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Transcript of the Meeting of the
CHARTER REVISION COMMISSION
held on Tuesday, August 2, 2005
110 William Street
Borough of MANHATTAN

TANKOOS REPORTING COMPANY, INC.	
305 Madison Avenue	142 Willis Avenue
Suite 405	P.O. BOX 347
New York, N.Y. 10038	Mineola, N.Y. 11501
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1 Meeting convened at 6:51 p.m.

2 P R E S E N T

3 DR. ESTER FUCHS, Chair

4 DALL FORSYTHE, Vice Chair

5 STEPHEN FIALA, Secretary.

6 COMMISSIONERS:

7 JENNIFER RAAB

8 CURTIS ARCHER

9 LILLIAM BARRIOS-PAOLI

10 STANLEY GRAYSON

11 ANTHONY CROWELL

12 MARY McCORMICK

13 STEPHANIE PALMER

14

Also Present:

15

TERRI MATTHEWS, Executive Director

16

BRIAN GELLER, Analyst

17

SPENCER FISHER, ESQ.

18

ABBE GLUCK, ESQ.

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1 CHAIRPERSON FUCHS: I'd like to call the
2 meeting of the New York City Charter Revision Commission
3 into session. It's August 2nd, 2005. This is a public
4 meeting of the New York City Charter Revision
5 Commission. I want to thank you everyone for coming
6 this evening and for participating in this Charter
7 revision process.

8 This is a public meeting, not a public
9 hearing. As all of you know, at a public meeting, the
10 public can observe but not testify.

11 I'd like to take a moment briefly to
12 introduce the members of the Charter Revision Commission
13 who are here with us this evening. Dr. Dall Forsythe,
14 who is Vice Chair of the Commission. Dr. Forsythe is
15 the Chief Administrative Officer of the Episcopal
16 Diocese of New York. He is a former budget director for
17 New York State and the New York City Board of Education.
18 He is the Vice Chair of the Charter Revision Commission.

19 Stephen Fiala, on my left. Mr. Fiala is the
20 County Clerk and Commissioner of Jurors for Richmond
21 County. He is also a former member of the New York City

22 Council and he is the Secretary of the Charter
23 Commission.

24 Also in attendance this evening is Curtis
25 Archer. Curtis is the Executive Director of the

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1 Rockaway Development and Revitalization Corporation and
2 is the former Director of Small Business Development for
3 the Upper Manhattan Empowerment Zone.

4 On my right, all the way down, we're going
5 in alphabetical order, is Dr. Lilliam Barios-Paoli. She
6 is the Senior Vice President and Chief Executive -- she
7 was, rather, the Senior Vice President and Chief
8 Executive for Agency Services of United Way, is
9 currently the director, Executive Director and President
10 of Safe Space. She has served as Commissioner of the
11 New York City Human Resources Administration, the
12 Department of Housing and Preservation Development and
13 Department of Personnel and Department of Employment of
14 the City of New York. I think she's had more
15 Commissionerships than anybody on this Commission, which
16 is saying quite a bit, I think, given the nature of our
17 participants.

18 Also here this evening is Anthony Crowell.
19 Anthony is a special counsel to Mayor Michael Bloomberg

20 and former Executive Director and General Counsel to
21 several previous Charter Commissions. He is also an
22 adjunct professor at Brooklyn and New York Law School.

23 In attendance this evening, but has not yet
24 arrived, is Stan Grayson, who is the President and Chief
25 Operating Officer of M.R. Beal & Company. He was a

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1 former Managing Director and Director of Securities for
2 Prudential Securities Finance Department. Prior to his
3 banking career, he held several positions in New York
4 City Government, including Deputy Mayor for Finance and
5 Economic Development, Finance Commissioner and Chief
6 Executive Officer of the New York City Industrial
7 Development Agency.

8 Dr. Mary McCormick, who is with us this
9 evening, is currently the President of the Fund for the
10 City of New York. She is a former Special Assistant for
11 the New York City Deputy Mayor for Labor Relations and
12 Personnel and a former professor at Columbia University.

13 Stephanie Palmer, next to Mary, is a
14 Director of the New York City Mission Society and former
15 Executive Director of the Human Services Council of New
16 York City.

17 Also in attendance this evening will be
18 Jennifer Raab, who is currently the President of Hunter
19 College. She is the former Chair of the New York City
20 Landmarks Preservation Commission.

21 I also want to introduce to you Curtis
22 Archer, who is on the left of Dall Forsythe. Curtis
23 Archer is the Executive Director of the Rockaway
24 Development and Revitalization Corporation and is a
25 former Director of Small Business Development for Upper

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1 Manhattan Empowerment Zone.

2 COMM. ARCHER: That's the second time you
3 did that.

4 CHAIRPERSON FUCHS: I did that wrong?

5 COMM. ARCHER: You did me twice, though.

6 CHAIRPERSON FUCHS: Well, that's because I
7 love you, Curtis. Being in my efficiency mode, there, I
8 keep on barreling through.

9 The three people who are not in attendance
10 this evening are Robert Abrams, who is a partner at
11 Stroock, Stroock & Lavan, who was formerly the New York
12 State Attorney General and also served as Borough
13 President of the Bronx and was a member of the New York
14 State Assembly and he is in Hawaii, which is why he is

15 not here, but has been an active member of the
16 Commission.

17 Also Amalia Victoria Betanzos, who is in
18 Europe. She is President of Wildcat Services
19 Corporation and formerly was a Commissioner for the
20 Department of Youth Services and Deputy Mayor under John
21 Lindsay and a Commissioner on four previous Charter
22 Commissions.

23 And David Chen, who is also not here, the
24 Executive Director of the Chinese American Planning
25 Council and he's the founding Chair of the board of

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1 directors of the Chung Pac Local Development
2 Corporation. Three members not in attendance this
3 evening are all literally out of the country, so we
4 forgive them for not being here for the final vote this
5 evening and we commend them for their participation
6 during the course of the year. All three have been
7 active participants in the Charter Revision Commission
8 process and we're sorry they couldn't be with us this
9 evening, but in light of us finishing our work in a
10 timely fashion, we decided to proceed.

11 If anyone is still interested in getting

12 copies of our final report, please sign up in the back
13 of the room so that you can receive a copy of this
14 report, and if you are interested in receiving any of
15 our newsletters, also sign up in the back of the room.
16 Otherwise, you can go to our website which is on the
17 nyc.gov website and you can download copies of the
18 Commission's proceedings; the earlier proceedings as
19 well as this evening, or any copies of reports that were
20 issued by the Commission.

21 We have a very important series of things
22 that we expect to accomplish this evening and let me
23 review for the members of the Commission, as well as for
24 the public, what we expect to do tonight. What we will
25 be doing is reviewing ballot questions and abstracts.

8

1 We will be reviewing the final report and then we will
2 be proceeding with several motions to vote to adopt
3 propositions for the ballot as well as the final report
4 and we will be following a set of procedures that are
5 required by law, so if it sounds a little cumbersome to
6 people here tonight, you'll forgive us, but we have to
7 follow the legal procedure on how to really approve
8 motions and approve ballot propositions.

9 So we'll begin this evening by reviewing

10 ballot questions and abstracts and what I'm going to do
11 first, all of you have a copy of the "Balanced Budgets
12 and Administrative Ethics: Advancing Accountability," a
13 title which we all created through consensus last night,
14 which I'm very impressed with, the final report of the
15 2004/2005 New York City Charter Revision Commission, and
16 everybody has that in front of them and I'm going to
17 first ask Spencer Fisher and Abbe Gluck to review the
18 ballot questions and abstracts, and they will be handing
19 out some documents to us to make it easy for us to
20 review the ballot questions and abstracts.

21 MR. FISHER: I guess, Abbe, I guess, we
22 have, in response to some of the concerns expressed
23 yesterday about the text that was described yesterday,
24 the ballot questions, we have prepared a suggested
25 amendment which we think takes those concerns into

9

1 account and Abbe Gluck is passing those around now.

2 MS. GLUCK: The abstracts are amended as of
3 this bound document, but the questions are actually in a
4 more recent version than you guys have.

5 CHAIRPERSON FUCHS: This is the most recent
6 version that is passed out now and we should just pay

7 attention to this version that Abbe is providing us.

8 MR. FISHER: If the Commission is okay with
9 this version, we will note later when questions are
10 adopted that it will be this version as modified by the
11 Commission tonight, if necessary, that will be adopted
12 and not the version in the draft book before you. The
13 abstracts in the book are correct.

14 Should we actually, what page --

15 MS. GLUCK: Abstracts are appendix A2, I
16 believe, and they're around page 82, 83.

17 MR. FISHER: If you turn to page 83 in the
18 book and you sort of join that together with the ballot
19 questions that we just passed out, then you'll sort of
20 have the recommended package that we're placing before
21 you.

22 Actually, I'll begin in reverse with the
23 abstracts, since that reflects changes to an existing
24 document that are in some ways easier to describe.

25 Yesterday Commissioner Forsythe asked that

10

1 we include in a few places the notation that these
2 changes are generally derived from the State FEA.

3 CHAIRPERSON FUCHS: Actually, I think that
4 was Commissioner McCormick who requested that as well.

5 MR. FISHER: That's fine.

6 CHAIRPERSON FUCHS: Just for the record.

7 MR. FISHER: In response to various
8 concerns. We include in the abstract, if you look at
9 page 83 at the beginning of the heading "Balanced
10 budget/no deficit," it now says, "The proposed changes,
11 which are generally derived from the State law on the
12 City's finances," and of course that State law is the
13 one which is discussed in the abstract in the
14 introductory paragraph. Essentially, the same thing
15 appears at the beginning of the discussion of financial
16 plan and short term debt.

17 MS. GLUCK: And the audit.

18 MR. FISHER: The second sentence of the
19 audit.

20 COMM. FORSYTHE: Well done.

21 MR. FISHER: At the request of the Chair,
22 in the abstract, as well as the question, which we'll
23 get to, some people think of generally accepted
24 accounting principles as GAAP, so the first time it's
25 mentioned we now include that in a parenthetical.

11

1 CHAIRPERSON FUCHS: How profound was that?

2 MR. FISHER: Yes, we can all go home now.

3 A third change is that in response to --
4 this is good timing, because in response to Commissioner
5 Grayson's concern --

6 CHAIRPERSON FUCHS: Take a seat in the
7 middle. We just started and I actually introduced you
8 knowing you were on your way. Commissioner Grayson has
9 arrived.

10 MR. FISHER: Just to reiterate for
11 Commissioner Grayson, that we're now looking at the
12 abstract beginning on page 83 of the book that's in
13 front of you.

14 COMM. FORSYTHE: You missed the first 82
15 pages.

16 MR. FISHER: We already read them into the
17 record, which is why I'm hoarse.

18 As I noted, we have responded to a couple of
19 Commissioner's concerns about noting in a few places
20 that these positions are generally derived from State
21 law. And I was just describing that we put right at the
22 outset a sentence about five lines down in question
23 four, it states that these proposed Charter changes
24 would be subject to that State law, would be subject to
25 that State law while it remains in effect.

1 I'm losing my voice.

2 MS. GLUCK: That sentence corresponds to the
3 new additional subdivision we added to the Section on
4 short-term debt, per your request, to make clear that,
5 like the provisions on the financial plan, those
6 sections on short-term debt are subject to the FEA while
7 the FEA remains in effect.

8 MR. FISHER: I think that covers the
9 abstract. So that covers all that. There are a few
10 typo changes in the abstract.

11 If we can turn to the question, which is the
12 extra distribution before you, and by the way, I should
13 note there's been no substantive change in the ethics
14 question or in the ethics-related abstract.

15 In terms of the question, I think what we
16 have attempted to do, drafting of a question is
17 something of an art form. It's an attempt to balance
18 reasonable brevity with reasonable disclosure and in
19 response to the concerns yesterday I think we've sought
20 to balance those interests and respond to yesterday's
21 concerns, and so while not writing an academic treatise
22 for the voters, I think we sought to create the context
23 that Commissioner Palmer and Commissioner McCormick and
24 Commissioner Forsythe talked about here and other
25 Commissioners have noted as well.

1 So the introductory language has
2 substantially changed. The bullets have not
3 substantially changed, other than the reference to GAAP,
4 but the introductory language now reads: "These changes
5 to the City Charter as proposed by the New York City
6 Charter Revision Commission would establish as Charter
7 requirements the following fiscal mandates that in
8 general now apply to the City through a State law
9 enacted in response to the City's 1975 fiscal crisis.
10 The changes would add these mandates to the City Charter
11 so that they would continue to apply after the State law
12 expires."

13 I think we thought in the context of the
14 abstract as well, which explains some of the more arcane
15 points that are not appropriate to the question, that
16 this responded to the Commission's concerns of yesterday
17 without overburdening the voters and having them
18 understand the context in which the Charter changes
19 would be considered.

20 COMM. McCORMICK: I think they're very
21 nicely done.

22 CHAIRPERSON FUCHS: This is extremely
23 helpful and clear. This may be the clearest ballot
24 resolution, if we adopt it, ever to be seen on the New
25 York City ballot.

1 MR. FISHER: Since I worked with
2 Commissioner Crowell on earlier ones, I'm not going to
3 trash those. They've all been clear.

4 COMM. CROWELL: Am I the only one who never
5 trashed those to the Commission?

6 MR. FISHER: So I guess if there's any
7 concern about the ballot question or the abstracts, I
8 guess now would be the time to discuss them.

9 Okay.

10 CHAIRPERSON FUCHS: Okay, so what we will do
11 now is proceed with reviewing the final report.

12 Yesterday we spent quite a bit of time
13 discussing the final report, and what we'd like to do
14 this evening is to determine whether any members of the
15 Commission have any final comments they want to propose
16 and I'm going to just -- both Spencer Fisher and Abbe
17 Gluck will be able to answer any specific questions that
18 anybody might have at this point in time about the final
19 report, so if there's any specific language or anything
20 substantively that you think we need to change -- before
21 we do that, I'm going to ask both Terri Matthews, as
22 well as Spencer and Abbe to provide for us a review of

23 some of the substantive changes that were made since
24 yesterday in the final report, as opposed to just
25 corrections in grammar or punctuation or typos, which we

15

1 also worked on correcting.

2 MS. GLUCK: There's nothing. The only
3 substantive change that was made was at Commissioner
4 Grayson's suggestion, changing the proposed ballot text
5 on the short-term debt provision, as I stated before, to
6 make clear that those should be construed as subject to
7 the FEA and while the FEA remains in effect.

8 MR. FISHER: And some of the provisions
9 were similarly changed.

10 MS. MATTHEWS: I wanted to note I made an
11 amplification about the changes we're doing in
12 procurement. It's right before the mention, I think
13 before Exhibit C. It's kind of hard to find it. Hold
14 on. Everyone just bear with me.

15 CHAIRPERSON FUCHS: While you're looking for
16 that, I want to recognize Commissioner Raab, who has
17 just arrived. We introduced her knowing that she was on
18 her way earlier. We're actually reviewing now the
19 report for a final review.

20 I think also Terri wanted to note that we

21 included Commissioner Forsythe's reminder.

22 MS. MATTHEWS: Yes, that letter that came in
23 very, very late, is now in the chart of recommendations
24 received by correspondence, and it includes, among other
25 things, your comment that mandated spending is generally

16

1 not considered a good fiscal practice.

2 So those are the two of the changes that we
3 made.

4 On page 220 is the reference to the letter,
5 which was an oversight, and the reference to -- I'm
6 sorry, it's just very hard to see it. Oh, it's on page
7 18. "In view of the continuing administrative reforms,
8 procurement practice among City agencies that commence
9 in 2002, the local legislation and the proposed State
10 legislation, the Commission concluded that procurement
11 did not appear to be an area necessary for reform." So I
12 amplified that.

13 And then the -- so that's kind of it.

14 CHAIRPERSON FUCHS: Did any members of the
15 Commission want to make any further comments on the
16 report? We did have a fairly extensive discussion last
17 night on this. We were not anticipating too many

18 changes.

19 There was one other point that we discussed,
20 there was a piece related to comments by the
21 Comptroller, and that was deleted because in fact I was
22 correct, as I usually am, particularly when it involves
23 a conversation that I had personally. So I went way out
24 on a limb on that one yesterday, and in fact the
25 Comptroller is comfortable with the way we're proceeding

17

1 at this point, so we've just deleted that section. It
2 was a paragraph.

3 So we just wanted to make sure everybody
4 doesn't look for it, because it's not there anymore.

5 MS. MATTHEWS: And those are the -- yes.

6 COMM. McCORMICK: This is a minor thing, but
7 in terms of the title, we had suggested yesterday that
8 it would be "Advancing Accountability: Balanced Budget
9 and Administrative Ethics."

10 CHAIRPERSON FUCHS: The other way around.

11 MS. MATTHEWS: So a colon would be after
12 "accountability."

13 CHAIRPERSON FUCHS: Yes.

14 MS. MATTHEWS: We'll make that change as
15 well.

16 CHAIRPERSON FUCHS: That's okay. Any minor
17 corrections, we're obviously not going through any
18 changes we made, as I said, in grammar and such, but if
19 anybody has any minor suggestions they're welcome at
20 this moment to bring them forward. This is the moment.

21 Okay. Well, if there are no other comments
22 right now on the report itself, then I'd like to just
23 read through for everybody and explain to you how we're
24 going to proceed for the rest of the meeting in terms of
25 the motions that will be brought to the floor.

18

1 I'm going to call four separate motions.
2 The first motion will be to approve City Question 1,
3 which is the administrative judicial reform which will
4 be labeled on the ballot Proposition 3.

5 As everybody remembers, we had a discussion
6 that the State will be having two ballot propositions
7 that precedes us, so City Question 1 will be the
8 administrative judicial reform, but in fact on the
9 ballot it will be Proposition 3. The first motion will
10 be related to that proposition.

11 The second motion will be related to City
12 Question 2, approving the proposition related to the

13 FEA, and it will be labeled as Proposition 4 on the
14 ballot. We felt compelled to do this labelling because
15 in the past if you don't, the Board of Elections doesn't
16 seem to quite get this exactly the way we would like it
17 to be.

18 The third motion will be to approve the
19 final report and the fourth motion will be to adopt the
20 resolution that is appendix A1 to the final report. And
21 everybody has a copy of appendix A1?

22 MS. GLUCK: I believe it's page 77 or 78 in
23 the bound volume that you have.

24 CHAIRPERSON FUCHS: Page 77 or 78. It's 78.
25 And that is the resolution. So that requires a final,

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1 that requires its own final motion.

2 For each vote I'm going to have to call the
3 role and record each vote individually. Each
4 Commissioner who votes yes will sign the resolution at
5 the conclusion of the fourth vote.

6 The procedure is fairly clear. So we have
7 to vote on each motion separately and then the
8 resolution has to be signed by every member of the
9 Commission who votes after the fourth vote.

10 Does anybody have any questions on the

11 procedure, which is a little complicated but it's the
12 way we have to go.

13 Motion number one: Is there a motion to
14 approve City Question 1, including all materials before
15 you that relate to that question which shall be labeled
16 as Proposition 3?

17 COMM. FIALA: So moved.

18 CHAIRPERSON FUCHS: Is there a second?

19 COMM. GRAYSON: Second.

20 MR. FISHER: I would note, Madam Chair, the
21 question referred to is the question discussed today,
22 that would be substituted for the question -- pardon me.
23 Question 1 is not different, I withdraw everything I
24 just said. That would be Question 3, which is City
25 Question 2.

20

1 CHAIRPERSON FUCHS: So glad we didn't
2 complicate things too much.

3 MS. GLUCK: It's Question 4.

4 MR. FISHER: I'm sorry I confused everyone.
5 This will be question --

6 MS. GLUCK: We're discussing, now we're
7 voting on the Administrative Law Judge question, which

8 is our Question 1, but will appear on the ballot as
9 Proposition 3.

10 COMM. FIALA: That was flawless. The public
11 should know that was all a skit.

12 CHAIRPERSON FUCHS: We just want to keep
13 things interesting, otherwise they're going to accuse us
14 of being boring on prime time TV.

15 What I'm going to do now is call the names
16 of the ten Commissioners who are present in alphabetical
17 order. Just to note, Robert Abrams, Amalia Betanzos,
18 David Chen are all out of the country.

19 Commissioner Curtis Archer?

20 COMM. ARCHER: Yes.

21 CHAIRPERSON FUCHS: Commissioner Dr. Lilliam
22 Barrios-Paoli.

23 COMM. BARRIOS-PAOLI: Yes.

24 CHAIRPERSON FUCHS: Commissioner Anthony
25 Crowell?

21

1 COMM. CROWELL: Yes.

2 CHAIRPERSON FUCHS: Commissioner Stephen
3 Fiala, Secretary.

4 COMM. FIALA: Yes.

5 CHAIRPERSON FUCHS: Commissioner Dall

6 Forsythe, Vice Chair.
7 COMM. FORSYTHE: Yes.
8 CHAIRPERSON FUCHS: Commissioner Dr. Ester
9 Fuchs, Chair. Yes.
10 Commissioner Stanley Grayson.
11 COMM. GRAYSON: Yes.
12 CHAIRPERSON FUCHS: Commissioner Dr. Mary
13 McCormick.
14 COMM. McCORMICK: Yes.
15 CHAIRPERSON FUCHS: Commissioner Stephanie
16 Palmer.
17 COMM. PALMER: Yes.
18 CHAIRPERSON FUCHS: Commissioner Jennifer
19 Raab.
20 COMM. RAAB: Yes.
21 CHAIRPERSON FUCHS: Thank you very much, we
22 have a unanimous vote adopting motion one to put
23 Question 1, Proposition 3 on the ballot.
24 MR. FISHER: That's the ethics code for
25 city administrative judges.

22

1 CHAIRPERSON FUCHS: Thanks.
2 Motion two: Is there a motion approve City

3 Question 2 including all materials before you that
4 relate to the question which shall be labeled as
5 Proposition 4?

6 COMM. FORSYTHE: So moved.

7 CHAIRPERSON FUCHS: Do I have a second?

8 COMM. GRAYSON: Second.

9 CHAIRPERSON FUCHS: I'll take the roll again
10 in alphabetical order.

11 MR. FISHER: In this case, Madam Chair, I
12 note correctly, as opposed to incorrectly before, I note
13 correctly we have substituted a question which we have
14 discussed today, and that will be the question upon
15 which the Commission will vote.

16 CHAIRPERSON FUCHS: Thank you.

17 MS. GLUCK: Right, the question that is on
18 the looseleaf, as opposed to the question that is in the
19 bound volume.

20 CHAIRPERSON FUCHS: All right, anybody want
21 to explain that anymore? Okay, this is a problem with
22 having four lawyers instead of one sitting out there.

23 Commissioner Curtis Archer?

24 COMM. ARCHER: Yes.

25 CHAIRPERSON FUCHS: Commissioner Lilliam

1 Barrios-Paoli.
2 COMM. BARRIOS-PAOLI: Yes.
3 CHAIRPERSON FUCHS: Commissioner Anthony
4 Crowell.
5 COMM. CROWELL: Yes.
6 CHAIRPERSON FUCHS: Commissioner Stephen
7 Fiala.
8 COMM. FIALA: Yes.
9 CHAIRPERSON FUCHS: Commissioner Dall
10 Forsythe.
11 COMM. FORSYTHE: Yes.
12 CHAIRPERSON FUCHS: Commissioner Ester
13 Fuchs. Yes.
14 Commissioner Stanley Grayson.
15 COMM. GRAYSON: Yes.
16 CHAIRPERSON FUCHS: Commissioner Mary
17 McCormick.
18 COMM. McCORMICK: Yes.
19 CHAIRPERSON FUCHS: Commissioner Stephanie
20 Palmer.
21 COMM. PALMER: Yes.
22 CHAIRPERSON FUCHS: Commissioner Jennifer
23 Raab.
24 COMM. RAAB: Yes.
25 CHAIRPERSON FUCHS: We have a unanimous vote

1 by the Commission to approve motion number two.

2 Do I have a motion for motion number three,
3 to approve the final report entitled, "Advancing
4 Accountability: Balanced Budgets and Administrative
5 Ethics."

6 COMM. FIALA: So moved.

7 CHAIRPERSON FUCHS: Do I have a second?

8 COMM. GRAYSON: Second.

9 CHAIRPERSON FUCHS: Thank you. I will now
10 take the roll again in alphabetical order.

11 Commissioner Curtis Archer.

12 COMM. ARCHER: Yes.

13 CHAIRPERSON FUCHS: Commissioner Lilliam
14 Barrios-Paoli.

15 COMM. BARRIOS-PAOLI: Yes.

16 CHAIRPERSON FUCHS: Commissioner Anthony
17 Crowell.

18 COMM. CROWELL: Yes.

19 CHAIRPERSON FUCHS: Commissioner Stephen
20 Fiala.

21 COMM. FIALA: Yes.

22 CHAIRPERSON FUCHS: Commissioner Dall
23 Forsythe.

24 COMM. FORSYTHE: Yes.

25 CHAIRPERSON FUCHS: Commissioner Ester

1 Fuchs. Yes. Notice how I raise my hand. Like those
2 things die hard, don't they?

3 Commissioner Stanley Grayson.

4 COMM. GRAYSON: Yes.

5 CHAIRPERSON FUCHS: Commissioner Mary
6 McCormick.

7 COMM. McCORMICK: Yes.

8 CHAIRPERSON FUCHS: Commissioner Stephanie
9 Palmer.

10 COMM. PALMER: Yes.

11 CHAIRPERSON FUCHS: Commissioner Jennifer
12 Raab.

13 COMM. RAAB: Yes.

14 CHAIRPERSON FUCHS: Thank you. I think we
15 have unanimous approval of motion three.

16 Motion four, I'm asking for a motion to
17 adopt the resolution that is Appendix A1 to the final
18 report, which includes approval of the ballot questions,
19 proposed abstracts and the final report, which will now
20 be read before we take a vote by both Spencer Fisher and
21 Abbe Gluck, for the record.

22 MS. GLUCK: I think Spencer can read this on
23 his own.

24 CHAIRPERSON FUCHS: Okay, one lawyer. How
25 many lawyers does it take to screw in a lightbulb?

26

1 Okay.

2 MR. FISHER: "Resolution of the New York
3 City Charter Revision Commission dated August 2, 2005,
4 in relation to the filing with the City Clerk of
5 proposals revising the City Charter and questions
6 therefor for the purpose of having the same submitted to
7 the electors of the City at the general election held
8 November 8th, 2005 and the adoption of a report relating
9 thereto.

10 "Resolved: That pursuant to Section 36 of
11 the Municipal Home Rule Law, two proposals to amend the
12 Charter of the City of New York with the appropriate
13 ballot questions and the amendments to be effected upon
14 the approval of such questions are attached hereto, to
15 be filed with the City Clerk of the City of New York
16 before September 9, 2005, and be it further resolved
17 that the City Clerk of the City of New York shall take
18 such action as may be required by law to provide for the
19 submission of the said revisions to the electors of the
20 City of New York at the general election to be held on
21 November 8, 2005, and be it further resolved that the

22 Commission hereby adopts the report that is attached
23 hereto and be it further resolved that the Commission
24 hereby authorizes and delegates to the Chair, the
25 Executive Director and other staff and the Office of the

27

1 Corporation Counsel the duty and power to take all
2 necessary and/or appropriate actions to effectuate the
3 placement of the questions on the ballot in accordance
4 with Section 36 of Municipal Home Rule Law, including
5 but not limited to inclusion of non-substantive
6 technical changes to the documents attached hereto, the
7 finalization of ballot abstracts pursuant to law
8 substantially in the form attached hereto, the
9 preparation of other material to be appended to the
10 final report, including documentation memorializing the
11 proceedings of the Commission and the defense or
12 commencement of litigation to effectuate such placement
13 on the ballot and to provide for such publication and
14 other publicity as may be appropriate to ensure that the
15 public is adequately informed about the proposals.

16 "The foregoing resolution was adopted by the
17 New York City Charter Revision Commission by a vote
18 of" -- blank -- "with" -- blank -- "not present," and

19 signature lines follow.

20 CHAIRPERSON FUCHS: Thank you. I will now
21 take the roll.

22 Commissioner Curtis Archer?

23 COMM. ARCHER: Yes.

24 CHAIRPERSON FUCHS: Commissioner Lilliam
25 Barrios-Paoli.

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1 COMM. BARRIOS-PAOLI: Yes.

2 CHAIRPERSON FUCHS: Commissioner Anthony
3 Crowell?

4 COMM. CROWELL: Yes.

5 CHAIRPERSON FUCHS: Commissioner Stephen
6 Fiala.

7 COMM. FIALA: Yes.

8 CHAIRPERSON FUCHS: Commissioner Dall
9 Forsythe.

10 COMM. FORSYTHE: Yes.

11 CHAIRPERSON FUCHS: Commissioner Ester
12 Fuchs. Yes.

13 Commissioner Stanley Grayson.

14 COMM. GRAYSON: Yes.

15 CHAIRPERSON FUCHS: Commissioner Mary
16 McCormick.

14 order, in the same location.

15 CHAIRPERSON FUCHS: Okay, we're getting that
16 done?

17 COMM. RAAB: Before you do that, Terri, do
18 you want to sign with that pen? It's a lawyer thing.

19 CHAIRPERSON FUCHS: Okay, so we got all this
20 right? Okay.

21 So while we're signing the final ballot
22 proposals and motions that we just approved, I just
23 wanted to take a couple of minutes to thank the members
24 of the staff for the extraordinary hard work that
25 they've done on this Commission and for this Commission

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1 and for the City of New York during the course of the
2 past year.

3 First, I want to especially thank Terri
4 Matthews, the Executive Director.

5 (Applause.)

6 CHAIRPERSON FUCHS: And there are a couple
7 of people in this room who probably understand how
8 difficult it is to be the Executive Director of a
9 Charter Revision Commission. Some of you have done this
10 yourself in other incarnations and some of you have
11 actually worked on other Charter Revision Commissions.

12 This is one of those unsung jobs that are essential and
13 critical, I think, to the real functioning of living and
14 breathing democracies, and I think that Terri put her
15 heart and soul and her vast intelligence and experience
16 into the work of this Commission and we really would not
17 have been able to get the kind of quality work done that
18 we as a Commission have gotten done without her
19 commitment to make sure that we had everything we
20 needed, I think, to deliberate effectively during the
21 course of the last year.

22 And I certainly would not have been able to
23 do my job and get my work done as Chair without her
24 commitment to the process, and especially to quality,
25 and I think we all want to thank you for the work you've

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1 done for the Commission.

2 MS. MATTHEWS: Thank you.

3 (Applause.)

4 CHAIRPERSON FUCHS: I would also like to
5 take this opportunity to thank a couple of other people,
6 so you'll bear with me.

7 Spencer Fisher and Abbe Gluck, counsel and
8 deputy counsel to the Commission, in the course of their

9 very, very busy days they've managed to put in I think
10 time and a half in the work they've done for the
11 Commission. Not being a lawyer, I sometimes undervalue
12 the role of lawyers, but in fact I think I appreciate
13 more and more the kinds of work and the stresses that go
14 into making sure that the legal aspects of the work that
15 we've done on the Commission were attended to. It's
16 serious and it's detailed work and it's painstaking and
17 it's critical, because if we get it wrong it has
18 enormous implications and they were not only there for
19 this Commission, both in terms of their formidable legal
20 expertise, but they were there for us to advise us on a
21 whole range of policy initiatives that we considered and
22 I think we owe them a great deal of gratitude for their
23 expertise and their commitment to this process and for
24 really putting in the kind of work that probably most of
25 you get from the high paid law firms that you have to

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1 pay for in your everyday life. We get it from the City
2 of New York and we're very lucky to have you both as
3 part of our staff.

4 Thank you.

5 (Applause.)

6 CHAIRPERSON FUCHS: There's one other senior

7 person who joined us on this Commission and that's Myrna
8 Ramon, and I talked about Myrna yesterday and she's
9 here with us in the audience today. She was senior
10 advisor to the Commission on loan from the Department of
11 Operations and, Myrna, as I said yesterday, has an
12 extraordinary expertise in City governance and
13 operations and this was particularly important this year
14 for the work of the Commission to have somebody like
15 Myrna as part of our staff, every minute of the day,
16 really commenting and contributing to the work of this
17 Commission.

18 So I want to especially thank her and her
19 director Susan Kupferman for lending her to the
20 Commission. She's been in City Government, I don't know
21 how many years, Myrna, and maybe you don't want to tell
22 us, but this is the kind of expertise which many of you
23 on the Commission have and we were very, very fortunate
24 to have Myrna with us on the Charter Revision Commission
25 from the beginning and she stayed with us through the

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1 process, to make sure our work was done and done
2 effectively.

3 Thank you very much.

4 (Applause.)

5 CHAIRPERSON FUCHS: Then I also just want to
6 briefly thank other members of the staff: Brian Geller,
7 the research director; Paul Elliott, who did
8 communications; Roger Scotland on loan as a policy
9 analyst, Ashley Compton, my assistant who worked as chief
10 of staff for the Commission, who kept the day-to-day
11 work of this Commission going smoothly, Antonnette
12 Wallace, who came to us late, but who's been with us day
13 and night since she came and she's here with us this
14 evening. I especially want to thank her, too, this
15 evening for keeping us basically getting the rooms,
16 making sure we had food, working with Brian to make sure
17 the details of the Commission worked and even reading
18 the drafts of the Commission, catching typos and doing
19 the substantive work that we don't always expect from
20 people who are hired as an Administrative Assistant.

21 We were just lucky to have Antonnette
22 Wallace with us to bring us through the last stages of
23 the work on the Commission.

24 We also benefited from the work of Frank
25 Barry and Ruth Genn, a variety of people on the staff of

1 the Commission who we mention in the document.

2 I also want to take a brief moment here to
3 thank the Commissioners. I was asked by the Mayor to
4 Chair this Commission and I feel very fortunate that I
5 managed to serve on a Commission with some
6 extraordinary, extraordinary New Yorkers. And I don't
7 know about all of you, but I certainly learned a lot
8 from my experience on this Commission, both in terms of
9 how New York City Government functions, but also in the
10 value of deliberation and what goes into really taking
11 issues seriously.

12 A lot of people talk about good government,
13 but not too many people engage in it, as we've learned
14 over the course of the year. To the extent that issues
15 are really important to the functioning of a democracy,
16 I think the public's attention and the media's attention
17 is limited, so the fact remains that all of you took
18 time out from extremely, extremely busy lives.

19 I introduced you earlier in the evening.
20 Everyone here knows that you are some of the busiest and
21 most accomplished New Yorkers, probably not just in this
22 city but public folks, people who really engage in
23 public life, probably in the country, and you managed to
24 find time to come and deliberate with this Commission on
25 a regular basis during the course of the last year. You

1 went out to Queens and Staten Island and the Bronx and
2 Brooklyn, we were in every borough and you were there
3 and everybody came. We got a quorum every time without
4 any problem.

5 So this is each one of you, and I'm sorry
6 that we have three missing members this evening, all of
7 who participated, but I want to just thank each one of
8 you. I want to thank Robert Abrams, Amalia Betanzos and
9 David Chen who are all out of the country this evening
10 for their participation, but I want to thank Jennifer
11 Raab, President of Hunter College, one of the busiest
12 people I know who managed to come and show up and do
13 this and do this because it's part of civic
14 responsibility.

15 Anthony Crowell, who brought his expertise
16 to the table here generously, very generously and it was
17 very important that we had him with us, because this is
18 a hard thing to do and it's great to have somebody
19 around who's done it before. Thank you, Anthony.

20 Stan Grayson, whose fiscal expertise, whose
21 work in City Government was brought to the table
22 here and I think given the issues that we had to
23 discuss, we wouldn't have gone forward with the work we
24 had without your expertise and your assistance. Another
25 extremely busy person, yet you managed to come and be

1 part of the deliberations.

2 Curtis Archer, who brings his expertise in
3 the economic development arena, who understands outer
4 boroughs, which is something we wanted to make sure we
5 had someone here who understands not-for-profits and who
6 brought his extensive experience to this Charter
7 Revision Commission and we thank you for serving.

8 Dall Forsythe, who has probably been on more
9 advisory boards and Commissions under the sun and yet
10 when we asked him to show up and come and be part of
11 this Commission, he agreed and again, particularly
12 important to have had Dall here and an especial thank
13 you to serve as Vice Chair. Everybody knows your work
14 in the budget arena is something nobody can duplicate
15 anywhere, not only just the City, but in the nation. So
16 particularly when we had to deliberate on issues from
17 incorporating the mandates from the Financial Control
18 Act into the Charter, your expertise, especially your
19 experience as budget director of the State and your work
20 on the Financial Control Act itself, it was important to
21 have you here with us on the Commission and we thank you
22 for taking the time, not just to serve, but also to pay
23 attention to the details of that particular provision
24 and make sure we got it right.

1 to thank you this evening for being Secretary of the
2 Commission. I know most of the people here in some way,
3 shape and form. I did not know Stephen Fiala before we
4 started to serve on this Commission and I am so happy,
5 personally, that you agreed to be part of this
6 Commission. You, too, obviously, are an extremely busy
7 person, but your special expertise as having been a
8 former member of the City Council, an elected public
9 official, and your concern and care about real issues of
10 Democratic governance over and over again in the
11 deliberations of this Commission you brought us back to
12 the basic principles of good Democratic governance in
13 thinking about how we make this City better through
14 Charter revision and what is the important thing that
15 Charter revision has to focus on, and I was thinking,
16 you know, when I go back to teach, you better come and
17 be a guest lecturer on my class on governance number
18 ten. I think you could teach it better than anyone can.
19 The issues of representative governance, you really
20 brought it to the table in a real life way.

21 I know that many people -- you -- some of
22 your remarks on this Charter Commission, they can quote

23 them, because it's not just in the United States of
24 America we have to remember democratic principles, it's
25 something going on all over the world. They're creating

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1 constitutions and the issues of democratic governance
2 all over the world, and I think we here are doing it in
3 action and we have to understand what it really means to
4 participate in a democracy and I think you helped us
5 remember that and value that.

6 Stephanie Palmer, thank you. Stephanie is
7 somebody I have known for quite some time and Stephanie
8 is one of those unsung heroes of New York City who works
9 in the not-for-profit sector, who has run the Mission
10 Society and other not-for-profit organizations and
11 without her and her work, we would not be able to run
12 the City of New York. We would not be able to have the
13 peace in this City and the engagement that we have
14 without the kind of work that Stephanie does. I note
15 it's an unusual thing to have somebody from Stephanie's
16 sector on the Charter Commission and we went out of our
17 way to do that this time because of the issues before
18 us.

19 So it's really critical that you came to the

20 table and the time that you spend here I think is very
21 important because the public needs to understand that
22 the City of New York values the not-for-profit sector
23 and that they are partners in City government and that
24 City government would not run without the not-for-profit
25 sector and democracies would not work without

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1 organizations like the Mission Society and without
2 people like you. So we value you and we are thrilled
3 that you came and to be part of the Charter Commission.

4 Mary McCormick. Everybody knows Mary's work
5 and everybody knows Mary. I don't know, you're probably
6 one of the most widely known people in the City of New
7 York, a legend in your own time, which is probably a bad
8 and a good thing, right, Mary? We worked very closely
9 together on other initiatives, but it's, again, in this
10 context of the Charter Revision Commission that I thank
11 Mary McCormick, because she is one of the people who
12 really understands City government and really
13 understands how to make it work better, both as a
14 representative institution, but also an institution that
15 provides services to the public in a way that are both
16 efficient effective and accountable, one of the few
17 people that understood and started bringing technology

18 to the process of City Government.

19 I think that the Mayor understood your work
20 and understood the work of the Fund for the City of New
21 York and how important it's been in keeping the City at
22 the cutting edge on how to make Government more
23 effective and I think your experience and who you
24 brought to this Charter Revision Commission has been
25 invaluable and you, too, are somebody who has the

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1 busiest of days and managed to come at night and be part
2 of this Commission and deliberate with us, and it's been
3 very important to have you here on this Commission and
4 we thank you for serving.

5 Dr. Lilliam Barrios-Paoli. I always look at
6 Lilliam and I think, "Is she real?" I can't imagine that
7 somebody has done what Lilliam has done and is still
8 very, very young, and Lilliam probably has been a
9 Commissioner of more City agencies than anybody in
10 existence, probably in the City of New York. She is
11 probably the person who has, I think, knows more about
12 how City government really runs, both from the
13 perspective of being an insider in government as well as
14 from running not-for-profits and has always understood

15 the value of public engagement and the value of making
16 sure that each sector got represented in that
17 conversation about public policy and when you really
18 think about democracy with a small d, you think about
19 Dr. Lilliam Barrios-Paoli and the work she has done in
20 each sector, and she has managed to find time after
21 taking the extremely difficult position, bringing a
22 not-for-profit back to its roots, reorganizing it and
23 creating a new mission in some sense while she is doing
24 that, she has managed to serve on this Charter Revision
25 Commission and be an effective and important participant

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1 and we really want to thank you for coming and being
2 part of the Charter Commission.

3 You're somebody that has served the City
4 consistently in every aspect of City governance and
5 never says no. So it's really with great pleasure that
6 I thank you in this room and I'm in some sense sorry to
7 see us ending our work.

8 COMM. FORSYTHE: Don't end quite yet.

9 CHAIRPERSON FUCHS: I'm not ending quite
10 yet, I'm just ending my remarks and my thank you's.
11 Because it is really a testament to the wealth and the
12 depth of those who made it work and are committed to the

13 City of New York. This has been a very diverse Charter
14 Commission and a Charter Commission that has taken its
15 role very seriously, and I have been enriched by my
16 experience in working with everybody here tonight and I
17 really personally want to thank them, and I want to
18 thank them on behalf of the Mayor. The Mayor chartered
19 this Commission and it was a serious charter and we had
20 serious work to do and we did it, we did it over the
21 course of the past eleven months and I know we can be
22 proud of the work we did. It is substantive and it is
23 important and it's something that needed to be done for
24 the future functioning of the City of New York.

25 So as Chair of the Commission, I really felt

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1 compelled to thank everybody personally for the work
2 that they've done on behalf of the City of New York.

3 I just, if anybody has anything they want to
4 say at this point, please.

5 Commissioner Forsythe.

6 COMM. FORSYTHE: There's not very many
7 prerogatives being Vice Chair, but one of them I think
8 is to reflect in an inadequate way, I think, my thanks
9 and I'm sure the thanks of all the Commissioners for

10 your leadership. Your vast knowledge of the City and
11 its government, your concern about New York, about City
12 government about how to make it work better, your
13 thoughtful, energetic and wise leadership has been
14 remarkable and I'm very proud to have been a part of
15 that. I don't mean to exclude anybody else, but I'm
16 very happy to have worked with you as well.

17 (Applause.)

18 COMM. ARCHER: Even though Dr. Forsythe kind
19 of beat me to the punch, I have to kind of say that, you
20 know, I've been a little quiet during a number of the
21 sessions, because I think the Mayor really should be
22 proud of having asked you to Chair this Commission and I
23 don't say that, because you already gave me my grade for
24 the paper, I don't mean to sweet talk or anything, but
25 really, I have really been in awe in fact of really the

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1 great minds that you were able to assemble here and
2 that's really a testament to you as Chair, and I think
3 because this is my first experience in this type of
4 forum to really say from the staff, counsel, you guys,
5 Terri, everybody in terms of the work that you did, I
6 mean, incorporated every little itty-bitty piece of
7 minutiae if somebody wanted to put something before us,

8 you incorporated it there and that's really a testament
9 to the detail that you guys carried forward.

10 But Madam Chair, really, like I said, you
11 are really somebody who I have admired when I was in
12 your class, and seeing you in this particular forum, I
13 think that you did a superb and stellar job and, like I
14 said, one that the Mayor and we all are proud to have
15 served with you.

16 Thank you.

17 (Applause.)

18 COMM. FIALA: The Secretary has even less
19 prerogative than Vice Chair, so if I may. I, too, want
20 to follow the gracious example set last night by
21 Dr. McCormick and the Chair, Vice Chair and Commissioner
22 Archer. It's all been said, but not been said by me.
23 I'm sure we're all going to say something.

24 Let me thank you now for having me on this
25 Commission. I'm honored now by the Mayor's appointment.

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1 This will in the history books be known as the Fuchs
2 Commission and whether or not it will be judged for
3 having done important work, we don't know what the
4 scholars will say, but we know we did important work.

5 We dealt with those non-sexy issues that will insure
6 continuing fiscal stability and improving judicial
7 ethics at the administrative level and that's important
8 work, so you're to be commended, Madam Chair.

9 I also want to thank the staff for your
10 tolerance and your patience, your humor. We imposed a
11 lot upon you, and to the Executive Director and the
12 counsel and deputy counsel and all of their teams, thank
13 you so very much, and to my fellow Commissioners, it's
14 really been an honor for me.

15 I will miss this. It's been a year. I
16 enjoy this stuff. I'm a policy wonk. The thing I want
17 to thank you for with all sincerity, in the ten years
18 I've been in government, nobody ever said I was good at
19 thirty-second sound bites. You know I like to speak and
20 you've all indulged me and I thank you for tolerating my
21 probing questions or my annoyances with such grace.

22 To those who came in and offered
23 suggestions, the more than one hundred, to the civic
24 leaders who are here, thank you for keeping our feet to
25 the fire and taking time out of your busy lives, and

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1 finally, to my deputy Ronald Arabia, who has volunteered
2 his time away from his wife and kids and helped me study

3 and do research and in his volunteer time, thank you.

4 So, Madam Chair, it's been a real honor for
5 me and I hope that our paths will cross again and we'll
6 be able to do something together to benefit this City in
7 the future, whatever it may be, but it's been a real
8 honor for me. Really.

9 (Applause.)

10 CHAIRPERSON FUCHS: Any other comments?

11 I would also just like to close by saying
12 thank you to the public for participating in this
13 Charter revision process, as well as those of you who
14 are here representing civic organizations.

15 Thank you to NYC-TV for covering us and
16 thank you, Linda Fisher, for her extraordinary work
17 putting together our transcripts.

18 (Applause.)

19 CHAIRPERSON FUCHS: And I want to thank you,
20 the Mayor, finally, for convening this Charter Revision
21 Commission. I think it's important that we did our
22 work, I think it was a brave and critical thing that he
23 did by convening us at the time that he did almost a
24 year ago.

25 Before we conclude, I would ask for a motion

1 to adjourn.

2 COMM. FORSYTHE: So moved.

3 COMM. GRAYSON: Second.

4 CHAIRPERSON FUCHS: Thank you. All in
5 favor.

6 (Chorus of "Ayes.")

7 CHAIRPERSON FUCHS: Thank you everybody.

8 (Applause.)

9 (Time noted: 7:47 p.m.)

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C E R T I F I C A T I O N .

I, LINDA FISHER, a Shorthand Reporter and a
Notary Public, do hereby certify that the foregoing is a
true and accurate transcription of my stenographic
notes.

I further certify that I am not employed by
nor related to any party to this action.

LINDA FISHER,
Shorthand Reporter