

CHARTER REVISION COMMISSION

SURROGATE'S COURT

31 CHAMBERS STREET

NEW YORK, NEW YORK

JULY 12, 2010

6:03 P.M.

PRELIMINARY STAFF REPORT AND RECOMMENDATIONS

TO THE CHAIR OF THE 2010 CHARTER

REVISION COMMISSION.

CHAIR: DR. MATTHEW GOLDSTEIN

COMMISSION MEMBERS:

JOHN H. BANKS, VICE CHAIR

ANTHONY PEREZ CASSINO

BETTY Y. CHEN

DAVID CHEN

HOPE COHEN

ANTHONY W. CROWELL

STEPHEN FIALA

ANGELA MARIANA FREYRE, SECRETARY

ERNEST HART

REV. JOSEPH M. McSHANE, S.J.

KENNETH M. MOLTNER

KATHERYN PATTERSON

CARLO A. SCISSURA

BISHOP MITCHELL G. TAYLOR

1                   CHAIRMAN GOLDSTEIN: Good evening, everybody.  
2                   I'm told that we have a quorum, so I would like  
3                   to officially bring this meeting of the New York  
4                   City Charter Revision Commission to order.

5                   I'm pleased to welcome you to this  
6                   phenomenal building, one of the two Tweed  
7                   buildings that were built in the, I'm told, the  
8                   late 19th Century, about 1870 to 1880's. This is  
9                   an extraordinary building. We're very pleased to  
10                  have our forum here this evening.

11                  This is an open meeting for the exclusive  
12                  purposes of the Commission to talk among  
13                  ourselves. Amongst the ourselves or among  
14                  ourselves. I don't know if I have my literati  
15                  out there to correct me.

16                  UNIDENTIFIED VOICE: Among.

17                  CHAIRMAN GOLDSTEIN: Among. Okay. Let me  
18                  just replenish some of your memory with respect  
19                  to where we have been and just to chart where we  
20                  will be going over the next several weeks.

21                  We have had five open forums, one in each  
22                  Borough. We have had five forums of where the  
23                  Commission members were able to dig deep to the  
24                  issues of term limits, voter participation,  
25                  government structure, public integrity and land

1 use. At those forums we had the privilege of  
2 hearing some of the Country's leading experts  
3 from Universities and from practitioners who have  
4 much experience on a practical level and also on  
5 a research level on those issues.

6 We are embarking starting next week on five  
7 open forums where all of the communities that we  
8 will be visiting around the City will have an  
9 opportunity to be heard. Next week, on the 19th,  
10 we will start with an open meeting with a  
11 discussion among the Commissioners. We will then  
12 hear from the Citizen's Union, who has filed a  
13 very comprehensive report, and we will listen to  
14 members of the Citizens Union talking about their  
15 report, and then we will take questions from the  
16 audience as time permits.

17 During the period of open hearings, we will  
18 take the Report that was written by our very able  
19 staff, the Preliminary Report of the staff to the  
20 Commission. I have referred to that document as a  
21 living document, and by living document I mean I  
22 expect that things will be culled from that  
23 document, and this will be the prerogative of the  
24 Commission, and maybe things might even be added,  
25 and we will see. Again at the prerogative of the

1 Commission.

2 Those ideas over time will be developed as  
3 we listen to members of the various communities  
4 in the five Boroughs we will be visiting to  
5 reshape the proposal.

6 Towards the end of that period we will file  
7 a report of the Commission. The opening salvo of  
8 that report is the Preliminary Staff Report. It  
9 will be refined over time, and at the end of that  
10 period we will have a Report from the Commission.  
11 It will be released by the Chairman of the  
12 Commission. And I should introduce myself, I'm  
13 Matthew Goldstein for those of you who may not  
14 know me. I'm the Chair of the Commission. And  
15 after that report is released, the Commission  
16 will probably have at least one more meeting --  
17 one meeting, maybe two, we hope it doesn't have  
18 to be more than that -- where we will decide what  
19 we, the Commission, believe will be appropriate  
20 to place on the ballot in November of 2010.

21 One of the things that we're very proud of  
22 so far of the work of this Commission has been  
23 the extraordinary public outreach that we have  
24 decided and have maintained that commitment to  
25 continue. And what I mean by wide public outreach

1 is that we utilized all of the available new  
2 technology tools that enable us to reach well  
3 beyond the people who are physically here in the  
4 room listening and providing commentary to the  
5 members of the Commission. So for the staff of  
6 CUNY TV, who has been very helpful with the DO IT  
7 and the City, and especially to the very able  
8 staff we've had the privilege of working with,  
9 starting with Lorna Goodman, our Executive  
10 Director; Joe Viteritti, our very able Director  
11 of Research, who has guided so much of the  
12 thinking of this Commission; Rick Schaffer, who  
13 is our extraordinary General Counsel; and to Ruth  
14 Markovitz, who I believe is here with us tonight,  
15 who is the Deputy Executive Director, and so many  
16 others. I want on behalf of the Commission to  
17 thank them for their continuing due diligence and  
18 very able work.

19 And our purpose tonight is to talk among  
20 ourselves. We will not be taking any questions  
21 from the audience. This is an opportunity for  
22 the Members of the Commission to talk about the  
23 Preliminary Report, and as we hear from the  
24 members of the Commission to shape the  
25 Preliminary Report as it becomes a final document

1           that we will endorse.

2           So before I start, let me start by having  
3           the Commission Members who are here with us this  
4           evening start with the introduction, start all  
5           the way on my left with Carlo.

6           COMMISSIONER SCISSURA: Thank you. Good  
7           evening, everyone. Carlo Scissura from Brooklyn.

8           COMMISSIONER CASSINO: Hi, Tony Perez Cassino  
9           from the Bronx.

10          COMMISSIONER MOLTNER: Good evening, I'm Ken  
11          Moltner.

12          COMMISSIONER CROWELL: Anthony Crowell.

13          COMMISSIONER FREYRE: Angela Mariana Freyre.

14          COMMISSIONER FIALA: Good evening, Steve  
15          Fiala.

16          COMMISSIONER COHEN: Hi, I'm Hope Cohen.

17          COMMISSIONER BETTY CHEN: Hello, Betty Chen.

18          CHAIRMAN GOLDSTEIN: Let me before we start  
19          just delineate, then, our next meeting will be  
20          July 19. It will be followed on Wednesday, July  
21          21. Then Monday, July 26, Wednesday July 28,  
22          Monday, August 2nd. Those are the ones that have  
23          been scheduled. We will have where the venues  
24          are for each of those forums out as soon as the  
25          scheduling is done. And as I said, we expect at

1           least one additional open forum for after August  
2           2nd, and then we will be concluding our work for  
3           what we set out to do.

4           Let me start by referring to the Preliminary  
5           Report and Recommendations to the Chair of the  
6           2010 Charter Revision Commission. That is a  
7           public document, all of you who are interested  
8           have access to it and can receive it.

9           I'd like to start the discussion on the very  
10          first proposal that is in the report and that has  
11          to do with term limits. This is the one item that  
12          the Commission has made a decision, and the  
13          decision is we will place this on the ballot,  
14          file this with the City Clerk at the appropriate  
15          time for consideration for the voters in 2010.  
16          Term limits. I'd like to -- we've decided that.  
17          There will be others, but that is what we have  
18          decided upon. And I'd like to turn this over to  
19          members of the Commission to -- you have the  
20          report in front of you, and now is an opportunity  
21          for us to discuss the items that are discussed by  
22          the staff.

23                 We'll start with Ken Moltner.

24                 COMMISSIONER MOLTNER: Thank you,

25                 Mr. Chairman. First I'd like to express my

1           thanks and appreciation to the staff for this  
2           document and with all the hard work that's  
3           evident in this document.

4           I for one begin the premise that the voters  
5           of this City voted two-two. That's what the  
6           people voted for not once but twice, and that's  
7           what paved the way by the Council's actions. And  
8           for me, therefore, that is what matters.

9           I, therefore, do not reach the issue of  
10          whether there be three or two-three is  
11          quote/unquote better, because it is not the  
12          choice that the people twice made. Rather, I  
13          believe that it is the choice that the people  
14          twice made is what should be returned to the  
15          public for its consideration. It may vote "Yes,"  
16          it may vote "No." But because it was what the  
17          public had voted for I believe it should be  
18          returned to it.

19          Now, with that I believe that the public  
20          should have the opportunity to consider an  
21          appropriate method that would prohibit the type  
22          of action by the Council that we saw in 2008. And  
23          I said publicly while I would like to see a  
24          complete prohibition on overturning the people's  
25          voice on term limits, at this moment I perceive

1           that there is too much of a risk that such a  
2           restriction may not be upheld in the face of an  
3           inevitable legal challenge. So for the moment I  
4           see -- and again I'm obviously only speaking for  
5           myself -- that prospectivity as set forth in the  
6           staff's Report, the Chair has the most practical  
7           and viable solution.

8           I do, Mr. Chair, have a couple comments also  
9           I would appreciate making on the Report itself.  
10          And again, with appreciation for all the hard  
11          work that the staff put into this. And again this  
12          is my reading of the Report. I sensed that an  
13          inference with regard to the Report is that there  
14          is empirical evidence for the two-three, which I  
15          do not believe in fact that there is. I also  
16          respectfully suggest that the findings of  
17          Professor Niemi, who I believe is one of the  
18          foremost authorities on the term limits issue, be  
19          given a greater or more prominent role. He came  
20          basically to our opinions in sum. First, that  
21          the effects of term limits are modest and  
22          conditional, and I'm quoting from his report,  
23          and, second, that while the day of term limits  
24          has hardly been resolved it seems that neither  
25          the highest hopes of advocates nor the worst

1 fears of opponents have been realized. And I  
2 think that deserves a greater prominence.

3 Also, my reading of the Niemi Report  
4 indicates that he does not apply research  
5 findings based on the experience of State  
6 Legislatures to City Council, which is an  
7 inference that I have drawn from the Report.

8 But I also submit there are a couple of  
9 other avenues that deserve greater mention,  
10 including that the research does indicate that  
11 term-limited Legislatures, like staff from  
12 lobbyists, and that term-limited (indiscernible)  
13 relationship between them. And in fact  
14 professional training that is provided as a  
15 result of term-limited Legislatures.

16 Having said all that, I would just in  
17 closing like to return to where I began, which is  
18 that since the people not once but twice voted  
19 for two-two, I reach no other issue but to put  
20 that with an approach to prospectivity be  
21 provided on the ballot. Thank you, Mr. Chairman.

22 CHAIRMAN GOLDSTEIN: Thank you, Commissioner  
23 Moltner.

24 Commissioner Freyre.

25 COMMISSIONER FREYRE: I think that in terms

1 of term limits, I agree with the recommendations  
2 that's in the first bullet on page 25, but the  
3 question would need to be redrafted, obviously,  
4 as a ballot proposal. But the question about  
5 replacing the present three-term maximum  
6 provision with a two-term maximum provision, I  
7 think that's a question that should be posted to  
8 the voters. And I do agree on the prospectivity  
9 proposal of limiting the City Council's ability  
10 to amend the term limits law other than  
11 prospectively.

12 CHAIRMAN GOLDSTEIN: Thank you, Commissioner  
13 Freyre.

14 Commissioner Cohen.

15 COMMISSIONER COHEN: Term limits and a  
16 question. First, I'll limit my remarks to term  
17 limits and one associated question.

18 I agree with my two fellow Commissioners  
19 that certainly the question should be posed to  
20 the people of the City of New York about  
21 returning to the two terms for all elected  
22 officeholders that they approved by referendum  
23 twice. I'm going to say now that I personally am  
24 philosophically opposed to term limits. I  
25 personally voted twice against those referenda,

1 but there is something about the unseemliness,  
2 while completely legal and determined to be  
3 ethical, the unseemliness of what occurred in  
4 2008 in the face of two noticeably important  
5 referenda on this point. I would love to see the  
6 possibility of putting on the ballot another  
7 option, which is to not having term limits at  
8 all. I don't know whether that's feasible. I  
9 know there's been some discussion about that  
10 feasibility.

11 I don't think I've heard any Commissioners  
12 in recent days express any interest in the split  
13 that's offered here of two terms for Executive  
14 and two terms for Legislature. Although, we did  
15 hear quite a bit of testimony on that point  
16 particularly from Legislators.

17 There is one other thing I want to throw out  
18 there and that is on the question of the  
19 prospectivity, which I heartily endorse, we use  
20 it by analogy of what we think of as the case  
21 with many Legislatures, and indeed is the case  
22 with many Legislatures, but not the City Council,  
23 and that namely is the question of pay raises.  
24 And it seems to me that if we are going to  
25 introduce a question about Charter language on

1           prospectivity for term limit change, change in  
2           term limits, we should also put in some new  
3           language in the Charter to ensure that change in  
4           pay raises are prospective. Thank you.

5           CHAIRMAN GOLDSTEIN: Thank you, Commissioner  
6           Cohen.

7           Commissioner Cassino.

8           COMMISSIONER CASSINO: Question first,  
9           Mr. Chairman. Should we refrain from introducing  
10          anything outside of the term limits issue right  
11          now? Because we might have other issues that we  
12          might want to raise.

13          CHAIRMAN GOLDSTEIN: What I would prefer,  
14          Commissioner Cassino, we go seriatim through the  
15          Report and if we could do that.

16          COMMISSIONER CASSINO: Will there be an  
17          opportunity --

18          CHAIRMAN GOLDSTEIN: Absolutely.

19          COMMISSIONER FREYRE: I have to leave at 7:00  
20          o'clock to catch a plane.

21          CHAIRMAN GOLDSTEIN: If that is the case,  
22          then, I would like to hear some of the things  
23          that you have to say outside of term limits if  
24          you can do that? Let's see if we have -- we  
25          still have about 35 minutes.

1           COMMISSIONER CASSINO: So on the issue of  
2           term limits, then, and I think that this is an  
3           issue that many of us feel strongly about, and I  
4           know that in the past my colleague, Steve Fiala,  
5           has raised the issue of the 1989 Charter  
6           Commission having a strong mandate for existing.  
7           And I believe that -- and mentioning that we may  
8           not have that either. I disagree with that. I  
9           don't disagree with you on much, but I disagree  
10          with that, because I think that we have, I think,  
11          in this City a crisis in confidence in our  
12          government, and that's reflected in the numbers  
13          that we see in voter turnout. It's reflected in  
14          every poll that is done. It's reflected in the  
15          attitudes of people towards their government. And  
16          there are a number of issues that I think that  
17          need to be addressed if we're going to get people  
18          to restore their faith in government. And term  
19          limits is at the top of the list, because whether  
20          you endorse term limits as a concept or not, I  
21          think most people feel that beyond the legality,  
22          you don't have to be a lawyer to feel that there  
23          was something just not right about how it was  
24          done. It should have come back to the people.

25                 With that, I'm a strong proponent of going

1 back to two terms. I think that that's some  
2 50,000 people voted for that in the one election.  
3 And 580,000 voted for it in the other. And I  
4 respect that. I don't believe there's any  
5 signs -- I've looked at it as well. I don't  
6 believe there's any signs that talk about two or  
7 three terms, one being better than the other.  
8 It's kind of like metrics for baseball fans who  
9 believe that you can put everything down into a  
10 statistic in baseball and you just can't.

11 You can argue both ways on any one of these  
12 facts as to whether somebody's a better  
13 Legislator at three terms or a better one at two  
14 terms. I don't think there's any signs to it. So  
15 I don't really think the signs hold up. I think  
16 it comes down to we've had two referendums on  
17 this, and if there's no signs to back up three or  
18 two terms or the alternative, then I go with  
19 that.

20 Upon the issue of whether or not there  
21 should be -- you need a referendum to change  
22 this, I wholeheartedly agree that you have to  
23 have that. And I would love to see it, even  
24 despite what some of the lawyers have said, I  
25 would love to see it an absolute, not just for

1 the future but for the current Council, and any  
2 current Council. I would I think that we've  
3 heard different opinions about whether that can  
4 happen or not. I err on the side -- if the  
5 Council overturned it again even prospectively  
6 the impact would be the same, which is a loss of  
7 faith in government in that it overturned  
8 something that the will of the people instituted.  
9 So I think the impact would be the same on the  
10 people. But, you know, I'm willing to hear more  
11 about whether or not other people feel that we  
12 should go for that angle that obviously has  
13 caused some discussion within the legal ranks,  
14 but that would be my first priority. If not, I  
15 certainly would endorse it prospectively under  
16 the term limits.

17 CHAIRMAN GOLDSTEIN: It's an interesting  
18 question. Do any of you have -- before I do that  
19 I just want to acknowledge that Bishop Taylor has  
20 joined us and David Chen has joined us as well.  
21 They weren't here. Betty Chen acknowledged  
22 herself.

23 Does anybody on the Commission want to take  
24 up what Commission Cassino has said about  
25 prospectivity and strengthening even more than

1           what it is right now? I personally think it is  
2           quite an impedece for the Council to take an  
3           action that they did, even understanding that it  
4           is not iron clad, as you have said, but does  
5           anybody else have responses?

6                     Commissioner Fiala.

7                     COMMISSIONER FIALA: I pulled out my notes  
8           from 10 years ago because I have some familiarity  
9           with this.

10                    We're at that stage now where we're supposed  
11           to deliberate, and part of that process should be  
12           educative for ourselves and the public. It's  
13           important to start out with the fundamental  
14           premise that this nation was founded not as a  
15           direct Democracy but as a Republic. The first of  
16           its kind in the history of the world. And in  
17           executing what a Republic is, there is an  
18           implicit and explicit understanding that citizens  
19           cede certain rights, certain natural rights, to  
20           those who govern. And it's just the way of that  
21           design, isn't it?

22                    We do not in this country have people  
23           deciding. People decide who gets to decide. It's  
24           a fundamental issue. And this Country, this State  
25           and this City, is wrestling with this concept of

1 self-government in this age of modern technology,  
2 instantaneous gratification, instant polls.

3 I think we're kind of at a point where we're  
4 losing site of who we are as a people and what  
5 made us great as a nation.

6 I pulled my notes. These are not my  
7 thoughts. These are the thoughts of brilliant  
8 men. Federalist 51: "But what is government  
9 itself but the greatest of all reflections of  
10 human nature. If men were angels no government  
11 would be necessary. If angels were to govern,  
12 not external or internal controls on government  
13 would be necessary." And here is the important  
14 one.

15 In framing the government that is to be  
16 administered by men over men the great difficulty  
17 lies in this. You must first enable the  
18 government to control the government and next  
19 find a way to have it control itself. For the  
20 most part, our government has the ability to  
21 control itself. This City reached a point in 2008  
22 when the City Legislature passed a bill. It  
23 should be pointed out that it had every right to  
24 do so. The Courts, the Federal Court and the  
25 State Court, found that it is certainly within

1 the province of the City Legislature to do that.

2 Ten years earlier the question came before  
3 my Council when I served on it. I voted a  
4 different way. That didn't mean that I was right  
5 and they were wrong. It simply meant that our  
6 interpretation of our roles were somewhat  
7 different. But that's the point, that politics  
8 isn't static. It's dynamic. You can't expect to  
9 live in a country with 300 million people or a  
10 city of 8.2 or 8.3 million people and have the  
11 decisions of a decade ago remain the decisions of  
12 a decade later.

13 We have a representative Democracy. Yes, the  
14 people voted for term limits. I voted twice. I  
15 came out in the minority twice. I am a strong  
16 proponent of and always will be one who believes  
17 that the Republic must come first. We are a  
18 Republic. We are not a direct Democracy. And  
19 from time to time a legislative body will decide  
20 that it is in the interests of the public to take  
21 an action one way or another.

22 Now, on the subject of term limits, because  
23 I've had this discussion now far too many times,  
24 and I seem to make more enemies than friends  
25 given my past vote, I'm defending what happened

1           yet I voted another way. Some will say that's  
2           hypocritical. It's not hypocritical, it's  
3           thoughtful. It's got to be viewed in the context  
4           of the time, it's got to be viewed in the context  
5           of legality.

6           The public must not go away from this  
7           process thinking that the City leadership did  
8           anything that was illegal or outside of its  
9           jurisdiction. The Courts themselves indicated  
10          that. The Courts also said, "We make no judgment  
11          as to the moral components of this."

12          Elections, elections are the great arbiter.  
13          I for the life of me cannot understand how in a  
14          city where polls show they were upset, the  
15          majority were upset with what the City Council  
16          did, yet but all but I think one Council Member,  
17          and under the circumstances that counted for a  
18          loss, were reelected. So for all the hoopla and  
19          all the concern and all the anger, the people  
20          chose to send back their representative. That's  
21          the Republic. That's how it works.

22          Now, I happen to believe that from time to  
23          time it's good for us to always revisit first  
24          principles. I would love, and I said this on the  
25          floor of the City Council when I cast a vote that

1           went against my own personal principles, I said,  
2           "I challenge the City, I challenge [then] Mayor  
3           Guiliani, Speaker Vallone, and my colleagues,  
4           and, more importantly, the public at large and  
5           the civic associations across the City to revisit  
6           this issue and have a serious discussion about  
7           term limits and to place a proposition before the  
8           people that would ask them is this in the best  
9           interests of the City?" Under the context of the  
10          time.

11                 The people of the City in 1989 voted for a  
12          Charter that fundamentally changed the structure  
13          of this government. It created a Mayoral-Council  
14          form of governance, and in so doing we made a  
15          deliberate decision as a people and said that the  
16          City Council should be a real deliberative body,  
17          something it had never been, and then two years  
18          later on the ballot is a proposition to term  
19          limit them. It is so counterintuitive to my  
20          thinking. Yet the will of the voters spoke not  
21          once but twice.

22                 I think we ought look at the fundamental  
23          foundational question of term limits in the  
24          context of a city that I'm told has the best  
25          campaign finance system in the nation. The

1 campaign finance system was supposed to level the  
2 playing field. Understand, and I'm talking to my  
3 fellow New Yorkers, understand what you did in  
4 voting your passions at the time, when we had  
5 just implemented campaign finance, just created a  
6 whole new model of government, what you did by  
7 injecting term limits into that new system of  
8 government was guarantee that the special  
9 interests, the bureaucracy, the staff, everybody  
10 but the legislative body that we voted as wanting  
11 to have a real substantive role in our  
12 government, they're now in power.

13 There are consequences to actions. And the  
14 consequences to those actions were we have  
15 permanently placed behind the eight ball the City  
16 Council of the City of New York. People will  
17 rotate in and they will rotate out. And anybody  
18 who believes that we could ever have a system  
19 where citizen Legislators are going to come  
20 forward is delusional, and the empirical evidence  
21 shows that.

22 We do not bring bakers and lawyers and  
23 doctors into government. We recycle politicians  
24 from one office to another. That's what you got.  
25 So I would hope that the City, the citizens of

1 the City, would want to revisit this.

2 Having said that, again relying on history  
3 and relying on the Federalist Papers, I  
4 understand the strongly held views of the  
5 majority of New Yorkers who took great exception  
6 to what was done regardless of whether or not it  
7 was legally permissible. So I repeat, in framing  
8 the government that is to be administered by men  
9 over men, the great difficulty lies in this. You  
10 must first enable the government to control the  
11 governed and in the next place force it to  
12 control itself. Depending on the people is no  
13 doubt the primary control on the government.

14 The fact that the vast majority of the  
15 people and the vast majority, if not near total  
16 majority of this committee, believe that term  
17 limits need to be revisited, and that people  
18 should have the right for redress and get to say  
19 whether or not they support the actions of the  
20 City Council moving from two to three terms, I  
21 will support the proposition of granting that  
22 question.

23 I would love for us to think on a larger  
24 scale and get to the more fundamental  
25 foundational issues of term limits and their

1           impact on this City's best interests. But I  
2           fully understand, recognize and appreciate that  
3           the public has lost faith, as my colleagues have  
4           said, in their government. And if placing upon  
5           the ballot a question that says shall we keep the  
6           existing three-term structure or return it to two  
7           terms, that's something that I would live with.  
8           It's a bad choice. But I'll live with it.

9           Second point. The notion of preventing a  
10          City body, a City Legislature, from exercising  
11          its prerogative as a legislative body is a  
12          dangerous thing to do in a Republic. No matter  
13          how angry we are, remember the whole purpose of  
14          having a self-representative government is that  
15          the anger that exists here in this room and  
16          outside is supposed to be cooled when it gets  
17          before a deliberative body of individuals who  
18          hopefully, hopefully are going to think about 10  
19          years from now, not just the next election.

20          Tying the hands of a Legislature and  
21          preventing them from doing what the courts have  
22          ruled are within their legal right, and, indeed,  
23          their function to do, would be something I could  
24          not support.

25          Prospectivity is the best we can offer New

1           Yorkers. It's fair. It's balanced. It says that  
2           if there's a policy decision New Yorkers want  
3           term limits -- Commissioner Moltner, I fully  
4           respect that I lost twice, so I understand New  
5           Yorkers as a policy want term limits. The best we  
6           can do, then, is say, "Fiala, you can change it  
7           but you can't change it for yourself." So  
8           prospectivity is really the only option that we  
9           have above and beyond the fundamental question of  
10          should we go from two to three or stay with  
11          three.

12                 The notion of locking this in Charter  
13          language and preventing a legislative body from  
14          doing what the Constitution of the State of New  
15          York authorizes them to do would not only be  
16          illegal, but it would really be, I think, a  
17          dereliction of our duty as citizens of this City.

18                 For better or worse, this is the City  
19          Council you all have. If you don't like what  
20          they do vote them out. That's the big challenge  
21          in this City. And later on I trust we'll get to  
22          issues relating to the voting, because that's  
23          where the real issue lies.

24                 So I would support going from the question,  
25          Mr. Chairman, should we return to two terms, keep

1 the three terms, and I would support that  
2 secondary issue of prospectivity but nothing  
3 else.

4 CHAIRMAN GOLDSTEIN: Thank you, Mr. Fiala.  
5 Anyone want -- Commissioner Cassino.

6 COMMISSIONER CASSINO: I just want to mention  
7 one or two things you actually said were  
8 important.

9 We're talking about a very specific carveout  
10 here. We're not talking about changing the  
11 nature of a representative Democracy. This is a  
12 very specific carveout dealing with something  
13 that you mentioned earlier, "a Legislature acting  
14 in the interest of the public" were the words  
15 that you used.

16 I don't think anybody feels that that was  
17 the case here. Acting in the interests of the  
18 public is a very specific thing and a very  
19 powerful thing, and I don't think that's what was  
20 done here, and that's one of the things.

21 And the second thing that you raised, which  
22 I think makes the case for the general term  
23 limits concept, is that yes, many of them were  
24 reelected despite the anger, and that is the  
25 power of the incumbency, and that is the power of

1 the system. Regardless of the best campaign  
2 finance system in the country, that's the power  
3 of incumbency makes the case why people felt term  
4 limits were necessary, one of the reasons. And  
5 so, you know, I think it actually makes a  
6 stronger case for the general concept of term  
7 limits, because we recognize virtually everybody  
8 at every level gets reelected at rates of  
9 95 percent and above, and regardless of what they  
10 do, and so I don't subscribe to the notion that  
11 just, you know, take them out at the polls. Show  
12 me where one Legislature that happens on a  
13 regular basis ever.

14 So those two points state the very specific  
15 carveout that we're talking about. We're not  
16 talking about changing the nature.

17 COMMISSIONER FIALA: I think your point is  
18 well taken. But again, we have to remember we're  
19 not a sovereign. This is nothing more than a  
20 municipal corporation. Cities are not sovereign.  
21 The State Constitution, the State Constitution,  
22 the Municipal Home Rule Law specifies the extent  
23 to which the City can create itself, the rules it  
24 creates for itself and the carveout's.

25 I am of the opinion, and I'm not an

1 attorney, but I talk to a number of them, indeed  
2 we all do, I have strong reservations that we  
3 would have the legal authority to pass legal  
4 muster for us to carve that out in the Charter.  
5 The Municipal Home Rule Law, the Constitution,  
6 dictates specifically what we can -- what a voter  
7 referendum can do and can't do. Term limits are  
8 specific. I think there are eleven, and perhaps  
9 someone can correct me, I think there are eleven  
10 carveout's. This is specifically not one of  
11 them.

12 Therefore, my concern would be we would be  
13 doing something that at the moment, because of  
14 the high passions of New York City residents, we  
15 would be giving them something that they want but  
16 probably something that would probably not pass  
17 constitutional muster, and in my mind's eye would  
18 bind a future Mayor and City Council from perhaps  
19 exercising control that they might need at a  
20 given time in this City's history.

21 So it's those two issues. One is that I  
22 have a philosophical difference on the issue of  
23 whether or not it's the right thing to do, and,  
24 secondarily, I don't think we legally -- remember  
25 we're just -- we're a Charter Commission. We have

1 to conform to State law, we have to conform to  
2 the Constitution and Municipal Home Rule Law, and  
3 I would hope that someone far more conversant on  
4 this subject than me can confirm that. But my  
5 reading and my talking to counsel was that this  
6 is a specific area that was not carved out as  
7 being given the right to carve in, if you will,  
8 into a Charter.

9 COMMISSIONER TAYLOR: Mr. Chairman?

10 CHAIRMAN GOLDSTEIN: Yes, Commissioner  
11 Taylor.

12 COMMISSIONER TAYLOR: I just want to say,  
13 Commissioner Fiala, I would like to invite you to  
14 be my guest speaker at my church next Sunday.  
15 You did a great job.

16 I want to say, first of all, fundamentally I  
17 think that what Tony said about the mandate,  
18 addressing the mandate of this Charter to look at  
19 term limits was based on what happened between  
20 the Legislators.

21 I think that when the public generally looks  
22 at term limits I'm not sure that they look at it  
23 at the same level of sophistication that some of  
24 the expert testimony gave -- people that  
25 testified gave to us over the last several weeks.

1           And having said that, I think that people  
2           just generally, the half million people voted  
3           twice for this, they voted for that because they  
4           believe that longevity creates this idea of  
5           control and at worse corruption.

6           I don't think that the general public is  
7           looking at what is the real impact of two terms  
8           versus three terms versus no term limits. There's  
9           arguments on both sides. But because the people  
10          twice, over half a million people voted for term  
11          limits, then we see that as a mandate. But again  
12          this Charter has been changed ninety or a hundred  
13          times since the '90s. It's a living document.  
14          And I do agree with you that taking the power of  
15          the Legislature away from the Legislature to  
16          overturn things, because you never know what's  
17          going to happen at the moment, at that particular  
18          time, where it may be in the best interests of  
19          the public for the legislative body to overturn  
20          something.

21          But I think that I would support the  
22          prospective idea of a change futuristically, but  
23          I also I'm kind of toddling with that, too,  
24          because what if that change is necessary to  
25          impact what's happening at that moment? And so

1 I'm wrestling with that. But thank you.

2 CHAIRMAN GOLDSTEIN: Okay, Commissioner  
3 Moltner.

4 COMMISSIONER MOLTNER: I mean, prospective  
5 versus an absolute ban, and I don't pretend to be  
6 somebody who is very conversant with the issue.  
7 The reason that even though I said I'd like to  
8 see absent a ban I don't think it can be done. I  
9 believe it comes out of Section 11 of the Home  
10 Rule Law, and there is a provision that would  
11 grant on its face would possibly indicate an  
12 absolute ban is acceptable. But from what I  
13 understand, based on the legislative history --  
14 and it doesn't also deal with *Molinari v.*  
15 *Bloomberg*, or any of the other cases dealing with  
16 this -- there could be a significant risk of a  
17 successful legal challenge to it, not a risk that  
18 I think it be would wise from a legal policy  
19 matter, but I understand to be put before the  
20 public.

21 So based on my understanding of Section 11  
22 and the Home Rule Law, as you pointed out, I  
23 think prospectivity is in fact the way to go, it  
24 gives the most complete, most complete  
25 compassionate, for lack of a better word, the

1 complete, complete resolution that we have.

2 CHAIRMAN GOLDSTEIN: David Chen.

3 COMMISSIONER DAVID CHEN: Yeah. Sometimes I  
4 think it's an advantage when I hear lawyers  
5 talking about term limits, being sued. I'm not a  
6 lawyer, so in that sense I know you say the right  
7 thing you get sued. You say the wrong thing you  
8 get sued, too.

9 The more I perceive from it being fair, I  
10 personally feel that there should be term limits.  
11 Three terms is too much beyond that. Less than  
12 that you may not have somebody experienced and do  
13 a good job. So just common sense, I approach it  
14 that way.

15 In terms of the process, I think we need to  
16 more look at in the sense of timing. Referendum  
17 I think is all in the timing. The trend, the  
18 timing. 1882, the timing was wrong for Chinese  
19 migration. So the Chinese were excluded and  
20 banned for many years. But we right the wrong.  
21 Timing changes it for the people to see it. But  
22 a lot of time rules are the rules.

23 Maybe I agree with Steve. Rules are rules.  
24 We have to uphold the rules. There's a  
25 referendum, set it up. You've got to wait your

1 turn. Don't use emergencies to turn around.  
2 Sentiment on the issue at the moment, turn around  
3 the larger framework that we look at.

4 So the lesson, I think if we look at the  
5 process of doing it rather than we  
6 (indiscernible) two-two, three-two, whatever.  
7 These are the balancing, makes it more  
8 complicated. For expert maybe we can do studies  
9 and whatever, compare what's the efficacy of all  
10 this, resolve it. But the bottom line, the  
11 voters want it real simple, fair. If the trust at  
12 the moment is about term limits and the elected  
13 official can turn around for whatever in whose  
14 interests. I mean, there's always a trust issue.  
15 When the trust is weak I think the best way to  
16 restore it to do it very commonly, don't do it  
17 too complicated in the sense it's fair, let's  
18 maintain a process that how it was set up and how  
19 it's being done the same way rather than in the  
20 time constraint of urgency, a lot of things can  
21 happen, we know that. A lot of weird things can  
22 happen because of the pressure.

23 Take Arizona. They pass a law because  
24 there's all kinds of reason they need it now.  
25 But a lot of principles that need to be

1 challenged in a different way. Who is going to  
2 do it? So I think that fairness is ultimately  
3 the way we should look at it.

4 CHAIRMAN GOLDSTEIN: Let me interrupt the  
5 discussion about term limits and give  
6 Commissioner Freyre an opportunity to talk about  
7 items outside of term limits, because she has to  
8 catch a flight, and I want to give you the  
9 opportunity to give us your testimony.

10 COMMISSIONER FREYRE: Thank you,  
11 Mr. Chairman. I apologize for changing the topic  
12 of the conversation, although I'm quite confident  
13 that my fellow Commissioners will bring it right  
14 back to term limits, and I apologize for having  
15 to leave early. I tried to avoid this at all  
16 costs, but it was not possible.

17 I have two, two quick comments to make. I'll  
18 make the quicker one, the shorter one, first. And  
19 that is that we had at various points heard  
20 testimony and discussed having lobbying oversight  
21 moved over to the Campaign Finance Board. And I  
22 feel very strongly that that is a very good and  
23 solid proposal, which I would like to see our  
24 Commission discuss whether or not that should be  
25 put on the ballot for November. And I'd like to

1           hear what my fellow Commissioners have to say on  
2           that. On that particular proposal.

3           The second, the second comment is regarding  
4           the Conflicts of Interest Board. The Conflicts  
5           Board made some very good proposals, a number of  
6           which have been included in the Preliminary  
7           Report, but the most important of which is  
8           missing in the Preliminary Report, which is the  
9           guaranteed budget.

10          The independent or guaranteed budget, as you  
11          all know, is the removal of the budget of the  
12          Conflicts of Interest Board from the discretion  
13          of those persons that they actually have  
14          jurisdiction over; in other words, the Mayor and  
15          the New York City Council.

16          At the moment, the discussion in the  
17          Preliminary Report of the independent guaranteed  
18          budget is confused with that of the Borough  
19          President and the Public Advocate. This is an  
20          entirely different issue.

21          The Board has jurisdiction over the Mayor  
22          and the New York City Council and that is the  
23          reason why it needs an independent budget.

24          This notion of an independent budget has  
25          been supported by many people who have spoken to

1 us, including Christine Quinn, the head of the  
2 New York City Council, the two Council Members  
3 from Staten Island, Oddo and Ignizio, both  
4 support it. We have public interests groups,  
5 Gene Russianoff, and many others have supported  
6 it.

7 I would like to hear my fellow Commissioners  
8 on this particular narrow issue, and that I'd  
9 like to see it discussed, and then in my opinion  
10 it should be a proposal to the Charter.

11 CHAIRMAN GOLDSTEIN: We will have, and you're  
12 going to have to leave in 32 or 33 minutes, we  
13 will have an opportunity as this evening  
14 progresses, unless a number of you faint because  
15 there's no air in this room, but we'll try to the  
16 best we can.

17 COMMISSIONER FREYRE: Thank you.

18 CHAIRMAN GOLDSTEIN: Have a safe trip. We  
19 look forward to seeing you.

20 Any further comments from any Commissioners  
21 about the subject of term limits?

22 Yes.

23 COMMISSIONER DAVID CHEN: One thing I'd like  
24 to add. Somehow, you know, being open minded,  
25 you're debating yes, I like this, I like that, I

1 don't like that. Depends on how it's being  
2 framed, being presented. So I think framing of  
3 the question sometimes is how we get ourselves to  
4 get the answer, so I think we need to spend a  
5 little more time in processing how we frame  
6 questions. Otherwise, really try to resolve  
7 you'll be pulling between, you know, half a  
8 pound, eight ounces.

9 CHAIRMAN GOLDSTEIN: Commissioner, let me  
10 just indicate that that is going to be very  
11 fundamental. Obviously, how you pose a question  
12 can influence the question. The modality  
13 certainly has a dramatic effect. And that would  
14 be something that we, the Commission, will have  
15 to deal with as we progress through the public  
16 hearings and start to refine our ideas. But at  
17 this particular point in time this is really  
18 about the policy ideas that were proposed by the  
19 staff, and we will certainly get to when we  
20 decide what we want to place on the ballot. How  
21 we place it on the ballot will be very  
22 fundamental. I certainly agree with that.

23 Commissioner Cohen.

24 COMMISSIONER COHEN: Yeah, I have a question  
25 about where we go in the public hearing coming up

1 with regard to what's in the report. So for  
2 example, on this question of term limits in the  
3 Report it talks about getting public testimony on  
4 the question of returning two terms for all or  
5 going to two terms for the Executive and three to  
6 the Legislature.

7 Now, no one else has chimed in, but so far I  
8 haven't heard any Commissioners supporting the  
9 latter option. I have heard two Commissioners  
10 interested, maybe Commissioner Fiala and myself,  
11 interested in finding a way of presenting a no-  
12 limits option as well as a return to two options.

13 So if the comments so far are accurate, the  
14 feeling of the Commissioners, how do we amend the  
15 Report, or whatever, in time for our public  
16 hearings starting on the 19th so that the public  
17 can know what to expect and comment on in the  
18 Charter?

19 CHAIRMAN GOLDSTEIN: Well, let me respond a  
20 little more, in a more elaborate way than I did  
21 in my opening remarks.

22 I indicated right at the very beginning that  
23 the Report that we have received from the staff  
24 is a living document. By a living document we  
25 have every expectation that that report is going

1 to be amended as we, the Commission, believe it  
2 needs to be amended.

3 What I would ask each of the Commissioners  
4 to do, if there are things that you want culled  
5 from the document, if you want things that you  
6 feel are -- you're passionate about that you feel  
7 needs to be included in the document that is not  
8 there right now, you need to confer with me  
9 directly, and I will deal with the staff.

10 The staff starting after tonight is in the  
11 rewriting phase of the Preliminary Report. Again,  
12 we have a series of open forums where we are  
13 going to be listening to the comments in the  
14 opening salvo of our recommendations, being this  
15 Report. And over time that Report is going to be  
16 amended by two things: By what we hear possibly  
17 from the people that we will be listening to and  
18 your comments to me directly. I want all of  
19 these comments to come to me and I will present  
20 those ideas to the staff and we will make the  
21 appropriate adjustments.

22 Towards the end of the time that we are  
23 going to be listening to the public, towards the  
24 end of that process, we should be filing a Report  
25 of the Commission. So we are iterating, iterating

1 and iterating until we converge on a consensus,  
2 and the area that you're mentioning I think is  
3 very much a part of that as well.

4 At that particular point in time, we're  
5 going to need, as I said, at least another  
6 session beyond the session that is scheduled on  
7 August 2nd. We'll have to get into August, it  
8 will be one or two sessions, whereby our next  
9 task would be of the Report that we, the  
10 Commission, are putting out there, what out of  
11 that report we believe ought to be placed on the  
12 ballot.

13 I think its critical for everybody to  
14 understand, those that are in the room, and those  
15 that are participating in this discussion tonight  
16 electronically, that we have an obligation of  
17 this Commission to lay the groundwork, provide a  
18 new road for further commissions that will follow  
19 us.

20 Remember we started this process, I believe,  
21 on March 3rd. It is remarkable from where I sit  
22 that we have accomplished as much as we have in  
23 that relatively short period of time. There is  
24 much that we want to discuss. We just don't have  
25 the time. And I don't think we should be biting

1 off more than we are capable of chewing and  
2 digesting. But I think we do have a moral  
3 obligation to provide our views to the next  
4 group. Maybe us if the Mayor decides that he  
5 wants to invite this Commission to do another  
6 term, or if he decides to do something else. That  
7 is his and his prerogative alone. But I think in  
8 anticipation that there will be further work  
9 after our work is complete, whether it's this  
10 group or one that follows, that we have to leave  
11 an inventory of the work that we were not able to  
12 get to. I think that is as important as we do the  
13 putting something on the ballot. And I'm  
14 permitted to do that.

15 I'm sure all of you agree that that is the  
16 prudent and correct approach that obligates this  
17 Commission not only to conclude its work in  
18 November but to provide opportunities for our  
19 best thinking for those that come after us.

20 Yes.

21 COMMISSIONER CASSINO: Just because I want to  
22 make a point here, because I think it's important  
23 for the public to understand how this is all  
24 working, because, you know, we received this  
25 Report virtually simultaneous with the public.

1           And I think that the priorities that will  
2           ultimately emerge, and these priorities were  
3           interpretations of the staff, but in terms of the  
4           final priority, I think that the point that is  
5           important for the public to know is they may or  
6           may not necessarily represent our final  
7           priorities.

8                   CHAIRMAN GOLDSTEIN: That is correct.

9                   COMMISSIONER CASSINO: And I think Hope's  
10           point was trying to get to, you know, next week  
11           we'll be at a public hearing on the 19th where  
12           people will be commenting. And the question is  
13           for us, and for everyone, it's kind of confusing  
14           sometimes when there is an item in here that may  
15           be, for example, Hope mentioned the two- and the  
16           three-term limit provisions; two for the Council  
17           and -- three for the Council, two for the Mayor  
18           and the Borough Presidents. If there is not a  
19           support here, I don't know that there is, but if  
20           there is not support here for that and the public  
21           is commenting on a provision that we have not  
22           endorsed, in essence it's an interpretation by  
23           the staff. So I think that figuring out what they  
24           should be commenting on and what we should be  
25           putting forth there could be a disconnect there.

1 We have -- we might have a different opinion than  
2 what is in here and the public is commenting on  
3 what's in here. So it can be confusing about  
4 what they're actually commenting on.

5 CHAIRMAN GOLDSTEIN: And that is, that is  
6 something I think every Commission would have to  
7 deal with, and we're going to have to work  
8 through that by being as open and as forthright  
9 as we can.

10 Again I would deeply encourage any of you  
11 with respect to the subject that was discussed  
12 tonight thus far any alteration, any nuance, any  
13 change that you think is not reflected to comment  
14 to me and I will take the responsibility to get  
15 it to others and to certainly the staff.

16 COMMISSIONER TAYLOR: Mr. Chair?

17 CHAIRMAN GOLDSTEIN: Yes. Let me call on  
18 Commissioner Scissura.

19 COMMISSIONER SCISSURA: Thank you. First of  
20 all, I just want to take a quick minute to thank  
21 our Chair who I think that has done a great job.  
22 You've been very fair, you've listened, and  
23 you've worked with us, so I want to personally  
24 thank you.

25 Before I talk about term limits I do want to

1 echo something that my fellow Commissioner said,  
2 and I think it's important that the public really  
3 understand it. I know some of you have made it.

4 This is not a Report that I had anything to  
5 do with. It is not my opinion. It is not what I  
6 believe in. It is not anything that I -- I mean,  
7 there may be things in it that I will maybe talk  
8 about and look at. But this is a Report that the  
9 staff did on their own based on what they believe  
10 they heard. And as we go through different  
11 sections I'll give my opinions. But this is  
12 something that I received on Thursday. And it's  
13 important that the public knows that me as a  
14 Commissioner was not involved in writing this,  
15 and I want that very clearly stated.

16 On term limits, I think what Commissioner  
17 Cohen said is something that we should think  
18 about. Is it time that the New York City  
19 residents have an opportunity to vote to not have  
20 term limits? If somehow a way that question can  
21 be posed, whether it's two terms, three terms, or  
22 no terms, I think it's something that we as a  
23 Commission should think about, and should talk  
24 about, and should hear what people have to say,  
25 so I would be open to that.

1           On the question of whether we have different  
2 term limits for Executive and Legislators, I  
3 think it's a very difficult thing to do in this  
4 City, because the question of what is a Borough  
5 President? Is a Borough President an Executive,  
6 or is a Borough President a Legislator? I don't  
7 know the answer to that. Is the Public Advocate  
8 an Executive or a Legislator? It becomes a little  
9 tricky, and I wouldn't want to say that one  
10 branch of government should have more than  
11 another even though it's not on the Federal  
12 level, so I would not be supportive of having  
13 different terms for different offices.

14           CHAIRMAN GOLDSTEIN: What about the issue of  
15 prospectivity?

16           COMMISSIONER SCISSURA: I think if we have a  
17 way of writing it where it meets legal challenges  
18 I will be fully supportive on the prospectivity  
19 issue.

20           CHAIRMAN GOLDSTEIN: Commissioner Taylor?

21           COMMISSIONER TAYLOR: I just wanted to echo  
22 Tony's comment, because I think that what Carlo  
23 said is true as well. Having the time to go  
24 through and add the things that are important to  
25 us as individuals, I think manifest when we have

1 the collaborative conversations where we glean  
2 from each other, and as you said so eloquently  
3 earlier, we've done a lot since March 3rd. But  
4 March 3rd, we're only talking about a couple of  
5 months ago, and we have to digest a very  
6 complicated opinion that has been hobbled  
7 together from the public to deliberate and  
8 discuss. I just think what I think I hear the  
9 Commissioner saying is that we have to designate  
10 the time to collaboratively digest this  
11 complicated document.

12 I think that the reason why this is a  
13 Commission, not a Commissioner, is because  
14 there's strength in our collaborative thinking,  
15 and that's just my thoughts on that.

16 CHAIRMAN GOLDSTEIN: Let me again underline  
17 let's not bite off more than we can chew. Let's  
18 really focus on things that we feel we have  
19 sufficient time to study, that we've done our due  
20 diligence, that we have drilled down deep, and  
21 I've used this metaphor before, deep into the  
22 bedrock of the issues that have been presented to  
23 us.

24 Looking at this in a much more expansive way  
25 I think is wrong. We just don't have the time,

1 and I think by focussing on the things that we  
2 think we can do well, that's what we really ought  
3 to do and to do it in the time frame that we  
4 have.

5 We don't have much time. I'm looking at the  
6 clock. And I want to be sensitive to what we are  
7 capable of doing within the constraints of time.

8 Commissioner Chen.

9 COMMISSIONER DAVID CHEN: I, both agree with  
10 the Commissioners, this is a very difficult  
11 process with a limited time and I really  
12 appreciate the fact -- I missed a couple of  
13 meetings -- the Chair and the staff attended all  
14 the meetings. So it's not easy. But I really  
15 hear the part that equally stressed by all the  
16 testimony, especially (indiscernible) taking it  
17 slow and we're running into the issue about time.  
18 It's baffled me in the sense why are we running  
19 out of time? I mean, yes, the process takes time.  
20 We need to focus correctly. But on the issue we  
21 focus shouldn't we have time to process it? And  
22 I'm not looking back, I'm just looking forward.  
23 Time is very tight, only two more months. Why is  
24 it only two more months? It baffles me. Is  
25 there a legal challenge we face if we don't do it

1           this November? It can still be the same issue if  
2           we do it well, that's in my mind.

3           Time also effectively divides people.  
4           Sometimes to (indiscernible) and issues focus  
5           differently. Why is time the only factor we get  
6           stressed out on?

7           CHAIRMAN GOLDSTEIN: Look. I think on the  
8           issue of term limits I find it remarkable that  
9           anybody could conclude that we haven't had enough  
10          time. This has been discussed over and over and  
11          over again for years and years and years. I find  
12          it remarkable that as someone who is not a social  
13          scientist, as a mathematician, that you can't  
14          come to a conclusion. But, you know, the world of  
15          social science is a very different kind of  
16          discipline. You go over and over and look at it  
17          and over and over again.

18          I think we've had enough time. I would  
19          challenge anyone with respect to the issue  
20          certainly of term limits that this Commission has  
21          not only had enough time to discuss it as a  
22          Commission but has had the ability to look at  
23          decades of discussion about term limits. And if  
24          we can't come to a conclusion during that period  
25          of time I find it remarkable that we would have

1           that position.

2           Yes.

3           COMMISSIONER MOLTNER: Thank you, Mr.  
4           Chairman. I'd like to strongly support forthwith  
5           what you just said. And in terms of term limits,  
6           we have had time and we should put something on  
7           the ballot. I've expressed my views what I  
8           believe that it should be.

9           I would just like to address Commissioner  
10          Scissura's comments about, possibly Commissioner  
11          Cohen's comments, about two terms, three terms or  
12          no term limits.

13          If in fact a two-two is put on the ballot  
14          and it is rejected we will have a three-three, so  
15          that would be by default. So in effect -- by the  
16          way, let me just hasten to add when we started  
17          with this I totally (indiscernible) that view  
18          that you both had mentioned, although I obviously  
19          do not agree with it, and that's why we're having  
20          this discussion. But so two-two, if two-two is  
21          voted down and we're left by default with  
22          three-three, so in effect it becomes, then,  
23          putting on the ballot two-two or no term limits.

24          From everything that I have read, and I  
25          fully grant it I come from a particular

1 perspective, after listening subjectively and as  
2 open as I can, which I have not changed, I don't  
3 see that there has been, I guess to use an NFL  
4 metaphor, to overturn, so speak, or to attempt to  
5 overturn the initial feeling by the citizens by  
6 presenting the no term limits option. And I go  
7 back to what I perceive to be respecting the will  
8 of the voters, put back before the public what is  
9 now no longer the law, and that is it only will  
10 be in the three-three situation.

11 CHAIRMAN GOLDSTEIN: Okay. I'll take one  
12 more question on this or comment. We have other  
13 issues.

14 COMMISSIONER COHEN: I would like to respond  
15 to Commissioner Moltner's comments.

16 CHAIRMAN GOLDSTEIN: Hope Cohen.

17 COMMISSIONER COHEN: I think there is an  
18 extremely big difference between three-three as  
19 terms and no terms.

20 I will also say my expectation is that the  
21 option to have no terms limits would probably  
22 lose. And the term limits option, whatever it  
23 was, and I fully endorse it, it should be two-two  
24 would win.

25 I think when we get to this question of how

1 many terms we're nitpicking and really what  
2 people care about are the elected officials whose  
3 lives are directly impacted by this question: Is  
4 it eight years versus twelve years?

5 There is a larger philosophical question  
6 about term limits and that is, you know, do  
7 voters want to handcuff themselves and prevent  
8 themselves from voting for certain people? It's a  
9 philosophical question. That specific question.

10 If it turns out that from the point of view  
11 of drafting proposal language we can't do  
12 multiple options, then I absolutely think the  
13 option should be go back to two. And then the  
14 default is we're at three. And, you know, to my  
15 mind I guess what I'm saying to you is that to my  
16 mind there's not a whole lot of difference  
17 between those two except that the people, in  
18 referendum, voted for two, which is why that has  
19 a privilege.

20 But the real question, as so eloquently laid  
21 out by Commissioner Fiala, is the question of  
22 should there be these handcuffs on voters or  
23 should there not?

24 CHAIRMAN GOLDSTEIN: Thank you, Commissioner  
25 Cohen. I think at this point I'd like to move on

1 as we work seriatim through the document.

2 The next area after term limits was  
3 increasing voter participation. And there were  
4 three ideas that were brought forth by the staff.  
5 One is introducing a concept that to my knowledge  
6 was not discussed either at all, or if it was it  
7 was scantily introduced, and that is the subject  
8 of instant run-off voting.

9 The second idea was to decrease the number  
10 of signature petitions necessary to appear on a  
11 ballot was a second recommendation by the staff.

12 And the last was the consolidation of the  
13 Voting Assistance Corporation into the Campaign  
14 Finance Board.

15 I'd like to start very briefly with the  
16 discussion of the instant -- IRV, the instant  
17 run-off voting, and this is a concept that has  
18 found wide appeal in parts of the United States.  
19 Certainly in Australia and in Great Britain,  
20 where it has worked with great acclaim, and all  
21 of us in the Commission has read the Report. We  
22 have discussed it among ourselves individually  
23 and wondered if people would like to have some  
24 comment.

25 So let's start with you, Carlo.

1           COMMISSIONER SCISSURA: Sure. Thank you. You  
2 know, it's interesting. I think this section,  
3 Increased Voter Participation, was great in that  
4 the staff came up with some ideas that I didn't  
5 hear out, that many of us did not hear, some of  
6 them are interesting.

7           Before I talk about the instant run-off  
8 voting, I think what the staff should have done  
9 was look at the fact, and I'm not endorsing or  
10 not endorsing nonpartisan elections, but I am  
11 saying that if you look at the appendix, that  
12 topic was discussed more than any other topic, I  
13 think maybe even more than term limits.

14           And I'd like to ask our Executive Director  
15 what was the rationale in taking something that  
16 was discussed ad nauseam at times and something  
17 that was never discussed, and making something  
18 that was never discussed your number one thing,  
19 and making something that was discussed, like, a  
20 paragraph or two at the end of the Report? So  
21 I'd be curious to hear your comments.

22           EXECUTIVE DIRECTOR GOODMAN: Yes. I'll tell  
23 you what happened, in that there was no  
24 enthusiasm of a single Commissioner for  
25 nonpartisan elections, and every single

1 Commissioner was very, very interested in instant  
2 run-off voting. So we devoted a lot of time to  
3 instant run-off voting as representative of what  
4 this Commission was particularly interested in.

5 COMMISSIONER SCISSURA: I would recommend,  
6 and this is just my personal opinion, and again  
7 I'm not endorsing anything, I'm not even saying  
8 that anything should be on the ballot, but I  
9 think people did take time out and come out and  
10 speak about it. And I think we owe the people  
11 that it should become part of the Increase in  
12 Voter Participation. Again, to look at it. It  
13 probably won't make it on the ballot.

14 EXECUTIVE DIRECTOR GOODMAN: Right.

15 COMMISSIONER SCISSURA: Who knows? I just  
16 feel that.

17 EXECUTIVE DIRECTOR GOODMAN: It was  
18 mentioned at the public hearings. Once.

19 COMMISSIONER SCISSURA: Right, it was  
20 mentioned once. But nonpartisan elections was  
21 mentioned hundreds of times.

22 EXECUTIVE DIRECTOR GOODMAN: But the  
23 Commissioners themselves showed enormous  
24 enthusiasm for it when the idea was brought up,  
25 and that's why we researched it, put it in the

1 Report.

2 CHAIRMAN GOLDSTEIN: Carlo, I don't think  
3 that this idea, the IRV, emanated from the staff  
4 independent of hearing what Commissioners are  
5 having to say. And my recollection is consistent  
6 with Lorna that there was a very, very  
7 enthusiastic view of IRV.

8 My only issue, and I certainly want to turn  
9 to others, this is so new to a place like New  
10 York City, and while it may have great merit and  
11 I, quite frankly, am quite interested in it as  
12 well because I like the analytics, I like the  
13 cleanliness of it, the only way that I could see  
14 how you could see the effect of instituting this  
15 would be to do some very controlled simulation  
16 studies. That could easily be designed. You can  
17 simulate different kinds of populations,  
18 different structures of those populations, and  
19 then simulate what if's. And one of the things  
20 that appeals to me is that you can get knowledge  
21 about what the effect of IRV would be under  
22 various scenarios, probably more so than just  
23 about anything else that we can discuss here,  
24 because the others are so behavioral-based, and  
25 that's what makes so many of these issues so

1           difficult to get one's arms around is that you're  
2           dealing with human behavior.

3                   Here it's a much more -- the analytics are  
4           much clearer, but it would take a considerable  
5           amount of work to design experiments to actually  
6           simulate different kinds of initial conditions in  
7           populations to see what the effect would be.

8                   So my sense is, and I will stop after this,  
9           I'm very intrigued by the idea, I think it has  
10          merit, but I think it requires much more study  
11          than we really have the opportunity to do. It's  
12          going to take really a deep drilling of this. But  
13          I think it is possible and probably fairly easy  
14          to design something to inform us.

15                   I just don't think we have really the time.  
16          And as a result of that I mean, this might be a  
17          subject where we think there is a little too much  
18          to bite off without really having the comfort  
19          that we have the data, the real data, because  
20          there's a lot of data on all of the other  
21          subjects, and it's discussed over and over and  
22          over again. You never reach a conclusion. Do a  
23          study, it says one thing. Do another study, it  
24          refutes it, and you go back and forth.

25                   Here you can actually converge on something

1           that will give you comfort. I just don't think we  
2           necessarily have the time to do it.

3           COMMISSIONER SCISSURA: I actually agree with  
4           you. I think it's a fascinating concept. I would  
5           love to hear more about it.

6           The one concern that I do have, and I've  
7           expressed it to some people individually, is that  
8           I would not be comfortable writing a run-off  
9           system for offices that do not currently have a  
10          run-off system.

11          So if we were to look at the Public  
12          Advocate, or the Mayor and the Comptroller, which  
13          already have run-offs, it's something that is  
14          truly fascinating.

15          I think anything that increases voter  
16          participation and costs less is great. But to say  
17          that well, the Commission likes it and we're  
18          going to have it for the public -- the Borough  
19          Presidents and the Council, I'm not sure I'm  
20          comfortable rewriting that.

21          CHAIRMAN GOLDSTEIN: Fair enough.

22          Let me start with, let me work down. Tony?

23          COMMISSIONER CASSINO: Yes. Let me just say  
24          in terms of -- I think part of what Commissioner  
25          Scissura said, part of I think his concern, is

1           that the treatment it gets here. I think that  
2           it's -- it gets very large treatment in here. And  
3           I think many of us are intrigued with it, no  
4           doubt about it. I'm intrigued even beyond the  
5           current officeholders who have it. I think it  
6           could work everywhere, but that's a discussion  
7           for another point.

8           But I think the treatment it gets here is in  
9           the section where it potentially could be  
10          recommended, and it's given a lot of coverage  
11          here, and I think there's a lot of interest in  
12          it. But I just feel that many of us feel it's  
13          too much to bite off, and the unintended  
14          consequences we're not sure about. But I think  
15          it's an exciting proposal, but I just think given  
16          the timing it shouldn't have this treatment in  
17          the Report.

18          CHAIRMAN GOLDSTEIN: Let me jump to this side  
19          and I'll go back.

20          Betty Chen.

21          COMMISSIONER CHEN: Thank you. I think IRV  
22          is part of a larger picture. What I did sense in  
23          the discussions with the other Commissioners and  
24          the various public hearings was a lot of  
25          enthusiasm for robust voter participation and

1           increasing that. And I think that's because  
2           that's at the very heart of things you should be  
3           looking at as a Charter Commission, and it's what  
4           gives legitimacy to government and the public  
5           mandates, so I did sense a lot of that kind of  
6           enthusiasm. Maybe that's what the staff was  
7           picking up on.

8           And I totally hear your point about how we  
9           have a limited period of time. But I think in the  
10          Report and the debate that we continue to have  
11          over the limited number of weeks that we do have,  
12          we should be as aspirational as possible in terms  
13          of voter participation. And I think there can be  
14          cynicism about sort of a calcified State  
15          Legislature or sort of various legal barriers  
16          that come up with these different issues, but I  
17          think they can be addressed through what we write  
18          in the Report, maybe a firmly worded letter that  
19          is sent up to the State Legislature, not  
20          necessarily something that finds its way on the  
21          ballot.

22          But I think we have to make use of this time  
23          together to make progress on these issues. So  
24          whether it's looking at IRV, or voting by mail,  
25          same-day registration, no-excuse absentee

1           ballots, voting on Saturdays and Sundays, early  
2           voting, you know, there are a whole range of  
3           things that were mentioned. And I think these can  
4           be addressed through those various means.

5                   And I think we should keep an open mind on  
6           IRV and nonpartisan elections. I'm looking  
7           forward to hearing what the Citizens Union has to  
8           say on Monday. And, you know, attitudes can  
9           change. Look at what's happened with no fault  
10          divorce in New York State. We're the last state  
11          to get to that point. Everybody else got there  
12          before we did. But I think we can help to lead  
13          the way and point things in the right direction  
14          and, you know, see what ultimately ends up on the  
15          ballot or not. Thank you.

16                   CHAIRMAN GOLDSTEIN: Ken?

17                   COMMISSIONER MOLTNER: Thank you,  
18          Mr. Chairman. I think that this is one of -- IRV  
19          is fascinating, it's intriguing. I do think that  
20          it is one of the topics that goes into the  
21          category of the inventory that the Chairman was  
22          referring to earlier.

23                   I for one think that anything that increases  
24          voter participation and lessens the expenses is  
25          in fact a very good thing. I think IRV on the

1 face of it is a very good thing. I think that  
2 especially it is a good thing especially given  
3 the historical reasons behind run-offs in the  
4 first place, and we can debate whether there  
5 should be run-offs at all. And I also think that  
6 due consideration has to be given to whether or  
7 not it applies to all offices.

8 Having said that, I think one of the reasons  
9 that I believe this goes into the inventory  
10 versus on the ballot as I sit here today is  
11 because I don't think that we've had enough input  
12 on the legal ramifications of it, including any  
13 Voting Rights Act ramifications concerning it.

14 I think, Mr. Chairman, (indiscernible) voter  
15 participation is also an interesting point but  
16 leads (indiscernible) full legal ramifications  
17 whether it passes Voting Rights muster. I don't  
18 think it can go on the ballot at this point.

19 CHAIRMAN GOLDSTEIN: Hope Cohen.

20 COMMISSIONER COHEN: I'm going to echo what a  
21 number of Commissioners said starting with the  
22 Chairman. Very intrigued by this concept, but I  
23 never understood us to be in discussing our  
24 intrigue talking about bringing it forward this  
25 year, and, therefore, giving it pride of place in

1 a report that, you know, really puts it up front  
2 is something to go onto the ballot this year.

3 For me it's frankly in the same category --  
4 I don't want us to stop using the term  
5 nonpartisan elections unless we have a discussion  
6 of what the menu of possibilities are under that  
7 rubric.

8 I assume when people use that term they are  
9 talking about Top Two and as was recently passed  
10 by voter referendum in California and which was  
11 brought forward by the 2003 Charter Commission  
12 and failed at the polls.

13 I think a Top Two-type initiative, or an IRV  
14 initiative, or possibly both is a subject for  
15 robust discussion. We have heard, we have heard,  
16 as Commissioner Scissura said, more about Top  
17 Two, and still, I would submit, not enough to act  
18 this year. And I think that they are both  
19 important questions to continue, or start a  
20 robust public discourse about for possible  
21 adoption in, you know, near future use.

22 CHAIRMAN GOLDSTEIN: Thank you. Well, I  
23 think I'm getting a sense of a consensus here.

24 Steve, you want to jump in and say something  
25 about IRV?

1                   COMMISSIONER FIALA: Are we discussing the  
2                   recommendations?

3                   CHAIRMAN GOLDSTEIN: IRV; yes.

4                   COMMISSIONER FIALA: As is typical, I'm in  
5                   the minority. I'm fully prepared to support IRV  
6                   across the board.

7                   The fact of the matter is one of the  
8                   fundamental challenges this Country faces, not  
9                   only this City, is a decline in voter  
10                  participation.

11                  We in this City particularly know the first  
12                  round of voting is by and large the decisive  
13                  round. If elections are -- elections provide for  
14                  the legitimacy of the government, and we're  
15                  watching now 40 and 50 years of history in this  
16                  Country, a couple of decades in the history of  
17                  this City where voting trends are going down  
18                  despite the number of registered voters going up,  
19                  and we've got a real crisis on our hands.

20                  The second, when officials are elected to  
21                  office, whether they be the Mayor, Comptroller,  
22                  Public Advocate or the City Council, when they  
23                  are elected by a small plurality of an already  
24                  small portion of people who go to the polls in  
25                  that first round, that all-decisive round, the

1 legitimacy of the government is in question.

2 I appreciate the concerns expressed by my  
3 colleagues. I do agree that we did have an  
4 intensive discussion on this. A little bit more  
5 study on it than I think most do. So I would  
6 certainly say at the very least because part of  
7 what we have to do is educative, there should be  
8 something that should be discussed, debated, and  
9 certainly we should strongly advocate that  
10 hopefully the next Commission will take this up.  
11 This is something worthy of review.

12 Likewise, since we're talking about voter  
13 assistance and everybody already commented on  
14 that, I'll restate, what I guess I've been saying  
15 for five, six, or seven years. New York City,  
16 you know, we've got a split personality in this  
17 City when it comes to the way we deal with  
18 elections. We've got kind of a nonpartisan  
19 system and a partisan system right now in place  
20 in the Charter. And since this issue has been  
21 raised I just voted my true sense.

22 Voter increasing or trying to engage more  
23 people is wonderful. I support the efforts of  
24 the staff with respect to the work they've done  
25 in trying to cast a wider net and bring more New

1           Yorkers into the fold. Expansion of the voter  
2           base is important. But it is secondary and, quite  
3           frankly, misses the larger problem, and that is  
4           that there are already a significant percentage  
5           of voters who took the time, did their civic  
6           duty, did register, who are shut out of the  
7           process.

8           Now, you've all me heard me say this a  
9           thousands times over, so I don't want to bore you  
10          more than I already have. IRV, top tier, merging  
11          that into the Campaign Finance Board, these are  
12          all worthy of serious consideration. If not in  
13          this Commission, because I understand that there  
14          is concern, certainly we should strongly endorse  
15          it for a future Commission.

16          I do want to add one more recommendation,  
17          and that was Commissioner Freyre actually offered  
18          it earlier, I want to speak to her concern and  
19          endorse what she had said and that was right now  
20          lobbying disclosure is done with the City Clerk.  
21          We've done a good job in bringing back the CFB.  
22          We should look at removing that from the City  
23          Clerk and putting it under this new entity.

24                   CHAIRMAN GOLDSTEIN: Thank you, Commissioner  
25                   Fiala.

1 I think I'm getting a consensus of how we  
2 should proceed with IRV.

3 Last comment. Hope, please?

4 COMMISSIONER COHEN: I'm ready to move on to  
5 VAC.

6 CHAIRMAN GOLDSTEIN: Let's move on. We have  
7 two other areas that I think probably would not  
8 generate much debate. One is decreasing the  
9 number of petition signatures necessary to appear  
10 on a ballot, and the second, consolidating the  
11 VAC, the Voters Assistance Commission, and the  
12 Campaign Finance Board.

13 Anybody want to talk to that? I think this  
14 is something that I've heard a number of you  
15 speak about.

16 Yes.

17 COMMISSIONER COHEN: I definitely think that  
18 the idea of consolidating the functions of the  
19 CFB is a good one, and our recommendation should  
20 be explored further this summer for possible  
21 November ballot.

22 The adjustment I would make is why we need a  
23 VAC at all. Why does there need to be a  
24 Commission? Why not take the functions that are  
25 required of it and move those functions under

1 CFB? Which it seems to me in reading the Charter  
2 are kind of day-to-day management-type functions,  
3 and you need staff and so forth. But the  
4 direction could be given by the existing Board,  
5 and I don't know why we would need to reconfigure  
6 a new Commission under that Board.

7 CHAIRMAN GOLDSTEIN: Commissioner Crowell, do  
8 you want to respond to the existence of  
9 the Voters Assistance Commission?

10 COMMISSIONER CROWELL: My understanding of  
11 what this staff's recommendation was about, and I  
12 can speak to what Hope spoke about, what the  
13 Voter Assistance Commission does, it was designed  
14 to build between the two existing entities. And  
15 while the Campaign Finance Board is about  
16 enforcement, the Voters Assistance Commission is  
17 about voter registration and community voter  
18 participation and voter awareness.

19 Because the Campaign Finance Board  
20 Commission is to create opportunities for  
21 candidates to get on the ballot, and it also  
22 creates -- has a voter education program with  
23 Voter Guide, VAC and CFB have partnered with the  
24 creation and production of the Video Voter Guide.  
25 But I think the idea would be to put them under

1           one roof, is my understanding, and then have the  
2           synergies built, but understandably have the  
3           audit and enforcement functions and then  
4           community outreach component. So there would be  
5           two separate -- it would be a much broader range  
6           of community participants that will work on the  
7           Voter Assistance side.

8           COMMISSIONER COHEN: Let me just explore this  
9           a little further. I guess what I'm thinking, and  
10          there are some other proposals from the staff I  
11          again I think are good proposals relating to the  
12          Campaign Finance Board and also from the Citizens  
13          Union report, expanding the mandate of the  
14          Campaign Finance Board.

15          We heard from Commissioner Fiala as well and  
16          all of those acknowledging a greater bandwidth  
17          for what we now call the Campaign Finance Board  
18          would come up with an appropriate new title for  
19          it. Maybe even it would need to be expanded,  
20          although it seems people feel it's done an  
21          awfully good job the way it is. I guess what I'm  
22          asking is the relationship between a Commission  
23          and the staff, or a Board and a staff. And the  
24          Board or Commission gives direction and staff  
25          executes.

1           And it seems to me that the mandate under  
2           the Voters Assistance Commission could be  
3           executed under a merged, you know, expanded  
4           concept of what we now call the Campaign Finance  
5           Board, so you only need one over, overhead  
6           directorship and then but not necessarily the  
7           functions, have the functions be managed out of  
8           this expanded agency, because I fully agree that  
9           part of the challenge of the VAC right now is  
10          that it's too small to function well, it needs to  
11          draw on the resources --

12           COMMISSIONER CROWELL: I think you would  
13          necessarily want to have a coordinator on voter  
14          assistance that works in the larger structure.

15           COMMISSIONER COHEN: Yes.

16           COMMISSIONER CROWELL: To have also a  
17          recommendation that there be a Deputy Coordinator  
18          who would focus on views of those voters between  
19          18 and 25 years of age.

20           COMMISSIONER COHEN: I would be surprised if  
21          I found that suggestion unnecessarily  
22          descriptive --

23           COMMISSIONER CROWELL: It was a suggestion.

24           CHAIRMAN GOLDSTEIN: Commissioner Crowell,  
25          remember when there is a merger between two

1 corporations there aren't two corporations --

2 COMMISSIONER CROWELL: I would consider  
3 between 18 and 40 the youth coordinator  
4 (indiscernible).

5 CHAIRMAN GOLDSTEIN: Okay.

6 COMMISSIONER CASSINO: I would like to talk  
7 about signatures?

8 CHAIRMAN GOLDSTEIN: Absolutely.

9 COMMISSIONER CASSINO: As somebody who has  
10 knocked on thousands of doors to get signatures,  
11 I wholeheartedly support the reduction, but more  
12 importantly, I think it's been used over the  
13 years as a bar to the system, so I think it's a  
14 great recommendation as well as the  
15 recommendations here.

16 I hope that we make these very clear about  
17 often much of this is controlled by the State,  
18 and there's some very good recommendations here  
19 for easing the process, whether it's expanding  
20 the number of days to petition, and some other  
21 creative ideas that we heard in some of our  
22 meetings, and I think this is very important.

23 On the end of getting more candidates to get  
24 out there and providing voters with a choice,  
25 this is an incredibly important area that seems

1 very simple, reducing the signatures, and it is  
2 if we can do that. But I think this whole  
3 package of possibilities, if we can do this on  
4 this end it will give more choice to people and  
5 work on some of the other things of empowering  
6 voters, and I think it's a great thing.

7 CHAIRMAN GOLDSTEIN: Ken.

8 COMMISSIONER MOLTNER: Thank you,  
9 Mr. Chairman. I agree. I think anything that  
10 increases voter participation, as I said, is a  
11 good thing. I would simply add a point that's  
12 been made previously that Democracy, however, is  
13 not a spectator sport. There's only so much we  
14 can recommend. But when all, it's all said and  
15 done, we the people need to get out and vote.

16 CHAIRMAN GOLDSTEIN: One of the frustrating  
17 things that I've had with this process, I think  
18 we're all passionate, we all want more people to  
19 get out and be heard, to become part of the  
20 Democratic process, we have just not been able to  
21 get our arms around ideas that didn't conflict  
22 with existing State law. So I very much  
23 appreciate Commissioner Betty Chen's idea of  
24 really composing our ideas and get it to the  
25 State Legislature to see if we could get some

1 traction on some of this. I know that's going to  
2 be a hard slog, but given how Albany is operating  
3 these days, but I certainly think it's worth the  
4 effort and I would applaud that as well.

5 Any further questions or comments on this as  
6 we move along?

7 Alright. Let me move to Public Integrity,  
8 which was a third area that I think many of us  
9 are passionate about. We have two  
10 recommendations. One is the disclosure of  
11 independent campaign contributions, which we've  
12 talked among ourselves about. We've heard this  
13 in many areas of testimony from the members of  
14 the various communities that we've engaged with,  
15 and certainly amendments to Chapter 68, which is  
16 the Conflicts of Interest section of the Charter.

17 So I open this up for comment from any of  
18 the Commissioners on the recommendations that  
19 were posited by the staff on these two areas.

20 Commissioner Fiala.

21 COMMISSIONER FIALA: I endorse the entire  
22 package.

23 CHAIRMAN GOLDSTEIN: I love brevity. Brevity  
24 is good.

25 COMMISSIONER SCISSURA: I'll be equally as

1           brief. I think we need a little bit more  
2           information on a lot of this. It's something  
3           that's I think a little bit difficult to say  
4           "Yes" or "No" to. It's very intriguing. So I'm  
5           wondering if maybe during one of our forums we  
6           have a little time dedicated to conflicts of  
7           interest and really talk about it a little bit  
8           more.

9           CHAIRMAN GOLDSTEIN: Again, any particular  
10          individual ideas from any of the Commissioners,  
11          and I will be communicating some of my own ideas,  
12          to the staff, please forward it to me and I will  
13          make sure they're packaged appropriately and  
14          given to the staff for further discussion.

15          COMMISSIONER CASSINO: Would it be  
16          appropriate at this point under this category to  
17          put forth something that I think should  
18          be included?

19          CHAIRMAN GOLDSTEIN: Please. I think this is  
20          quite appropriate.

21          COMMISSIONER CASSINO: This goes back to my  
22          original theme we have, I think is important --

23          CHAIRMAN GOLDSTEIN: Somebody is getting back  
24          feed.

25          COMMISSIONER CASSINO: Thank you. You know,

1 I think what's missing in here for me, in my  
2 thinking on this, is a sense of I think some of  
3 the things that have upset people in the City  
4 relate to term limits. One of the biggest issues  
5 that have been talked about relate to some of the  
6 operations in the Council that relates to member  
7 items and lulus, et cetera, so let me just put  
8 forth a few ideas I think are consistent with  
9 what we're looking to do and go to the issue of  
10 restoring faith in government.

11 This is not to suggest that most of the  
12 Council members are not honest and hard working  
13 doing their jobs. But I still think we still  
14 need to put a together a set of reforms regarding  
15 the Council, because it's been an important issue  
16 to the public.

17 So on the issue -- I want to mention three  
18 issues I think are all interconnected. One is on  
19 member items. I know that we haven't had a lot  
20 of time to discuss member items here, but it's  
21 been one of the biggest topics in this City for  
22 years. It continues to be and I know there were  
23 some reforms that were put in recently by the  
24 Speaker and hopefully that will begin to address  
25 it. So let me suggest two items. We don't have

1 the time, a future Charter Commissions might have  
2 the time to look at the issue whether we should  
3 have member items or not.

4 Let me suggest two things that were in the  
5 Citizen Union's report and I think made great  
6 sense regarding member items and that is (1) that  
7 there should be disclosure and that's what the  
8 City Council Speaker has instituted, and I think  
9 we should copy that into the Charter, there  
10 should be disclosure of member items in a very  
11 detailed way as set forth as you see in the  
12 Citizens Union Report.

13 EXECUTIVE DIRECTOR GOODMAN: It's also in  
14 here.

15 COMMISSIONER CASSINO: Where is it in our  
16 report? And I'll come back to that. You'll show  
17 me where that is --

18 EXECUTIVE DIRECTOR GOODMAN: Okay, just a  
19 second.

20 COMMISSIONER CASSINO: Show me where that is.

21 The second part with member items is one I  
22 think that really strikes a cord with people,  
23 it's also in the Citizens Union report, and that  
24 is member items this year, \$50 million is given  
25 out disproportionately to districts.

1           My Council Member was number 37 on the list  
2 ranging from 1.4 to 300,000. I don't think  
3 there's any good public policy in \$50 million  
4 going out to the Council in disparate ways. I  
5 don't think my seniors in my community, or the  
6 youth programs in my community are any less  
7 deserving than somebody else in another district.  
8 So I'm a believer that that money should go out  
9 in equal form to each Council Member. It's our  
10 money, and I don't think politics should play a  
11 role in how that money goes out the door.

12           On the issue of lulus, if you look at lulus,  
13 the concept of the Speaker giving out the bonuses  
14 to Committee Chairmen, and there are 46 Committee  
15 Chairmen, and they range from \$5,000, \$10,000 to  
16 \$25,000 in lulus, I think that should be  
17 abolished. If doesn't exist in any other  
18 municipal or state government in the United  
19 States. There is no good policy for it. The  
20 Council's a part-time job. They make \$112,000 a  
21 year, and this is given as a way of dispensing  
22 money outside of the system. So there's no good  
23 public policy, and that's why we're the only ones  
24 who have it.

25           And the final thing is a full-time Council.

1 Again, it's an area that we haven't taken up all  
2 that much, it's come up in some of our reports to  
3 us, and I don't believe we have enough time to  
4 deal with that here unfortunately, because I  
5 think there should be a full-time Council. I  
6 think you make \$112,000 for a part-time job  
7 doesn't make any sense to me. They should be  
8 full-time. Maybe we'd adjust the salary. The  
9 last time we adjusted the salary in the hopes it  
10 would become a full-time Council, it never  
11 happened. But the very least we should have a  
12 more detailed disclosure about outside income.  
13 And since in June it sets forth a nice model how  
14 all that income would be very detailed, how many  
15 hours spent outside, the public has a right to  
16 know if you're a public official and you're  
17 making money outside of the Council. Again, this  
18 is not a job that's paying \$10,000 a year. Most  
19 people in this City would be very glad to make  
20 \$112,000 a year.

21 So I think there's a package of reforms  
22 that's missing from here regarding the City  
23 Council, and it only will affect, quite frankly,  
24 a limited number. By the way, you should know  
25 the lulus, the Daily News reported that 10

1 members refused to take the lulu and another 12  
2 said that they don't want it, but they'll take it  
3 but they really would like to see it go away.  
4 That's at least better than those who took it and  
5 said they want it. But -- so there's even in the  
6 Council there seems to be strong support for  
7 eliminating it. So I don't think these require  
8 tremendous study. I don't think these require  
9 great debate because there's no real good policy  
10 behind them. And it's our money that's going out  
11 the door, and I think that we should adopt -- I'd  
12 love to hear the other Commissioners, if we have  
13 a chance to talk about this. I'd love to adopt a  
14 series of reforms that would enhance public  
15 confidence in our City.

16 CHAIRMAN GOLDSTEIN: We'll make it part of  
17 the Report.

18 Yes, Commissioner Cohen.

19 COMMISSIONER COHEN: I would like to  
20 completely agree with Commissioner Cassino on the  
21 question of lulus. I want to remind the  
22 Commission what I mentioned before about  
23 prospectivity on pay raises. And on the question  
24 of member items, I just want to remind the  
25 Commission and the public that member items add

1 up to something like \$50 million each year, which  
2 would more than cover the requests for guaranteed  
3 budgets by the various elected officials and so  
4 forth that they've requested.

5 CHAIRMAN GOLDSTEIN: I'd like the record to  
6 read that our Director of Communication, who sees  
7 a number of you suffering in the audience, and I  
8 hope it's not from the discussion but it's from  
9 the heat, I'm told that the air conditioning is  
10 on full blast. This is an old building, that  
11 there are a lot of people in the room, that's a  
12 good thing, and that the lights are on full  
13 blast. We can turn the lights down but I'm afraid  
14 that some of you may get into a slumber state,  
15 but I want to keep you awake, so that is the  
16 latest from our Director of Communication.

17 Any further thing?

18 Lorna?

19 EXECUTIVE DIRECTOR GOODMAN: I just wanted  
20 to point out that we do recommend on page 49  
21 limiting the "safe harbor" provisions and require  
22 written disclosure of interests that would be  
23 requiring written disclosure of all interests to  
24 the COIB, in writing, on budget items, and that  
25 would cover exactly what you're talking about on

1 the first discussion.

2 COMMISSIONER CASSINO: On the --

3 EXECUTIVE DIRECTOR GOODMAN: Member items,  
4 yes.

5 CHAIRMAN GOLDSTEIN: Tony, you'll send me --

6 COMMISSIONER CASSINO: Yes.

7 CHAIRMAN GOLDSTEIN: Commissioner Moltner.

8 COMMISSIONER MOLTNER: Thank you, Mr.

9 Chairman. I think these are very important  
10 issues and deserve the full consideration that  
11 the staff has recommended and that Commissioner  
12 Cassino spoke about.

13 CHAIRMAN GOLDSTEIN: Alright. Let's move on.

14 What about -- well, I guess we've covered  
15 both topics. Let's move on to Efficiencies in  
16 Government. There are two issues --

17 COMMISSIONER COHEN: Sorry.

18 CHAIRMAN GOLDSTEIN: Yes.

19 COMMISSIONER COHEN: Just going back to  
20 Commissioner Freyre's comments, I think they fall  
21 under public integrity. She asked for input on  
22 two points. The lobby question, which we already  
23 discussed, and the IRV budget for the purpose the  
24 Conflicts of Interest Board.

25 I have been struggling with the question of

1           guaranteed budgets, but I just throw out that  
2           factoid about member items and what it could pay  
3           for.

4           I do believe that if there is one entity  
5           that does need a guaranteed budget it be would  
6           the Conflicts of Interest Board. And I know that  
7           I along with others, including the staff, have  
8           been struggling with, okay, but how do you come  
9           up with the right number?

10          And so I would like to tip my hat to  
11          Citizens Union, which came up with a suggestion  
12          that so far I think is the best suggestion I've  
13          seen, which is to peg it to a small percentage of  
14          the Law Department's budget. So I would just  
15          throw that out as yes, Commissioner Freyre, in  
16          your absence I do endorse the concept, and maybe  
17          we should explore the Citizens Union's suggestion  
18          on that matter.

19          CHAIRMAN GOLDSTEIN: Both of her comments  
20          were captured by the staff.

21          EXECUTIVE DIRECTOR GOODMAN: Yes.

22          CHAIRMAN GOLDSTEIN: So no need to be  
23          communicated directly by me. Thank you for that,  
24          Commissioner Cohen.

25          Let's move on to part four of the report,

1           Efficiencies in Government. These are sort of  
2           ministerial items, Consolidation of  
3           Administrative Tribunals, and the Citywide Review  
4           of Reporting Requirements and Advisory Bodies.

5           Anybody? Anthony?

6           COMMISSIONER CROWELL: I would like to hear  
7           some testimony from agency folks about the  
8           tribunals. I think that's something that previous  
9           Commissions have talked about, and I think it's a  
10          good idea. We have to get a little more  
11          perspective how they think this is going to be  
12          operationally organized. I too like the Deputy  
13          for Legal For Affairs and Justice Coordinator.

14          EXECUTIVE DIRECTOR GOODMAN: Yes, on that  
15          Tony, Anthony, we today we invited Karen  
16          (indiscernible) to come to one of the public  
17          hearings and present and speak testimony, which  
18          she is going to do, they're in favor of this.

19          CHAIRMAN GOLDSTEIN: Okay.

20          COMMISSIONER CROWELL: I would invite the  
21          Office of Operations about the reporting  
22          requirements --

23          EXCUTIVE DIRECTOR GOODMAN: That's a good  
24          idea.

25          COMMISSIONER CROWELL -- because they're

1 really marshalling the administration data, and  
2 anyone else who wants to talk about it.

3 CHAIRMAN GOLDSTEIN: Let me move, therefore,  
4 there are no further comments on this section, I  
5 think those two suggestions, Anthony, thank you  
6 for that.

7 There are a whole bunch of other items here  
8 that are large items and obviously one, the issue  
9 of the Top Two, or more commonly referred to as  
10 nonpartisan elections. We're going to hear from  
11 the Citizens Union next Monday, who has come out  
12 in favor of the Top Two process of elections. And  
13 we look forward to that discussion and I think  
14 that we might wait until we hear from the  
15 Citizens Union and then use that as an  
16 opportunity when we meet next week.

17 Remember that this is going to be  
18 partitioned into three components. The Citizens  
19 Union will make their presentation, we'll give  
20 them an opportunity after we have our initial  
21 remarks of the Commission when we bring the  
22 meeting to order.

23 We will then have an opportunity to discuss  
24 any of the items that we feel are relevant after  
25 that among ourselves. And then we will open the

1 opportunity for public comment. But that will be  
2 really the very first public meeting that we're  
3 going to have in the last leg of what we're  
4 doing. So I would say that we ought to defer  
5 discussions, give the Citizens Union, a very  
6 well-respected organization, an opportunity to  
7 talk about why they changed their position, which  
8 was to now support nonpartisan elections when  
9 they took the opposite tact a few years ago.

10 Streamlining the Charter, I think nobody has  
11 spoken more articulately about this than  
12 Commissioner Fiala, who indicates I think he  
13 knows how many sections, how many pages, and  
14 probably how many words there are in the Charter,  
15 and you've spoken quite articulately about the  
16 ideas of streamlining.

17 Do you want to say anything about that?

18 COMMISSIONER FIALA: Well, a couple of months  
19 ago I think I used the word "esoteric" to  
20 describe this whole process. Charter revision is  
21 esoteric. It's a subject matter that's bound by  
22 bureaucratic, legalistic and political  
23 consideration.

24 This Charter is very lengthy. It's 3,021  
25 sections with thousands of little subsections.

1           And while many of us would like to see us excise  
2           from the Charter those things we think are  
3           outdated or don't belong in the Charter to begin  
4           with but rather the Administrative Code, I think  
5           it's certainly is beyond the ability of this  
6           Commission to line by line look for those things,  
7           those revisions. It's one of the those things  
8           that a future Charter should look at, perhaps a  
9           Charter just looking at that. Again it's 3,021  
10          sections long.

11                 We've had 20 years of experience with this.  
12          There are a number of things in there which as a  
13          matter of just 20 years later are no longer a  
14          necessity.

15                 One avenue, Mr. Chairman, that we did  
16          address of substance that could help to redress  
17          some of those lengthy sections is the Commission  
18          on Reporting you just alluded to. One of our  
19          proposals. We worked on that in the last  
20          Commission. I think it's ripe. I think it's  
21          appropriate for this Commission to say that there  
22          are a couple hundred reports that are mandated by  
23          the Charter and the Administrative Code, and in  
24          this age of the Internet and modern technology  
25          it's ridiculous to cut down all of these trees.

1 I know Commissioner Stern is here. It's  
2 ridiculous to spend tens of millions of dollars  
3 in man-hours in executing these reports when by  
4 the time they land on the desk they're outdated.  
5 So we have responded in a very meaningful way to  
6 a big part of that. But trying to go line by  
7 line is something that I think is far beyond the  
8 ability of a Charter Commission who had to work  
9 under an expedited timeline to address.

10 CHAIRMAN GOLDSTEIN: Yes, Commissioner Cohen.

11 COMMISSIONER COHEN: Just a few notes on this  
12 section. I certainly agree with Commissioner  
13 Fiala. There is no way that this Commission in  
14 this time frame could take this on. I do think  
15 that I'm going to make one suggestion of  
16 something that has come, has been assumed to be  
17 beyond this rubric, although I might put it under  
18 a different one, like government operations or  
19 something. The staff recommendation that this  
20 should be a project jointly of the Law Department  
21 and of the City Council, and I do disagree with  
22 that. I think that it should be a project for a  
23 future Commission. It needs to be done hand in  
24 hand with the Council, because frankly anything  
25 that comes -- many of the things that come out of

1 the Charter would need to go somewhere else that  
2 a Commission would have no jurisdiction over.

3 But there are some things that are, you  
4 know, plainly ridiculous, like a requirement in  
5 the Charter that the Director of the Office of  
6 Management and Budget deliver the budget on a 5  
7 1/4-inch floppy disk to the City Council, that's  
8 in our Charter. So when we say there are  
9 ridiculous things we are thinking about that.

10 And I want to point out one thing that I  
11 think we could do in this short time frame that  
12 is limited in scope and that has been brought to  
13 our attention by the League of Women Voters and  
14 that is to update Chapter -- Section 520 on  
15 the -- well, in the Charter, the Board of  
16 Education, which doesn't exist, and yet that  
17 section talks about "members of the board of  
18 education," talks about "president of the board,"  
19 of office, and I think there is some simple stuff  
20 that could be done to make it frankly less  
21 embarrassing that that section is there.

22 I have one more comment when we get to land  
23 use.

24 CHAIRMAN GOLDSTEIN: Hold on land use.

25 Commissioner Betty Chen.

1           COMMISSIONER BETTY CHEN: Hope, I would  
2 respectfully disagree with you. I completely  
3 agree with the concept of streamlining the  
4 Charter, eliminating the anachronisms.

5           Having spent hours and hours reading through  
6 the Charter, anyone who has done that I think  
7 knows what you're talking about. However, I think  
8 there are various mechanisms for altering the  
9 Charter, and anything that goes through a Charter  
10 Revision Commission and gets put on a ballot I  
11 think has to have a very high bar. Things we're  
12 asking the general public to look at I think  
13 can't be seen as too esoteric or irrelevant to  
14 daily life or, you know, we can't put hundreds of  
15 these things in front of the public. I think  
16 that's just not the way to clean up the document.  
17 So I think we should keep that in mind when we  
18 think about how we craft the language for what  
19 eventually does go on the ballot. It's in common  
20 sense language, there's a good education campaign  
21 so that people understand what they're voting on.  
22 But I just can't see it being a whole basket of  
23 all of these issues, which deserve to be  
24 corrected.

25           CHAIRMAN GOLDSTEIN: Anything further on

1 streamlining the Charter?

2 Commissioner Crowell, do you want to take  
3 that job on?

4 COMMISSIONER CROWELL: I'll try at one point.  
5 I think it's extremely hard to accomplish that  
6 goal. There are a lot of things that happen in  
7 the course of legislating whether the Charter has  
8 to be amended by referendum or Council action.  
9 But a lot of the things that you see in there  
10 oftentimes are dealt with administratively can be  
11 managed, so that's sort of one good thing to  
12 know. But it's a difficult process. But by and  
13 large the Council can, if they wanted to, engage  
14 in the process to make things more simple. And we  
15 can certainly encourage that as a process.  
16 Council works with the City's Law Department to  
17 identify those areas and undertake that. It's a  
18 little hard to do it on a referendum.

19 COMMISSIONER COHEN: Well, I think the  
20 keyword there is if the Council wants to, because  
21 clearly the Council has not yet done it, and in  
22 fact, if you look at the some of the silliest  
23 stuff -- I shouldn't say silly -- in terms of  
24 substance but silly of in terms inclusion in the  
25 Charter because of Council local laws, and I

1           assume out of, you know, good intent the feeling  
2           that the Charter is the most important document,  
3           so if we put this really important issue out  
4           there it needs to be in the most important  
5           document. My favorite example of this is, of  
6           course, the requirements for statistics on  
7           domestic violence, which appears in the Charter.

8           So I hesitate to trust the Council to take  
9           that on. I think it's kind of a special project.  
10          And a special project is more appropriate to, you  
11          know, a temporary entity such as a Special  
12          Commission, and I would submit that you don't  
13          have to -- in the ballot box you wouldn't have  
14          the entire language of the Charter, but you would  
15          make the newly streamlined Charter language  
16          available over a period of time to voters and  
17          then make the proposal, you know, should we  
18          accept this? All that being said, clearly that  
19          is not something for November.

20          COMMISSIONER CROWELL: I think the spirit of  
21          what you're saying is totally right. There's an  
22          old phrase "the devil's in the details" and I  
23          think it would add to a lot of confusion.  
24          There's a lot of Charter clutter. Through  
25          substantive change and truly clean it up, and

1 would have no true effect, make it easier to  
2 read. It's a challenge. But that said about too  
3 hard to deal with, I do want to compliment the  
4 staff. I held numerous times in my career as a  
5 City attorney, I think it's often difficult,  
6 challenging and sitting in buildings that are  
7 often hot in the summer. But many of us on this  
8 panel are lawyers, many aren't, but nonetheless  
9 the staff, it's sort of like herding cats when  
10 you want to get all the contributions of the  
11 Commission, trying to synthesize it, it's a  
12 challenge. And I also want to compliment the  
13 Chair who I think is dogged in wanting to give  
14 everyone a voice, which is not only admirable but  
15 appreciated. But you're working with the staff.  
16 It's not an easy job. You're taking a lot of  
17 good suggestions today and go back to the kitchen  
18 and help prepare another course.

19 CHAIRMAN GOLDSTEIN: Sounds like a great sum  
20 up, Anthony, I appreciate that.

21 Tony, do you want to say?

22 COMMISSIONER CASSINO: Yes, just to that  
23 question, what we're going to tackle, bite off  
24 at least now. If you look at the content of this  
25 report, you know, the major headings of Term

1 Limits, Increasing Voter Participation, Public  
2 Integrity, I think they all speak to a common  
3 theme. The common theme there of I think  
4 empowering people and restoring, you know, the  
5 connection of the people to their government and  
6 faith in government, and I think anything we  
7 looked at should follow along in those themes.  
8 It's a common theme throughout. And there are  
9 things I think we can add, but they would have to  
10 be consistent with that, and I think that units  
11 of appropriation wouldn't make sense at this  
12 point. But there is a theme we should continue  
13 to think about and what fits within that rubric.

14 CHAIRMAN GOLDSTEIN: Common ground, I totally  
15 agree with that, thank you.

16 Commissioner Moltner.

17 COMMISSIONER MOLTNER: I just wanted to  
18 second Commissioner Crowell's comments about the  
19 staff and the Chair is much appreciated,  
20 everything that's been done.

21 CHAIRMAN GOLDSTEIN: Thank you.

22 COMMISSIONER MOLTNER: You're all hard  
23 working.

24 CHAIRMAN GOLDSTEIN: The remaining issues on  
25 budget issues, a topic where there's very strong

1 sentiment on both sides trying to protect the so-  
2 called watch dogs of government, and really doing  
3 efficient and appropriate accounting procedures.

4 This is an area that I think really should  
5 need further technical discussion as we move  
6 forward. Even though I come out very strongly in  
7 favor of some of the arguments to do this, I  
8 understand the counter arguments as well, but I  
9 think most of us would agree that this needs much  
10 further discussion by technical people who really  
11 live and breathe the development of budgets and  
12 so forth.

13 The issues regarding government structure,  
14 we've certainly heard about the continuation of  
15 the Public Advocate roles, Borough Presidents.  
16 All of the things that I think we are deeply  
17 passionate about. But again, my own sense is  
18 that this would require more time than we have  
19 been able to devote, and certainly not to  
20 minimize the importance of the subject, but I  
21 think in fairness, and that's why I like what  
22 Commissioner Cassino said about how we should  
23 frame our arguments consistent with an overall  
24 set of themes that are mutually interactive.

25 That would be my term, Tony, and I would

1 agree with that.

2 Do you want to say something?

3 COMMISSIONER SCISSURA: Yeah, I do, actually.

4 First, I respectfully disagree with you on  
5 that last comment. I think one thing we heard,  
6 and I, just as we were talking, just a little  
7 jotting down of how many times we heard "enhance  
8 the role of Community Boards, enhance the role of  
9 Borough Presidents."

10 With all due respect to the staff and to  
11 you, Mr. Chair, from what we heard and the amount  
12 of people that came out and the fact that the  
13 five Borough Presidents gave us testimony, the  
14 Public Advocate us testimony, the Community Board  
15 Chairs gave you us testimony, the Executive  
16 Director of the '89 Commission admitted that  
17 errors were made on the role of the Borough  
18 President. The Speaker, the Former Speaker of  
19 the City Council admitted that. With everything,  
20 the fact that the conversation on Borough  
21 Presidents and Community Boards warrants maybe  
22 two paragraphs? To me is utterly disrespectful  
23 to the communities. And I will be very clear and  
24 say that if that is not changed I will not be  
25 voting on anything that this Commission supports.

1           And I make that promise to members of the  
2           Community Boards who came out in numbers, dozens  
3           and dozens and dozens, and came and spoke to us,  
4           and we heard them. And for this staff to take --  
5           I mean, there had to be a hundred Community Board  
6           people that came out, everyone. And to make it  
7           two paragraphs? I'm embarrassed as a  
8           Commissioner, and I really want to stress that.

9           CHAIRMAN GOLDSTEIN: I would agree with that,  
10          and you and I have talked about this privately.  
11          And I didn't want in any way to be dismissive,  
12          because I agree.

13          What I am searching for, and I think all of  
14          us are searching for, are some substantive ideas,  
15          ideas that we could get our arms around, and I  
16          pledge to you, if you could get some ideas and  
17          you --

18          COMMISSIONER SCISSURA: I will.

19          CHAIRMAN GOLDSTEIN: -- you and I talked  
20          about it and I know you're working on it. We will  
21          give it the fair consideration that it deserves.

22          All I'm saying is we haven't heard  
23          anything -- I haven't heard anything from the  
24          Commissioners on some substantive suggestions.  
25          And I look forward to receiving that and I'll

1 move forward.

2 COMMISSIONER FIALA: I too, I'm obviously  
3 very sympathetic coming from Staten Island.  
4 We've heard a diversity of opinion and we've  
5 heard a myriad of proposals and a plethora of  
6 suggestions on what to do regarding this. The  
7 problem is we also heard six different  
8 alternatives to doing this, and it's trying to  
9 sort that out and figure out what the best course  
10 of action is.

11 To your request, if we throw in our two  
12 cents, let me just say with respect to what  
13 Commissioner Cassino raised before, I do have an  
14 interest in the subject matter you raised and you  
15 alluded to in the Citizens Union report. There  
16 are some very worthy suggestions there.

17 To Carlo's point also, there are some worthy  
18 suggestions in the Citizens Union report with  
19 respect to what we could do on Borough  
20 Presidents. We're going to have an opportunity  
21 to drill deeper on that; is that correct?

22 CHAIRMAN GOLDSTEIN: Absolutely.

23 COMMISSIONER FIALA: When we come in would  
24 that be a better opportunity to revisit those  
25 issues?

1           CHAIRMAN GOLDSTEIN: I make that point, but I  
2 was referring to hearing from the Commissioners  
3 themselves, and I just have not had anybody talk  
4 to me about substantive kinds of ideas, and I  
5 look forward to that. That may be spurred on by  
6 what the Citizens Union says when we see them on  
7 Monday. And we look forward to that.

8           I would also say the area of land use, which  
9 is from where I sit one of the most technical  
10 areas that we have dealt with, the whole subject  
11 when we listen to the experts, and we had some  
12 very, very formidable people on that panel,  
13 opened up a plethora of ideas and complexities  
14 and nuances that quite frankly were very new to  
15 me, but intriguing to me, and a number of you  
16 said the same thing to me, that "Wow, I just  
17 never really understood that particular component  
18 of ULURP" or some other area.

19           The one thing that clearly jumps off the  
20 page is a cry for more local voices to be heard  
21 seriously outside of these communities as it  
22 relates to land use. We heard this when we  
23 visited boroughs and we heard that over and over  
24 again. But again, this is a subject that I think  
25 is going to be -- at least for this Commission --

1 a tremendous amount of time to really digest.

2 If we can come to some ideas that we think  
3 we are comfortable with moving forward I would be  
4 delighted that we could do that. But then again  
5 that is subject to what we are yet to hear.

6 Yes.

7 COMMISSIONER COHEN: Yeah, Mr. Chairman, I  
8 definitely believe that land use issues, even the  
9 ones that have been suggested to us as  
10 addressable in this short time frame, are so  
11 interconnected and interconnected to questions of  
12 government structure those could not fairly  
13 untangle all those issues for ourselves, let  
14 alone the public, in the time allotted.

15 I do want to throw out one small idea that  
16 we haven't heard from anybody else except from  
17 me, and I don't know yet if it's a good idea, but  
18 especially since we're going to invite some  
19 commentary from the Borough Presidents I would  
20 love to hear what they say about this, there  
21 is -- we have been struggling, everybody has been  
22 struggling, with a lack of full definition of the  
23 role of Borough President as well as some other,  
24 as well as the Public Advocate, I'm here to talk  
25 about the Borough President.

1           Among the very few things that are  
2           specifically mandated in the City Charter is for  
3           Borough Presidents to maintain a topographical  
4           bureau. And that bureau, as far as I understand  
5           it, aside from -- it's the kind of meat and  
6           potatoes responsibility of assigning addresses,  
7           street addresses to a borough, is maintains the  
8           official borough map.

9           Here's my little plug, I hope the camera  
10          catches this. These are really interesting URL's  
11          which I suggest that any New Yorker take a look  
12          at. This is the City's GIS map. It's an  
13          extraordinary tool. It's been developed over a  
14          number of years with GIS technology with multiple  
15          layers, and it connects to many different City  
16          databases. So you can look up a property and  
17          find out not all only the land use details but  
18          also if there are outstanding violations against  
19          the property, what the tax status of the property  
20          is, what the recent sales have been on the  
21          property that affect tax status.

22          It seems to me that this represents, and  
23          we've talked about the question of technological,  
24          where the technology of the Charter is behind,  
25          that this represents a vastly improved, new

1 replacement for the topographical bureaus. And  
2 it seems to me that if we could relieve the  
3 Borough Presidents of the Charter mandate to  
4 maintain topographical bureaus then that would  
5 give them a little bit more flexibility in how  
6 they do their jobs, budget resources, and so  
7 forth.

8 CHAIRMAN GOLDSTEIN: Carlo, you work for a  
9 very distinguished Borough President. Is this an  
10 issue that has been brought to you?

11 COMMISSIONER SCISSURA: You know, it's  
12 interesting. Saying that a topographical unit  
13 only does house maps would be like saying that  
14 all the City Council does is rename streets. It  
15 is very far off. It really is. Because I want to  
16 give you an example. When the Mayor and the City  
17 Council decided to rezone Coney Island, which by  
18 the way, was a great thing that they did, what  
19 entity was the one that had to do all of the  
20 mapping, all of the mapping of zoning, all of the  
21 changes of the maps, that spent literally months  
22 and months and months with a staff of three  
23 people and worked overtime and weekends et  
24 cetera? It was the Brooklyn Borough President's  
25 topographical unit. It is one of the most

1 important and complex roles anywhere in the City  
2 government.

3 By the way, I've been working there almost  
4 three years, and every day I learn more and more  
5 about how important this unit is. So I would  
6 think it be would interesting to hear what other  
7 Borough Presidents had to say about it.

8 I would say don't get rid of it from the  
9 Borough Presidents but give them more resources  
10 to actually do more of the work. For example, in  
11 our office we've spent money from our budget to  
12 basically revamp it, modernize it, computerize  
13 it, et cetera, et cetera, et cetera. But it  
14 still serves a very, very valuable role. I could  
15 tell you projects in every borough that have made  
16 use of the topo unit.

17 COMMISSIONER COHEN: What I'm suggesting here  
18 is to relieve the mandate. If a Borough  
19 President decides a topographical unit is worthy  
20 use of his resources in the face of very fast  
21 technology on a citywide basis that that should  
22 be his prerogative. The Charter at least  
23 wouldn't require the Borough President to  
24 dedicate resources in that way and allow the  
25 Borough President to direct resources in other

1           ways.

2                   CHAIRMAN GOLDSTEIN: Let me conclude by  
3           saying, and this is from the heart, that I want  
4           to -- you know, I have chaired more task forces  
5           and commissions than I ever want to remember, but  
6           on a variety of topics from areas of probability,  
7           theory, to whether you should merge two academic  
8           departments, and whether you should do a merger  
9           between one bank and another bank. I've  
10          experienced many of these meetings and chaired  
11          task forces.

12                   I want to say that I never had the privilege  
13          of working with such a dedicated group of people  
14          as the Mayor has appointed, and I really need to  
15          commend the Mayor. He thought very thoughtfully  
16          about who he wanted to bring to discuss what he  
17          thinks are some seminal issues that are facing  
18          this City. And so from the Chair's point of view  
19          I thank all of you for the very good work.  
20          You're probably one of the most attentive groups  
21          that I've ever had the pleasure of working with.  
22          I continue to learn.

23                   And again I want to thank the staff that is  
24          working under the most extreme circumstances.  
25          When I asked them to work over the July 4th

1 weekend to get this report ready I felt deep  
2 guilt for doing that, but they rose to the  
3 occasion. And I want to thank you, Lorna, and  
4 Joe Viteritti, and Ruth, and Rick, and all of the  
5 other staff who were working as tirelessly as you  
6 have.

7 Not everybody is going to be pleased because  
8 these are difficult issues, and so many of us  
9 feel so passionate about it, but we will get to  
10 where we need to get to. And again I think it is  
11 important that our audience and the wider  
12 audience hear this from me.

13 I think we have accomplished what we  
14 intended to accomplish this evening. It's the  
15 opening salvo of public discourse once this  
16 Report goes out into the public domain.

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19 (Continued on the next page.)  
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