

CHARTER REVISION COMMISSION

OPEN FORUM

P.S. 58 SPACE SHUTTLE COLUMBIA SCHOOL

77 MARSH AVENUE

STATEN ISLAND, NEW YORK

AUGUST 2, 2010

6:07 P.M.

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. JOSEH M. McSHANE, S.J.

KENNETH M. MOLTNER

KATHERYN PATTERSON

CARLO A. SCISSURA

BISHOP MITCHELL G. TAYLOR

1           CHAIRMAN GOLDSTEIN: Good evening, everyone.  
2           I'm Matthew Goldstein, the Chair of the Charter  
3           Revision Commission. I'd like to welcome all of  
4           you to P.S. 58, the Space Shuttle Columbia  
5           School, and to really thank Mrs. Mariscopa, who  
6           is the Principal of this wonderful facility, for  
7           making it available this evening and for her very  
8           able staff to helping us conduct our meeting  
9           tonight.

10           Before I go into my introductory remarks,  
11           I'd like an opportunity for the members of our  
12           Commission to identify themselves. I'll start all  
13           the way to my left.

14           COMMISSIONER PATTERSON: Katheryn Patterson.

15           COMMISSIONER DAVID CHEN: David Chen.

16           COMMISSIONER BETTY CHEN: Betty Chen.

17           COMMISSIONER CROWELL: Anthony Crowell.

18           COMMISSIONER FREYRE: Angela Mariana Freyre.

19           COMMISSIONER FIALA: Steve Fiala.

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

21           COMMISSIONER SCISSURA: Carlo Scissura.

22           COMMISSIONER TAYLOR: Bishop Taylor.

23           COMMISSIONER HART: Ernie Hart.

24           CHAIRMAN GOLDSTEIN: Let me again thank our  
25           very able staff for the very good work that they

1 continue to do on behalf of the Commission, and  
2 the people of the City of New York. We very much  
3 appreciate the work that you do.

4 I'd like to again acknowledge the work of  
5 those that are helping us bring technology to  
6 ways to expanding the catchment area for people  
7 to participate in these deliberations. It is new  
8 and fresh and really will create the  
9 opportunities for future commissions to learn  
10 from our experiences here in ways that previous  
11 commissions were not able to do because the  
12 technology was really not where it is today.

13 Tonight we are going to continue our  
14 discussion amongst ourselves here, members of the  
15 Commission, and then we will as quickly as we can  
16 get to comments from our audience.

17 In terms of our schedule, the next time we  
18 will be meeting as a full Commission as in terms  
19 of our next stage of our work will be on August  
20 11. On that we will have a meeting, it's an open  
21 meeting, but we will not be taking questions from  
22 the audience. This meeting will be exclusively  
23 for the Commission to decide what we have learned  
24 and from what we have learned, what we will place  
25 on the ballot for the November election, November

1           2010.

2           We will then follow with at least one  
3 additional meeting of the Commission, that date  
4 is not yet set, but it will be.

5           Lorna, has the date been set?

6           EXECUTIVE DIRECTOR GOODMAN: I think it's  
7 the 23rd of August.

8           CHAIRMAN GOLDSTEIN: The 23rd of August. And  
9 do we have any meetings after that?

10          EXECUTIVE DIRECTOR GOODMAN: No.

11          CHAIRMAN GOLDSTEIN: So it will be just the  
12 23rd of August will be for the Commission to  
13 discuss and then vote on the final report of the  
14 Commission. And that final report will have  
15 essentially three basic components. The first  
16 component will be the history of how we got  
17 started and all of the people that we have had  
18 the pleasure of learning from, experts in the  
19 various fields that we have decided to  
20 concentrate upon, and all of the communities that  
21 have participated so dramatically in helping us  
22 to shape our views.

23          The second part of the proposal, the final  
24 report, will be on the items that we bring to the  
25 voters in November, with some detail, a lot of

1 texture, history and justification for why we  
2 thought that these were the appropriate things to  
3 bring forward.

4 And then the last part, which I think is a  
5 critical part, is setting up a road map for those  
6 that will come after us. Obviously, we've had a  
7 limited amount of time to discuss very weighty  
8 and extremely important issues. And we can only  
9 get to some of them. But we want to make sure  
10 that we speak about them in depth and with  
11 passion that we believe they need attention, and  
12 our staff will be asked to do just that. And so  
13 that's basically what we see in the final report,  
14 and we expect to do that, as we said, on the 23rd  
15 of this month.

16 After we present our ideas to the City Clerk  
17 for placement on the ballot there will be a  
18 period of time where all of us are going to be  
19 very actively involved to really educate the  
20 voters. We're not in an advocacy position. We are  
21 there largely to work with the communities, or  
22 interest groups, or the press to talk about the  
23 reasons and the wisdom behind the recommendations  
24 that we will be doing. And then once the voters  
25 vote, we go out of business. And what happens

1 after that is really out of our hands.

2 There are three areas that I would like our  
3 Commission to discuss this evening. One is about  
4 the government structure that has been presented  
5 by Commissioner Carlo Scissura. On is about Fair  
6 Share, which is a component of land use, a very  
7 large and complex area. And the last is to  
8 continue our discussion that we started last week  
9 about nonpartisan elections.

10 We have asked our staff to provide us with  
11 as much research as they could to bring together,  
12 and all the Commissioners received several days  
13 ago a very comprehensive packet of material that  
14 I think will help place the discussion in ways  
15 that we have not had up to this point.

16 Let me start with calling on Commissioner  
17 Scissura to talk about government structure. And  
18 let me -- and I'm speaking on behalf of myself  
19 here. This is not something that necessarily is  
20 shared by all of the members of the Commission.

21 I'm sure my first comment is shared by all  
22 of us to thank Commissioner Scissura for keeping  
23 this set of complex ideas, these interrelated  
24 ideas, about government structure, very much on  
25 the forefront of our discussion.

1 Carlo, I really thank you for that. I've  
2 asked you to submit items for our consideration.  
3 You've done that. And you've done it with great  
4 aplomb and diligence. I would, however, strongly  
5 recommend that as we move forward and note about  
6 the time frame that we are operating within, and  
7 the amount of material that we have, that there  
8 will be great consideration given to placing  
9 government structure, which is just so  
10 fundamental, obviously, to the workings of City  
11 government in a way that we can create an  
12 opportunity for another Commission, which I  
13 imagine sometime in the near future will be put  
14 together to consider the items that you are  
15 discussing, Carlo.

16 So with that, and I don't want to say  
17 anything more, I'll just turn this over to you  
18 for your brief remarks that will flow from the  
19 thoughtful memo that you shared with all of us.

20 COMMISSIONER SCISSURA: Thank you, Chairman  
21 Goldstein. I've said this many times, and I'm  
22 actually happy we're having this discussion in  
23 Staten Island, because I think Staten Island and  
24 Brooklyn were the two Boroughs that really came  
25 out in full force to talk about local control and

1 local governance. We heard from the Borough  
2 Presidents of the Boroughs. We heard from  
3 Community Board Chairmen, and Community Board  
4 Members from elected officials. I know a lot of  
5 Council Members are here. And I think the  
6 driving force for all of the discussion was we  
7 want to be part of City government. We want to  
8 have a bigger role in City government. We want  
9 our role to be something that is not just merely  
10 a recommendation or advisory. We want it to be  
11 something that people listen to. And I think I  
12 spent a little time going through some of the  
13 comments that we heard. And again I really  
14 stress -- particularly in Staten Island and  
15 Brooklyn and even in Queens -- but Staten Island  
16 I think and see, I hate to admit that Staten  
17 Island was even more eloquent stating this than  
18 Brooklyn, no one quote me please, but very, very  
19 eloquent in stating that communities must be part  
20 of the table. They must be part of the  
21 discussion.

22 And it frustrated me, and I've said that  
23 both privately and publicly, that the Staff  
24 Report did not acknowledge the commitment of  
25 people that came out in the evenings. I mean,

1           there were several hundred people that came out  
2           and spoke about community input. So I thank you  
3           for giving me the opportunity to put together  
4           some things.

5           I get that we can't rewrite the Charter. We  
6           can't rewrite the Community Board section or the  
7           Public Advocate section or the Borough President  
8           section, or the ULURP section in City Planning. I  
9           get that. But I also get that we owe the people  
10          of New York and we owe our communities at least a  
11          few things. And what I think I've put on paper  
12          are just a couple of things that Commissioners  
13          should read at their leisure and maybe we could  
14          get one or two things on the ballot. And maybe we  
15          could try and say to the communities that came  
16          out that we did hear what you said; that we  
17          listened; that we weren't just kind of here for a  
18          few months, but that we really listened to the  
19          average New Yorker and to our Borough Presidents  
20          and our Public Advocate. And I have to tell you,  
21          it's interesting to me if anyone knows about City  
22          government, when you have the Speaker of the New  
23          York City Council who is saying that the Borough  
24          Presidents and the Public Advocate deserve  
25          greater voice, when you have a Councilman who

1           says that the Borough Presidents deserve greater  
2           voice, I mean, I think everyone agrees that these  
3           are entities in government that work together.  
4           And that shouldn't be singled out one is higher,  
5           one is lesser. They should really all be at a  
6           level playing field. And again I've always said  
7           if you're going to have a Borough President, and  
8           you're going to have a Community Board, and if  
9           you're going to have a Public Advocate you need  
10          to treat them with respect.

11                 And I add to that, and I add to that mix  
12          that Citizens Union comes out with the report  
13          that says the same thing that the communities are  
14          saying, that elected officials are saying. So  
15          it's truly an issue that deserves some merit.

16                 And again, I mean, I don't know if anyone  
17          has some questions on the memo I sent out. We  
18          can speak during the week or next week. But  
19          there are some basic things that I think would  
20          make the streamlining of government a little  
21          better.

22                 CHAIRMAN GOLDSTEIN: I'd like to thank you  
23          for the memo. I'd like to thank you for your  
24          indefatigableness, and I also like to thank you  
25          for your consistency of message. It's well

1 received by all of us. And you're correct that  
2 there were large numbers of people that we heard  
3 from over the past several months that are  
4 endorsing this set of views that you have. And I  
5 wanted to for the record to thank you.

6 Anybody want to react to any of this?

7 COMMISSIONER TAYLOR: I want to ask a  
8 question about the first part on City Planning.  
9 So when you say plans must be comparable to the  
10 Borough Board and must have an action thereof  
11 prior to certification. So in the 197(a) plan, if  
12 a plan is put forth by the Community Board and is  
13 still kind of being hashed out, if there's  
14 another developers's plan that comes in, why you  
15 guys admit weighing that process. And what the  
16 Borough Presidents say does not line up with what  
17 you guys already value in -- are you saying that  
18 his plan should come to Borough Presidents --

19 COMMISSIONER SCISSURA: No. What I think I'm  
20 saying before any plan is served, whether it's by  
21 City Planning or an entity, I think the Borough  
22 Board, the Borough becomes a very good voice,  
23 because you have the opportunity to be before the  
24 Chairman of Community Boards, City Council  
25 Members and the Borough President. And I think,

1 I don't remember if it was Eric Lane or someone,  
2 who said when they did the '89 Charter they  
3 envisioned the Borough Board as really almost  
4 becoming a place where communities can come and  
5 talk and testify and learn about things.

6 And I think for communities, particularly  
7 with the 197(a) Fair Share funding, or Fair Share  
8 issue, the Borough Board becomes a fair and  
9 balanced place where you can hear the voice of  
10 the Borough-wide official, the local official,  
11 but also the Community Board.

12 CHAIRMAN GOLDSTEIN: Ernie.

13 COMMISSIONER HART: I just want to say as a  
14 general rule, I agree that our final  
15 recommendations to the public should reflect the  
16 testimony of many constituents of the City who  
17 look for a greater role of the Community Boards,  
18 the Borough President, as well as addressing  
19 looking at 197 also, that was something that we  
20 heard time and time again. So Carlo, I  
21 appreciate this. This kind of focuses, focuses  
22 us, let's us focus on a lot of the testimony, and  
23 it's helpful, and I appreciate it.

24 COMMISSIONER SCISSURA: I just want to add  
25 one thing. This memo I sent out is not what

1 Carlo Scissura dreams about and thinks about.  
2 This is what the Borough Presidents, the Speaker  
3 and the Council, Citizens Union, the Public  
4 Advocate, Community Board Members, Chairmen of  
5 the Community Boards and other community groups,  
6 the Queens Civic Council for one, there were a  
7 whole bunch of people.

8 All I really put together was what people  
9 said. And there were a lot of things that I  
10 didn't put in here, because obviously I needed  
11 more time. But these are things from someone who  
12 has been on a Community Board and works in  
13 government. These are simple, rational things  
14 that I think people came out to talk about. I  
15 didn't reinvent the wheel. I just kind of put  
16 together what everyone said.

17 CHAIRMAN GOLDSTEIN: Again, Carlo, I  
18 appreciate the amount of time and thought that  
19 you have given this subject.

20 Let me move on to the second of the three  
21 topics that I'd like us to have a discussion  
22 about. The whole use, the whole topic of land use  
23 is perhaps one of the most complex and most  
24 technically, most technically difficult topic to  
25 really address. Certainly in the amount of time

1           that we've had. Again, I want to make sure the  
2           audience knows that again we started our work in  
3           March and we're going to conclude our work in  
4           about the third part of August. And that's  
5           before the -- that is well before any public  
6           education system occurs.

7           But there was one area that was brought up  
8           on several occasions and that is the area of Fair  
9           Share. And briefly, that is a subject that those  
10          people who talked about it, talked about it with  
11          not only great knowledge but great conviction and  
12          concern for the people that live in communities  
13          that may be affected by an overabundance of  
14          projects that were promulgated by not only City  
15          government but state government and maybe private  
16          enterprise as well.

17          I was particularly struck by Eddie Bautista.  
18          I don't know if Eddie Bautista is here with us  
19          this evening, but he is the Executive Director of  
20          the New York City Environmental Justice Alliance.  
21          And when he spoke last time, I was so struck by  
22          the intensity of what he was saying that I asked  
23          if staff would meet with Mr. Bautista and others  
24          that Mr. Bautista thought should participate in a  
25          discussion. That meeting did take place. And as a

1 result, the Commission members have received  
2 ideas from Mr. Bautista which have been  
3 circulated by the staff.

4 Again, here is an area, the whole area of  
5 land use, which I believe we have not had nearly  
6 enough time to discuss and may very well be the  
7 second of about three areas that I think we'll  
8 need to have great prominence in our final  
9 report, because I think the issues are not only  
10 critically important, and they touch on so much  
11 of what Carlo, Carlo Scissura has said about the  
12 need to understand the effect on the various  
13 communities dealing with not only Fair Share but  
14 on very -- on many of the other issues around  
15 land use.

16 So, Mr. Bautista, if you're in the  
17 audience -- are you? Oh there he is.

18 Okay. Hello, Mr. Bautista. I thank you for  
19 being here. I have to thank you for bringing this  
20 to the attention and with the intelligence and  
21 thoughtfulness that you have. I thank you for  
22 providing the written material.

23 I wonder if there's anybody who would like  
24 to comment on Fair Share?

25 Commissioner Betty Chen?

1                   COMMISSIONER BETTY CHEN: Thank you, Mr.  
2                   Chair. During this process of public hearings we  
3                   heard thoughtful criticism, about a process  
4                   whereby City agencies identify proposed sites for  
5                   facilities in the Annual Citywide Statement of  
6                   Needs, and people told us that concerns arise  
7                   when agencies propose those siting's between the  
8                   annual deadlines and that as a result, certain  
9                   community groups, or advocacy groups, believe  
10                  that that process of having those later filings  
11                  doesn't allow for adequate community review and  
12                  comment. And we actually heard a specific  
13                  proposed solution that mandated that siting's  
14                  should not be allowed to occur between those  
15                  annual deadlines. And I thought a lot about this.  
16                  And I have a concern, because I think that City  
17                  agencies will have to provide various vital  
18                  services do need the ability to respond to  
19                  changing circumstances. 12 months is a long  
20                  period of time. Things can happen with the  
21                  economy, with weather conditions, whatever, where  
22                  City agencies have to respond. And I went back  
23                  and looked at the City Charter. There is a  
24                  Section 204(g) that says that the major site  
25                  proposals that go through ULURP when there is a

1 proposed siting that occurs outside of those  
2 annual deadlines there's a mandatory notification  
3 already in the Charter to the Borough President.  
4 The Borough President then has 30 days to review  
5 that to make a recommendation of an alternate  
6 siting. And during that 30-day period the actual  
7 certification and review of the site selection is  
8 decided and deemed by the Borough President's  
9 action, so that indeed is in the Charter.

10 I think the Borough Presidents know their  
11 communities, they know the facilities that are  
12 already in the communities, and they're really in  
13 a good position to use their knowledge and their  
14 authority to either create some kind of public  
15 dialogue, to send notification letters to the  
16 Community Boards, to hold a public hearing, and  
17 to ultimately make a formal recommendation to  
18 what's already in the City Charter process. And I  
19 think somehow mandating more, that they must hold  
20 a public hearing, or they must send a letter to  
21 the Community Boards, whatever, is getting into  
22 micromanaging people, who I think, you know, know  
23 how to do their jobs. So I think thinking about  
24 these different issues, I feel the process that  
25 we have in place does try to balance between a

1 need for community review as these siting's come  
2 up between the deadlines, but also the need for  
3 the City agencies to deliver the vital services  
4 in a timely way and not have to wait up to 12  
5 months to enact them. I do appreciate all the  
6 testimony and information.

7 CHAIRMAN GOLDSTEIN: Anybody else?

8 Commissioner Cohen.

9 COMMISSIONER COHEN: Thank you, Mr. Chairman.  
10 I agree with everything Commissioner Chen said. I  
11 would also add that the Charter is not the answer  
12 to all problems. I think that comes back with  
13 the theme that we've highlighted several times in  
14 the course of these hearings, that many things,  
15 because everybody thinks of the Charter as the  
16 most important living document of the City; when  
17 there's something important people want to put  
18 that in the Charter. But very often I think in  
19 the case of concerns about Fair Share, this is an  
20 example, the problem is not so much what's in the  
21 Charter as how it's working in real life, and  
22 whether it's being forced. And what we keep  
23 coming back to on question of Fair Share, I'm not  
24 sure are we also concerned about 197(a)? Which  
25 is even more complex. But I think what we keep

1 coming back to in Fair Share is that the public  
2 comes out, may have come out quite consistently  
3 throughout the entire history of our hearings,  
4 raising this as an issue, because it's, you know,  
5 it's a vital issue about the question of where  
6 various services are sited, and  
7 disproportionately in some communities, that the  
8 Charter is not actually, I think, the core  
9 problem or the solution to that. And it's  
10 implicated with a number of other things. And  
11 frankly, the zoning resolution, there's so many  
12 things get sited where they get sited because of  
13 existing underlining zoning. And in addition to  
14 my usual plug for there should be another Charter  
15 Commission to do all the work that needs to be  
16 done, and I think there should be somebody who  
17 will look holistically at the zoning resolution  
18 with completely fresh eyes and take a look at  
19 that. But I think there's that, and I think  
20 there's the question of how these can be  
21 enforced. And I actually do not believe if we  
22 were to suggest change along the lines that we  
23 heard from Mr. Bautista and other witnesses that  
24 it will actually do anything to solve the problem  
25 ultimately of the disproportionate siting's.

1                   CHAIRMAN GOLDSTEIN: Thank you.

2                   Commissioner Taylor.

3                   COMMISSIONER TAYLOR: Looking at the Charter  
4                   Section 204 where it talks about the Fair Share,  
5                   there seems to be a long litany, but I just  
6                   wanted to kind of put forth maybe some language  
7                   that might capture some of the things that might  
8                   make this better, and I'll state to you that one,  
9                   mandating that the City facilities siting's,  
10                  expansions, reductions and closures be properly  
11                  identified in the Annual Statement of Needs for  
12                  Community Board review; and that also on top of  
13                  that, including all polluting facilities, the  
14                  government air permits, and other public  
15                  indicators of environmental burdens of Fair Share  
16                  analysis and Atlas of City property, and then  
17                  ensure that Community Boards, 197(a) plans, be  
18                  given equal public review as part of the public  
19                  development proposals.

20                  So I think if it's understandable I think  
21                  you can grasp it, kind of says, kind of point  
22                  you're saying the Charter is not the cure-all. I  
23                  think that if you can put some language in it to  
24                  make sure that the Borough Presidents do get the  
25                  proper respect as it relates to what this is

1           supposed to do for them.

2           CHAIRMAN GOLDSTEIN: We certainly will have  
3           ample opportunity to express our views consistent  
4           with what you just said. The question is about  
5           the ballot measure, which is a very different  
6           kettle of fish at this particular point in our  
7           process, and that's what I think we really need  
8           to reflect upon. But we can certainly  
9           circumscribe some of what it is that you're  
10          saying.

11          Again, the staff has put together a very  
12          thoughtful memo on the whole area of Fair Share,  
13          and it seems to me that the issues that could be  
14          particularly problematic are outside the  
15          jurisdiction of the Charter, and that's probably  
16          one of the real sticking points here, which I  
17          think is really what Commissioner Cohen is  
18          saying.

19          That being said, there will be an  
20          opportunity to discuss this in ways that it will  
21          happen, folks. I see no further discussion on  
22          this, and I thank you for that.

23          Let me move on to the last of the three  
24          subjects before we get to the audience. And I  
25          want to make sure that everybody who has signed

1 up has adequate time. Let me just say a few  
2 things to set the context for the discussion and  
3 start by saying that the staff has done wonderful  
4 work for us by providing us with all of the  
5 background of the 2003 Commission views, their  
6 research. It provided us with the Citizens Union,  
7 a very fine document. I see Dick Dadey is here  
8 with us tonight. We've had this now for a good  
9 two weeks I guess? And so we've been able digest  
10 that.

11 We have a wonderful memorandum from staff by  
12 John Lowbeer who gives us further insight into  
13 Top Two, which is what is being proposed by  
14 Citizens Union, which basically says you have an  
15 election, it's not a primary, but its once  
16 iteration of an election. There could be three  
17 people on the ballot, four people on the ballot,  
18 whatever happens, we've looked at the Top Two,  
19 and unless one of them gets a majority, there is  
20 a second election, and of the Top Two, whoever  
21 wins, wins. And obviously, when you have two  
22 people vying for elected office, somebody is  
23 going to get a majority and that ends the  
24 process.

25 John, your memo takes the concept of Top Two

1 and first starts with what the Citizens Union has  
2 presented that not only can an individual name be  
3 associated on the ballot, but if the person who  
4 is on the ballot wishes to identify the party  
5 that they are connected with, that would be  
6 permissible, so that if somebody goes into an  
7 election booth and said, "I'm a member of the  
8 Independence Party," "I'm a member of the  
9 Democratic Party," that would be known.

10 The second iteration on that, or refinement,  
11 or expansion is to go one additional step, which  
12 quite frankly I don't fully understand how you  
13 would do it, but we can discuss it amongst  
14 ourselves, and that is not only would you  
15 identify what party you're affiliated with, if  
16 you are affiliated with a party, but to designate  
17 whether you have the endorsement of a party. That  
18 was the third -- I keep on using the word  
19 "iteration," that's the way that I think, but  
20 there may be a more elegant word to describe  
21 that.

22 I want to read something from the 2003  
23 Charter, which I think focuses on the way that I  
24 think as somebody trained in analytic matters,  
25 and this is what it said, and then I want to get

1           into a contrary position. And I'm quoting from  
2           the summary in the 2003 report from the Charter  
3           Revision Commission. It said: "The scholarship  
4           performed and data collected by social scientists  
5           on nonpartisan elections is far from conclusive.  
6           Applying mixed and temperate conclusions that  
7           reflect marginal differences in electoral  
8           outcomes, while ignoring highly conditional  
9           variables, should be done with the highest degree  
10          of caution. This is particularly true in the case  
11          of New York City, which is fundamentally  
12          different from the small towns that are the focus  
13          of most of the academic literature on the matter  
14          of nonpartisan elections. This need for caution,  
15          this need for extreme caution, does not, of  
16          course, prevent opponents and proponents of  
17          nonpartisan elections from making sweeping claims  
18          even when no empirical data exists for drawing  
19          conclusions based on outdated and inapplicable  
20          data."

21                 As a scientist, or somebody trained in  
22                 matters of analytics, that sort of resonates with  
23                 me. On the other hand, we know that in this City  
24                 the past nine or ten years there has been a  
25                 precipitous decline, especially in New York City,

1           which is very heavily Democratic, of those people  
2           who are party-affiliated, the dominance, the  
3           overwhelming dominance has been in the Democratic  
4           Party. And we have seen both in primaries and in  
5           general elections a degradation in the amount of  
6           people who are coming out to vote. And I think  
7           all of us, however you come out on nonpartisan  
8           elections or partisan, the way we do elections  
9           today, should be deeply concerned about this.

10           The idea that people are choosing not to  
11           participate in the Democratic process that is so  
12           dear to this Democracy is really something that  
13           is a stain on our society and really needs to be  
14           addressed. The idea that there are people who  
15           don't participate in primaries because they are  
16           not party affiliated disenfranchises many people  
17           from participating in the electoral process, and  
18           that is a concern.

19           The question I think that we have to deal  
20           with as a Commission is have we studied the  
21           issues deeply enough to be informed members to be  
22           heard on the subject? And that's a question that  
23           I think we need to further discuss amongst  
24           ourselves.

25           I was particularly struck by Commission

1 Patterson's observations at the last Commission  
2 meeting, when I don't want to speak for her, she  
3 can speak more eloquently on the matter than I  
4 can, and her point was that if the notion of  
5 nonpartisan elections is placed on the ballot,  
6 will it have a toxic effect on the other items  
7 that we as a Commission have already decided  
8 upon, and would that have a modality effect in  
9 polarity to where it is that the Commission would  
10 like to go? And I think that is a very important  
11 consideration as well.

12 This is -- I think I'm pretty sure I used  
13 this metaphor last time, that the whole notion of  
14 nonpartisan elections to me is like the Big Bang.  
15 It creates tremendous emotional response wherever  
16 you are on the question. And I think we need to  
17 reflect upon that emotional, both for and against  
18 the subject, as we think about whether this  
19 deserves at this particular time the placing  
20 something on the ballot as the Citizens Union has  
21 brought forward or some variation.

22 There is another, yet another variation  
23 about using instant run-off voting, which can  
24 easily be aligned to the notion of nonpartisan  
25 elections. Instead of having two elections,

1           having just one. But I think this Commission has  
2           already been heard on that matter, and say that  
3           as yet another complexity that has all sorts of  
4           layers of implications that I think need to be  
5           studied more. So for me, the question is really  
6           pretty easily put, and I'll use this as really  
7           the basis that I will pass the gavel to the rest  
8           of my colleagues. Is the notion of voter falloff  
9           as precipitously as we have seen the reason that  
10          we should at this particular point in time go for  
11          a very different approach than we have seen in  
12          New York City other than for special elections?  
13          Which we all understand is done in a nonpartisan  
14          way. Is that sufficiently compelling? Or are  
15          there other things that we might be able to do to  
16          "gin up" for support for people to get out there  
17          and be heard? Or is it the belief of this group  
18          that the notion of a Top Two approach of  
19          sufficient merit and study for us to say this is  
20          the blunt instrument that really needs to be done  
21          at this particular time, and we believe that it  
22          will result in what it is that we want.

23                 The last thing that has been discussed about  
24          nonpartisan elections is the notion of its effect  
25          on minority groups. And there, again, when you

1 read the social science literature, you see  
2 people all over the map on this. Some people  
3 believe that it would greatly enhance the ability  
4 of various minority groups to have a  
5 participatory effect that will be helpful.  
6 Others believe that that is very far from  
7 conclusive and may have yet a dilatory effect. So  
8 I think, I'm not sure, but I think I have  
9 captured the essence of the various areas of  
10 interest as we continue our discussion. And we  
11 can have a discussion over the next ten days or  
12 so before we actually meet in an open forum to  
13 actually come to a conclusion and see where we  
14 want to go.

15 So with that I will just throw it back to my  
16 esteemed colleagues and continue this discussion  
17 for a brief period of time, and then I really  
18 would like to get to the audience to give them an  
19 opportunity to be heard. So anybody?

20 COMMISSIONER SCISSURA: Yes.

21 CHAIRMAN GOLDSTEIN: Yes.

22 COMMISSIONER SCISSURA: And maybe I heard you  
23 wrong. When you talked a little bit earlier in  
24 your discussion about the Top Two you said that  
25 if a person got a majority of the votes then

1           there would not be a second election? Is that --

2                   CHAIRMAN GOLDSTEIN: Well, I think in many  
3           jurisdictions if you receive a certain number of  
4           votes that would be sufficient. I mean, suppose  
5           somebody got 60 percent of the votes? I imagine  
6           that still would go to -- it will still go to a  
7           second. I was in error.

8                   COMMISSIONER SCISSURA: Just so I understand.

9                   CHAIRMAN GOLDSTEIN: I misspoke.

10                  COMMISSIONER SCISSURA: 99 percent of the  
11           vote, somebody got 1 percent of the vote on the  
12           first ballot.

13                  CHAIRMAN GOLDSTEIN: They would still win.  
14           Unless (inaudible) that's right you still have to  
15           have a primary election.

16                  Okay. Anybody else? Kitty? Joe McShane?  
17           David Chen? Betty Chen? Anthony Crowell? Angela  
18           Freyre? I would imagine -- I can remember all the  
19           names. Steve Fiala? Hope Cohen?

20                  COMMISSIONER COHEN: Alright, I will.

21                  CHAIRMAN GOLDSTEIN: There you go. I was  
22           batting a hundred percent.

23                  COMMISSIONER COHEN: Just one more question.  
24           I want to throw one more question into the  
25           hopper, which is the question of equivalency of

1 nonpartisan elections, Top Two elections. We've  
2 been using those terms interchangeably since the  
3 Staff Report came out, and I think that goes to  
4 the assumption, including the assumption of the  
5 Staff Report, that if this Commission were to go  
6 in this direction and recommend this change that  
7 we would be recommending essentially the same  
8 thing that was recommended in 2003, and that was  
9 also just approved by the referendum in  
10 California (inaudible) and in 2003 the Commission  
11 didn't call it Top Two, but it was the same as  
12 what just passed in California, and what's -- and  
13 assumed what we just laid out as what you mean by  
14 nonpartisan elections. And I guess that keeps  
15 troubling me, that nonpartisan elections seems to  
16 me to be a larger species, and this is just one  
17 animal. And I think -- I couldn't quite put my  
18 finger on what it was that bothered me about this  
19 particular animal until we heard a witness last  
20 week in Queens who talked about the narrowing to  
21 two in the second round. And I think that finally  
22 pointed out to me why I was having trouble with  
23 this particular concept, not the concept of  
24 nonpartisan elections in general, although I  
25 still think we have to have a larger discussion

1           about even if we 15 are already going in this  
2           direction, whether there's been a robust enough  
3           public discourse for the City to go in this  
4           direction. But it was when I heard that speaker  
5           in Queens I finally realized the problem I was  
6           having with Top Two is the narrowing to two in  
7           the general.

8           And so I guess what I'd like to throw out  
9           there is what about other options? Why two? Why  
10          do we only have the choice of two in the general?  
11          Why can't it be three or four?

12          CHAIRMAN GOLDSTEIN: What did you say? I'm  
13          sorry.

14          (Inaudible comments by Commissioner  
15          Crowell.)

16          CHAIRMAN GOLDSTEIN: He said it guarantees  
17          somebody is elected with a mandate.

18          COMMISSIONER COHEN: To push a little  
19          farther, if in general what we're talking about  
20          in here, and it may be reflective of the reality  
21          now almost everything gets decided in the primary  
22          that we're talking about expanding choice in the  
23          primary, allowing, you know, anybody to run,  
24          anybody to vote, and that that's the good part.  
25          That's expanding choice. But it seems to me then

1           when we narrow to two in general, we're  
2           (inaudible)

3                   CHAIRMAN GOLDSTEIN: Well, look, you start  
4           with five and you wind up with two, obviously  
5           there is a much greater propensity for people to  
6           express two, and it is good, I would imagine the  
7           Council may think of it in a different way, but  
8           certainly for a Citywide elected official to have  
9           a mandate gives a much stronger opportunity for  
10          them to get their agenda on.

11                   Carlo, do you want to say anything about  
12          this? Bishop Taylor? Ernie Hart? Anybody? Kitty  
13          Patterson?

14                   COMMISSIONER PATTERSON: I think -- I  
15          certainly understand one of the concerns you have  
16          that was voiced by representatives of some of the  
17          smaller parties in New York. I think one of the  
18          refinements to the Top Two proposal that I know  
19          the staff has been looking at that wasn't really  
20          clearly laid out in the Citizens Union outline  
21          and wasn't laid out in the 2003 proposal is that  
22          candidates, both in the primary and in the  
23          general, could run on several lines. That would  
24          mean that the Green Party, the Working Families  
25          Party, the Conservative Party, Independence

1 Party, could still have their candidate. That  
2 candidate might also be endorsed by the  
3 Democratic Party or the Republican Party. That  
4 would not -- and so I think the theory was that  
5 in both the primary and in the general the  
6 parties that tend to gather fewer votes would  
7 still have their power base, they could still  
8 have their right to be heard. They would still  
9 be able to go to a candidate, "We want to have  
10 you answer our questionnaire, you have important  
11 policies that we believe in." So I mean, that's  
12 not dissimilar to what you have now in a general  
13 election, where you have candidates all the time  
14 run on two or three different party positions.

15 CHAIRMAN GOLDSTEIN: Okay, anybody else?  
16 Thank you. This was a great discussion.

17 Hope, you want to say something?

18 COMMISSIONER COHEN: I actually want to  
19 (inaudible) a chance to even before I have to go  
20 to the public but on a completely different  
21 subject.

22 CHAIRMAN GOLDSTEIN: I made a pledge that the  
23 community would speak, and we may have sufficient  
24 time to discuss this further.

25 So let me get to our list of people starting

1 with is this Gloria Smith?

2 MS. SMITH: Yes.

3 CHAIRMAN GOLDSTEIN: Yes?

4 MS. SMITH: Yes.

5 CHAIRMAN GOLDSTEIN: Welcome, Miss Smith. The  
6 microphone is right in front of you.

7 MS. SMITH: Good evening. First, could I  
8 clarify something? Can I talk about a  
9 recommendation to term limits that's in the  
10 proposal?

11 CHAIRMAN GOLDSTEIN: You can talk about  
12 whatever you'd like to talk about.

13 MS. SMITH: First I want to talk about then  
14 I want to talk about nonpartisan.

15 CHAIRMAN GOLDSTEIN: I think movie reviews  
16 would not be appropriate, but if it's a good  
17 review --

18 MS. SMITH: Not a problem. Okay. My name  
19 is Gloria Smith. And I want to talk on  
20 recommendations for term limits to go on the  
21 November ballot. One of the recommendations, I  
22 think the language should be changed. Should the  
23 Charter be amended to replace the present three-  
24 term maximum provision with two-term maximum  
25 provision, I think it should be changed to:

1           Should the Charter be amended to replace the  
2           present three-term maximum provision with  
3           restoring term-maximum provision?

4           On the second part of the recommendation on  
5           the City Charter, should the Charter be amended  
6           to restrict the Mayor, Public Advocate,  
7           Comptroller and Borough President to two  
8           consecutive full terms and members of the City  
9           Council to three consecutive full terms? I don't  
10          agree with that. And I object to the addendum to  
11          that, like, if the option above -- if the options  
12          above are rejected, the current three-term limit  
13          for all elected officeholders will remain in  
14          place. No. That should not even be part of it.  
15          Because the change would not go through the  
16          voters to begin with, so they should not, and if  
17          I'm quoting my Mayor correctly, that was only  
18          supposed to be for that term that he wanted to  
19          run again. So you should not keep that in place.  
20          If one of these two are rejected.

21          Also, I agree with the second proposal:  
22          Staff recommends that the Commission consider  
23          proposing an amendment to the Charter restricting  
24          the Council from enacting an amendment or repeal  
25          any term limits provision that should extend the

1 eligibility for office of any incumbent official  
2 only on prospective amendment should be  
3 permitted, which was part of my lawsuit. Okay.  
4 That's what I have to say on the term limits.

5 Nonpartisan elections should not be put on  
6 the November ballot until the public has been  
7 given sufficient time to be educated in the  
8 partisan, nonpartisan elections. Because even  
9 sitting here, listening to you all, trying to  
10 decipher what your nonpartisan elections mean,  
11 you still have to get it straight in your mind  
12 before you take it to the public how you want to  
13 do it, what it's going to do, and there hasn't  
14 been enough education on the public to even put  
15 on the November ballot. And it seems like it's  
16 something that's trying to be rammed through  
17 really fast. Thank you.

18 CHAIRMAN GOLDSTEIN: Thank you, Miss Smith.

19 Our next speaker is Amy Loprest.

20 Welcome, Miss Loprest.

21 MS. LOPREST: I'm Amy Loprest. I'm the  
22 Executive Director of the New York State Campaign  
23 Finance Board, and I testified before you on June  
24 16 in your expert panel on public integrity.

25 I want to talk about one issue today. New

1           York City^ ,no, as you know, is truly a national  
2           model for campaign finance, and it's a system  
3           that encourages participation, reduces the  
4           possibility of corruption. However, there's one  
5           area that New York City has fallen behind in, and  
6           that's in its treatment of independent  
7           expenditures. In a system of public financing,  
8           the voluntary spending limits, the importance of  
9           third-party spending is magnified. With the  
10          Supreme Court decision in Citizens United, there  
11          is an increased urgency to address the disclosure  
12          gap in not having independent expenditures  
13          disclosed. Though the decision did not impact New  
14          York City (inaudible) directly, the perception is  
15          that the decision could open the floodgates to  
16          increase independent spending by corporations,  
17          unions and other groups to influence elections at  
18          every level of government.

19                 We see this in the upcoming midterm election  
20                 on the Federal level. Just today there was a  
21                 report that the U.S. Chamber of Commerce plans to  
22                 spend more than \$75 million to impact this fall's  
23                 Congressional elections. In New York City we  
24                 have seen during the past few election cycles  
25                 outside parties grow increasingly active in New

1 York City^ ,no elections. We urge you to close  
2 this disclosure gap now.

3 CHAIRMAN GOLDSTEIN: Thank you very much,  
4 Miss Loprest.

5 Seth Grossman?

6 MR. GROSSMAN: I waive my testimony, thank  
7 you.

8 CHAIRMAN GOLDSTEIN: I would like to  
9 acknowledge the Councilman Vincent Ignizio is in  
10 the audience. Councilman, thank you for always  
11 being attentive at our forums.

12 Sarah Lyons.

13 MS. LYONS: Good evening, Commissioners,  
14 welcome back to Staten Island. My name is Sarah  
15 Lyons. I'm the Staten Island Chair of the  
16 Independence Party, and I'm here speaking on  
17 behalf of 8,000 members, and also the 52,000  
18 residents of this Borough who are registered as  
19 unaffiliated voters, and I'm here to appeal to  
20 you again to place an initiative of nonpartisan  
21 elections on the ballot. I testified before you  
22 in your previous Staten Island hearing, and I  
23 tried to paint a picture for you of the  
24 independence of this Borough. I noted that our  
25 Borough President is a member of the Conservative

1 Party, our congressman is a Democrat, our DA is a  
2 Republican, and so are the majority of our  
3 Council Members. And also that 25 percent of our  
4 electorate here is independent or unaffiliated  
5 and slightly higher than the Citywide average,  
6 and that when nonpartisan elections was on the  
7 ballot in 2003 it received its highest level of  
8 support here, 44 percent.

9 I wanted to take this opportunity to try to  
10 add to that picture by saying what's changed in  
11 Staten Island since 2003, and also to address  
12 some of the questions that Commissioners had  
13 about the difference between instant run-off  
14 voting and nonpartisan elections.

15 So first, with respect to what's changed,  
16 there are 24,000 more voters on the voter rolls  
17 in Staten Island than there were in 2003. 41  
18 percent of those voters are either registered as  
19 unaffiliated voters or members of the  
20 Independence Party. So that's 24,000 more voters  
21 on the voter rolls and 41 percent of them coming  
22 from either the Independence Party or  
23 unaffiliated voters.

24 We've also had occasion to have several  
25 special elections on Staten Island, and I wanted

1 to share with you the results of those as a way  
2 to give you some empirics and also a local  
3 illustration of the Citizens Union report where  
4 they analyzed the difference between special  
5 elections for City Council, which are conducted  
6 on a nonpartisan basis versus special elections  
7 for State Assembly, which are on a partisan  
8 basis.

9 So in 2007 there were two special elections  
10 for Assembly District in the 6 -- 61st and 62nd,  
11 and in 2007 and 2009 two special elections for  
12 City Council seats. The City Council races took  
13 place and specials took place in the dead of  
14 winter, and they still had 33 percent higher  
15 voter turnout than the special elections for  
16 State Assembly. So I thought that was  
17 significant.

18 Finally, with regards to the difference  
19 between IRV and nonpartisan elections. Very  
20 simply, instant runoff voting concerns what  
21 voters do when they're in the voting booth.  
22 Nonpartisan elections concerns who gets to be in  
23 the voting booth. That's why nonpartisans are  
24 often spoken of as an issue of voter  
25 enfranchisement. And while instant run-off

1 voting is an innovative approach to ranking  
2 candidates, something the Commission might want  
3 to recommend further study, it doesn't address  
4 this fundamental issue of who gets to vote. Top  
5 Two or nonpartisan elections is the only  
6 initiative that the Commission could put before  
7 the voters this year that would give hundreds of  
8 thousands of New York City residents the right to  
9 vote in the first and decisive round of  
10 elections.

11 Thank you for the opportunity to testify.

12 CHAIRMAN GOLDSTEIN: Ms. Lyons, just to  
13 correct the record, I don't think there was any  
14 misunderstanding on behalf of the Commissioners  
15 between IRV and nonpartisan elections. I think we  
16 understand that they are separate matters. They  
17 could be aligned together to assist in taking two  
18 elections and making them one by the way the  
19 analytics work. So thank you for your comment.

20 MS. LYONS: Thank you.

21 CHAIRMAN GOLDSTEIN: Carol Van Guilder.

22 Is Miss Van Guilder here? Oh there you are.

23 MS. VAN GUILDER: Yes. Good evening,  
24 Commissioners. My name is Carol Van Guilder. I  
25 represent the Real Estate Board of New York.

1 We're a trade association of 12,000 developers,  
2 owners, real estate brokers, and other real  
3 estate professionals who are active in all five  
4 Boroughs.

5 When this Commission was first announced we  
6 decided to focus on the land use aspect of the  
7 Charter since our members have a lot of  
8 experience over many decades with land use review  
9 in the City. We're aware that the preliminary  
10 Staff Report recommends that land use issues not  
11 be the focus of this Commission. That's  
12 unfortunate, because the 1998 Charter Revision  
13 Commission also decided to postpone land use  
14 review issues, and we want to encourage the  
15 Commission to continue to look at this issue.

16 Land use policy is vitally important to our  
17 economic well-being and our quality of life. We  
18 also recommend that a future Commission take the  
19 needed time to analyze these issues. So to that  
20 end, we are submitting a list of proposed  
21 amendments in the three key areas: Community  
22 input, zoning and landmarks preservation.

23 We all know that Community Boards are very  
24 important. A simple change that would make them  
25 more diverse and more representative would be to

1           require that one quarter of Community Board  
2           members represent businesses located in the  
3           district. Right now they can represent  
4           businesses, but there's not a requirement that a  
5           percentage must represent that aspect of the  
6           community.

7           Another urgently needed reform is that  
8           "community benefit agreements" aren't considered  
9           part of the government review for land use  
10          changes. These agreements fail to achieve  
11          adequate community input, because there's no way  
12          to insure that those who are asking for benefits  
13          represent the community that's affected. These  
14          agreements aren't transparent and may not even be  
15          enforceable. However, the legally mandated ULURP  
16          process provides for community input and can  
17          better align required development benefits --  
18          such as new open space -- to the impacts actually  
19          caused by a particular project.

20          In terms of zoning, the City continues to  
21          grow in population and we need to continually  
22          update the zoning. We believe that the  
23          infrastructure in particular locations has to be  
24          adequate to accommodate changes in zoning. To  
25          make that happen we suggest the City Planning

1 Commission be put in charge of the capital budget  
2 so they can plan for the infrastructure needs of  
3 the areas they are rezoning.

4 Another issue is to clearly delineate which  
5 ULURP applications need to be reviewed by the  
6 City Council, that is, legislative, and which can  
7 be decided by the City Planning Commission such  
8 as special permits and authorizations.

9 Finally, preservation is important in many  
10 communities. However, landmarks and historic  
11 districts designation must be considered in terms  
12 of the larger issues of City Planning. We  
13 believe that the Landmarks Commission should be  
14 required to consider economic issues, city  
15 growth, as well as historic merit, and that the  
16 City Planning Commission and the City Council be  
17 given broader powers to validate the (inaudible)  
18 designation. I have additional recommendations  
19 and written testimony which I would like to  
20 submit. Thank you.

21 CHAIRMAN GOLDSTEIN: Thank you, Miss Van  
22 Guilder.

23 Frank Morano.

24 CHAIRMAN GOLDSTEIN: I'd like to acknowledge  
25 that Councilwoman Gale Brewer is here with us,

1           who has attended many of our open forums.

2           Thank you, Councilwoman, be being here.

3           You want to say something, Hope?

4           COMMISSIONER COHEN: I wish to note that one  
5           of the recommendations would be about the capital  
6           budget and the City Planning, we also heard an  
7           extra forum, which is something that I personally  
8           would like to see happen. But once again we are  
9           constrained by the time. I think that it's an  
10          example of the kind of thing that I think is  
11          clearly a land-use that needs to happen. And that  
12          actually as things go, which is relatively  
13          straightforward, but even so, still there's not  
14          time to really fully understand the implications  
15          even though it's basically a good idea. I think  
16          that's the kind of thing that a less  
17          controversial thing, there's a whole list of  
18          other things that we've heard tonight in that  
19          list. And other times that are also worth, you  
20          know, voting more about ultimately, but I guess  
21          that's where our database -- I would urge that  
22          our report be a database of recommendations, not  
23          just a text of what the (inaudible)

24          CHAIRMAN GOLDSTEIN: Thank you, Commissioner  
25          Cohen.

1                   Frank Morano.

2                   MR. MORANO: Good evening. I want to  
3 welcome you to the South Shore of Staten Island,  
4 which is my hometown, and from what I can tell,  
5 is the first Charter Revision Commission hearing  
6 ever in the history of New York City to take  
7 place in the South Shore of Staten Island, and  
8 certainly the first one in this century, and I  
9 think that's a testament to the wide net that  
10 you've cast and the inclusive process that you've  
11 sought to convey.

12                  I have been with you, as you know, for each  
13 and every Charter Revision Commission hearing.  
14 In doing so, I can see firsthand exactly how much  
15 personal sacrifice, both in terms of time and  
16 workload, you've been all been in, and even  
17 though whatever you come up with in terms of  
18 questions will be inevitable criticized by a wide  
19 cross-section of New Yorkers.

20                  I want to let you know and thank you, make  
21 sure you understand that your work and sacrifice  
22 hasn't gone unacknowledged.

23                  I want to speak very briefly about two  
24 areas. The first being that the petition  
25 requirement. You may recall in the first round of

1           hearings -- in the first meeting for this round  
2           of hearings I strongly supported the staff  
3           Commission, the Commission staff's recommendation  
4           to lower the -- to have the petition requirement,  
5           both the Citywide offices, Borough President and  
6           for City Council, in terms of the overall number.  
7           In the case of City Council being 900 and to half  
8           it to 450. I want to reiterate what I said then  
9           also having the percentage requirement.

10          Currently, that's 5 percent, I would urge you to  
11          half that to 2 1/2 percent. I think to do  
12          otherwise would be discriminatory towards minor  
13          parties, because currently the Republicans and  
14          Democrats already have to get that 1 percent of  
15          their registration whereas those in the minor  
16          parties have to get 5 percent.

17                 I also wanted to speak about special  
18          elections, which aren't addressed in the Staff  
19          Report, with respect to petitioning. Right now,  
20          you only have the option of getting 5 percent of  
21          the -- in terms of signatures 5 percent of the  
22          vote. In the last gubernatorial election in that  
23          district usually this ends up being kind of an  
24          odd thousand 1,143. In addition to that 5  
25          percent rule, I would encourage the Commission to

1 look at alternatives and also to have a hard and  
2 fast number. I would suggest also 450, but  
3 certainly not to exceed the designated petition  
4 requirement of 900.

5 And lastly, with respect to term limits, I  
6 know both Commissioner Fiala and Commissioner  
7 Cohen had brought up the possibility of giving  
8 voters the options of doing away with term  
9 limits. I think at a time when the public is  
10 already cynical about this Commission's origin  
11 and its purpose, to do that would be to the  
12 detriment of any proposal the Commission puts on  
13 the ballot. It would give critics of your work a  
14 lot of ammo and would potentially undo any other  
15 proposals you would put on. The public would  
16 scream bloody murder, quite frankly, if that were  
17 to be on the ballot. We would urge you not to  
18 put that question on the ballot that way.

19 The last thing, you will remember Brooklyn  
20 Borough President Marty Markowitz began these  
21 Commission hearings by bringing you all Junior's  
22 cheesecake. And Staten Island does everything  
23 better than Brooklyn, as Commission Fiala can  
24 attest. On behalf of the people of the South  
25 Shore of Staten Island, I wanted to give all of

1           you and the Commission staff some rounds of  
2           Italian ices, there should be enough for  
3           everybody, of which is even more refreshing than  
4           Junior's cheesecake.

5           COMMISSIONER SCISSURA: Our ices are much  
6           better in Brooklyn. And by the way, I think  
7           Commissioner Fiala and I would agree that this is  
8           not the South Shore District.

9           MR. MORANO: It's the 51st Council district,  
10          which is the southernmost Council District in New  
11          York City.

12          COMMISSIONER SCISSURA: Now, would it be  
13          appropriate if I gave this man a nice Brooklyn  
14          shirt for coming to every --

15          CHAIRMAN GOLDSTEIN: A formal motion?

16          COMMISSIONER SCISSURA: I would make that  
17          motion. To remember Brooklyn at all times.

18          MR. MORANO: Thank you, Commissioner.

19          CHAIRMAN GOLDSTEIN: You deserve a shirt just  
20          for coming to every one of these forums.

21          MR. MORANO: You deserve a lot more than a  
22          shirt for sharing and listening to the wide array  
23          of public testimony that you've heard.

24          CHAIRMAN GOLDSTEIN: Thank you very much.

25          MR. MORANO: Thank you.

1                   CHAIRMAN GOLDSTEIN: Let me call on Dick  
2                   Dadey of the Citizens Union.

3                   MR. DADEY: Thank you, Commissioners. My  
4                   name is Dick Dadey. I'm the Executive Director  
5                   of Citizens Union, and earlier today Citizens  
6                   Union issued a report that looked at voter  
7                   turnout in special elections for City Council  
8                   elections versus those for state legislative  
9                   races. And we found that the average turnout for  
10                  nonpartisan special elections for City Council  
11                  seats over the past 10 years has been 10.3  
12                  percent, which is 57 percent greater than those  
13                  for the state legislative race. And actually the  
14                  turnout gap over the last two years increases  
15                  between these two. Since 2008 there have been 10  
16                  special elections, 5 of which were nonpartisan, 5  
17                  of which were partisan. (Inaudible) nonpartisan  
18                  special election turnout was actually 12 percent  
19                  for City Council seats, which is a 109 percent  
20                  higher than the turnout of 5.76 percent.

21                  I believe this shows that when voters are  
22                  given a choice, and their vote matters, they will  
23                  turn out in greater numbers than they do when the  
24                  outcome is a foregone conclusion.

25                  Much of the discussion over the last couple

1 of months, particularly the last couple of weeks,  
2 is does nonpartisan elections affect turnout? I  
3 believe the information that we're providing you  
4 with here today does in fact make that case  
5 rather convincingly, and I have copies of the  
6 report, and copies of the news release that we  
7 have issued to the press.

8 Let me just also address one of these other  
9 issues that are being raised about the toxic  
10 effect that a Top Two, or nonpartisan system, may  
11 have on other ballot issues. It's very possible  
12 that that could happen. And that's why Citizens  
13 Union put forward a very comprehensive report on  
14 50 recommendations to show how it would not just  
15 be about term limits, it would not just be about  
16 nonpartisan elections, but it be would rather  
17 ways in which to open up government decision  
18 making and elections to all New Yorkers so that  
19 it just wouldn't be seen as one or two issues,  
20 but rather a range of issues. And with that in  
21 mind, I encourage you not to walk away from, and  
22 continue to think about, embracing things like  
23 independent budgeting, reforming City Council  
24 compensation and lulus. Reforming our member  
25 item process. Taking on the nettlesome issue,

1 the important issue of Fair Share. And also not  
2 forget that in terms of timing, the City Council  
3 lines will be redrawn in 2012. We need to reform  
4 the process by which those lines are drawn and  
5 create an even more independent redistricting  
6 Commission, and only your Commission can do that.

7 I would also urge you to address an issue  
8 that came up in 2007 when we reformed the City's  
9 lobbying laws and kept the enforcement oversight  
10 responsibility with the City Clerk, which is a  
11 conflict of interest for the City Council to  
12 continue to have that appointment power. We need  
13 to address that. That's an unanswered question.

14 And just briefly on the issue of IRV, which  
15 we heard about last week in Queens, the issue  
16 about how nonpartisan, top two would effect  
17 negative, the issue of third parties. I just want  
18 to point out that no third-party candidate has  
19 ever won election in a city election. There was  
20 one. It was a special election. Letitia James  
21 won in a special election after the death of  
22 Council Member Davis. Actually, by giving --  
23 going to a Top Two system and giving greater  
24 choice at the beginning, you will allow  
25 third-party candidates a far greater chance of

1 getting into that next round than you do right  
2 now when they have to compete against the  
3 Democratic or the Republican candidate. And the  
4 only way they are able to leverage their  
5 influence is not by running a candidate on their  
6 own and hoping that candidate is going to win,  
7 but by aligning themselves with candidates  
8 already endorsed by the Republican or Democratic  
9 Party. So I think that's a red herring that was  
10 put out there last week that needs to be  
11 addressed.

12 So I would just urge you to, as we said in  
13 our report a couple weeks ago, in order to  
14 inoculate yourself against this issue of term  
15 limits and for nonpartisan Top Two, to reach a  
16 little higher, to aim further, and take on some  
17 of these issues that have been out there in the  
18 public discourse for quite some time and are  
19 crying out for solution that not -- and the Mayor  
20 can't do this on his own, nor can the City  
21 Council. The only people that can take on these  
22 issues are the people sitting at that table.

23 CHAIRMAN GOLDSTEIN: Thank you, Mr. Dadey.  
24 Thank you for all your work.

25 John Mollenkopf, Center For Urban Research.

1           PROFESSOR MOLLENKOPF: I'm John Mollenkopf,  
2 a professor at the City University Graduate  
3 Center. And even though I disagree with Citizens  
4 Union on Top Two, I must say I'm a contributor to  
5 the Citizens Union (inaudible).

6           I would like to make a couple of brief  
7 points about what the consequences of ending  
8 party primaries that I don't believe have  
9 received sufficient attention. Turnout is driven  
10 by many different factors and not always the  
11 nature of the political system. The candidates  
12 themselves have a (inaudible) how close the races  
13 and so on. These all have a major effect on  
14 turnout. But when we step back we can see that  
15 there's a big difference, a big racial  
16 difference, between the turnout rates of whites,  
17 blacks, Latinos and Asians in New York City. Even  
18 though 40.3 percent of the current voter  
19 registration is in white majority election  
20 districts, voters in those districts cast 47.2  
21 percent of the vote in the 2009 general election.  
22 So whites enjoy a roughly 6.9 percent percentage  
23 point advantage in turnout primarily because  
24 they're better educated, they're better off, more  
25 likely to own homes, more likely to be citizens

1 of longstanding, or native born, more likely to  
2 live among other citizens. Correspondingly,  
3 voters who live in black majority or Hispanic  
4 majority election districts are less likely to  
5 vote in general elections.

6 On the other hand, the Democratic primary --  
7 the Democratic Party attracts many more minority  
8 voters. Blacks and Latinos are much more likely  
9 to register as Democrats than are whites, and so,  
10 therefore, they make up a greater percentage of  
11 the Democratic Party electorate, and whites a  
12 lesser percent. This in turn offsets the  
13 disadvantage they have in the general electorate  
14 owing to the ways in which education, income, and  
15 poverty and so on, have a negative impact on  
16 turnout. In a sense, the function of the  
17 Democratic majority in New York City is a kind of  
18 booster for minority representation. Thus ending  
19 party primaries would tend to have a  
20 retrogressive effect on minority political  
21 influence in New York City.

22 The major sentiment of the Voting Rights Act  
23 is that each group should have a fair chance of  
24 electing candidates of its choosing and that any  
25 change in Election Law that would undermine a

1 group, a protected minority's capacity to choose  
2 such a candidate, is not permissible under the  
3 Voting Rights Act. So I personally believe that  
4 ending party primaries in New York City would  
5 have a significant retrogressive effect on  
6 minority voting capacity in New York City. This  
7 is not to say that the current party system is  
8 perfect, or that I love it, or I think that it's  
9 the greatest system possible, and I think all  
10 political scientists would agree that we would  
11 benefit from more competitive elections in New  
12 York City. But I think this particular remedy  
13 proposed comes with a very significant cost,  
14 which is retrogression in minority voting  
15 influence in the elections in New York City.  
16 Thank you.

17 CHAIRMAN GOLDSTEIN: Question from  
18 Commissioner Patterson.

19 COMMISSIONER PATTERSON: Just one, perhaps,  
20 point of clarification. In most districts in -- I  
21 mean, a fair amount has been said about New York  
22 City being, New York City being sui generis, that  
23 it is not like a small town, it is not like a  
24 state legislature, it is very different. And we  
25 now have a substantial representation at all

1 levels of City government of minorities, City  
2 Council, citywide. I think we've got a pretty  
3 good record on that.

4 When a Council Member candidate makes it  
5 through the Democratic primary in most  
6 jurisdictions in New York, it seems that that  
7 person has a virtual guaranty to win in November,  
8 in general. That point has been made before. So  
9 I question whether if you're looking at New York  
10 City data it really makes much of a difference.  
11 If people don't show up to vote, if their vote  
12 doesn't matter, and if your vote in November  
13 doesn't matter because your vote in September was  
14 the one that mattered, why should they show up to  
15 vote in November?

16 PROFESSOR MOLLENKOPF: Turnout is really  
17 driven by what's happening at the top of the  
18 particular ticket. And if in fact you look at  
19 the total votes cast for Mayor, Comptroller,  
20 Public Advocate, and then down to the collected  
21 sum of all votes cast for City Council  
22 candidates, there's a significant drop-off as you  
23 go down the line on the ballot. So it really --  
24 the mayoral race does tend to drive an overall  
25 level of turnout, the degree to which people are

1 interested in the candidates, like them, like one  
2 of them versus the other one, has a big effect on  
3 turnout. So changing something that would affect  
4 Council races, it's sort of nonlogical to assume  
5 that that would somehow trickle up and increase  
6 the overall rate of turnout.

7 CHAIRMAN GOLDSTEIN: Dr. Mollenkopf, you  
8 mentioned that you believe there would be a  
9 retrogressive effect if we were to go to a Top  
10 Two. Is there a body of research that I have not  
11 seen -- I don't know if anybody else has seen --  
12 that would support that position? Or is it much  
13 more conjecture relative to perhaps what has  
14 happened in other jurisdictions outside of New  
15 York?

16 PROFESSOR MOLLENKOPF: I think that the best  
17 kind of study would look at the biggest cities  
18 that are most comparable to New York City. So  
19 it's not fair to compare New York to Peoria.  
20 Either Peoria to us, I suppose. But if you  
21 look -- and I'm most -- my comparative work is  
22 looking at New York in comparison to Los Angeles  
23 and Chicago. And in the last mayoral election  
24 both Chicago and LA (inaudible) election turnout  
25 in LA, which has a Top Two system, was 17

1           percent. Both in the first primary and the second  
2           primary, and in general, where that's, you know,  
3           our figure of 28 percent was not great, but it  
4           was substantially better than what Los Angeles  
5           achieved having a big bistate constitutional  
6           requirement in California all municipal elections  
7           are nonpartisan and carried out in this  
8           particular way. So I don't -- I mean, that's  
9           prima facie evidence to me that change to the  
10          system would not somehow evoke a great outpouring  
11          of voters who otherwise are somehow excluded in  
12          the election.

13                 COMMISSIONER PATTERSON: And Los Angeles  
14          ended up with a mayor of color and New York did  
15          not.

16                 PROFESSOR MOLLENKOPF: Well, you know, Los  
17          Angeles had a mayor of color very early on in  
18          comparison to New York. And that was the  
19          function of painstaking coalition formation  
20          between African-Americans and liberal whites,  
21          basically, with some support from Hispanics. And  
22          I would say that I'm a close colleague of Raiff  
23          Sonenshine who was the Executive Director of the  
24          Charter Revision in Los Angeles last time. We  
25          write articles together comparing New York and

1 Los Angeles politics, and he thinks -- I haven't,  
2 you know, mobilized the political scientists to  
3 go on record on this, but I'm sure he would  
4 authorize me to say he thinks moving to a  
5 nonpartisan system in New York City would be a  
6 terrible idea. Certainly that's what he said to  
7 me. He's a political scientist as well.

8 CHAIRMAN GOLDSTEIN: Thank you very much,  
9 Dr. Mollenkopf.

10 I'd like to call Councilwoman Gale Brewer  
11 who has been asked to speak.

12 Welcome, Councilwoman.

13 COUNCIL MEMBER BREWER: Thank you.

14 (Inaudible conversation between Councilwoman  
15 Brewer and Mr. Dick Dadey.)

16 I'm Gale Brewer. I want to thank you all  
17 for giving us the opportunity to testify before  
18 you. I Chair the Council's Governmental  
19 Operations Committee. I understand that this is  
20 likely the last opportunity to testify before you  
21 finalize your ballot proposals, and so I'm  
22 testifying tonight on behalf of myself and  
23 Speaker Quinn.

24 I would like to focus on three areas: The  
25 scope of the Commission's work, how best to

1 address the issue of term limits, and the one  
2 that we heard just a few minutes ago, the issue  
3 of nonpartisan elections.

4 I think, as you know, this Commission was  
5 created in response to the Mayor's call for a  
6 look-back over 20 years how the City government  
7 has functioned since the 1989 Charter was  
8 implemented, and in response to the Commission  
9 would be reviewing the entire City Charter, and  
10 proposing to City voters any possible amendments  
11 that would enhance it.

12 Speaker Quinn and I embrace your efforts,  
13 and when we testified before you in June, we  
14 presented a report containing 30 specific  
15 proposals that the Council believes will further  
16 goals such as (1) providing communities with a  
17 greater opportunity for input into governmental  
18 decisions; making each branch or office of  
19 government more accountable, and (3) increasing  
20 transparency, which I think we all agree is an  
21 important goal.

22 These proposals include changes to land use  
23 procedures that would provide local communities  
24 and officials with more voice in the process and  
25 reform to the budget process that would result in

1 greater transparency and accountability than how  
2 the City spends taxpayer money. We believe our  
3 proposals for narrower units of appropriation, a  
4 change in the timing of the Mayor's revenue  
5 estimate would provide for accountability and  
6 transparency. These proposals were supported by  
7 Dick Dadey at Citizens Union in their report.

8 We believe we have a missed opportunity for  
9 the Commission to fail to look at governance,  
10 land use, and budget issues in light of the 20  
11 years since the 1989 Charter. At the same time,  
12 we understand that some Commissioners have  
13 expressed interest in codifying the Council's  
14 transparency reforms relating to the  
15 discretionary funding process. Let me be clear  
16 that we believe that it would be illogical to  
17 leave the bulk of the City's \$63 billion budget  
18 in obscurity by proposing transparency provisions  
19 for a small fraction of the budget that  
20 constitutes discretionary funding for which we  
21 already have much transparency.

22 Second, and I just want to add something  
23 there, that in addition that we haven't seen NY  
24 Checkbook, which is the Comptroller has put into  
25 effect, also (inaudible) transparency for the

1 City and the Mayor and everyone else.

2 Second, the Speaker and I have serious  
3 concerns with the Commission of nonpartisan  
4 elections proposal. On the substance, voters in  
5 New York City want party labels, and those labels  
6 provide valuable information about candidates'  
7 stands on issues. When given this information  
8 New York City voters have clearly demonstrated  
9 their ability to cross party lines. Putting  
10 aside the merits of the proposal, it is not an  
11 issue that should be rushed so late in the  
12 process. This is complicated. We do not have an  
13 actual proposal before us to review. And even  
14 slightly different iterations raise many  
15 questions, as you heard earlier. How would the  
16 system be implemented? How would it affect  
17 candidates, including candidates of color? And  
18 obviously, how it would affect voter  
19 participation? We need a concrete proposal.

20 Third, I understand the Commission is  
21 considering looking seriously at term limit  
22 proposals. Neither the speaker nor I have ever  
23 supported the idea for term limits for elected  
24 officials. However, we strongly support a  
25 three-term limit over a two-term limit. We

1 believe a limit of two terms for the legislators  
2 hurts our systems of checks and balances. I  
3 voted against the legislation extending term  
4 limits for the Council, but I agree with  
5 colleagues who thought that limits of three terms  
6 would provide for better and more experienced  
7 government. This position in favor of a  
8 three-term for legislators appears to have  
9 considerable support, and I'm sure you heard from  
10 all them.

11 Additionally -- and perhaps more  
12 importantly -- the Council's powers to act on  
13 term limits in the future should not be  
14 curtailed. When the Mayor asked us to extend term  
15 limits, we struggled with the decision and each  
16 of us did what we thought was best. It appears  
17 that many of the experts in New York City  
18 governance agree with the results of that  
19 legislation. Future Mayors and Councils should  
20 not have to fear reprisal for using their  
21 legislative powers for something that they feel  
22 strongly been in the future.

23 Thank you very much.

24 CHAIRMAN GOLDSTEIN: Thank you, Counsel  
25 Member. Thank you again.

1 Steve Levine.

2 MR. LEVINE: Thank you very much for the  
3 opportunity to speak tonight. My name is Steven  
4 Levine. I am the Coordinator for Educational  
5 Programs, LaGuardia and Wagner Archives LaGuardia  
6 Community College of CUNY. And I'm also going to  
7 speak about voting but not about term results or  
8 nonpartisan voting.

9 I have worked for several years on CUNY wide  
10 calendars, curriculum projects in partnership  
11 with the New York Times and education, including  
12 a Web site and calendar on Voting Rights and  
13 Citizenship, which we published in both English  
14 and Spanish, and curricula for the fourth grade,  
15 seven, eighth grade, and eleventh grade in  
16 college on Voting Rights and Citizenship. The Web  
17 sites can be accessed, I have them here on this  
18 page. And in the past year, in terms of Staten  
19 Island, slight nearly over 1,000 copies of our  
20 curricula was distributed throughout Staten  
21 Island schools in the fourth grade.

22 I'm here to comment tonight on the issue of  
23 the Voter Assistance Commission and its merger  
24 into the Campaign Finance Board. The Section  
25 regarding Voter Assistance Commission also

1 mentions a Deputy Coordinator for Youth Outreach  
2 and stresses that the position would be  
3 responsible for efforts to improve civic  
4 awareness among young people, including working  
5 with the City's public schools. I believe this  
6 is a critical component to improve voter  
7 participation, but I also believe more needs to  
8 be done. Specifically making education on voting  
9 rights and citizenship a part of the public  
10 school curriculum. Students need to understand  
11 the importance of voting, and that is only one  
12 component of citizenship and Democracy. This  
13 cannot be done solely through voter registration  
14 drives or coming into the schools and doing  
15 outreach. It needs to be really done beginning  
16 at the elementary school level, going through  
17 middle school and high school and into College so  
18 that students will understand the importance of  
19 the struggle for Democracy, and understand that  
20 voting, one of the problems we have with voting,  
21 is that young people often don't understand that  
22 voting is not -- voting is one aspect of  
23 citizenship and only one aspect of Democracy.

24 The City University of New York has provided  
25 a model for this through our curricula, calendar

1 and Web sites, and our cooperation with the  
2 Voters Assistance Commission. The Archives staff  
3 and I are available to develop this proposal that  
4 education is an crucial component in getting out  
5 the vote.

6 I'd also like to add a personal note.  
7 Someone who has done a lot of research, writing  
8 on voting rights in developing this curricula is  
9 that how important the students understand our  
10 history that when students come into the Archives  
11 where I work, and we work with them on teaching  
12 them about history, many of them come in very  
13 unaware of the basics of city government and  
14 basics of voting. And I think that they need to  
15 do that. I think that having this kind of public  
16 education curriculum would add greatly to voter  
17 participation and interest in government. Thank  
18 you very much.

19 CHAIRMAN GOLDSTEIN: Thank you very much.

20 Courtney Wolf.

21 MS. WOLF: Good evening, I'm Courtney Wolf.  
22 I'm Research Associate with the Citizens Budget  
23 Commission. Citizens Budget Commission is a  
24 non-profit, nonpartisan civic organization that  
25 since 1932 a has been devoted to influencing

1           constructive changes in the finances and services  
2           of New York City and the State.

3           Thank you very much for the opportunity to  
4           testify today. I'd like to testify on the topic  
5           of independent budgets.

6           In previous hearings and previous  
7           testimonies you've heard support for providing  
8           independent budgets, or formula budgets, to  
9           certain entities, including Community Boards,  
10          Public Advocate, Borough Presidents,  
11          Comptroller's Office, Civilian Complaint Review  
12          Board and the Conflicts of Interest Board. I  
13          submit this testimony tonight to express CBC's  
14          opposition to granting Charter mandated formula  
15          budgets to certain city offices as doing so would  
16          be fiscally imprudent and would undermine the  
17          long established process by which the Mayor and  
18          the City Council establish budget priorities as  
19          elected representatives of New York City; that  
20          IBO is often cited as a precedent of independent  
21          budgets.

22          As you know, IBO was created by the 1989  
23          Charter Revision Commission to counter the  
24          Mayor's power over the budget process. An earlier  
25          1975 Charter Revision Commission had established

1 a similar office, the Legislative Office of  
2 Budget Review, but that also was short lived. It  
3 wasn't guaranteed a budget allocation, so City  
4 Council Members ceased funding it. So to avoid  
5 that fate, the 1989 Revision Commission granted  
6 the IBO a 10 percent budget allocation, minimum  
7 budget allocation of 10 percent of OMB's budget  
8 allocation. But the practice of earmarking funds  
9 for particular agency operations is problematic  
10 and is a precedent that should not be extended  
11 further.

12 The budget process in New York City is born  
13 of Democratic principles similar to the processes  
14 used in municipalities across the country and at  
15 the Federal level. The voters elect an executive  
16 and legislators to represent their interests with  
17 regard to how government money is spent,  
18 including their tax dollars.

19 In January, the Mayor submits a preliminary  
20 budget, a document of public record that includes  
21 proposals for the City's spending priorities for  
22 the upcoming fiscal year. The City Council holds  
23 a series of public budget hearings on the Mayor's  
24 proposals and publishes its response, and the  
25 Mayor submits an executive budget, also made

1 available to the public, and after another round  
2 of public budget hearings, the Council makes  
3 changes before voting to adopting the budget.

4 Throughout the six-month process the budget  
5 is subject to public review and scrutiny. The  
6 Mayor and the Council ultimately make the  
7 decisions that set the budget priorities for the  
8 coming year, and these elected officials are  
9 answerable to there constituents to remove  
10 specific agencies, offices and/or entities from  
11 that budget process by permanently earmarking  
12 dollar amounts or formulas to shield them from  
13 public input on budget priorities.

14 In the interest of fiscal prudence and  
15 maintaining an open and Democratic budget  
16 process, you should reject establishing formula  
17 budgets for any City agencies or offices besides  
18 the IBO. The recent round of budget negotiations  
19 at the City level and the current round of  
20 negotiations at the state level are evidence that  
21 we cannot afford to open the door to further  
22 restrictions on our ability to keep spending in  
23 check by guaranteeing funding to any particular  
24 office or function. Thank you.

25 CHAIRMAN GOLDSTEIN: Thank you very much for

1           your testimony, Miss Wolf.

2           Linda Baran.

3           MS. BARAN: Good evening. My name is Linda  
4 Barron. I'm the President and CEO of the Staten  
5 Island Chamber of Commerce. I represent 900  
6 businesses here in Staten Island, who employ  
7 about 20,000 people.

8           I'm sure you'll agree as the City's  
9 governing document, the Charter, should be broad  
10 enough it does not require revision every few  
11 years.

12           At the first meeting on Staten Island, I  
13 challenged the Commission to take its time to  
14 develop thorough revisions that would make the  
15 City Charter relevant for the next 50 years. We  
16 heard the need for land use reform  
17 decentralization of City government, more local  
18 control of the Borough Presidents, mention about  
19 Public Advocate, but last not least, we heard a  
20 lot of the request for more time to conduct  
21 necessary inquiry into these vital issues.  
22 Because the Commission has not been given the  
23 time to do a comprehensive evaluation of the  
24 Charter and formulate ballot questions on all the  
25 relevant issues, I'm disappointed that had this

1 Commission's recommendations are only resulting  
2 incremental changes. I know that you are all  
3 volunteers and I appreciate the amount of time  
4 that you spent listening to the public concerns.  
5 Unfortunately, many of the issues addressed won't  
6 make it on the ballot this November as we have  
7 seen these issues require significant study.  
8 Restarting the process with a new panel,  
9 Commissioners would waste countless hours of  
10 testimony and research that this Commission has  
11 already done.

12 Therefore, I would suggest that your final  
13 report recommend a change in the Charter Revision  
14 Process itself. A single Commission ought to be  
15 impaneled for as long as necessary to propose all  
16 the necessary changes to the City Charter. And  
17 only the Mayor's priorities and one or two other  
18 initiatives are placed on the ballot the public  
19 feels disenfranchised.

20 I have personally attended all the public  
21 meetings here on Staten Island, including the  
22 public issue forum on June 10 concerning  
23 government structure, and was exceedingly  
24 frustrated to see budget issues, government  
25 structure, and land use received a mere six

1 paragraphs in the 70-page Preliminary Report.

2 Thank you for taking your time again this  
3 evening for coming out to Staten Island.

4 Unfortunately, I don't have Italian ice or  
5 anything to really offer you. One thing I can  
6 say, though, is that as President of the Staten  
7 Island Chamber of Commerce, we do have a lot to  
8 offer here on Staten Island. We're very  
9 different from the other Boroughs, as I'm sure  
10 you've heard, but very similar in other ways, and  
11 I hope to see you, this panel, again, here. I  
12 doubt it's going to happen, but maybe in the  
13 future the next panel will be empowered to  
14 continue the work so that this doesn't have to be  
15 readdressed again. There were a lot of issues  
16 that were not just -- that you were just not able  
17 to address. And it's really important, some of  
18 the major issues with land use and government  
19 control, that they do address in the future for  
20 New York City. Thank you very much.

21 CHAIRMAN GOLDSTEIN: Thank you, Ms. Barron.  
22 I very much appreciate your testimony.

23 Eddie Bautista.

24 MR. BAUTISTA: Good evening. I'd like to  
25 respond to a couple of the Commissioners'

1 statements I think reiterate in terms of Fair  
2 Share, which I believe is a misconception.

3 First of all, I want to compliment  
4 Commissioner Chen. She's exactly right. There  
5 is an exception in the Charter for the siting of  
6 facilities happening after the Statement of  
7 Needs. In fact, we mentioned it in our  
8 testimony, and I want to make a pitch again for  
9 the Commissioners to please read the testimony.  
10 I know it's a lot of stuff you've gotten. And  
11 it's in the details that, you know, a lot of this  
12 stuff gets analyzed. And I think at the bottom  
13 it's in the details in the shadows where we lose  
14 our rights and we lose nuances, and nuances  
15 matter in this case.

16 So, for example, if you read our testimony,  
17 which we circulated to the Commission on Friday,  
18 we clearly state that the Charter only allows  
19 City agencies to make facility proposals after  
20 the Statement of Needs publication when they  
21 require ULURP approval, which is why in our  
22 recommendations we say "facility expansions,  
23 reductions and closure not requiring 197(c)  
24 approval," which is ULURP, "that are not  
25 identified in the Statement of Needs must wait

1           until the next Use Statement of Needs."

2           Our feeling is if the Commission, if the '89  
3           Commission had intended for there to be any  
4           application post-Statement of Needs they would  
5           have made that clear in the Charter. Except what  
6           they did was they only made that exception for  
7           ULURP applications. There's a reason for that,  
8           and our suspicion is they want Fair Share and  
9           197(a) to mean something.

10          Two other comments that were made once is  
11          that the Charter is not the cure-all. Absolutely  
12          not. That's the reason why a lot of them depends  
13          on the solid waste facilities, the State Energy  
14          Plan, there are numerous other planning processes  
15          that we take advantage of in order to promote the  
16          issue of equity.

17          One of the Commissioners, Commissioner  
18          Cohen, mentioned zoning. It's precisely because  
19          zoning is not protected and has not been  
20          equitable in terms of how facilities have been  
21          sited that the Commission of '89 introduced Fair  
22          Share in the first place. If zoning was  
23          protecting communities and leading to equitable  
24          siting's you wouldn't see the vast majority of  
25          power plants, transfer stations, bus depots,

1 brownfields located in low income communities of  
2 color. There is zoning, there is M(3)/M(2)  
3 zoning across the City. The resolution doesn't  
4 just dictate the M(2) and M(3) zones would only  
5 go into black and Latino communities, but that's  
6 where the facilities get sited. So there's a  
7 reason why Fair Share was developed by the '89  
8 Charter, and what we're proposing for the  
9 Commission is to look at the language that we're  
10 suggesting.

11 Commissioner Taylor was right on point. I  
12 mean, the Charter Revision language, if you so  
13 choose to put it on the ballot, can't possibly go  
14 into the detailed language. It didn't in '89.  
15 Fair Share had one line in the '89 Charter on the  
16 ballot. In the Charter itself it's three pages.  
17 Again, we urge you guys to please read the  
18 testimony. We've not read the Commission Report  
19 that was issued to you guys. We're at a  
20 disadvantage. We can't correct any possible  
21 misconceptions, but again we urge you to read the  
22 testimony. Thank you.

23 CHAIRMAN GOLDSTEIN: Thank you, Mr. Bautista.

24 Dee Vandenburg. Is Miss Vandenburg here?

25 Take your time, Miss Vandenburg, don't trip.

1 MS. VANDENBURG: No, I won't trip. I can't  
2 stand up though, the chairs are bad.

3 Good evening. My name is Dee Vandenburg.  
4 I'm President of the Staten Island Taxpayers  
5 Association. The last time we have were here was  
6 April 13, and we submitted our testimony.

7 A couple of things were brought up tonight  
8 that we'd like to touch on. First and foremost,  
9 the Real Estate Division, I don't know if they  
10 were called. If anybody in their mind thinks  
11 that they're going to give City Planning a budget  
12 for capital projects? I can assure you we'll be  
13 all the way up to City Hall against that. City  
14 Planning, who we work with on a daily basis, and  
15 I probably talk to more than my family members,  
16 is somewhat of an oxymoron here on Staten Island,  
17 because they really don't plan. All they do is  
18 enforce the zoning. And no one will take offense  
19 to that, because I've had that discussion with  
20 the Chairwoman herself. It's a title that this  
21 agency has been given that really they're not  
22 required to plan. They're required to enforce  
23 the zoning.

24 The other thing that was brought up here,  
25 the zoning resolution needs change, and we're

1 going to yell and scream as loud as we can till  
2 somebody hears us. The zoning resolution changes  
3 cannot be citywide. They have to be Borough  
4 specific, because again, and I'm going to beat  
5 this drum, and when someone finally gives me a  
6 new sewage treatment plant on Staten Island I'll  
7 have nothing to talk about.

8 We don't have sanitary sewers, we don't have  
9 roads. We don't have the things that other  
10 Boroughs have. Talk about Fair Share. Ain't  
11 happening here, guys. On the Board of Standards  
12 and Appeals is one of the things that down the  
13 road we need this Commission to take a serious  
14 look at. I know you guys can't do it for this  
15 ballot. But that is 95 percent of our problem.  
16 Forget about the fact that City Planning has  
17 guidelines. There are no specific guidelines for  
18 the Board of Standards to actually -- for anybody  
19 to vote on it, whether it be the Borough  
20 President, the Community Boards. These are all  
21 advisory statements. It is dangerous. It has  
22 taken this Borough down the tubes.

23 There was a period of time where each  
24 Community Board on this Island had a minimum of  
25 ten a month of BSA applications. And waivers,

1           waivers, waivers, waivers, waivers, waivers,  
2           waivers. So when the City of New York finally  
3           does have enough money to do anything for us,  
4           they can't do it because there was a waiver  
5           there, there was a waiver there, and we're waiver  
6           happy.

7           And the other item that we would like to see  
8           at least advise somewhere, and we're not  
9           pretending this is, any of this is going to get  
10          on the ballot, land use issues are paramount to  
11          us. It's in our heart, our soul and our gut,  
12          because the screw ups, excuse my French, of land  
13          use issues on this Island is how we got into this  
14          mess in the first place. There is no requirement  
15          and any guideline, whether it's the ULURP process  
16          or not, for these agencies to sit at the same  
17          table and discuss any given project. All we do is  
18          tell these agencies this agency do this, this  
19          agency did that. And all we hear is they are not  
20          required to talk to each other.

21          Could you guys kind of make that a  
22          requirement? Because it's only common sense.  
23          That's all it is. Thank you.

24                   CHAIRMAN GOLDSTEIN: Thank you very much,  
25          Miss Vandenburg.

1           Ede Fox, representing Councilman Jumaane  
2 Williams.

3           MS. FOX: Good evening Chancellor Klein  
4 [sic] and Commissioners. I'm here representing  
5 Jumaane Williams, who couldn't be here tonight,  
6 but I'll read his testimony. But first he asked  
7 me to give his customary special shout out to  
8 Carlo Scissura, Chief of Staff of the Borough  
9 President's office.

10           I'm very concerned --

11           COMMISSIONER SCISSURA: Ede, excuse me, you  
12 and (inaudible conversation among Commissioner  
13 Scissura, Commissioner Crowell and Ms. Fox.)

14           MS. FOX: I'm very concerned about a number  
15 of issues that the Commission seems to support  
16 and feel compelled to comment. Some have recently  
17 begun to gain prominence and others have been  
18 talked about ad nauseam.

19           I apologize that I could not be here in  
20 person. And in regards to increasing Conflicts of  
21 Interest Board fines, mandating training, and  
22 barring Council Members from supporting budget  
23 items in which they have an interest, the Council  
24 Member said while it is important to stop  
25 corruption and ensure taxpayers' money as being

1           spent judicially, I do not believe barring  
2           Council Members from supporting budget items in  
3           which they have an interest will accomplish that  
4           goal. In fact, it will only serve to discourage  
5           community activists and their families from  
6           working in the non-profit sector. The people who  
7           normally work in this sector, who are concerned  
8           about bettering their communities, are the same  
9           people who should run for office. They are in the  
10          best position to act as stewards for their  
11          community. We will not encourage this  
12          participation in local government if their  
13          families feel that they will have a negative  
14          impact on their ability to carry out their  
15          duties. You may also set up a system where  
16          members can simply swap votes.

17                 I believe there are better ways due to the  
18                 vetting process which we can achieve the goal we  
19                 wish to seek.

20                 In regards to the creation of the new  
21                 Reporting Commission, I utterly oppose the  
22                 creation of a new Reporting Commission. Instead  
23                 of ridding the City of unnecessary advisory  
24                 bodies and trimming the number of reports the  
25                 Mayor has to submit each year, it will actually

1           reduce transparency and further weaken our system  
2           of checks and balances in our municipal  
3           government. If the new Reporting Commission has  
4           the power to review and reject any future City  
5           Council decision to extend or enhance a report  
6           the Mayor already provides, then New Yorkers lose  
7           an important opportunity to engage in our  
8           governance.

9           Additionally, since a majority of the  
10          members of the Reporting Commission will be  
11          appointed by the Mayor, the Council will not have  
12          the same leverage when requesting further  
13          information. New York City undeniably has  
14          unbalanced power in its Mayor. We should be  
15          seeking to check these, not increase them.

16          In regards to nonpartisan elections, I would  
17          like to reiterate my position that New Yorkers  
18          are not ready to make a decision on nonpartisan  
19          elections in November. This is a significant  
20          change in our local governance and New Yorkers  
21          need more time to discuss and review and consider  
22          the issue.

23          In regards to forced disclosure of outside  
24          income, I am thoroughly and utterly against  
25          banning member items. Having come from the

1            nonprofit world, I know how important this money  
2            is to the communities. Because some say the  
3            people misused it doesn't make it evil. At the  
4            same time, the process should be reviewed, and  
5            absolutely changes are needed. Even distribution  
6            across the board is one solution that may not be  
7            the best. We have to find a way to base this on  
8            needs. Please stop attacking this money that so  
9            many groups count on. Let's look at real reform  
10           of how it is disbursed.

11           And just a reminder, I believe three terms  
12           is necessary to do the job, the best job  
13           possible. Of course, I would like three four-  
14           year terms. For one, it be would great to have  
15           the possibility to reach the ten-year mark in  
16           terms of city pension for my family. But there is  
17           something about Council Members having the  
18           possibility of growing together from term to  
19           term. I believe the third is necessary to  
20           effectively apply all the growth and knowledge  
21           learned. Please do not throw this away for  
22           political expediency. Thank you.

23           CHAIRMAN GOLDSTEIN: I thank you, Miss Fox.

24           Deanna Bitetti.

25           MS. BITETTI: Good evening. My name is

1 Diana Bitetti, Associate Director for Common  
2 Cause/New York.

3 Common Cause/New York urges the Charter  
4 Revision Commission not to place a nonpartisan  
5 elections proposal on the ballot this November.

6 We at Common Cause/New York believe that we  
7 are asking the wrong questions when we debate  
8 whether we should have or not have nonpartisan  
9 municipal elections. We believe we should be  
10 starting with the qualities which we want to  
11 foster in our municipal elections and then seek  
12 the changes in our Charter that will foster them.  
13 Common Cause/New York has spoken at a previous  
14 hearing and submitted testimony outlining our  
15 thoughts on why nonpartisan elections is a poor  
16 policy choice for New York City. We have joined  
17 our colleagues at NYPIRG, the Brennan Center and  
18 League of Women Voters in opposing placing this  
19 tissue on the ballot. One thing which close to a  
20 hundred years of experience in cities large and  
21 small has at least shown this is not a magic  
22 bullet to increase voter participation.

23 Some of the findings of our research into  
24 nonpartisan elections have shown voter turnout  
25 overall tends to be lower. Voter participation

1 is skewed in against residents of lower  
2 socioeconomic status, ethnicity, race, even  
3 gender, and incumbency replace party cues.

4 Further, placing both term limits and  
5 nonpartisan elections on the ballot to save time  
6 confuses the issues and intensifies polarization  
7 on the issues. Both term limits and nonpartisan  
8 elections, as we all know, are multifaceted  
9 issues that deserve nuanced public examination.  
10 Putting them both on the November ballot makes it  
11 even harder than it normally would be in a 24/7  
12 news environment to have a rational public  
13 discussion of either issue.

14 In order to assure the discussions are both  
15 thorough and meaningful, voters must be provided  
16 ample opportunity to the issues, consider each  
17 and independently of each other.

18 Further, I know, Commissioner, you mentioned  
19 earlier social sciences. We also heard public  
20 testimony from those in the political science  
21 realm. I think all of us can agree that this  
22 idea of correlation does not actually result in  
23 causation. The settings that we have seen, while  
24 interesting, while powerful, do not (inaudible)  
25 causation with increasing definitively voter

1 participation (inaudible). While I'm not trying  
2 to suggest we may never get to that point of  
3 causation, what we do need to do is have a more  
4 thorough review of the empirics that we have in  
5 front of us. Maybe multivariable statistical  
6 analysis, maybe looking at the variables you had  
7 mentioned earlier.

8 The other thing that was also mentioned, and  
9 I just want to point out, people were discussing  
10 costs. Other people spoke about open focus -- the  
11 idea of equating these two. The way I usually  
12 conceptualize is a very personal one: Any public  
13 policy for me is public good. Whenever we have a  
14 public good we look at the marginal benefits and  
15 marginal costs of these goods. How do we define  
16 cost after benefits? Are we willing to change  
17 that status quo and take that next step, or we're  
18 not really sure of the unintended consequences or  
19 the dangers of doing so? Why rush this now? Why  
20 not have a more thorough analysis? Why not do  
21 the statistical research? Why not look at all  
22 the data variables that we discussed here before  
23 rushing through a decision? Thank you very much.

24 CHANCELLOR GOLDSTEIN: Thank you, Miss  
25 Bitetti. I would recommend to you if you want a

1 great treatise on multivariable analysis there's  
2 a fabulous book John Wiley put out by Matthew  
3 Goldstein. It's rather lengthy, 600 pages, so  
4 you may want to read that.

5 COMMISSIONER CROWELL: I have a question for  
6 Common Cause. Do you have a bibliography on  
7 which all your conclusions are based?

8 MS. BITETTI: I could definitely get this  
9 you to. I don't have it with me. The last time  
10 we provided testimony we did also actually  
11 provide a printout of some of the references.

12 COMMISSIONER CROWELL: We have some.

13 MS. BITETTI: I'll definitely get that to  
14 you, thank you.

15 CHAIRMAN GOLDSTEIN: I understand -- oh, I'm  
16 sorry.

17 COMMISSIONER PATTERSON: One other question.  
18 We heard both sides of the discussion. And yes,  
19 you're right, the research is basically pretty  
20 flimsy on both sides.

21 How would Common Cause suggest that -- the  
22 one given we have is the voter participation is  
23 abysmally low. I think we all agree with that.  
24 How would Common Cause suggest that be changed?

25 MS. BITETTI: I think the last time that we

1 actually testified at the Charter we actually did  
2 provided a number of recommendations. One of the  
3 overarching ones was that we should provide more  
4 information about individuals to the voters. Some  
5 of the recommendation provided by some of the  
6 expert testimony, from what I remember, it's even  
7 changing the day to where you allow people to  
8 vote, looking at weekend voting, looking at the  
9 hours of voting. I mean, there's a whole range of  
10 issues that I think the Commission itself has  
11 looked at. And before, I mean, before we jump  
12 ahead and say this is the magic bullet, that we  
13 need to look at all these issues individually and  
14 together and say to ourselves: What does the  
15 research conclusively show? Or what are the  
16 overarching kind of moves towards -- when we talk  
17 about local voter participation -- actually we  
18 talked about increasing voter participation. How  
19 much has that increased? Even if you're looking  
20 at the special elections on the Council level as  
21 opposed to the State Legislature, what numbers  
22 are you looking at? They're still predominantly  
23 low.

24 COMMISSIONER PATTERSON: Hence, I mean, one  
25 of the things that we've been trying to wrestle

1 with is that some of the proposals that you and  
2 others have made would require significant  
3 changes in New York State law, and if New York  
4 State can't even get its budget on time, we're  
5 not particularly optimistic about its taking some  
6 sort of overarching good government policy,  
7 legislative change; particularly one that whoever  
8 is in elected office now might think might be  
9 disadvantageous to him or her. So we're trying  
10 to figure out ways to increase voter  
11 participation literally at a local level without  
12 having to rely upon the kind of overarching  
13 change in the State law that some good government  
14 groups and some of the academics have proposed.  
15 And yes, having an Education Outreach Coordinator  
16 in the Voter Assistance Commission will probably  
17 do a nice job getting my grandchildren interested  
18 in voting 20 years from now. I don't have any  
19 grandchildren now. So in the more immediate time  
20 frame what can any of us do?

21 MS. BITETTI: Now you're asking me for the  
22 silver bullet.

23 COMMISSIONER PATTERSON: That's right. I'd  
24 love to have you tell us.

25 MS. BITETTI: To be honest with you, I can't

1 stand up here and stay that I can give you  
2 conclusive recommendations that we're going to do  
3 tomorrow to increase voter turnout. But what I  
4 am arguing against saying, because we don't have  
5 the solutions right here now does not warrant  
6 further investigation rather than taking a step  
7 in a direction that may be disastrous. Think  
8 California, LA, we saw what happened. I know you  
9 did point (inaudible) I'm not the expert on this,  
10 that California maybe increased minority  
11 representation but the turnout was a lot lower,  
12 and how people kind of equate when they went to  
13 the polls, who they identify with.

14 The studies have shown drastically that  
15 people look for race, gender, different kinds of  
16 identity cues. I mean, before we take a step  
17 towards nonpartisan elections shouldn't we at  
18 least ask these questions and say: What are the  
19 alternatives? I mean, I wish I had those  
20 definitive answers for you right now and say I  
21 have that magic wand. But I still think that  
22 there should be caution; especially because one  
23 of the Commissioner's references talked about the  
24 toxic kind of results --

25 COMMISSIONER PATTERSON: That was me.

1 MS. BITETTI: That was you. I agree with  
2 you the toxicity of saying not only are we going  
3 to have such a heated discussion about term  
4 limits, now we're going to combine this with  
5 nonpartisan.

6 Just from sitting here the last two hours  
7 having so many good government groups talking --  
8 different individuals taking different sides,  
9 imagine this on a Citywide scale. And it scares  
10 me about the misinformation that would come out,  
11 about the finger pointing that would occur  
12 without proper investigation of this issue.

13 CHAIRMAN GOLDSTEIN: Commissioner McShane,  
14 did you want to say anything?

15 Commissioner Fiala?

16 COMMISSIONER FIALA: Welcome to Staten  
17 Island.

18 MS. BITETTI: I'm with Carlo. We go back to  
19 Brooklyn.

20 COMMISSIONER FIALA: You've just touched upon  
21 the answer. But I want to impress upon you and  
22 your organization that the subject matter that  
23 you're referring to isn't necessarily the subject  
24 matter that we're trying to find a solution to.

25 You have outlined a number of reforms, most

1 of which would require state action. A state that  
2 can pass a budget, as Commissioner Patterson  
3 alluded to.

4 I'm interested in, as I've said in the past  
5 Commission hearings, not so much about expanding  
6 or engaging voters -- it's important, no doubt  
7 about it. Speaker Levine alluded to, Professor  
8 Mollenkopf alluded to the need for civic  
9 literacy. He's absolutely right. We're in a  
10 mess in this country because of a civic and  
11 financial illiteracy, that it is at such an  
12 alarming rate that this country will cease to  
13 exist as what we know it to be today in a  
14 generation. Engaging more people who are  
15 civically and financially illiterate is  
16 wonderful. Let's do it. Let the state deal with  
17 that. But I want to hear something of substance  
18 from the good government groups. We've heard  
19 from one. I'm dealing with those voters who have  
20 skin in the game. 1.5 million New York City  
21 residents took the time to register, they want to  
22 participate. They play by the rules. They're  
23 not sitting on the sideline and waiting for  
24 Sunday voting, or Internet voting. They get off  
25 their duff and they do what they're supposed to

1 do once a year. I haven't heard Common Cause  
2 provide a vehicle for enfranchising 1.5 million  
3 people who are disenfranchised from the round of  
4 voting that is decisive in this City.

5 I don't mean to put you on the hot spot  
6 tonight, because I'll tell you, we're going to  
7 have further discussions about many, many  
8 subjects that we don't necessarily have time to  
9 place a ballot proposition on. But I would like  
10 to see Common Cause move beyond the easy ones of  
11 voter expansion, voter outreach, making it ever  
12 increasingly easier for people who seem to, I  
13 don't know, want us to show up on their doorstep  
14 with a voting machine.

15 I'm more concerned with people who are  
16 engaged yet do not have a meaningful voice.  
17 Those people, they show up. And as I've said  
18 throughout this process, decisions are made by  
19 people who show up. But as I've come to  
20 understand throughout a number of years in this  
21 business, people who show up don't necessarily  
22 get to decide anymore, because their voice is not  
23 meaningful because of that thing that makes New  
24 York, New York. We're a one-party town. So,  
25 Common Cause, I would appreciate if they would

1           come back with something of substance relating to  
2           how you enfranchise those that are  
3           disenfranchised from the process right now.  
4           Their voice should matter.

5           MS. BITETTI: Okay. And I do thank you for  
6           that. And I hope that I will have the  
7           opportunity to come back and provide valid  
8           recommendations that you meet your standard of  
9           moving forward that were concrete steps that we  
10          should take. (Inaudible) however, without putting  
11          me on the spot as a naysayer, Common Cause being  
12          a naysayer, and I will not in this regard, but  
13          the one kind of counterargument I would say is  
14          that before we look to nonpartisan elections and  
15          say this will enfranchise these 1.5 million  
16          voters, as you reference, there is that  
17          possibility that we will continue to  
18          disenfranchise larger groups of people.

19          As I said before, with the studies that  
20          we've looked at, and we will get the Commission  
21          the bibliography of the sources that we've said,  
22          and I believe Dr. Mollenkopf had stated before,  
23          that the amount of minority representation the  
24          City or in cities that have been studied have  
25          gone down. So even though I may sit here and be

1 the negative naysayer one for Common Cause, I do  
2 really want to reiterate that we can still look  
3 at nonpartisan elections at this once again  
4 silver bullet and say this is going to  
5 enfranchise all of these people.

6 I think both ways, to be very honest, are  
7 the easy way out by me coming here, saying no and  
8 everyone saying this is the panacea of how we  
9 increase voter participation is the easy way. The  
10 hard way is taking all of this in context and  
11 looking at all of the issues, including voter  
12 education, including financial literacy, not  
13 dealing with elections, but on the whole for  
14 education outreach in this country to get to move  
15 forward. Thank you.

16 CHANCELLOR GOLDSTEIN: Next, Commissioner  
17 Crowell.

18 Commissioner Crowell: You call yourselves  
19 Common Cause. I'd like to think we're all, you  
20 know, common in our causes to see some reforms.  
21 What is it that the Commission is doing and  
22 support? (Inaudible)

23 MS. BITETTI: Common Cause has supported the  
24 Commission's work throughout this in looking at  
25 the different ways within which the Charter can

1           revise the New York City government.

2           COMMISSIONER CROWELL: What's on the table  
3           that you support? All this work. I'd love to  
4           hear something that you support.

5           CHAIRMAN GOLDSTEIN: Well, one thing --

6           COMMISSIONER CROWELL: Every common cause  
7           sort (inaudible).

8           CHAIRMAN GOLDSTEIN: One thing we do know,  
9           there exists at least one member of Common Cause  
10          that knows the difference between causality and  
11          association, and that to me is a very significant  
12          event. So I thank you.

13          COMMISSIONER SCISSURA: I want to say one  
14          thing, because Deanna, I can tell you I'm doing  
15          this a few months, and you're the first person  
16          that has gotten this kind of questioning and  
17          drilling.

18          And she is a tough Brooklynite. So you can  
19          keep going after her, and I know she's going to  
20          continue to do a great job.

21          Deanna, you're doing a great job, thank you.

22          MS. BITETTI: As Carlo knows, Common Cause  
23          (inaudible) Congressman's Clarke's office about  
24          four months ago, so I'm very well-versed on the  
25          history of Common Cause, what we do.

1           I can say Common Cause is a nonpartisan  
2           advocacy organization. What we do try to say is  
3           that we're advocating on behalf of the people for  
4           increasing voter participation. It's been part  
5           of our dogma since its conception in 1976. I  
6           mean (inaudible) we do devote as many resources  
7           to putting out a huge report and thoroughly  
8           analyzing all of the issues before the Charter  
9           Commission as our organization mainly due to our  
10          budget and manpower. However, we are following  
11          the Charter Commission's process, the pace the  
12          Charter Commission's working on as well as  
13          outreach, so I do thank you.

14           CHAIRMAN GOLDSTEIN: Thank you. I'm sorry we  
15          kept you standing on your feet so long. Thank you  
16          very much for being here.

17           I understand that Dick Dadey had another  
18          point. He testified earlier. He said he needs  
19          another minute.

20           MR. DADEY: I greatly appreciate the  
21          opportunity.

22           Just as you wrestle with the issue of Top  
23          Two and whether or not to lower the petition  
24          signature requirement for elected officials to  
25          get on the ballot, I would caution you against

1 embracing that suggestion of increasing access to  
2 the ballot for the candidates by lowering the  
3 signature requirement and not embracing  
4 increasing access to the ballot with the voters.

5 Imagine the irony if this Commission were to  
6 go ahead and open up the ballot to a greater  
7 number of candidates but not be able to open it  
8 up to the 1.4 million New Yorkers who are now  
9 disenfranchised on the ballot.

10 CHAIRMAN GOLDSTEIN: Thank you very much,  
11 Mr. Dadey, and again thank you for the good work  
12 that you do.

13 Commissioner Betty Chen.

14 You can sit.

15 COMMISSIONER BETTY CHEN: I just have one  
16 question for Mr. Dadey.

17 CHAIRMAN GOLDSTEIN: Oh. Stand.

18 COMMISSIONER BETTY CHEN: You've been to  
19 many of our hearings, and I think you may have  
20 heard that one of the criteria that the  
21 Commission has set forth in terms of thinking  
22 about what may get on to the ballot is around the  
23 thinking I guess likelihood of a successful  
24 outcome or if you don't want to call it  
25 successful, the voters adopting the proposition.

1           And we have done our (inaudible) the Top Two  
2           proposal, but I don't know if Citizens Union has  
3           a sense of this or has a scientific sense of  
4           this. But, you know, last time in 2003 we have  
5           the numbers in front of us. Do you have a sense  
6           of what the trend might be?

7           MR. DADEY: Well, I think given the broad  
8           voter disgust that exists out there over  
9           partisanship, I think there is a general sense  
10          that voters are looking for something to change  
11          the election system that they feel has  
12          contributed to the paralysis and gridlock that we  
13          see in Washington and our State Capitol. And this  
14          could be a way in which to tap into that voter  
15          anger. I only can draw upon anecdotal  
16          information. I just know that Citizen Union's  
17          Board, when it met in June to talk about this  
18          issue, I would say that the current board is made  
19          up of about half of those who were in (inaudible)  
20          on the Citizens Board in 2003. Our Board then  
21          overwhelmingly opposed nonpartisan elections.  
22          This time, with the exception of two votes, a  
23          Board of 50 voted in favor of the Top Two system.  
24          Many of them had come around because they had  
25          become better educated. They had seen this whole

1 issue play out into a broader public discussion.

2 In 2003 there was some concern -- a great  
3 deal of concern in Citizens Union at the time  
4 that when the Commission was organized it was a  
5 foregone conclusion as to what the recommendation  
6 was going to be on nonpartisan elections.

7 This has not been the case with this  
8 Commission. This has been an open dialogue. And  
9 the organization spent a lot of time talking with  
10 people, too. We educated ourselves. And we  
11 share the concerns of so many New Yorkers that  
12 voter turnout is declining. What was shocking to  
13 us was to see, you know, and upsetting, was the  
14 Public Advocate and the Comptroller run-off  
15 elections in which a quarter million New Yorkers  
16 essentially chose two of the three Citywide  
17 officials.

18 You can get into all the, you know -- and to  
19 look at since 2003 the City of Los Angeles  
20 elected a Latino mayor in a nonpartisan system.  
21 Who did the Democratic Party back? The white guy.  
22 But the voters of Los Angeles, in a nonpartisan  
23 election, elected a Latino mayor for the first  
24 time in a hundred years. In 2009 the majority  
25 voters came out to vote in the general election

1           were people of color.

2           The City is changing. And Citizens Union  
3 senses that. And I think that was one of the  
4 reasons we changed our position. As I said  
5 before, we fought back in 1915 to end partisan  
6 control over the slate, giving voters greater  
7 choice. I think voters at the core, if you talk  
8 about it in the sense of increasing there choice,  
9 they understand. Give the voters more credit.  
10 This is a complicated issue, but they understand  
11 that under the current election system things  
12 aren't working. Their vote doesn't matter. Their  
13 votes may matter if the choice is greater for  
14 them.

15           CHAIRMAN GOLDSTEIN: Mr. Dadey, let me ask  
16 you, you're a very thoughtful fellow.

17           MR. DADEY: You're too kind.

18           CHAIRMAN GOLDSTEIN: And I appreciate your  
19 remarks and agree with a lot of what you say, but  
20 let me pick up on what Commissioner Betty Chen  
21 just said, because we have four operating  
22 principles, just to reiterate again: Have we  
23 enough information to make an informed judgment?  
24 Do we have enough time and resources to educate,  
25 not advocate, but to educate the people who will

1           respond to our recommendation?

2                   Commissioner Chen mentioned likelihood of  
3           success, and then at the end will this lead to a  
4           more transparent, open, informed, better  
5           government? I mean, those are four very basic  
6           principles.

7                   Do you agree that nonpartisan elections is a  
8           very important issue? It really was a centerpiece  
9           of your very thoughtful report. And I think it  
10          was a very thoughtful report. But if the answer  
11          is yes, your playing very high stakes poker here,  
12          the way I see it; that in the event even if there  
13          is a change in momentum, the chances of the  
14          voting population in voting for a change may be a  
15          small likelihood event. If it is that important  
16          is it worth the risk? Because if it goes down it  
17          seems to me it's going to be very, very  
18          difficult; that in 2003 and that in 2010 there  
19          was opposition, strong opposition, for this. How  
20          would it survive if it's that important an issue?  
21          Don't you need to balance? And I'm not saying  
22          which is the right, which is the right approach  
23          here. But the way that I look at the world, and  
24          that's why I think likelihood is such a  
25          critically important principle, that if this goes

1 down, and it is a very important and compelling  
2 change in the way we elect our officials, would  
3 we have an opportunity in our -- I don't want to  
4 say lifetime, but would we have an opportunity  
5 someplace down the road to revisit this? That to  
6 me is a central issue here, and that's why I  
7 would use the term "high stakes poker."

8 MR. DADEY: I think you're exactly right,  
9 Chancellor. It is a high stakes game of poker.  
10 But Citizens Union looks at it from a very simple  
11 principle perspective. We have 1.4 million  
12 voters who are not being enfranchised and are not  
13 part of the decision making process to elect  
14 their representatives. I don't think you can take  
15 that principle and run it up against a game of  
16 chance. You also have to consider that in 2003  
17 the political landscape was completely different  
18 than it is in 2010. 2003 that was an issue really  
19 that was on a referendum of the Mayor. He had  
20 just raised the property taxes, he cut the  
21 budget, he had just come into office. You have a  
22 City Speaker attacking him everyday. You have  
23 the Democratic establishments against him, and we  
24 had a low turnout election. We only were voting  
25 for City Council candidates, who had just been

1           elected, many of them for the first. The voters  
2           were not interested in throwing them out. We had  
3           one of the lowest turnout elections we had in  
4           2003. And I think that people, you know, were  
5           reacting against the forced outcome of this. I  
6           mean, this has been a very informed discussion.  
7           But I don't see how we can stand by and simply  
8           allow voter turnout to decline in this City and  
9           decisions being made by fewer and fewer voters,  
10          and the outcomes be a foregone conclusion, and  
11          not step up to the plate and do something. The  
12          risk of failure is not something that should  
13          force us not to act in the name of principle of  
14          enfranchising each and ever voter to have an  
15          equal stake in the government that represents  
16          them. It's a calculated risk, no question about  
17          it. I would not want us to take this risk and  
18          lose. But I would far rather not -- I would  
19          rather not have us sit on the sideline and not  
20          take a risk at all in the interest of Democratic  
21          practice in this City and enfranchising those  
22          voters. That's the bigger risk to me.

23                   CHAIRMAN GOLDSTEIN: Again, the voters that  
24                   you're referring to have made a choice. I mean,  
25                   there's nothing excluding them. They have

1 chosen --

2 MR. DADEY: That was seven years ago.

3 CHAIRMAN GOLDSTEIN: -- that they would  
4 choose not to affiliate. If they chose to  
5 affiliate they could indeed express a view.

6 MR. DADEY: Many, and I think we all know  
7 people in this City who registered in the  
8 Democratic party for no reason other than --

9 CHAIRMAN GOLDSTEIN: To participate.

10 MR. DADY: -- to participate in this City's  
11 elections, and that's a terrible indictment on  
12 our election system, that you have to belong to a  
13 political party in order to feel that you have  
14 equal say as a citizen here.

15 CHAIRMAN GOLDSTEIN: I am not arguing --

16 MR. DADEY: No, I know you're not. I just  
17 get a little passionate.

18 CHAIRMAN GOLDSTEIN: -- Dick, and your  
19 passion is great. And again, I think the work of  
20 the Citizens Union is really quite exemplary, and  
21 I want to compliment you and your members of your  
22 group.

23 MR. DADEY: And the work that you all doing  
24 is tremendous. No other Commission has been  
25 organized this event so thoughtfully and publicly

1 engaged New Yorkers in the way that you have.

2 CHAIRMAN GOLDSTEIN: And I don't think any of  
3 us are trying to argue the point. I think we're  
4 just trying to bring further discussion to a very  
5 complex issue. Thank you again --

6 MR. DADEY: Thank you.

7 CHAIRMAN GOLDSTEIN: -- for being here. I  
8 thank you for your testimony.

9 That concludes the list of people who asked  
10 to speak. But I don't want to call for  
11 adjournment of the meeting. I know there is at  
12 least one member of the Commission who would like  
13 to talk about something else.

14 Go ahead.

15 COMMISSIONER COHEN: I just want to not lose  
16 track of some things that have been mentioned by  
17 Commissioners and including by not only myself  
18 over the course of these meetings but do not fit  
19 into the categories of the last week or so. So  
20 just to make sure that the record is complete,  
21 there are some things that I think we should be  
22 considering and that we have to some degree  
23 discussed before.

24 One of them is the question of -- I actually  
25 heard a couple of people tonight mentioning

1 transparency, so I want to raise again something  
2 that I think I've been raising since the very  
3 first meeting, which is on the definitions of  
4 public notice and public hearing and whether we  
5 can have a valid question that would clarify or  
6 expand Charter language on those issues in a way,  
7 frankly, reflective of the way we've been  
8 conducting this Commission so that we could have  
9 a broader definition of what a public hearing is,  
10 that people could have access not only by  
11 physically being in a room in the case of a City  
12 Council meeting during business hours, during the  
13 week, but that there could be some more inclusive  
14 and open way of doing it in an age of more  
15 expansive technology and ever growing technology.  
16 So I want to get that issue back out among my  
17 colleagues. And I also wanted to -- that was my  
18 stuff. But I did want to remind us that we had  
19 talked at various times about -- we heard this  
20 again tonight -- about the question of the  
21 responsibility for attracting lobbying that  
22 currently lies with the City Clerk and whether  
23 that should be, that responsibility should be  
24 transferred to the Campaign Finance Board. So I  
25 wanted to remind us all of those two things that

1 have been kind of left hanging out there.

2 CHAIRMAN GOLDSTEIN: Certainly the second  
3 issue is very much on the list of items. We're  
4 going to have to project down. I don't think any  
5 of us really believe that we can project up from  
6 where we have come thus far.

7 Over the next week or so staff will be in  
8 touch with members of the Commission to get their  
9 views on things that have been mentioned and  
10 whether it should fall off or stay on. So that  
11 we still have quite a bit of discussion to take  
12 place before we meet on the 11th.

13 COMMISSIONER SCISSURA: Chancellor, one  
14 point?

15 CHAIRMAN GOLDSTEIN: Yes.

16 COMMISSIONER SCISSURA: One quick thing just  
17 in terms of the meeting dates that were proposed.  
18 I think the 23rd seems to be a bad date for many  
19 Commissioners who are not going to be in town  
20 actually, and I just want to question the whole  
21 issue of whether we participate via telephone,  
22 how that works. If in fact we have to do a video  
23 conference from wherever we are.

24 CHAIRMAN GOLDSTEIN: I think Rick Schaffer,  
25 our General Counsel, has some guidance on that.

1 Rick, do you want to?

2 MR. SCHAFFER: You can participate by video  
3 conference from a location that has been  
4 previously noticed in the Public Notice. In that  
5 case, you are a member of a quorum, you can vote.  
6 If not, you can participate by phone, but you're  
7 not counted towards a quorum and you can't vote.

8 COMMISSIONER SCISSURA: When you say  
9 that's been previously noticed what does that  
10 mean?

11 MR. SCHAFFER: When you give notice of  
12 the meeting. In the Notice we would say the  
13 Commissioner so-and-so will be participating by  
14 video from such-and-such location.

15 CHAIRMAN GOLDSTEIN: We still need to decide  
16 on the 23rd. I know that there were other, there  
17 were other dates around that, that just didn't  
18 work. But we have, we have a supermajority of  
19 people who can be here on the 23rd. And those of  
20 us who can't, if we can, you know, use the  
21 recommendation from Rick Schaffer, and there are  
22 lots of facilities now where we can do those kind  
23 of hookups, that would be great.

24 Anybody else have any comments or questions  
25 before we adjourn?

1                   Seeing none, I'll move to adjourn this  
2 meeting.

3                   COMMISSIONER McSHANE: Second.

4                   CHAIRMAN GOLDSTEIN: Second.

5                   All in favor?

6                   COMMISSIONER McSHANE: Aye.

7                   (A chorus of aye's.)

8                   CHAIRMAN GOLDSTEIN: Thank you very much.

9                   (Whereupon, at 8:32 P.M., the above matter  
10 concluded.)

11

12

13                   I, NORAH COLTON, CM, a Notary Public for  
14 and within the State of New York, do hereby  
15 certify that the above is a correct transcription  
16 of my stenographic notes.

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19                   \_\_\_\_\_  
                  NORAH COLTON, CM

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