23 you said, and I--I do think that--I hope that there  
24 is a consensus that the staff will be able to draft

2 report with some guidance, and I think that will be  
3 beneficial to the city as a whole.

4 COMMISSIONER CARAS: [off mic] YES.

5 CHAIRPERSON BENJAMIN: Now, we won't be  
6 considering this one further, and as to your  
7 question, Merryll, I think that the next item, the Ban  
8 Employees is being proposed by a different member.  
9 So, and that member was I believe Jimmy Vacca. Oh,  
10 Commissioner Greene, we did hold the vote open on  
11 the-establishing the commission to study the  
12 management and investment performance of the City's  
13 Public Pension Fund so that you would be able to  
14 vote. How do you vote?

15 COMMISSIONER GREENE: [pause] I'm try to--  
16 I'm sorry. No.

17 COMMISSIONER: Chair Benjamin. I was  
18 distracted during that vote--

19 CHAIRPERSON BENJAMIN: Uh-hm.

20 COMMISSIONER: --and I said, but I wanted  
21 to change the vote to yes.

22 CHAIRPERSON BENJAMIN: Okay. Let us read  
23 the vote now.

24 LEGAL COUNSEL: [pause] On the motion  
25 relating to pensions, 4 in the affirmative, 12 in the

2 negative. The motion carries. Oh, it fails. I'm  
3 sorry.

4 COMMISSIONER GREENE: Yes. [laughter]  
5 It's a weekend.

6 CHAIRPERSON BENJAMIN: I'm sorry, Sal,  
7 this is you. I thought it was Commissioner Vacca.  
8 The banning employees of real estate funds and  
9 advisors from serving on agencies--

10 COMMISSIONER ALBANESE: Well, the  
11 Italians we all look alike.

12 CHAIRPERSON BENJAMIN: Maybe. I'm  
13 married to one, [laughter] but you don't look like  
14 him.

15 COMMISSIONER GREENE: Sal, you are a  
16 prolific guy.

17 COMMISSIONER ALBANESE: I--well, I don't  
18 know. I've certainly taken quite a few losses if  
19 that's what you mean. [laughs] Yes, you know, we've  
20 talked about real estate. Commissioner Tisch, you  
21 just referred to it, and hue and cry around the city  
22 over-over decisions made by planning boards, the City  
23 Planning Commission, and--and it's--it's--and in real  
24 estate in New York City is like--is a--I mean it's like  
25 oil in Texas, and one of the things that we should be

2 doing as a Commission is I think it's the most  
3 important thing is checks and balances and minimizing  
4 conflicts of interest, and we've seen folks that have  
5 testified here that have—that have brought the issue  
6 of real estate employees and advisors to real estate  
7 firms sitting on the City Planning Commission on the  
8 Board of Standards and Appeals, Department of  
9 Buildings, HPD or what have you. All these areas,  
10 all these agencies I've listed them in—in the—in the  
11 proposal have crucial impact on the many  
12 neighborhoods around the city. So, in the spirit of  
13 minimizing conflicts of interest, I—I don't think  
14 that real estate employees, people who work in that  
15 business should be making these decisions sitting on—  
16 on those boards. So, I'm—I'm calling for a ban on—on  
17 those folks from sitting on those following—on those  
18 agencies I just listed.

19 CHAIRPERSON BENJAMIN: [off mic]  
20 Discussion Sorry. [on mic] Discussion? Jimmy Vacca,  
21 then Carl, then Alison.

22 COMMISSIONER VACCA: I just think that in  
23 this motion we are combining boards with agencies.  
24 So, I would look to do a separate. I do not think  
25 you can ban individuals who have a history in real

2 estate or anything else from being a city employee,  
3 but to have them making policy through commissions,  
4 that could be another question. So, I just wanted to  
5 bring that to your attention.

6 COMMISSIONER ALBANESE: I think  
7 Commissioner Vacca made a very good point, and I-I  
8 withdraw the agencies involved from the amendment,  
9 HPD, but Landmarks, the Department of City Planning,  
10 the Board of Standards and Appeal. Department of  
11 Buildings should be omitted, and Landmarks should be  
12 included, and EDC should be omitted.

13 CHAIRPERSON BENJAMIN: I would say,  
14 though, that on the Landmarks Preservation Commission  
15 they're required to have a--and BSA they're required  
16 to have a person with real estate experience in the  
17 industry so--

18 COMMISSIONER ALBANESE: Are we--is that  
19 what this is back? Is that what the administrative  
20 process is?

21 CHAIRPERSON BENJAMIN: I believe that's  
22 what this--what the Charter says. We can certainly--  
23 yes.

24 COMMISSIONER ALBANESE: Okay I will  
25 withdraw that if that's the case. The City Planning

2 and Board of Standards and Appeals has been the  
3 source of complaints by advocates, land use folks.  
4 They—they—you know, they've submitted testimony.  
5 They decry what they conceive to be—what they  
6 perceive to be bias when these decisions are made.  
7 Some folks even talked about banning folks who work  
8 in real estate from chairing the Land Use Committee  
9 on planning boards. I'm—I wouldn't go that far, but  
10 certainly these major agencies should be considered  
11 for a ban.

12 CHAIRPERSON BENJAMIN: I would ask for  
13 questions of staff whether the Board of Standards and  
14 Appeals is required to have an appraiser, a real  
15 estate person on that board also. [pause]

16 COMMISSIONER ALBANESE: Well, let me—  
17 Madam Chair, [background comments] let me say that  
18 you could have an appraiser that's just—that doesn't  
19 work for a real estate outfit or doesn't—they—they  
20 could just--

21 CHAIRPERSON BENJAMIN: [interposing]  
22 That's what they do.

23 COMMISSIONER ALBANESE: Well, but they—  
24 they may not—they may be retired. They may not be

2 professionally engaged in that area during that point  
3 in their career.

4 CHAIRPERSON BENJAMIN: But I know in the  
5 case of Landmarks that was put on specifically  
6 because people wanted--there's a--an issue of financial  
7 [pause/background comments]

8 COMMISSIONER: Hardship?

9 CHAIRPERSON BENJAMIN: Yes, and--and they  
10 wanted to have expertise in real estate to be able to  
11 evaluate that by the--

12 COMMISSIONER ALBANESE: [interposing] Do  
13 those folks make decisions, or they just provide an  
14 appraisal?

15 CHAIRPERSON BENJAMIN: No, they're  
16 Commissioners. They make decisions, but they wanted  
17 to have that expertise on--on those boards because  
18 there had been a sense on some of those boards that  
19 the Commissioners were acting without regard to the  
20 financial consequences, et cetera so they put people  
21 like that on. That's just--but staff is looking up  
22 whether BSA has that requirement. I'm not sure, but  
23 I do know that Landmarks and [coughing] Okay, now the  
24 BSA is a planner and architect and an engineer are

2 required, but they are--would you consider those real  
3 estate persons? [background comments/pause] I mean--

4 COMMISSIONER ALBANESE: I mean the--the--  
5 can't that be contracted out and get--and get some  
6 feedback from folks who are in--who are in the arena?  
7 Why should they be making decisions?

8 CHAIRPERSON BENJAMIN: I think that the--  
9 the thinking was to have a robust board with lots of--  
10 of different opinions. They do have fairly robust I  
11 know conflict of interest as to individual matters  
12 that may come before them and what, in fact, they can  
13 vote on, what they can discuss. I mean Carl might be  
14 better able to talk about the restrictions at City  
15 Planning, but I just wanted to make you aware that  
16 there were these concerns. I know Alison--were you  
17 next, Jimmy or--Oh, I'm sorry. Carl was next and then  
18 Jimmy and Alison.

19 COMMISSIONER WEISBROD: Well, I--I--I'd  
20 just like to speak against the whole intent of this  
21 proposal and in many respects it's sort of like  
22 saying doctors shouldn't be on medical boards, and--  
23 and to some extent, we really do want experts who are  
24 knowledgeable in a field to be able to assess the  
25 merits one way or the other of very complex matters

2 whether economic or real estate or whatever that are  
3 before them, and that's true of virtually every  
4 conceivable board of all kinds that are regulatory  
5 bodies. I think the crucial goal is to make sure  
6 that the body as a whole is representative of the  
7 city as a whole, and representative of a variety of  
8 different disciplines, interests, communities and the  
9 like, and that is why, as you know, I reacted to  
10 comments that came before us about the makeup of the  
11 City Planning Commission, which as I said at the  
12 time, and if you look at is broadly representative of  
13 communities representative of various different  
14 disciplines, representative of people who've been on  
15 community boards and the like, and that is not near,  
16 not-not even remotely the only board of this type  
17 like that. All boards should be like that. As the  
18 Chair said, and as we have examined here, the control  
19 on all of this is a robust, active disciplined  
20 Conflicts of Interest Board, and I can only attest to  
21 my own--

22 COMMISSIONER TISCH: [off mic]  
23 [interposing] It's now not going to be able to make  
24 political contributions.

2 COMMISSIONER WEISBROD: Who's now not  
3 going to be able, as my colleague Dr. Tisch points  
4 out, will not be able to make political  
5 contributions, and—but does establish rules that  
6 assure transparency, assure no conflict of interest.  
7 One of the reasons that we discussed here about  
8 assuring that—or concerns about Landmark's  
9 Commissioners getting salaries is because the  
10 Conflict of Interest Rules that would apply to them  
11 as they do apply at the City Planning Commission are  
12 very, very strict if you have a salary. So, I think  
13 this is to say that the intent of this is to actually  
14 make things more robust and more transparent, I think  
15 would end up eliminating a great deal of expertise  
16 that's crucial to the city, and really leaving in  
17 some respects the chicken coop unguarded.

18 COMMISSIONER ALBANESE: [interposing]

19 Well, I-

20 COMMISSIONER WEISBROD: --So, I think  
21 this is a—a—really a step in the—absolutely the wrong  
22 direction.

23 COMMISSIONER ALBANESE: Well, you know, I  
24 respectfully disagree on--

2 CHAIRPERSON BENJAMIN: [interposing] I  
3 think—I think Jimmy Vacca was next--

4 COMMISSIONER ALBANESE: Oh, okay.

5 CHAIRPERSON BENJAMIN: --and then Alison  
6 and then--

7 COMMISSIONER VACCA: I—I thank you, Madam  
8 Chair. I do think that it's the City Planning  
9 Commission of all the agencies and Commissions  
10 mentioned in Sal's motion that would concern me the  
11 most because most people in communities throughout  
12 the city feel that it is a rubber stamp. The  
13 appointees on the Planning Commission do as those who  
14 appoint them tell them to do. The Commission is  
15 appointed in majority by the Mayor, and people who  
16 say that they would like a robust Conflicts of  
17 Interest Board and that—that Conflicts of Interest  
18 Board would look at the City Planning Commission. The  
19 Conflicts of Interest Board is controlled by the  
20 Mayor, and an attempt that I made here to do  
21 otherwise was—was defeated by the Commission. So, my  
22 point here is that we should look at the City  
23 Planning Commission. We should look at the fact that  
24 so much of what they give local neighborhoods when it  
25 comes to ULURP applications is cut and paste from one

2 application to another, and that's where there's a  
3 lack of faith, and I do think that Sal is correct in  
4 saying that their—that the Planning Commission that  
5 there should be a period of time where developers and  
6 real estate interest people should not be appointed  
7 to the Commission that that would give that more  
8 credibility. It's not going to change the fact that  
9 they're going to vote as their principal tells them  
10 to vote, but at least people will not be—will not  
11 know that these individuals come from the developer  
12 sector of our city when, in fact, what they're  
13 considering day in and day out is further  
14 development, zone changes that often promoted  
15 development. So, I'm arguing to give this commission  
16 a little bit of independence, a little bit of a step  
17 back from the development community.

18 CHAIRPERSON BENJAMIN: Alison.

19 COMMISSIONER HIRSH: So, I—largely want  
20 to associate myself with Commissioner Weisbrod's  
21 comments, and also just raise a concern that, you  
22 know, it's clear even in this conversation that we  
23 don't even know what the definition of a real estate  
24 firm or advisor is, and the ban could be taken to  
25 such an extreme. We've had situations where members

2 of our union who work in buildings have been accused  
3 of being real estate interests because they're  
4 employed by real estate companies in buildings, and  
5 so I just think it is a step too far, and I am—I am  
6 also concerned about both the ambiguity and the fact  
7 that it is hard to remove the folks who understand  
8 how building function and get built from the idea of  
9 development in the city. It's not—it doesn't seem to  
10 me the right correction.

11 CHAIRPERSON BENJAMIN: Sal.

12 COMMISSIONER ALBANESE: I would—just like  
13 to clear up the ambiguity, I—I think that  
14 Commissioner Vacca made an excellent point. The City  
15 Planning Commission is—is what most people in New  
16 York City think is a rubber stamp. So, I would—I  
17 would amend the language just to focus on the City  
18 Planning Commission that people in—who are employees  
19 or real estate firms or advising those firms should  
20 not serve on the Commission. Well--

21 CHAIRPERSON BENJAMIN: [interposing] That  
22 is a real estate firm. If I am an architectural  
23 firm, is that a real estate firm?

24 COUNCIL MEMBER ALBANESE: If you're in  
25 the real estate business, that's a real estate.

2 CHAIRPERSON BENJAMIN: No, if I'm-I work  
3 for an architectural firm--

4 COMMISSIONER ALBANESE: That's--

5 CHAIRPERSON BENJAMIN: --and I design  
6 buildings?

7 COMMISSIONER ALBANESE: That's--that's-I  
8 wouldn't consider you a real estate professional, and  
9 I would consider you an architect.

10 COMMISSIONER HIRSH: I think they would  
11 considered themselves to be real estate  
12 professionals.

13 COUNCIL MEMBER ALBANESE: Well, let's--let  
14 me--let me also point out that you do need expertise.  
15 You have an Executive Director on the City Planning  
16 Commission correct that this--

17 COMMISSIONER WEISBROD: Yes.

18 COMMISSIONER ALBANESE: Those are the  
19 folks that--that provide the technical expertise, and  
20 you also in my opinion have a dearth of urban  
21 planners. I mean we--we, you know, it--it's amazing  
22 that the City Planning Commission I think one or two  
23 urban planners are on that Commission, people that  
24 have--if you are--

2 CHAIRPERSON BENJAMIN: [interposing]

3 Well, they have architects, they have engineers. I  
4 mean-

5 COMMISSIONERS HIRSH: Lot of urban  
6 planners work in the real estate industry.

7 COMMISSIONER WEISBROD: [interposing] Let  
8 me, Sal, you need on the Planning Commission-I cannot  
9 tell you how important it is to have an engineer on  
10 the Planning Commission, how important it is to have  
11 an urban designer on the Planning commission.

12 COMMISSIONER ALBANESE: Who said that  
13 engineers are real estate professionals?

14 COUNCIL MEMBER WEISBROD: Well, that's  
15 who their clients are. That's who they work for  
16 Well, how important it is to have architects on the  
17 Planning Commission, and planners on the Planning  
18 Commission, and-

19 CHAIRPERSON BENJAMIN: Lawyers. [laughs]

20 COMMISSIONER WEISBROD: Lawyers on the  
21 Planning Commission. I mean-I mean these are the  
22 people who really from very, very different  
23 perspectives help understand-how understand and help  
24 guide development and bad development can be  
25 eliminated because of their expertise, and I cannot

2 tell you how many times those experts because of  
3 their expertise have managed to assure that bad plans  
4 do not go forward, and I think all of us are  
5 concerned about conflicts of interest, but to  
6 eliminate a class of expertise, and say we're not  
7 going to have people who work for real estate  
8 companies even though their companies are now coming  
9 before the Planning Commission or people who have—are  
10 architects who work for real estate companies and  
11 their clients are now coming before the Planning  
12 Commission or people who are urban designers or—or—or  
13 open space designers. I mean these are the people  
14 who really should be looking carefully at projects  
15 that come before the Planning Commission, and along  
16 with people from the community, and as you know, the  
17 current Planning Commission has at least three or  
18 four people who are either community chairs or—or—or  
19 members and chairs of key subcommittees of community  
20 boards. So, that's the balance that you're trying to  
21 maintain, and I would point out also that other than  
22 the Chair, every single one of those people have to  
23 come before the City Council for advice and consent  
24 and approval. So, I—I—I just think that this is  
25 honestly a misguided attempt to deal with the issue

2 that Jimmy Vacca is talking about, which is, is a,  
3 you know, is there—is there too much weight to one  
4 person or another, but that's not going to be solved  
5 by eliminating a whole class of expertise.

6 COMMISSIONER ALBANESE: Carl, would you  
7 not acknowledge that there's a perception amongst  
8 many in the city that the City Planning Commission is  
9 dominated by big real estate interests?

10 COUNCIL MEMBER WEISBROD: I—I appreciate  
11 that there is, as we've heard a lot about the view of  
12 growth generally in the city before, but that's not  
13 to say it can be addressed by simply saying, well,  
14 let's just eliminate a whole category, a huge  
15 category, and the Chair has suggested of individuals  
16 who bring a great deal of expertise to the decision  
17 making we want to see in the city.

18 COMMISSIONER VACCA: Madam Chair, perhaps  
19 you know this, or Carl, but are—are lobbyists allowed  
20 to be members of the City Planning Commission?  
21 Registered lobbyists, are they allowed to be on the  
22 Planning Commission? I think they are, and I raise  
23 that question--

24 CHAIRPERSON BENJAMIN: [interposing] I  
25 don't know of any.

2 COMMISSIONER VACCA: I'm-I'm asking your-  
3 as to your knowledge.

4 COMMISSIONER WEISBROD: I'm-I'm-I'm not  
5 aware. I-I don't know what the law is, but I'm not  
6 aware of any current member of the Planning  
7 Commission that's a lobbyist, and they certainly  
8 obviously can't lobby the Planning Commission and, in  
9 fact, I'm fairly convinced they can't have any  
10 business with the city directly.

11 COMMISSIONER VACCA: Are there-I feel  
12 that lobbyists are or people who lobby for business-  
13 for people doing business with the city should not be  
14 on the City Planning Commission. There is a data  
15 bank that the Campaign Finance Board has doing  
16 business as. If you're doing with data, if you're  
17 doing-if you're doing business with the city you are  
18 in a data bank of the Campaign Finance Board and you  
19 can only contribute a very low amount to candidates  
20 and that is not matched.

21 COMMISSIONER WEISBROD: Jimmy actually  
22 let me just say something very specific in this  
23 regard. At least when I was Chairing the Planning  
24 Commission, I'm sure it's still true today, that it  
25 was extremely difficult to get architects to come on

2 the Planning Commission if they're if they were a  
3 principal in a firm that was doing business with the  
4 city, they could not be in the Planning Commission,  
5 and that eliminated—that eliminated many architects  
6 who were in small firms. Now in a big firm, that  
7 person is excluded from doing business in the city,  
8 and, you know, it's a big wall around that person,  
9 but to your point a member o the Planning Commission  
10 cannot have a financial stake in a company that's  
11 doing business in the city or the can't be a  
12 principal in a company that's doing business with the  
13 city. And—and that's been an issue at the Landmarks  
14 Commission in finding appropriate Commissioners, and—  
15 and certainly has been a challenge in the Planning  
16 Commission. Again, I point out one of the reasons  
17 that we've been cautious about giving salaries and  
18 compensation to members of the Landmarks Commission  
19 is because of the heightened Conflict Rules that  
20 apply, and—and—and so, I—I just think that this is an  
21 areas we really should not go further in it.

22 COMMISSIONER VACCA: If—if I can clarify  
23 back to my point, and I thank Carl for his  
24 clarification. I do think the issue with the City  
25 Planning Commission is structural insomuch as control

2 of the Commission by the Mayor of the city of New  
3 York whoever that is. I think people feel that  
4 that's become a rubber stamp, and it's been a rubber  
5 stamp for a while. However, the Commissioners  
6 indicated that they're not going to change that power  
7 dynamic. So, if they're not going to change that  
8 power dynamic, then we are at least entitled to have  
9 full knowledge, but if you lobby, if you are a  
10 lobbyist for a firm defined by the Campaign Finance  
11 Board as doing business with the City of New York,  
12 that you cannot be on the City Planning Commission.  
13 I would offer that as an amendment to Commissioner  
14 Albanese's proposals.

15 COMMISSIONER ALBANESE: It's a friendly  
16 amendment that I accept.

17 COMMISSIONER WEISBROD: Well, can you  
18 please. Just I need clarification. Do you mind  
19 repeating that?

20 COMMISSIONER VACCA: If you are a  
21 lobbyist for a firm defined the Campaign Finance  
22 Board as doing business with the City of New York  
23 City that you are not eligible for membership on the  
24 City Planning Commission, and by the way, that list  
25 is transparent. It's online. These are people that

2 have city contracts. This is--this is not an  
3 unlimited list of people, but that is at minimum  
4 something that we can do as a matter of faith with  
5 the people in our neighbor in our neighborhoods who  
6 are looking for this type of action on the Planning  
7 Commission.

8 CHAIRPERSON BENJAMIN: Several of the  
9 members and staff have asked that Sal you restate  
10 what your--

11 COMMISSIONER ALBANESE: Well, I've  
12 accepted. I--I--my--my--my proposal is fairly simple,  
13 but obviously there are complications with it as  
14 pointed out by a number of the Commissioners, which I  
15 understand, and I'm contemplating, but basically I--I  
16 proposed that we ban folks that are in the real  
17 estate business or advising real estate firms from  
18 serving on the Commission on the City Planning  
19 Commission. I--I--I would draw some of the other--some  
20 of the other boards and--and agencies that I mentioned  
21 in view of the comments that have been made, but I  
22 think Commissioner Fiala in his whole thing--

23 CHAIRPERSON BENJAMIN: [interposing] No,  
24 you think they all look alike.

25 COMMISSIONER ALBANESE: I'm sorry?

2 CHAIRPERSON BENJAMIN: [laughs] No, you  
3 think they all look alike.

4 COMMISSIONER ALBANESE: Commissioner  
5 Fiala [laughs] Commissioner Vacca, yeah, they're both  
6 the-yeah, both Council Members, ex-Council Members.  
7 Yeah, I-I think that Commissioner Vacca eloquently  
8 pointed out a very clear issue that there is a Vindex  
9 where you are able to ascertain whether you're doing  
10 business with the City, right?

11 CHAIRPERSON BENJAMIN: But Vindex isn't  
12 the same as the conflict of being a registered  
13 lobbyist and I thought--

14 COMMISSIONER ALBANESE: But that-but it  
15 tells you if you're doing business with the city,  
16 doesn't it as that point

17 CHAIRPERSON BENJAMIN: But that wasn't  
18 his amendment. His amendment was about lobbyists.

19 COMMISSIONER ALBANESE: Well, lobbyists,  
20 but you also said doing business with the city.

21 COMMISSIONER VACCA: Yes, it's-it's-the  
22 word Vindex is not the appropriate word, but my  
23 motion-I'd-I'd like to move my amendment to the  
24 motion. My amendment to the motion that then, if  
25 Commissioner Albanese wants to get back to his,

2 that's fine. I'm sure you can say that, but my point  
3 is that if you are a lobbyist for a firm listed as  
4 doing business with the City of New York through the  
5 Campaign Finance Board, that you would not be  
6 eligible to serve on the City Planning Commission.  
7 Very clear.

8 COMMISSIONER CARAS: I'm—I'm just  
9 concerned that we're getting—we're putting things  
10 together that don't really go together. I see the  
11 person in the audience who helped write--they're  
12 doing business with this data, but it's really  
13 [laughs] a bunch of years ago, and for example the  
14 head of a not-for-profit may be in the doing business  
15 database because he comes to the City Council--he or  
16 she comes to the City Council to ask for money for a  
17 large not-for-profit every year. They may have  
18 nothing to do with land use, but under that they  
19 would be banned from serving on the City Planning  
20 Commission, and I'm just thinking we're going to have  
21 all sorts of unintended consequences, and while I  
22 fully support the idea of not have the City Planning  
23 Commission controlled by real estate interests, on  
24 the other hand I'm also worried when we're using  
25 terms like 'advise' that, you know, we'll end up with

2 a City Planning Commission without an architect and,  
3 you know, often times it's the architect on the panel  
4 that stops the city of the building--

5 CHAIRPERSON BENJAMIN: And because our

6 COMMISSIONER CARAS: --, and being built,  
7 and just--

8 COMMISSIONER VACCA: [interposing] I did  
9 not use the word 'advise'.

10 COMMISSIONER CARAS: No, no, no, that's  
11 in the-I'm not-I'm not. [background comment] I'm  
12 not and then finally, you know, and--and again, I'm  
13 not sure what a real estate firm would do there, and  
14 I heard somebody testify before the Commission that  
15 one of the City Planning Commissioners was, you know,  
16 in a real estate related business, not-for-profit  
17 business, and that happens to be a City Planning  
18 Commissioner who does a lot of work with not-for-  
19 profits who's I-if I remember correctly, has often  
20 supported our office against major developments. So,  
21 I just feel like we're wading into this way too much  
22 as the last minute, and there are just all sorts of  
23 pitfalls here. So, I just caution with that.

24 CHAIRPERSON BENJAMIN: I'd like to--

25 COMMISSIONER ALBANESE: Can I--let me--

2 CHAIRPERSON BENJAMIN: Carl, then Sal and  
3 then I'd like to call the question.

4 COMMISSIONER ALBANESE: Yeah, I mean-

5 COMMISSIONER WEISBROD: [interposing] Can  
6 I just say, and this is just supporting what-what Jim  
7 said. I-I think we just have to be a little careful.  
8 We are getting a little far afield and on the fly  
9 sort of making quick decisions, which we-on issues  
10 that really haven't come before us, and I think we've  
11 been very, very responsible up until now to think  
12 through both staff recommendations, testimony that's  
13 been before us on issues, and as we get close to  
14 wrapping up, I just think we should be really, really  
15 careful about not sort of manufacturing new policy  
16 and new recommendations on the fly without really  
17 understanding anything about what the potential  
18 implications might be.

19 CHAIRPERSON BENJAMIN: Sal.

20 COMMISSIONER ALBANESE: Well, I-I think  
21 that many of the Commissioners have made valid points  
22 on-on this and I'm willing to withdraw my-my  
23 proposal, and-and if Mister-if Commissioner Vacca  
24 wants to move his, I'll certainly support it, but I-I  
25 think there are a lot of issues that-that were

2 raised, which were valid during this discussion. I-I-  
3 I still believe that we need, and it's probably  
4 something we can do tonight or in this Commission to  
5 figure out how to minimize conflicts of interest at  
6 the City Planning Commission because they're there.  
7 I know that some of the appointees have no business  
8 sitting on that Commission. They are just political  
9 folks with no experience in either real estate or-or  
10 engineering and they are just appointed by-by some  
11 political leaders. I don't have the answer tonight  
12 to how we address that problem.

13 CHAIRPERSON BENJAMIN: Thank you, Sal.

14 COMMISSIONER VACCA: I just come back to  
15 the point. I understand this was not raised on the  
16 fly. I've long felt that lobbyists should not be on  
17 the City Planning Commission. I asked the Chair a  
18 question: Are lobbyists allowed to be on the  
19 Planning Commission. The answer is basically yes  
20 they are. So, I get that answer, and I then say  
21 well, wait a minute. If you're lobbying for--

22 CHAIRPERSON BENJAMIN: [interposing] But  
23 that's not exactly what I said.

24

25

2 COMMISSIONER VACCA: Well, did you say  
3 that—I thought the answer from the group was that  
4 yes, lobbyists are allowed.

5 CHAIRPERSON BENJAMIN: No, that wasn't  
6 what I said. I said that there are people who are on  
7 the Commission who may also in--at one stage or  
8 another be on their firms, and they do business with  
9 the city. They may--their firms if they are with a  
10 firm or their employer may have items that go before  
11 the Commission, and in the example that Jim gave one  
12 of the Commissioners who does a lot of not-for-profit  
13 housing, you would have to call that real estate, but  
14 every time there is a vote that may involve her or  
15 her firm or her concern she has to be--she may not  
16 vote on those. She may not discuss them.

17 COMMISSIONER WEISBROD: And--and Jim, she  
18 may well, now that Jim Caras has pointed this out and  
19 the Chair has pointed this out, she may well be a  
20 registered lobbyist. She is the head of a CEO of a  
21 not-for-profit housing company that is I think Jim  
22 well knows. It's been a voice--a voice for--against  
23 real estate interest for the most part. She's a  
24 registered lobbyist because she has to be a  
25 registered lobbyist if she's coming before the city

2 on behalf of her organization for money or for a  
3 project, but that doesn't come before the Planning  
4 Commission. She's probably registered. She's not a  
5 lobbyist by profession, but she has to register as a  
6 lobbyist, as--that's--our lobbying laws are very tough.

7 COMMISSIONER VACCA: We have determined  
8 in this city long ago that we want to limit the  
9 influence of lobbyists. So, you just set a standard  
10 at the Campaign Finance Board where lobbyist  
11 contributions are limited and where their--the money  
12 that they provide is not matched. So, many  
13 candidates do not even accept any lobbyist money.  
14 So, here I will modify my motion, and I will just say  
15 that we do not want--we are prohibiting registered  
16 lobbyists from serving on the City Planning  
17 Commission.

18 COMMISSIONER WEISBROD: So, so, Jim--

19 CHAIRPERSON BENJAMIN: [interposing] Wait  
20 a minute--let me.

21 COMMISSIONER VACCA: [interposing] I'll  
22 modify my motion.

23 CHAIRPERSON BENJAMIN: Let me--

24 COMMISSIONER VACCA: It's very clear

25 CHAIRPERSON BENJAMIN: But what we have--

2 COMMISSIONER VACCA: what-what is a  
3 lobbyist.

4 CHAIRPERSON BENJAMIN: Wait, wait, wait.  
5 What we had was Sal's motion, which he has indicated  
6 he no longer wishes to pursue. That motion is not  
7 before us. If we-if you now want to propose a  
8 different motion, you will have to wait until after -

9 COMMISSIONER VACCA: [interposing] No,  
10 no, I am mod-I am modifying my amendment to remove  
11 the reference from-to remove the reference to the  
12 Campaign Finance Board, and to say that registered  
13 lobbyists will not be allowed to sit on the Campaign  
14 Finance-on the City Planning Commission.

15 CHAIRPERSON BENJAMIN: But you can't  
16 amend--

17 COMMISSIONER VACCA: [interposing] I'm  
18 modifying my motion.

19 CHAIRPERSON BENJAMIN: --a motion that's  
20 been withdrawn by the sponsor. You need to go--

21 COMMISSIONER VACCA: [interposing] That's  
22 true. He would do my-my motion. So, amendment  
23 would--

24 CHAIRPERSON BENJAMIN: [interposing] He  
25 would do his motion--

2 COMMISSIONER VACCA: He would do his  
3 motion.

4 CHAIRPERSON BENJAMIN: --and you were  
5 amending his motion, but his motion isn't there now.

6 COMMISSIONER VACCA: I'm amending my  
7 amendment. I made an amended motion.

8 CHAIRPERSON BENJAMIN: You can't make an  
9 amendment to a motion that's no longer there.

10 COMMISSIONER VACCA: So, whatever I do is  
11 out?

12 CHAIRPERSON BENJAMIN: It's--right. So,  
13 you have to wait until new business to offer that.

14 COMMISSIONER VACCA: I'll wait until  
15 then.

16 COMMISSIONER ALBANESE: We can pursue  
17 yet.

18 COMMISSIONER VACCA: Okay. So, I'll do  
19 that.

20 CHAIRPERSON BENJAMIN: Okay. The next  
21 item is from Commissioner Fiala.

22 COMMISSIONER FIALA: Thank you, Madam  
23 Chair. With respect to the proposal before you, I  
24 refer you to my memorandum to all of you last October  
25 of 2018 wherein I submitted to you that in my

2 judgment there existed a strong evidentiary basis  
3 based on our now three decades of experience  
4 operating under the '89 framework to support the  
5 conclusion that the existing language in the Charter  
6 does not provide the sufficient institutional  
7 mechanisms allowing for the effective representation  
8 of borough interest and service delivery needs. As I  
9 outlined then and throughout many of our public  
10 meetings across the city, I seek to ensure a  
11 meaningful voice and a meaningful borough voice by  
12 way of strengthening the tools of the borough  
13 presidents in their role as a counter balance to a  
14 strong and often insulated central bureaucracy. If  
15 we start with this premise that there are there  
16 unique levels of representation and perspective in  
17 the city, a local level, a borough level, and a city  
18 level. We identify ourselves as members of a  
19 community or neighborhood, residents of a particular  
20 borough and citizens of a city. Three different  
21 unique entities. The threshold question then is  
22 this: Does the Charter as presently constructed  
23 provide the requisite tools and procedural leverage  
24 needed to position borough presidents as an  
25 influential even if not a binding decisional making

2 authority, but an influential nonetheless unifying  
3 voice as the intermediate level voice, namely the  
4 borough. I submit to you that the language does not.  
5 Instead what our 30 years of experience shows us is  
6 that borough presidents do indeed lack the procedural  
7 leverage to compel serious discussion and serious  
8 consideration of their viewpoints in their proposals.  
9 Nowhere in the Charter have the promises and  
10 forecasted outcomes articulated by the '89 framers  
11 falling short of being realized than in this area of  
12 borough interest, and the intended roles for borough  
13 presidents. In theory, borough presidents were to be  
14 meaningfully integrated into the major area of  
15 governmental decision making. Indeed that was the  
16 picture painted, a new governmental framework that  
17 included a new robust role for borough presidents in  
18 a post 1989 era, and it's important to understand  
19 this historical perspective because it will help  
20 guide you in making an informed decision on my  
21 proposal. As a Councilman, I testified at the very  
22 first Charter Revision Commission held after the '89  
23 Commission. That commission in 1998 I expressed then  
24 my belief that the intended vision for the role of  
25 borough presidents had not materialized as espoused

2 by the '89 Commission. Some could have argued and  
3 did argue that it was merely growing pains, and that  
4 all of the institutional players, the City Council,  
5 the Public Advocate, the borough presidents and to a  
6 lesser extent the Mayor and the Comptroller were all  
7 still getting their sea legs, and that it would take  
8 time for them to sufficiently grow into their roles.  
9 There was an element of truth to that, and I—and  
10 concede to that assertion. Indeed as a member of the  
11 City Council--Gail, Jim we were there—I experienced  
12 first hand the growing pains that the Council faced  
13 as it continued to assert itself and exercise its  
14 recently new found powers. I was there when we went  
15 head to head with the Executive Branch and passed our  
16 own budget rather than act on and adopt the Mayor's  
17 budget. So, growing pains yes, but that does not  
18 explain it all. At least not with respect the  
19 borough presidents. Here we are now, 30 years later,  
20 not 8 years later, 30 years later into our experiment  
21 with the '89 framework. One could not argue now with  
22 a straight face that the problem with borough  
23 presidents are still a matter of growing pains.  
24 Rather, the diagnosis I believe is a systemic  
25 shortcoming in the existing Charter language. I've

2 used the following example over and over and over  
3 again over the past two decades to make this point—t  
4 make the point and here is: The '89 charter designed  
5 a picture of what they—the '89 Commissioners designed  
6 a picture of what they intended the office to look  
7 like. So, I want you now to envision a picture, a  
8 children's connect the dot by diagram numbered  
9 picture. You remember how that happens. You connect  
10 dot 1, dot 2, dot 3 and when you've connected all of  
11 the dots in the right order, the result is the  
12 design—the—the picture of the designer's vision, a  
13 beautiful horse, a picturesque landscape maybe a  
14 magnificent ship, but what happens if a few of those  
15 dots are missing or are misarranged or out of  
16 sequence? The result is you get an incomplete.  
17 Picture. The result the original vision of the  
18 designer doesn't match the reality of the finished  
19 product. That, my colleagues is a metaphor that I  
20 believe speaks to what happened with the design of  
21 the '89 framework. The role of the office of borough  
22 president has not been realized to the extent that  
23 the framers intended and forecast. That vision and  
24 that extent bears repeating today verbatim, verbatim,  
25 September 29, 1989: The overall thrust of charter

2 revision is not to diminish the role of borough  
3 presidents, but to give them new executive-executive  
4 functions within their boroughs, functions, which  
5 will enable-enable them to initiate proposals,  
6 require-require them to make fiscal, land use, and  
7 service delivery choices and compel-compel public  
8 deliberation and decision on their initiatives.

9 September 29, 1989, Chairman Fritz Schwartz and  
10 Executive Director Eric Lane. Fast forward to 1998  
11 in New York School Law Review. They reaffirmed that  
12 position verbatim. The evidentiary basis I submitted  
13 over the last year and indeed over the last nearly  
14 quarter century, the proposals that I've advanced  
15 over our time together including the measure before  
16 us, and my opinions about the intended role and  
17 functions for the office were not simply made out of  
18 whole cloth by me with no grounding in facts. The  
19 proposal before you, the only one left of the borough  
20 presidential proposals that I believe has a shot at  
21 passing so the only one that I've advanced at this  
22 meeting wasn't crafted to bolster my vision of what  
23 the borough presidents should be. No, rather it was  
24 crafted to bolster and deliver on the original intent  
25 and the intended role for borough presidents as

2 expressed succinctly and unambiguously by Chairman  
3 Schwartz And Executive Director in 1989 and  
4 reaffirmed in 1998. Finally, you don't have to guess  
5 or stress over whether or not my interpretation of  
6 what the '89 framers were designing and intending as  
7 the role of borough presidents. I'm not tell you  
8 what I interpreted their intentions to mean. I'm  
9 reporting on their interpretations of what they  
10 intend it to mean. The proposal before you meets my  
11 standard of approaching our work as civic surgeons,  
12 and first ensuring we do no harm. It does not alter  
13 the structural integrity of the checks and balances  
14 system put in place by the '9=89 framers. Indeed,  
15 you heard from professors Doug Nunzio and Eric Lane  
16 two men there at the founding that they agreed, and  
17 confirmed that in their testimony, which changed  
18 (sic) with me earlier this year in that big room.  
19 The amendment before us also meets my standard of the  
20 Goldie Locks dilemma. It's not too cold, it's not  
21 too hot. It's a kind of just right. The proposal in  
22 truth is modest but meaningful. It provides a  
23 structural forum for dialogue, collaboration,  
24 coordination, procedural leverage to compel  
25 discussion and consideration of a borough president's

2 view and proposals. That's all it does. The ancient  
3 Greeks had a word that they used for season the  
4 occasion: Kairos. (sp?) I ask you to support this  
5 measure and take us one step closer to the '89  
6 framers' view and commitment to ensuring a continued  
7 place and voice of the borough interest in our  
8 governmental ecosystem. Now is the time to do it.  
9 Thirty years is long enough. I just ask you all to  
10 please throw me--throw me a pity yes vote if you will.  
11 [laughter]

12 CHAIRPERSON BENJAMIN: Jim, discussion.

13 COMMISSIONER CARAS: [off mic] I affirm  
14 that. (sic) [off mic] I affirm the amendment with  
15 that Steve--fitting all hostile and--[laughter] I  
16 would suggest two changes. One is to divide up the  
17 agencies a bit. So, I would leave what Steve had in  
18 terms of deputy commissioners, borough commissioners  
19 from the Department of Buildings, Department of  
20 Transportation, Department of Parks and Recreation,  
21 as well as the Borough Director the Department of  
22 City Planning, and then I would say something to the  
23 effect of and where applicable the Borough Commander,  
24 the New York City Fire Department, the New York City  
25 Police Department, the Economic Development

2 Corporation, HPD and relevant community board chair  
3 or designee thereof. So that way, you know, if  
4 you're talking about a park issue or a street closing  
5 issue, or a street demapping issue, we don't need the  
6 Fire Department and the Police Department, but you  
7 could have them there where relevant, and then I  
8 would also include a reference discussion of the pre-  
9 application materials in the—I was trying to get more  
10 of a pre-certification process. That didn't work.  
11 At least allow them to discuss those materials in  
12 this forum, and I'm fully on board with Steve. All  
13 we're asking for is a structured conversation. In a  
14 lot of the things I think that, you know, didn't go  
15 through we weren't asking to give the borough  
16 presidents or other officials necessarily powers of  
17 the Mayor, but just to sort of amplify their voices a  
18 bit and I—and I think this does that.

19 COMMISSIONER FIALA: And I'm going to  
20 very nicely say, Jim, you've given a lot of thought  
21 to them. I know you've done a lot of work on it. I  
22 am happy to accept your amendment. I think it does  
23 the right—the blending and balancing and it does  
24 speak to just amplifying a voice. That's all it is,  
25 and sadly today, you know what passes the Charter

2 Reform, getting people to talk t one another. Right,  
3 that's really what we're asking here. It does not  
4 bind any decision. It simply fosters dialogues. So,  
5 I accept your amendment.

6 COMMISSIONER CARAS: I agree.

7 CHAIRPERSON BENJAMIN: [interposing]

8 Would you read your amendment again? It doesn't  
9 apply to all city. I mean I noticed that DEP wasn't  
10 there, which and you said street closings. So-

11 COMMISSIONER FIALA: Have the power to  
12 call a borough joint agency technical review meeting,  
13 which commissioners, deputy commissioners or borough  
14 commissioners from the Department of Buildings,  
15 Department of Transportation, Department of Parks and  
16 Recreation, as well as the borough director of the  
17 Department of City Planning, and if relevant to a  
18 particular meeting agenda-oh, I'm sorry-and if  
19 relevant to a particular meeting agenda and requested  
20 by the borough president, representatives from the  
21 borough command of the Fire Department and the Police  
22 Department, the Economic Development Corporation, HPD  
23 and relevant community board chair or designee  
24 thereof. I'd be happy to include any other agency  
25 with a borough commissioner if that's-if that Steve

2 is okay with that. Shall attend to review, discuss  
3 and coordinate land use proposals, infrastructure and  
4 building projects within the borough including but  
5 not limited to review and describe-discussion of pre-  
6 application materials for land use applications  
7 within the borough. The joint agency technical  
8 review meeting shall be chaired by the borough  
9 president or his or her designee. [pause]

10 CHAIRPERSON BENJAMIN: Oh, I'm sorry.

11 Paula

12 COMMISSIONER GAVIN: I'm not clear why  
13 those structured conversations can't happen now.

14 COMMISSIONER CARAS: I'm not either, but  
15 they haven't happened appropriately for 30 years.  
16 This proposal has been around for 20 years, and I've  
17 been on two of the commissions where we vetted it.  
18 This proposal is the most modest of all of the  
19 proposals that have been suggested.

20 COMMISSIONER GAVIN: But it could happen  
21 now. There's nothing to prevent it happening now, a  
22 structured conversation.

23 COUNCIL MEMBER FIALA: Thirty years of  
24 experience, Commissioner, 30 years of experience.  
25 You know units of appropriation what we did last

2 week, it's the same thing. It's sadly—it's sadly  
3 needed today. I wish it weren't but it seems that we  
4 need to provide so much guidance as to what we expect  
5 people to do today. It's just the way of the world,  
6 but I—I just think that I've waited 22 years. This  
7 is the last commission I'm ever going to be on. I  
8 have news for you, there's nothing great about this  
9 proposal. Here's—you remember what I wanted. I  
10 wanted budgetary authorities, remember? I'm not  
11 going to go into it. I talked about all of the  
12 different languages. I realized that the  
13 intersection there would have—would have addressed  
14 the structural imbalance. This does nothing to the  
15 structural integrity, but 30 years is a long time, a  
16 long time indeed, and

17 COMMISSIONER CARAS: And I thank Paula  
18 often—can I?

19 CHAIRPERSON BENJAMIN: Did you have your  
20 hand up, Carl? Hold on one moment

21 COMMISSIONER WEISBROD: I did but I'll—  
22 I'll let Jim go.

23 COMMISSIONER CARAS: Thank you, Carl. I  
24 was just going to say really quickly I think often  
25 what happens is if there is a major rezoning or

2 something where a bunch of agencies are involved,  
3 they will come in together to have a serious  
4 discussion literally in the waning days of the  
5 borough president's, you know, 30-day review period,  
6 but there's not anything for sort of regular  
7 discussion or ongoing discussion or advanced  
8 discussion, and I—I just think given the borough  
9 president this power again it's—it's very modest.

10 CHAIRPERSON BENJAMIN: Carl, you were  
11 next.

12 COMMISSIONER WEISBROD: Yes, I think—I  
13 appreciate both Steve and Jim's comments here. I  
14 have to say that—that we're talking about two just  
15 be—to be clear, two quite separate things that have  
16 been conflated. One is kind of Jim has focused  
17 largely on the land use development ULURP role of the  
18 borough president, and I admire his creativity in  
19 trying to re-litigate the issue of pre-applications  
20 that we already decided last week, and I think Steve—  
21 Steven is talking more, and obviously they're  
22 overlapping about the role of the borough president  
23 as service manager really in coordinating services  
24 within a borough. I—just to call his quest—question,  
25 my experience has been overseeing several city

2 agencies in my career that that does take place on an  
3 informal basis, and that agencies are responsive to  
4 borough presidents, and are responsive to them in a  
5 coordinated way when the borough president seeks it  
6 on a specific issue, and sometimes just on a monthly  
7 basis, and I would say that the—probably the best  
8 example of that is—is—is in Staten Island today with  
9 the current borough president Jimmy Otto where he  
10 does convene a monthly meeting. I think there's a  
11 real problem in what—what Stephen is proposing and  
12 what Jim is expanding. The role of the borough  
13 presidents pre-1989 was not as a manager and  
14 executive. In fact, that was the role of the borough  
15 president in—prior to 1898 before consolidation of  
16 the city, and I think we really—one of the great  
17 things New York did was consolidate in 1898 and to—  
18 and to put these departments under centralized  
19 Mayoral responsibility instead of having them as  
20 borough departments. I can say, and I dare say that  
21 at least Liliam Barrios-Paoli will probably confirm  
22 this, but you can't really manage a city agency if  
23 that agency is—thinks they have two bosses, and—and  
24 that they are responsible to different borough  
25 presidents and different policies in one borough than

2 they are in a different borough, and that's an issue  
3 that under current circumstances Commissioners  
4 already face because borough commissioners whether  
5 they're in HPD or City Planning, or Transportation  
6 or-or-or the Department of Buildings, do want to be  
7 responsive to their borough presidents, and at the  
8 same time want to be responsive to their central  
9 office. You can't do both if you feel that you have  
10 two different masters, and I think we should be  
11 really, really, really careful about codifying  
12 something that does now already take place on a  
13 regular basis, and I think Lilliam, you will  
14 certainly confirm that. I think any other  
15 Commissioner who is—who has been a Commissioner at  
16 lots of different agencies, will confirm that, and  
17 the—because I think commissioners and their agencies  
18 do respect the borough presidents, and they will be  
19 responsive to them, but to in effect, and I—I  
20 appreciate what Steve is suggesting that this is  
21 modest and not really giving the borough president  
22 managerial control. But, in fact, that's what it  
23 would be, and I really think that we should avoid  
24 proceeding on this issue.

25 CHAIRPERSON BENJAMIN: Jimmy.

2                   COMMISSIONER VACCA: I support this, but  
3 I do agree with the description that of it by its  
4 sponsor namely that this is modest. This is—you don't  
5 get more modest than this. This is a meeting where  
6 the borough president is going to have city agencies  
7 come and give a technical presentation on a project.  
8 It's a meeting. Right now the borough presidents  
9 have a district service cabinet meetings, or a  
10 borough service cabinet meetings. Community boards  
11 have district service cabinet meetings and agencies  
12 come. An agency is an agency or an agency is an  
13 agency. I've been at these meetings where the level  
14 of representation agencies send is unbelievable. You  
15 can have someone who is very low on the totem pole  
16 come to these agency meetings that the borough  
17 president or the community board calls, and not even  
18 be in—not even be able to answer basic questions, but  
19 they're there in the room. This, well, this motion  
20 does not even entail the level of representation  
21 issue, which the borough president and the community  
22 boards face. So, I support this at minimum, at  
23 minimum. It sends a message that we take the borough  
24 president seriously and that these agencies should  
25 take them seriously. Yes, that message has to come

2 from the Mayor and the Commissioners of every agency,  
3 but the reality is over the course of many years of  
4 my involvement, that's not been the case, and you  
5 have level-the level of agency representation at  
6 these meetings concerns me. So, this is modest, but  
7 we should adopt it.

8 CHAIRPERSON BENJAMIN: Anything else or  
9 call the question? [pause] Call the roll. [pause]

10 LEGAL COUNSEL: Commissioner Albanese.

11 COMMISSIONER ALBANESE: No.

12 LEGAL COUNSEL: Commissioner Barrios-  
13 Paoli.

14 COMMISSIONER BARRIOS-PAOLI: No.

15 LEGAL COUNSEL: Commissioner Camilo.

16 We're voting on the-Commissioner Fiala's BP Technical  
17 Review as amended by Commissioner Caras' memo.

18 COMMISSIONER CAMILO: No.

19 LEGAL COUNSEL: Commissioner Caras.

20 COMMISSIONER CARAS: Yes.

21 LEGAL COUNSEL: Commissioner Cordero.

22 COMMISSIONER CORDERO: I'll vote yes.

23 LEGAL COUNSEL: Commissioner Fiala.

24 COMMISSIONER FIALA: Yes.

25 LEGAL COUNSEL: Commissioner Gavin.

2 COMMISSIONER GAVIN: No.

3 LEGAL COUNSEL: Commissioner Greene.

4 COMMISSIONER GREENE: No.

5 LEGAL COUNSEL: Commissioner Hirsh.

6 COMMISSIONER HIRSH: No.

7 LEGAL COUNSEL: Commissioner Miller.

8 COMMISSIONER MILLER: Yes.

9 LEGAL COUNSEL: Commissioner Nori.

10 COMMISSIONER NORI: Yes.

11 LEGAL COUNSEL: Commissioner Tisch.

12 COMMISSIONER TISCH: [pause] I vote—I'm—

13 I'm just curious. About an hour ago, we had a  
14 conversation about the first bullet under land use,  
15 which had to do with asking staff to go back and  
16 think through very clearly the hours of testimony  
17 that we heard about the frustrations community wide  
18 on the issues of land use and land development. I am  
19 not sure why something like this, which if you listen  
20 carefully to the testimony I mean clearly appeared in  
21 multiple circumstances should not be part of the  
22 addendum prepared by staff to be reviewed by City  
23 Council. I just don't know that having a line in a  
24 charter review asking people to vote about the role  
25 of the borough president in City Planning really

2 gives voice to the frustration [coughing] and what  
3 was described to us as a lack of collaboration. I'm  
4 going to vote no, but I would clearly hope that if  
5 this amendment does not pass, that it becomes part of  
6 an overall structure report to the council and to the  
7 public about what we learned, what we heard, and what  
8 we feel should go back for further review by counsel.

9 LEGAL COUNSEL: Commissioner Vacca.

10 COMMISSIONER VACCA: I vote yes.

11 LEGAL COUNSEL: Commissioner Weisbrod.

12 COMMISSIONER WEISBROD: No.

13 LEGAL COUNSEL: Chair Benjamin.

14 CHAIRPERSON BENJAMIN: No. [pause]

15 LEGAL COUNSEL: 7 in the affirmative, 8  
16 in the negative. The motion fails.

17 CHAIRPERSON BENJAMIN: I would certainly  
18 in response to Commissioner Tisch suggest that we put  
19 this in our report, and I would work with you,  
20 Commissioner Fiala, to structure language that you  
21 would find acceptable in order to make sure that this  
22 view—I do think it's important the borough  
23 presidential. I just think this way was not  
24 something I could support.

2 COMMISSIONER FIALA: Thank you, Madam  
3 Chair. Thank you. Dr. Tisch.

4 CHAIRPERSON BENJAMIN: And the last item  
5 is I believe Jimmy Vacca, Community Boards and  
6 Borough Presidents Office—Offices must be included in  
7 interagency pre-cert meetings or on ULURP items held  
8 at City Planning Commission.

9 COMMISSIONER VACCA: I have raised this  
10 issue before. I hope that the Commission will pass  
11 this. Right now, the City Planning Commission staff  
12 has agency meetings before an item is ULURPed. Those  
13 agency meetings involve City Planning Commission  
14 staff, and they involve the agencies involved in a  
15 particular project. The community board is an agency  
16 and the borough president is an agency. They are not  
17 invited to those meetings. We do hear a lot of  
18 people who testified here and they've spoken about a  
19 lack of community engagement, and we always advocate  
20 for community engagement, and the community boards  
21 are really little city halls in their communities and  
22 they are city agencies yet they are not at the  
23 meetings. They are not there from the beginning.  
24 So, when they get a ULURP item the community board  
25 already often says we were not consulted. They get a

2 phone call. They may hear a rumor, but they're not  
3 in the room when discussions are-are asked. I must  
4 say when a project is proposed, City Planning  
5 Commission staff will meet with the MTA. They meet  
6 with DDC and DOT. So, certainly if they're going to  
7 put a bus on the 700 block of Revere Avenue, I'm the  
8 District Manager. I know the 700 block of Revere  
9 Avenue is between Randall and Phillip, and it's all  
10 two-family houses, and putting a bus route down that  
11 street will disrupt the quality of life of those  
12 people. I would be determined because I know that  
13 neighborhood to find a different bus route, but if  
14 I'm not in the room, that proposal is going to come  
15 to me with that bus route, and if I'm not in the room  
16 the planners and the bureaucrats from other city  
17 agencies who don't live in the community will think  
18 nothing of it and say well that bus has got to go  
19 somewhere. Community Board District Manager and the  
20 Borough President's office are not in the room, and  
21 if issues like that you and I may say that they're  
22 very parochial. No, they're not parochial. Those  
23 are issues that affect quality of life for people,  
24 and by not being in the room, they get the  
25 application and the city has already determined to go

2 through with what they want to go through with and  
3 the community feels alienated and not included. So,  
4 my motion is that we require the community boards and  
5 borough president representatives be included in pre-  
6 ULURP interagency meetings at the City Planning  
7 Commission staff calls affecting proposals in their  
8 district or borough.

9 CHAIRPERSON BENJAMIN: Any discussion?  
10 Call the question? Is there a second.

11 COMMISSIONER GAVIN: Second.

12 CHAIRPERSON BENJAMIN: Call the roll

13 LEGAL COUNSEL: Commissioner Albanese.

14 COMMISSIONER ALBANESE: Yes.

15 LEGAL COUNSEL: Commissioner Barrios-  
16 Paoli.

17 COMMISSIONER BARRIOS-PAOLI: [off mic]  
18 No.

19 LEGAL COUNSEL: Commissioner Camilo.

20 COMMISSIONER CAMILO: No.

21 LEGAL COUNSEL: Commissioner Caras.

22 COMMISSIONER CARAS: I think even for me  
23 this--[laughs] even for me--that this may--I think  
24 there are a lot of--often times there are a lot of  
25 interagency meetings that are very, very technical.

2 They're going, you know, people are going back and  
3 forth with City Planning staff. I could support this  
4 if it said "and interagency precertification meeting"  
5 but I worry about having elected official and--and  
6 I've discussed this wit you, I think, Jimmy. I worry  
7 about having an elected official or representative of  
8 and elected official at the sort technical meeting  
9 that--that maybe doesn't want a meeting, but I support  
10 what you're trying to get at, I'm going to vote yes.  
11 [pause]

12 LEGAL COUNSEL: Commissioner Cordero.

13 COMMISSIONER CORDERO: Yes.

14 LEGAL COUNSEL: Commissioner Fiala.

15 COMMISSIONER FIALA: I'm going to follow  
16 Jim Caras' lead and vote yes for the same reason.

17 LEGAL COUNSEL: Commissioner Gavin.

18 COMMISSIONER GAVIN: No.

19 LEGAL COUNSEL: Commissioner Greene.

20 COMMISSIONER GREENE: No.

21 LEGAL COUNSEL: Commissioner Hirsh.

22 COMMISSIONER HIRSH: No.

23 LEGAL COUNSEL: Commissioner Miller.

24 COMMISSIONER MILLER: Yes.

25 LEGAL COUNSEL: Commissioner Nori.

2 COMMISSIONER NORI: No.

3 LEGAL COUNSEL: Commissioner Tisch.

4 COMMISSIONER TISCH: [off mic] No.

5 LEGAL COUNSEL: Commissioner Vacca.

6 COMMISSIONER VACCA: Definitely yes.

7 LEGAL COUNSEL: Commissioner Weisbrod.

8 COMMISSIONER WEISBROD: No.

9 LEGAL COUNSEL: Chair Benjamin.

10 CHAIRPERSON BENJAMIN: No. [pause]

11 LEGAL COUNSEL: 6 in the affirmative, 9  
12 in the negative. The motion fails.

13 CHAIRPERSON BENJAMIN: We will now move  
14 onto I believe I have a request from Commissioner  
15 Nori.

16 COMMISSIONER NORI: Okay, thank you  
17 everyone. I'll make this brief. I notice that Frank  
18 Morano has gone home. He's our number one.  
19 [laughter] We know it's been a long meeting. It's  
20 been an honor to serve on this Commission during the  
21 past year, and as an immigrant, a person of color  
22 someone who could easily have taken any number of  
23 different paths to end up sitting at this table with  
24 all of you is a great honor. To serve in this  
25 capacity to help improve this great is a great

2 privilege. We at this table have the task of making  
3 the city fair for equal opportunity for transparency,  
4 for honesty. If those in power are dishonest, if  
5 those who wield the apparatus of state power are  
6 negligent or abusive we have an obligation to provide  
7 a check on that power especially when there are not  
8 legislative fixes. We must act to honor those public  
9 servants who are honest, brave and forthright who  
10 seek to do the right thing. I want us to hold truth  
11 and honesty as an ideal for our elected officials,  
12 for our judges, for our teachers, and maybe most  
13 importantly for our police officers. This isn't  
14 about being for or against cops. This is about the  
15 rule of law about accountability and about justice.  
16 So, I was disheartened last week when we lacked the  
17 will to take on one of the issues that I truly  
18 believe is a matter of life and death in this city. A  
19 meaningful change to the powers of the CCRB to  
20 address all statements. In my opinion, everything  
21 else we do here is just plumbing, moving the pipes of  
22 power, plugging leaks in our system, et cetera, but  
23 his one issue can be our legacy to ensure that our  
24 system is honest that those who act on its behalf are  
25 honest. The arguments against this proposal are

2 disheartening and dishonest. The police officers  
3 will make misstatements that this misstatements made  
4 inadvertently will hurt their careers. In the world  
5 of law and order, there is only truth. We can expect  
6 no less from the brave men and women who serve our  
7 city as police officers. So, today we either stand  
8 for truth and honestly or we stand against it. We  
9 either speak up against abuses of power or we stay  
10 silent and ignore the calls from most of the people  
11 in this city. Let's do the right thing. So, I call  
12 on you Commissioners. Is there anyone who voted  
13 against Proposal 7 last week who's willing to move to  
14 reopen this question? [pause]

15 CHAIRPERSON BENJAMIN: Carl.

16 COMMISSIONER WEISBROD: Yes, and I-I  
17 thank Commissioner Nori for his passionate remarks.  
18 I also want to thank Commissioner Hirsh, who after  
19 our meeting last where I did vote against this  
20 proposal, helped me really see the light on it for  
21 what it is, which is that we live in a world today  
22 that has discounted the truth where politicians talk  
23 about fake news where we have a leader who is-has a  
24 scorecard of 10,000 or more lives where people  
25 testified before Congress and simply lie and get away

2 with it, and I-I don't think that's the democracy of  
3 the world that we want, and certainly not the  
4 democracy in the world that I grew up in or I want.  
5 I wrestled a lot with this issue as to my vote last  
6 week, and I spend the better part of this past  
7 weekend thinking about the issues on both sides  
8 talking to representatives at the CCRB, people who  
9 did not think that this was necessary, and the CCRB,  
10 in fact, believes that it currently has the power to—  
11 within it's jurisdiction to consider false official  
12 statements. As Commissioner Nori said, I also have a  
13 great, great respect for the New York City Police  
14 Department, the work it does and the work it  
15 continues to do, and I spent 15 years of my life in  
16 Times Square working intimately day in and day out  
17 with the Police Department, and really appreciate the  
18 pressures that they're under and the work that—that  
19 they do think that we have an obligation to—an  
20 obligation to support the truth and not slide by when  
21 people don't tell the truth. And part of my  
22 investigation was to ask the CCRB itself what—what—  
23 what they—what they thought their powers were, and I  
24 did get a statement from the CCRB Executive Director,  
25 which I would read into the record saying that the

2 CCRB-I'm quoting now: The CCRB believes it has the  
3 broad power under the current Charter to interpret  
4 what constitutes excessive force, abuses of  
5 authority, discourtesy and defensive language. It  
6 asserted that power in 2018 when it took the step to  
7 change its prior policy of referring allegations of  
8 sexual misconduct to the NYPD for investigation. As  
9 part of her decision in the case of Lynch v. State v.  
10 Davy, Justice Crane upheld that power and the CCRB  
11 has been advised by the Law Department that while  
12 Judge Crane's decision is on appeal, the CCRB is like  
13 to prevail upon appeal. The CCRB commits to engaging  
14 in a process of considering false official statements  
15 similar to the process it took with respect to—with  
16 regard to sexual misconduct in the coming months.  
17 And while I appreciate the statement from the CCRB  
18 and I accept the fact that they, in fact, do have the  
19 residual power—inherent power to consider false  
20 official statements, and as we all know, not the  
21 independent power themselves to sanction, but only  
22 recommend sanctions for the Police Commissioner who  
23 has the final say and can use his judgment  
24 appropriately. I do believe that it's really  
25 important for this Commission to affirm what the CCRB

2 is—considers its power to not reject the notion or  
3 the optics of the notion that somehow we permit and  
4 dismiss allegations of false official statements as  
5 if they're not that important or maybe misstatements  
6 or maybe just errors. I think that can—those cases  
7 where there are simply misstatements that are  
8 inconsequential, police officers have the protection  
9 that the Police Commissioner offers. But I think  
10 it's really important for this commission to  
11 affirmatively assert that we won't tolerate as a  
12 society or as a city false official statements, and  
13 especially in the times in which we're now living and  
14 so I do as a member of the majority who voted against  
15 this proposal last week would urge its  
16 reconsideration.

17 CHAIRPERSON BENJAMIN: I—I'm going to  
18 read the Proposed--on reconsideration we—we—it's a  
19 majority vote, and I would like to take a two or  
20 three-minute recess so that I can go to another room,  
21 and I'll be right back. We'll be in recess for two  
22 or three minutes. [pause for recess] [background  
23 comments/pause] The meeting is back in order. The  
24 question is on reconsideration of a vote that we took  
25

2 last week on Proposal 7. The reconsideration would  
3 then put the item before us again.

4 COMMISSIONER GAVIN: Just a point of  
5 clarification.

6 CHAIRPERSON BENJAMIN: Excuse me.  
7 Discussion.

8 COMMISSIONER GAVIN: Point of  
9 Clarification. So the process is we vote to  
10 reconsider to put the item before us again and then  
11 we vote on that item?

12 CHAIRPERSON BENJAMIN: Correct, correct.  
13 We vote on the item if the reconsideration passes.

14 COMMISSIONER GAVIN: Right, right on it.

15 CHAIRPERSON BENJAMIN: On reconsideration  
16 would you call the roll.

17 LEGAL COUNSEL: Commissioner Albanese.

18 COMMISSIONER ALBANESE: Yes.

19 LEGAL COUNSEL: Commissioner Barrios-  
20 Paoli.

21 COMMISSIONER BARRIOS-PAOLI: [off mic]  
22 No.

23 LEGAL COUNSEL: Commissioner Camilo.

24 COMMISSIONER CAMILO: No.

25 LEGAL COUNSEL: Commissioner Caras.

2 COMMISSIONER CARAS: I think even for me  
3 this--[laughs] even for me--that this may--I think  
4 there are a lot of--often times there are a lot of  
5 interagency meetings that are very, very technical.  
6 They're going, you know, people are going back and  
7 forth with City Planning staff. I could support this  
8 if it said "and interagency precertification meeting"  
9 but I worry about having elected official and--and  
10 I've discussed this with you, I think, Jimmy. I worry  
11 about having an elected official or representative of  
12 and elected official at the sort technical meeting  
13 that--that maybe doesn't want a meeting, but I support  
14 what you're trying to get at, I'm going to vote yes.  
15 [pause]

16 LEGAL COUNSEL: Commissioner Albanese.

17 COMMISSIONER ALBANESE: I'll pass.

18 LEGAL COUNSEL: Commissioner Barrios-  
19 Paoli.

20 COMMISSIONER BARRIOS-PAOLI: Yes.

21 LEGAL COUNSEL: Commissioner Camilo.

22 COMMISSIONER CAMILO: Yes.

23 LEGAL COUNSEL: Commissioner Caras.

24 COMMISSIONER CARAS: Yes.

25 LEGAL COUNSEL: Commissioner Cordero.

2 COMMISSIONER CORDERO: Yes.

3 LEGAL COUNSEL: Commissioner Fiala.

4 COMMISSIONER FIALA: No.

5 LEGAL COUNSEL: Commissioner Gavin.

6 COMMISSIONER GAVIN: Yes.

7 LEGAL COUNSEL: Commissioner Greene.

8 COMMISSIONER GREENE: Yes.

9 LEGAL COUNSEL: Commissioner Hirsh.

10 COMMISSIONER HIRSH: Yes.

11 LEGAL COUNSEL: Commissioner Miller.

12 COMMISSIONER MILLER: Last week I voted  
13 yes on this reconsideration. I'm voting yes again.

14 LEGAL COUNSEL: Commissioner Nori.

15 COMMISSIONER NORI: Yes.

16 LEGAL COUNSEL: Commissioner Tisch.

17 COMMISSIONER TISCH: [off mic] No. (sic)

18 LEGAL COUNSEL: Commissioner Vacca.

19 COMMISSIONER VACCA: No.

20 LEGAL COUNSEL: Commissioner Weisbrod.

21 COMMISSIONER WEISBROD: Yes.

22 LEGAL COUNSEL: Commissioner Albanese.

23 COMMISSIONER ALBANESE: Yes.

24 CHAIRPERSON BENJAMIN: Yes.

25

2 LEGAL COUNSEL: 12 in the affirmative, 2  
3 I the negative, one abstention. The motion is now  
4 being reconsidered.

5 CHAIRPERSON BENJAMIN: Discussion? Let  
6 me read the motion. Proposal 7 allows CCRB to  
7 investigate and recommend discipline against an  
8 officer who is the subject of a CCRB complaint if  
9 that officer makes a false material statement within  
10 the course of CCRB's investigation or prosecution of  
11 such complaint. Is there discussion? Seeing none,  
12 call the question. Is there a second?

13 COMMISSIONER TISCH: Second.

14 CHAIRPERSON BENJAMIN: Call the roll  
15 please.

16 LEGAL COUNSEL: Commissioner Albanese.

17 COMMISSIONER ALBANESE: Pass.

18 LEGAL COUNSEL: Commissioner Barrios-  
19 Paoli.

20 COMMISSIONER BARRIOS-PAOLI: Yes.

21 LEGAL COUNSEL: Commissioner Camilo.

22 COMMISSIONER CAMILO: Move to explain my  
23 vote-my vote.

24 CHAIRPERSON BENJAMIN: Yes.

2 COMMISSIONER CAMILO: Just quickly, I-I  
3 want to thank all of the speeches by Commissioner  
4 Nori and Weisbrod. I-I-I'm really--I agree with the  
5 spirit of the reasons to put this motion forwarded  
6 and I supported the reconsideration. I will vote no.  
7 I do not believe that passing this will largely  
8 change anything. This is more the symbolic action  
9 and I and for that reason, I vote no.

10 LEGAL COUNSEL: Commissioner Caras.

11 COMMISSIONER CARAS: I want to thank  
12 Commissioners Weisbrod and Nori and associate myself  
13 with their comments. I think this is the most  
14 important thing we're going to do. I vote yes.

15 LEGAL COUNSEL: Commissioner Cordero.

16 COMMISSIONER CORDERO: I wasn't here last  
17 week, but I most definitely want to thank  
18 Commissioner Nori for bringing it about and I most  
19 definitely vote yes.

20 LEGAL COUNSEL: Commissioner Fiala.

21 COMMISSIONER FIALA: No.

22 LEGAL COUNSEL: Commissioner Gavin.

23 COMMISSIONER GAVIN: I too want to thank  
24 the comments that have been earlier. I do believe in

2 truth and honestly, but I'm going to keep my vote as  
3 no because it has to do with structure. Thank you.

4 LEGAL COUNSEL: Commissioner Greene.

5 COMMISSIONER GREENE: I—I want to echo  
6 and associate myself with Commissioner Camilo's  
7 comments. I appreciate reconsidering this motion and  
8 I generally feel—wish we would have been in a  
9 different place for some of the more fundamental  
10 powership changes and what happens with CCRB  
11 recommendations. In the absence of that, I don't  
12 think this does enough. So, it—it feels more formal  
13 receptive, but I generally support any effort we are  
14 trying to pursue generally for more close  
15 accountability. My vote is no.

16 LEGAL COUNSEL: Commissioner Hirsh.

17 COMMISSIONER HIRSH: I'd like to explain  
18 my vote. I want to thank Commissioner Nori for  
19 raising this again tonight, and I particularly want  
20 to thank Commissioner Weisbrod for the honesty and  
21 integrity that you bring to all of the deliberations  
22 on this Commission, but for the thoughtfulness with  
23 which you came to this conversation and this  
24 discussion and your willingness to reconsider. So,  
25 thank you for that, and I'd also like to acknowledge

2 and thank Erica Baez the mother of Anthony Baez and  
3 Hawa Bah (sp?) the mother of Mohammed Bah (sp) who  
4 are here tonight and have sat through this  
5 excruciating [laughs] meeting because you are here to  
6 remind us that this is not an abstract issue we're  
7 discussing today. Our ability to trust the men and  
8 women whose job it is to ostensibly keep us safe is  
9 paramount for our democracy and the functioning of  
10 our society, and the argument that they should get  
11 the benefit of the doubt is deeply unjust especially  
12 when juxtaposed with the reality that most black and  
13 brown boys in our city do not get the benefit of the  
14 doubt. Your children certainly did not, and I-I'd say  
15 I find this a very emotional issue, and I agree with  
16 Commissioner Caras that, you know, there are a lot of  
17 things that can do on this Commission, and there are  
18 a lot of ways in which I wish we could go farther,  
19 but at a minimum to say that the oversight agencies  
20 that has—the agency that has oversight over our  
21 Police Department is meant to ensure that the  
22 civilians in our city are kept safe, has the ability  
23 to investigate and pursue charges when an officer  
24 lies. That feels like a minimum standard that would—  
25 we can uphold and I am proud, and will be proud if

2 our Commission moves that forward today. So, proudly  
3 vote yes.

4 LEGAL COUNSEL: Commissioner Miller.

5 COMMISSIONER MILLER: Yes.

6 LEGAL COUNSEL: Commissioner Nori.

7 COMMISSIONER NORI: Yes.

8 LEGAL COUNSEL: Commissioner Tisch.

9 COMMISSIONER TISCH: Abstain.

10 LEGAL COUNSEL: Commissioner Vacca.

11 COMMISSIONER VACCA: No.

12 LEGAL COUNSEL: Commissioner Weisbrod.

13 COMMISSIONER WEISBROD: Yes.

14 LEGAL COUNSEL: Commissioner Albanese.

15 COMMISSIONER ALBANESE: I would like to  
16 associated my—I'd like to associate with the remarks  
17 of Commissioner Camilo, and Commissioner Greene, and  
18 say this is a structural issue, and I—I will vote no.

19 LEGAL COUNSEL: Chair Benjamin.

20 CHAIRPERSON BENJAMIN: Aye.

21 LEGAL COUNSEL: 8 in the affirmative, 6  
22 in the negative, 1 abstention. The motion carries.

23 CHAIRPERSON BENJAMIN: And that is our  
24 agenda for today, unless anyone would like to add  
25 anything.

2 COMMISSIONER ALBANESE: Yes.

3 CHAIRPERSON BENJAMIN: Sal.

4 COMMISSIONER ALBANESE: Yes, the  
5 amendment. I'd like to offer the amendment on-that  
6 we discussed on the Democracy Vouchers. In  
7 anticipation of a possible defeat I put together an  
8 amendment that some of you have echoed that you  
9 really want to study this proposal, and I think  
10 that's-that's valid, and I would like to offer the  
11 following amendment: Shall there be a commission on  
12 Clean Government established in 2020 charged with  
13 studying, debating and educating the public on the  
14 imp-on the implementation of a Democracy Voucher  
15 Program as an improvement vehicle for the public  
16 financing of campaigns for city officers and granting  
17 that commission be empowered if it so determines that  
18 the adoption of a Democracy Vouchers program in New  
19 York City would have a beneficial impact on its law-  
20 on its electoral system to place before the voters in  
21 the November 2020 General Election a proposition  
22 creating a Democracy Voucher Program in New York  
23 City. Now, basically all I'm calling for is a  
24 commission to study this to debate it, to educate the  
25 public, and if at the end of it they decide that it's

2 good thing, we would consider putting It on the  
3 ballot in 2020. So that's -that's my memos.

4 CHAIRPERSON BENJAMIN: Discussion?  
5 Commissioner Fiala.

6 COMMISSIONER FIALA: I second it, if  
7 that-

8 CHAIRPERSON BENJAMIN: Can you read it  
9 again, or I mean it was pretty much---

10 COMMISSIONER ALBANESE: Shall there be a  
11 commission on Clean Government established in 2020  
12 charged with studying, debating and educating the  
13 public on the implementation of a Democracy Voucher  
14 Program as an improvement vehicle for the public  
15 financing of campaigns for city officers and granting  
16 that commission be empowered if it so determines that  
17 the adoption of a Democracy Vouchers program in New  
18 York City would have a beneficial impact on its law-  
19 on its electoral system to place before the voters in  
20 the November 2020 General Election a proposition  
21 creating a Democracy Voucher Program in New York  
22 City. So, it would be a commission put together  
23 maybe reflective-reflective of the ratio or  
24 Commissioners that we have on his board that would  
25 study and in-depth debate it, and-and consider

2 putting on the ballot in 2020. I mean I think—as I  
3 said, you know how passionate I am about this issues  
4 and I—I—I have been in trying to get money out  
5 politics since I started in government. I sued the  
6 Federal Election Commission in 1980 because I think  
7 it—it-over-over denying average citizens equal  
8 protection. You know, we lost that lawsuit, and—and  
9 I've been championing this stuff because I think it's  
10 the most important—the most important issue facing  
11 democracy. How do we get big money out of politics?  
12 How do we have a true democracy? I understand the  
13 objections that people have tonight, but you all said  
14 that you—that you want the—you want the opportunity  
15 study it. So, I'm asking that—that we ask the voters  
16 if the Commission on Clean Government can study this  
17 issue. That's—that' my proposal in general.

18 CHAIRPERSON BENJAMIN: I hear your  
19 proposal but I'm also told that a commission cannot  
20 recommend something—a commission established in that  
21 way cannot recommend something for a ballot proposal.  
22 Only a Charter Commission can recommend something for  
23 ballot for a ballot proposal. Alison and then  
24 Lindsay.

2                   COMMISSIONER HIRSH: Sal, I'm wondering  
3 if you would be willing to support a suggestion  
4 instead of a proposal on the ballot to handle the  
5 Democracy Vouchers the same way we're handling—oh,  
6 right, the same way we're handling the strategic  
7 planning conversation and the borough presidents  
8 conversation, and have it be included in the Staff  
9 Report that we're recommending there be  
10 investigations and study and looking into it, and  
11 legislation potentially to enact the Democracy  
12 Voucher system?

13                   COMMISSIONER ALBANESE: That one, I would  
14 accept that. Do we know for sure that the Commission  
15 can't—are—are we sure about that? There are a lot of  
16 gray areas that I'm talking to .

17                   COMMISSIONER CARAS: I'm not going to  
18 speak for the Commission, Sal, but having drafted or  
19 worked on this law that set up this Commission, my  
20 understanding is that state law sets forth the ways  
21 in which things can get put on a ballot and—and I—I  
22 would be skeptical if we could change that.

23                   COUNCIL MEMBER ALBANESE: That makes  
24 sense. Okay.

2 CHAIRPERSON BENJAMIN: So, would you like  
3 to change this then that this would be--?

4 COMMISSIONER ALBANESE: Well, I think  
5 that—I think that--

6 CHAIRPERSON BENJAMIN: [interposing] And  
7 I would work—I would commit to work with you to make  
8 that happen.

9 COMMISSIONER ALBANESE: Okay, great.

10 CHAIRPERSON BENJAMIN: Okay.

11 COMMISSIONER ALBANESE: Okay.

12 CHAIRPERSON BENJAMIN: Okay? [laughter]

13 We have a lot of people who are willing to do that  
14 work. Are there other items that people wish to add?  
15 If not, is there a motion to adjourn.

16 COUNCIL MEMBER VACCA: Are we voting on  
17 Sal's motion or how does this--

18 CHAIRPERSON BENJAMIN: No. He withdrew  
19 the motion.

20 COMMISSIONER HIRSH: Because it's his  
21 staff report now and not a--

22 COUNCIL MEMBER VACCA: It's a staff, or  
23 it's going to be the Staff Report.

24 COMMISSIONER ALBANESE: It's apparently a  
25 legal issue, which it probably has some credibility.

2 COUNCIL MEMBER VACCA: But I have my  
3 motion I have to bring back.

4 CHAIRPERSON BENJAMIN: That's what I just  
5 aske.

6 COUNCIL MEMBER VACCA: I know when you  
7 do. When I get a chance I want to bring back that we  
8 not allow lobbyists to serve on the City Planning  
9 Commission.

10 CHAIRPERSON BENJAMIN: Is there  
11 discussion? Is there additional discussion? If not,  
12 call the question. Is there a second.

13 COUNCIL MEMBER HIRSH: Second.

14 CHAIRPERSON BENJAMIN: Discussion? No,  
15 call the roll please.

16 LEGAL COUNSEL: Commissioner Albanese.

17 COMMISSIONER ALBANESE: Yes.

18 LEGAL COUNSEL: Commissioner Barrios-  
19 Paoli.

20 COMMISSIONER BARRIOS-PAOLI No.

21 LEGAL COUNSEL: Commissioner Camilo.

22 COMMISSIONER CAMILO: No.

23 LEGAL COUNSEL: Commissioner Caras.

24

25

2 COMMISSIONER CARAS: Jimmy, I could  
3 support some narrow more thought out version of that,  
4 but that lobbying-

5 CHAIRPERSON BENJAMIN: [interposing] It's  
6 not. Let's make a deal. We have a-

7 COUNCIL MEMBER VACCA: Obviously if I put  
8 is all in.

9 COMMISSIONER CARAS: No, no, no. I'm  
10 putting that lane (sic) in but I can't here-I can't  
11 the way it's written, you know, I said lobbyists  
12 include engineers, architects. The way the city laws  
13 are written I have too many concerns about that. I  
14 wasn't bargaining.

15 CHAIRPERSON BENJAMIN: No, Jimmy is  
16 trying to bargain with you. [laughter]

17 LEGAL COUNSEL: Commissioner Cordero.

18 COMMISSIONER CORDERO: I'm going to vote  
19 yes.

20 LEGAL COUNSEL: Commissioner Fiala.

21 COMMISSIONER FIALA: Explain. I, too,  
22 would like to-I agree with the sentiment of what  
23 you're trying to do, Commissioner. I'm just  
24 concerned that a not-for-profit executive-in essence  
25 we would be-we're potentially trapping some of these

2 people and--and that I don't think would-- That's not  
3 what you're intending, I know, but because of the--  
4 the--because the world runs by laws today, I think  
5 it's just too broad even though I agree with you, not  
6 lobbyist should be serving on the City Planning  
7 Commission or quite frankly any other in my view, but  
8 to Jim Caras' point this thing would have tentacles  
9 like an octopus, and I think we would wind up  
10 scooping up some really good people that just get  
11 scooped up because they happen to be in a--in a  
12 position of, you know, where it's a non-profit  
13 executive or some other--some other good works type of  
14 thing, but I--I--I agree. I want to associate my  
15 remarks with Commissioner Caras. I vote no.

16 LEGAL COUNSEL: Commissioner Gavin.

17 COMMISSIONER GAVIN: No.

18 LEGAL COUNSEL: Commissioner Greene.

19 COMMISSIONER GREENE: No.

20 LEGAL COUNSEL: Commissioner Hirsh.

21 COMMISSIONER HIRSH: No.

22 LEGAL COUNSEL: Commissioner Miler.

23 COMMISSIONER MILLER: No.

24 LEGAL COUNSEL: Commissioner Nori.

25 COMMISSIONER NORI: No.

2 LEGAL COUNSEL: Commissioner Tisch.

3 COMMISSIONER TISCH: No.

4 LEGAL COUNSEL: Commissioner Vacca.

5 COMMISSIONER VACCA: Yes.

6 LEGAL COUNSEL: Commissioner Weisbrod.

7 COMMISSIONER WEISBROD: No.

8 CHAIRPERSON BENJAMIN: Chair Benjamin.

9 CHAIRPERSON BENJAMIN: No.

10 LEGAL COUNSEL: 3 in the affirmative, 12  
11 in the negative. The motion fails.

12 CHAIRPERSON BENJAMIN: Are there any  
13 other—is there any other business? If not, I would  
14 entertain motion to adjourn.

15 COMMISSIONER TISCH: So, moved.

16 [laughter]

17 CHAIRPERSON BENJAMIN: By unanimous  
18 consent—can I do that? [background comments] I move  
19 we adjourn. Aye?

20 COMMISSIONERS: [in unison] Aye.

21 CHAIRPERSON BENJAMIN: Any opposed? This  
22 motion—this meeting--

23 COMMISSIONER CARAS: [interposing] I  
24 assume—I assume, Madam Chair, we can keep our folders  
25 tonight?

2 CHAIRPERSON BENJAMIN: No, we need them  
3 one more time. [laughter] [background  
4 comments/pause]

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C E R T I F I C A T E

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



Date June 26, 2019