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Transcript of the Meeting of the
CHARTER REVISION COMMISSION
held on Thursday, August 26, 2004
110 William Street, Fourth Floor
Borough of Manhattan

TANKOOS REPORTING COMPANY, INC.	
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1 Meeting convened at 7:15 p.m.

2 COMMISSIONERS PRESENT:

3 DR. ESTER FUCHS - Chair

4 DR. DALL FORSYTHE - Vice Chair

5 STEPHEN J. FIALA - Secretary

6 ROBERT ABRAMS

7 AMALIA VICTORIA BETANZOS

8 CURTIS L. ARCHER

9 DR. LILLIAM BARRIOS-PAOLI

10 ANTHONY CROWELL

11 DAVIS CHEN

12 STANLEY E. GRAYSON

13 ALSO PRESENT:

14 FRANK BARRY

15 SARA VIDAL

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1 P R O C E E D I N G S

2 CHAIRWOMAN FUCHS: I would like to call
3 the meeting to order and, as my first order of
4 business, welcome you all to our first meeting of
5 the New York City Charter Revision Commission.

6 I actually had intended to do a brief
7 history of Charter revision for everybody, and
8 seeing as that we have an extraordinary number of
9 people here tonight and we wanted the meeting to
10 move quickly, I decided that I would dispense with
11 my brief history of Charter revision and save it for
12 another time when people have more time and are more
13 focused. So, I decided, really, to just get to the
14 business at hand and start by just telling you all
15 that we are extremely pleased that you all agreed to
16 serve on this Charter Revision Commission.

17 Everyone in this room, every single
18 Commissioner, and those who are not here tonight,
19 represent what is extraordinary about the City of
20 New York. We have asked the most accomplished and
21 probably the busiest individuals in the business
22 community and the not-for-profit sector and the
23 public sector to give their time and expertise to
24 this important process. And you all agreed without
25 hesitation. The true spirit of public service is

1 alive and well in every corner of this city and each
2 of you are the embodiment of this spirit.

3 We have an important task before us and a
4 critical moment in the history of the City of New
5 York, and I know that not only am I confident, but
6 the Mayor is confident that we, on this Charter
7 Revision Commission, are up to that task. The Mayor
8 has instructed us to review the entire city Charter
9 with special attention to fiscal management issues,
10 judicial reform and administrative efficiency and
11 accountability. I don't know if that covers the
12 gambit, but from my perspective I think that gives
13 us a very serious Charter here to explore changes in
14 the -- what we need for the future of this city in
15 the Charter.

16 We have a particular challenge at this
17 time and that's one of the reasons why we've called
18 the Charter Revision Commission into session. As
19 many of you know, the Financial Control Board is sun
20 setting in 2008. And part of what we expect to do
21 here is review some of the legal constraints that
22 have been placed on the city by the Financial
23 Control Board and that have helped the city remain
24 fiscally stable since its 1975 fiscal crisis, it
25 brush with bankruptcy. Many of you have experience

1 with that '75 fiscal crisis firsthand, and I think I
2 should better say have experienced resolving that
3 fiscal crisis, not creating it. And this will be a
4 very important part of what we expect to accomplish
5 in our Charter Revision Commission.

6 I am going to ask some of my colleagues
7 to talk about the judicial issues more directly and,
8 of course, there are several of you on this
9 Commission who are part of what we would like to
10 call the "good governing community" in New York and
11 have looked at administrative judicial reform issues
12 which we hope to examine in this Charter Revision
13 Commission. At the same time, this Mayor
14 particularly happens to be somebody who has put a
15 great emphasis on issues of efficiency and good
16 management in government. So, it's also an
17 opportunity for us to use the Charter to address
18 some of those issues that relate to improving how
19 services are delivered in this city through
20 structural changes in the bureaucracy. And some of
21 which we expect to be able to accomplish through
22 Charter revision. So, we have, I think, a very
23 important charge and I know that this group is
24 particularly up to the task.

25 A personal note: I am really thrilled to

1 have been appointed the Chair of this Charter
2 Revision Commission. And I just have to say a
3 personal thank you to all of you for coming in on
4 short notice tonight. We had to get started. This
5 is just the beginning and just a start-up meeting.
6 We really appreciate your ability to drop everything
7 and be here tonight to help us get started. I know
8 some of you better than others of you, but I expect
9 we'll get to know each other probably better than we
10 would all like by the time this is over. But I also
11 know that your reputations precede you and that this
12 is a group that I know will work extremely well
13 together and has tremendous respect for the process
14 and that's a very big part of the reason why you
15 were chosen.

16 So, before I ask the members of the
17 Commission to introduce each other, we have a brief
18 agenda for this evening. We'll go through some
19 introductions and then what we'll also do is ask
20 Anthony Crowell, who is a member of the Commission
21 and was the counsel to the 2003 Commission, to
22 provide some legal background on how Charter
23 commissions function. Frank Barry, who was the
24 Deputy Director of the 2003 Commission, will also
25 provide some background on pre-early issues and

1 logistics. Then we'll open up to a discussion for
2 the Commissioners to discuss some issues.

3 So, that's the agenda for this evening.
4 We hope not to be here dramatically through the
5 night for this first meeting. What I would like to
6 do now before I ask you to introduce yourselves is
7 to introduce to you -- we are mandated to select a
8 vice chair and a secretary. Dall Forsythe has
9 agreed to be the Vice Chair and Stephen Fiala has
10 agreed to be the Secretary. So, I want to thank you
11 in advance for agreeing to do that. Now, I would
12 just like to go around the room and have us
13 introduce ourselves, even though we've done that
14 informally, and we'll start with Anthony Crowell.

15 MR. CROWELL: I am Anthony Crowell. I am
16 currently special counsel to Mayor Bloomberg and
17 have been a city attorney for seven years. I have
18 worked at the New York City Law Department prior to
19 joining the Administration. And I worked at the
20 International City and County Management Association
21 in Washington for five years doing public affairs
22 and also the State and Local Legal Center working on
23 amicus briefs to the U.S. Supreme Court and state
24 and local cases. And I also teach at Brooklyn and
25 New York Law Schools. I teach a clinical course at

1 New York Law School called the "Public Sector
2 Lawyering Clinic," and I teach state and local
3 government law, which is a Constitutional law course
4 at Brooklyn Law School. As Ester said, I was
5 counsel to the last year's Charter Revision
6 Commission, as well as I was, I guess, co-executive
7 director and counsel in 2002; 2001, I was general
8 counsel; in 1999, I was a staff counsel.

9 So, I have a significant background in
10 revising or attempting to revise the City's Charter
11 and it's nice to be on this side of the work. And I
12 look forward to working with you all and being a
13 productive member, but somewhat of a resource as you
14 see fit.

15 DR. BARRIOS-PAOLI: My name is Lilliam
16 Barrios-Paoli. I am currently with the United Way.
17 I will be leaving United Way September 17th. Before
18 that I worked in government a large part of my
19 career and I have been Commissioner of the
20 Department of Employment, of HRA, City Personnel and
21 HPD. And I've run a couple of other
22 not-for-profits.

23 MS. BETANZOS: My name is Amalia
24 Betanzos. I am President of Wildcat Service
25 Corporation, and have been for the past 26 years. I

1 have been on a number of Charter Revision
2 Commissions and I am delighted to be here again. I
3 guess one would say I am a Charter junkie.

4 MR. CHEN: David Chen. Currently I am
5 the Executive Director for Chinese-American Planning
6 Council. I am impressed by the panel here, so I
7 don't even have that long of a resume to talk about.
8 But, I have spent the last 20-some years in since I
9 was a college grad student in a community-based
10 setting. And I always thought -- I actually thought
11 the Charter was much thicker than the phone book.
12 So, this is the first time I actually looked at it.
13 I read about it all the time and this is the first
14 time I've actually looked at it. I am excited to be
15 here to take part in the process of this Commission.

16 Thank you.

17 MR. ARCHER: Hi. I'm Curtis Archer,
18 Executive Director of Rockaway Development and
19 Revitalization Corporation. As Borough President
20 Marshall says, "the Hamptons West." But, one of the
21 things, as David also mentioned, I am really kind of
22 overwhelmed. And as I was telling Bob Abrams, every
23 election he ran in my mother voted for him.

24 MR. ABRAMS: And I responded that he had
25 a very sophisticated and intelligent mother.

1 MR. ARCHER: Absolutely.

2 I have been working in the
3 community-development field now since 1989. I
4 started with the New York City Department of
5 Business Services, the New York City Economic
6 Development Corporation, the Upper Manhattan
7 Empowerment Zone. I was Director of Economic
8 Development for the Borough of Queens. Now, I am
9 heading up my own non-profit out in the Rockaways,
10 which as you know, is a booming area. So, when my
11 former professor, Dr. Ester Fuchs, called me and
12 said, "Hey, she wanted me." Am I going to say no?
13 I am honored to be here.

14 Thank you.

15 CHAIRWOMAN FUCHS: We're honored to have
16 you.

17 MR. FIALA: I am Steve Fiala. I am
18 currently the County Clerk and Commissioner of
19 Jurors out in Richmond County. Prior to my current
20 position I served in the New York City Council. And
21 one of the committees that I enjoyed serving on the
22 most was actually government operations. And prior
23 to my City Council experience, I spent a decade in
24 the private sector in the area of international
25 marketing.

1 Amalia, I've not had the privilege of
2 serving on prior Charter Commissions, but I have
3 studied them dating back to the Schwartz and Ravich
4 Commissions. And actually, Anthony, I think you'll
5 appreciate this, I'm a junkie too, by the way, I
6 have read all of your staff reports as well as your
7 final reports and I think the exciting thing about
8 this Committee, Madam Chair, is that, as I
9 understand it, this will be a long one, relative to
10 the last two years and we'll be exploring some good
11 government options. I am sure we'll be looking back
12 at many of the solutions to many of the problems
13 you've addressed. And I am very honored to be a
14 part of it.

15 MR. ABRAMS: I am Bob Abrams. I spent 28
16 happy and proud years in public service as a member
17 of the Assembly for three terms, as Borough
18 President of the Bronx elected for three terms and
19 elected Attorney General of the State of New York
20 four terms. Presently I am a partner in a law firm
21 called Stook & Stook & Lavan, just a few blocks
22 away from here. And continue to do a lot of pro
23 bono things. I am the President of the Citizens
24 Union Foundation and I am on the Board of the
25 Environmental Advocates, the environmental umbrella

1 organization of the state. And a whole host of
2 others. I am glad to add the Charter Revision
3 Commission on that list and look forward to
4 deliberating with all of you on what I consider to
5 be very, very important issues.

6 MR. GRAYSON: Hi. My name is Stan
7 Grayson. I, like Bob and Lilliam and others, I
8 spent about, not quite 28, but almost eight years in
9 city government where I had the pleasure of being
10 the Commissioner of Economic Development, the
11 Finance Commissioner and then Deputy Mayor for
12 Finance and Economic Development. For the last 14
13 years, I guess, I have been involved in investment
14 banking and now I am the President and Chief
15 Operating Officer of an investment banking firm here
16 in lower Manhattan called M.R. Beal & Company.

17 Like all of you, I am excited by this
18 interesting assignment and challenge. I think it's
19 going to be a lot of fun and hopefully we can do the
20 city some good.

21 DR. FORSYTHE: My name is Dall Forsythe.
22 I guess my most relevant experience is experience in
23 government. But, that started -- the relevant part
24 of it started way back when the Financial Control
25 Board, when Steve Berger was the Director. And then

1 worked in the City government as the Budget Officer
2 of the New York City Board of Education. I was also
3 the State Budget Director. Got to see Attorney
4 General Abrams up and down the stairs from time to
5 time. I have taught at Columbia, the Kennedy School
6 in SUNY, Albany and have spent some time in
7 investment banking as well.

8 Right now, I am the Chief Administrative
9 Officer of Episcopal Diocese of New York and also I
10 do serve on other boards run by the City of New
11 York.

12 MR. BARRY: I am Frank Barry. I work as
13 a research and communications advisor in the Mayor's
14 Office. I was the Deputy Director of last year's
15 Charter Commission. I am here tonight to provide a
16 little bit of brief background on what we did last
17 year. Prior to that I worked at the Mayor's Office
18 of Legislative Affairs, and prior to that I served
19 on the Campaign Finance Board doing press and policy
20 issues for a couple of years.

21 CHAIRWOMAN FUCHS: I will introduce
22 myself, too. I am Ester Fuchs. Currently, I am a
23 Special Advisor to the Mayor for Governance and
24 Strategic Planning. I think that was developed
25 specifically under this mayor and probably will

1 never exist again in any other administration. So,
2 I think I am -- as a result of that title, it seemed
3 appropriate as a governance issue for me to be
4 chairing the Charter Revision Commission. But, in
5 fact, it's a set of issues that I've been engaged in
6 and have cared about for a very long time even
7 before coming to City government. I was and still
8 am the Deputy Professor of Public Affairs and
9 Political Science at Columbia University and Hunters
10 College. In that position, I have done a lot of
11 work with community-based organizations, with the
12 Upper Manhattan Empowerment Zone. I was on the
13 Citizens Union Board and several other foundation
14 boards, but a lot of engagement in government reform
15 issues.

16 So, I think that it's a particular honor
17 for me to be serving as chair of this Charter
18 Revision Commission. I want to reiterate that I am
19 really proud to be here with this company tonight.
20 I know that the Mayor was really pleased that all of
21 you said you would serve. It's really -- we really
22 expect to do some very important work.

23 So, we have a couple of members who
24 couldn't make it tonight given the short notice for
25 personal reasons and they will introduce themselves

1 next week, but there is also Jennifer Raab,
2 President of Hunter College. Dr. Mary McCormick,
3 President of the Fund for the City of New York. And
4 one more, Stephanie Palmer, who is the President of
5 the Mission Society. And we expect they'll all be
6 joining us for the next meeting of the Charter
7 Revision Commission.

8 What I would like to do now is ask
9 Anthony to provide us some of the legal background
10 information on how Charter Commissions function.
11 Some of you who are junkies know this well, others
12 will have to learn very quickly. And by the way, we
13 have hard copies for you of the New York City
14 Charter, as well as the final report of the last
15 Charter Revision Commission and we have a website
16 that's already up and running. And if you go to
17 nyc.gov you can click a direct link to this website
18 and you're all there. So, it's too late to back
19 out. You're on the website.

20 MR. CROWELL: I will give you a very
21 quick background on the Charter and Charter
22 Commissions. I think all of you know what the City
23 Charter is. It's the fairly thick document in front
24 of you. It is basically what has become known as
25 the City's Constitution. However, unlike the

1 federal Constitution, which is rarely amended, the
2 City's Constitution is amended with great frequency.
3 Here's how.

4 It can be amended by local law. It can
5 be amended by state law or by referendum. And there
6 are a number of issues that can only be changed in
7 the Charter by referendum. For instance, if we were
8 adding elected officers or taking away or anything
9 that, for instance, would deal with the curtailment
10 of powers or deal perhaps with the election system,
11 like we tried to do last year, that would have to be
12 done by a referendum. There are other issues that
13 could be done by referendum, but aren't necessarily
14 required to be done by referendum. So, a Charter
15 Commission has the authority to both look at things
16 that are mandated for referendum or not.

17 The Charter sets out the operations
18 functions and responsibilities of city government in
19 broad strokes and it leaves to the City's
20 Administrative Code the more fine points of how the
21 City's to be governed. And from the Administrative
22 Code also down to the Rules of the City of New York,
23 which the executive agencies write rules and it's
24 basically how certain programs that are established
25 under the Charter or most likely the Administrative

1 Code are fleshed out. There is also executive
2 orders that the Mayor enacts, which don't go through
3 any legislative or public process, but it's just
4 executive legislating.

5 As I said, the Charter can be changed by
6 State Law, and that happens fairly frequently.
7 Often there will be provisions, a law that will --
8 state law that will be changed and the City's
9 Charter will need to be made consistent with those
10 State laws and sometimes that's what happens.

11 The Charter Revision Commission itself is
12 established in the State Municipal Home Rule Law and
13 it provides that a mayor can establish a commission
14 between nine and 15 members, and we have up to two
15 election cycles to put something on the ballot. So,
16 for instance, this Commission, having been appointed
17 last Thursday, was it, could put something on the
18 ballot for this November or next November. But if
19 we fail to put something on the ballot for next
20 November, we go out of existence. So, we end as of
21 60 days prior to the election day if we fail to put
22 something on the ballot. Otherwise, if we do decide
23 to put something on the ballot next year or this
24 year we would end -- our Commission would cease to
25 be at the close of the polls of election day.

1 What we've done in the Charter
2 Commission, certainly since '88, '89, and the ones
3 in the 90s and now in the new millennium, we've had
4 extensive public process, public hearings and public
5 meetings. Public hearings obviously the public gets
6 to testify. Public meetings, like tonight, where
7 Commissioners get to discuss issues or deliberate
8 items, everything is subject to the Open Meetings
9 Law. The public is welcome accordingly. We are
10 obviously are also subject to the Freedom of
11 Information Law, so everything that we do in these
12 Commissions will be totally transparent and public.
13 We have a transcriptionist tonight and these
14 transcripts are made public. Often what we have
15 done is put them on the website as part of the range
16 of deliberations for the public to review. Aside
17 from public hearings and meetings, what we've done
18 is had public forums in the past where there have
19 been panelists of experts, expert panelists who come
20 in to give a presentation about their area of
21 expertise or to comment on specific things that are
22 being considered by the Commission.

23 In general, when you have a public
24 hearing or a public meeting, a quorum of the
25 Commissioners, a simple majority, is required. For

1 a forum, it's not -- it doesn't need to be as
2 formal. The Commission Chair can hold a forum. But
3 certainly for a hearing from the public or if there
4 is going to be any deliberating, then a quorum would
5 be required.

6 And I think that's probably the basics
7 for now. Obviously, there will be issues that come
8 up. If anyone has any questions, I am happy to
9 answer them. As we get a staff, we'll have our own
10 counsel and director as well.

11 DR. FORSYTHE: A few questions.

12 One, is it only the November date, is
13 that the only date on which a referendum can take
14 place?

15 MR. CROWELL: Yes.

16 DR. FORSYTHE: And second, as Ester said,
17 the expiration of the Financial Emergency Act
18 provisions is an important part of what we're going
19 to be doing.

20 Am I right in assuming that that may
21 require State law as well as Charter reform that we
22 may end up -- part of what we may end up doing is
23 recommending action for State government as well?

24 MR. CROWELL: Sure. And, in fact, what
25 could happen is that the Commission could recommend

1 that the Mayor and the Council submit Home Rule
2 message for an issue or make a recommendation as to
3 what State law would look like. And we could
4 certainly put something on the ballot that would
5 reflect certainly what our issues are and somehow
6 make sure that anything that we put on the ballot
7 has to be -- at the time we put it on the ballot,
8 consistent with State law so we're not -- or that
9 the terms are not inconsistent so we're not
10 preempted, so we have the authority to do it. But,
11 otherwise, we could certainly make recommendations
12 to Albany and you would do that, obviously, through
13 the normal process of the Home Room messaging.

14 Any other questions?

15 CHAIRWOMAN FUCHS: Thanks, Anthony.

16 I am going to ask Frank Barry now to give
17 us a brief overview of the last Charter Revision
18 Commission and then he'll be talking a little bit
19 about logistics as well.

20 MR. BARRY: And I'll touch on some of the
21 issues, too, but briefly.

22 Last year's Commission was convened in
23 early April, I think. The first meeting was held on
24 April 14th. Between there and the end of August
25 were 27 meetings held in total. Some of them

1 were -- half of them were public hearings in which
2 we had people coming in to testify, nine were just
3 meetings in which Commissioners deliberated and then
4 had five special forums, as Anthony mentioned, where
5 we brought in expert panelists to discuss a specific
6 issue. There were three kind of groupings of issues
7 last year. One was City elections, non-partisan
8 elections. The other was City procurement and then
9 there was government administration and agency
10 organization.

11 We held expert panels for each of those,
12 sometimes more than one. In those forums we invited
13 a whole range of people from political science
14 professors to Commissioner to advocacy group
15 experts, experts from outside of the City, voting
16 rights experts, in the case of last year's work.
17 So, we heard from a very diverse group of people.
18 Commissioners are welcome to suggest and request
19 people that they would like to hear from. That's
20 all part of the deliberative process in setting up
21 these forums. To give you just an example, I think
22 the procurement forum we held last year, we heard
23 from Human Services Council, the General Contractors
24 Association, Comptroller, Commissioner of DCAS,
25 government administration, Ross Sandler, from New

1 York Law School, himself a former Commissioner,
2 Harvey Robbins testified. So, a very diverse group
3 of people.

4 We also did extensive outreach at the
5 staff level, meeting with a lot of the same groups,
6 non-profit groups, good government groups and others
7 including political parties, outside experts.
8 Extensive staff research, I am glad there is a
9 longer time period this time, a lot of late nights
10 last year. I am sure there will be this year, too.
11 But, very extensive research, particularly we looked
12 outside of New York City in other jurisdictions. We
13 consulted with experts in other jurisdictions where
14 it was appropriate. We prepared reports for the
15 Commissioners at the Commissioners' requests and,
16 again, as all part of the deliberative process. You
17 know, as the study of the issue progresses, a
18 preliminary report is prepared and Commissioners
19 have an opportunity to deliberate and the issue
20 evolves and inevitably it's different from when it
21 began.

22 Let me just briefly touch on a few of the
23 different ways the issues came up. There were some
24 that were specifically suggested by the Mayor. You
25 have a mandate to look at the entire Charter, and

1 Mayor asked that you look with a particular close
2 eye on a couple of issues. Last year it was
3 non-partisan elections and procurement in
4 particular. So, that was one way in which issues
5 came up. Commissioners and agency heads came to
6 testify with their own recommendations for
7 improvements to the Charter. And just to give you
8 one example of that, we ended up recommending that
9 the Mayor's preliminary management report be
10 eliminated as a requirement and a very basic
11 rationale was that it was kind of out of date by the
12 time it was published and there is a lot of
13 statistics on the website now in an electronic
14 format that is just as useful or more useful, more
15 up to date, up to the minute.

16 MR. CROWELL: There was up-to-the-minute
17 data available, so why produce a report based on
18 three months dated back.

19 MR. BARRY: So, that came to us from
20 agency personnel. We had recommendations from civic
21 groups. There was recommendations for restructuring
22 the Voter Assistance Commission, whose board has
23 been found to be very unwieldy and ineffective. We
24 ended up recommending that the board be cut down
25 from 16 to seven. And we heard from a lot of

1 different people about the way it should be shaped
2 and how many there should be and who should have
3 appointees. We looked at best practices, both
4 inside New York City government and outside, which
5 is how we arrived at the recommendation for the
6 Coordinator of Administrative Justice. There is
7 currently a Coordinator of Criminal Justice in the
8 Mayor's Office that has worked exceptionally well as
9 a coordinator of all of the City's various law
10 enforcement agencies, and this recommendation was
11 modeled after that office. And, of course, we heard
12 from members of the public and ideas that they would
13 produce and suggest to the Commission. And in some
14 cases, the Commission moved ahead with them. One
15 example it was suggested to create a video-voter
16 guide as a compliment piece to the City's Voter
17 Guide. It would essentially be a relatively
18 costless production and the City's Department of
19 Information Technology could produce in consultation
20 with the Campaign Finance Board to allow candidates
21 to submit statements that could run on City Access
22 TV, the new NYC TV. So, that was a recommendation
23 from a member of the public that we moved ahead
24 with. And there were other issues that, as we were
25 talking about before, that were State law issues,

1 that we couldn't move ahead with but that we did end
2 up making recommendations for in the form of a
3 letter, I think, was the final. And the only one
4 that's really sticking out now is ballot access, but
5 there were, I think, a couple of other issues that
6 we ended up in a letter to the State legislative
7 leaders recommending changes.

8 MR. CROWELL: They actually begin -- the
9 thought processes are open at hearings on certain
10 issues.

11 MR. BARRY: That's right. It was a
12 recommendation for certain hearings.

13 MR. CROWELL: We did not directly
14 recommend action, but we recommended consideration
15 of an issue.

16 MR. BARRY: So, those are some -- I mean,
17 all of those issues got overshadowed by the election
18 issue, the non-partisan elections. But, there were
19 a lot of meritorious ideas there that may be worth
20 considering again.

21 MR. ABRAMS: Can you refresh our
22 recollection as to what -- which proposals did best?

23 MR. BARRY: All three went down. I don't
24 remember the percentages now. They were different.
25 But, the feeling was that people voted against the

1 non -- partisan elections. The vote against the
2 Charter Commission was not -- it was a vote
3 everything down.

4 MR. CROWELL: There were three separate
5 questions with numerous components with each
6 question. And they all roughly were defeated by the
7 same margin, except procurement was a little bit
8 higher than the rest. People were actually paying
9 attention.

10 MR. BARRY: Non-partisan was 70/30, I
11 think. And I think the procurement may have been
12 closer to 55/45, or 60/40.

13 MR. ABRAMS: What was the third one that
14 went down?

15 MR. BARRY: It was a kind of a government
16 administration/agency reorganization. There was --
17 I think there was a Conflict of Interest Board piece
18 to it, the penalties that we levied.

19 CHAIRWOMAN FUCHS: And we'll make all
20 that available.

21 MR. CROWELL: It's actually in here.

22 One thing if you wanted to take a look
23 at, I think the question is in here.

24 MR. BARRY: In fact, there is actually a
25 pretty good executive summary right in the

1 beginning.

2 DR. FORSYTHE: Was any of this later
3 accomplished by local law?

4 MR. BARRY: Yes, the procurement there
5 was actually a good number of --

6 CHAIRWOMAN FUCHS: Yes. Most of the
7 procurement were important issues that had been done
8 through local law.

9 MR. CROWELL: If you look at page six,
10 that starts the executive summary.

11 MR. ABRAMS: Could that be prepared for
12 us, you know, what part of procurement did the best
13 and what part is still left over?

14 CHAIRWOMAN FUCHS: Yes.

15 MR. BARRY: Sure.

16 I think that's it in a nutshell. But if
17 you have questions, I am happy to answer them the
18 best I can.

19 CHAIRWOMAN FUCHS: Okay, thank you.

20 MR. BARRY: Did I miss anything?

21 CHAIRWOMAN FUCHS: No, I think that was
22 very helpful.

23 If it's possible could you spend a couple
24 of minutes before we move into other issue areas to
25 just address any logistical issues, I guess, that we

1 haven't talked about earlier about the functioning
2 of the Commission and meetings and public hearings.

3 MR. BARRY: What else have we not
4 covered?

5 CHAIRWOMAN FUCHS: I was just thinking
6 along the lines of we don't know exactly how many
7 meetings we are going to have yet. I know that was
8 an issue, so I just wanted to bring that up right
9 now. That will really depend on the Commission. We
10 will probably -- we will be scheduling the next
11 meeting, but we'll be calling your offices and
12 scheduling it that way.

13 As Anthony said, some of these meetings
14 will be hearings in which the public will be invited
15 to participate, but some of them will just be
16 meetings in which it's only the Commissioners who
17 are deliberating. But, everything is open. So even
18 if it's just a deliberative meeting, the public is
19 invited. So, whatever we do has some public
20 component to it. So, I thought people needed to be
21 aware of that.

22 MR. ABRAMS: Is this the site all the
23 time for the meetings?

24 MR. CROWELL: Not necessarily. What we
25 have done in the past is gone to other boroughs and

1 made sure that everything was accessible, looked to
2 transportation and for handicapped accessibility.
3 So, that will all be worked out in terms of
4 locations and making sure that there is a range of
5 locations.

6 CHAIRWOMAN FUCHS: Right. And as we
7 determine issues that we really might want to bring
8 forward, then we would get into a hearing process in
9 all five boroughs in which everybody has an
10 opportunity then to comment in that way.

11 I know that it's in some ways premature
12 because we haven't had an opportunity to do much
13 home work here or reading, but I did want to open up
14 the conversation to the Commissioners if they did
15 have issues they wanted researched and brought to
16 the table, as Bob pointed out already, we will go
17 back into the procurement from the last Charter
18 Revision to see what was already done through local
19 law and what is still on the table.

20 We have the three areas in which we have
21 been asked to look at the Charter that the Mayor had
22 suggested.

23 DR. FORSYTHE: And we will be doing
24 research in those areas?

25 CHAIRWOMAN FUCHS: Yes. And we're going

1 to begin some research on the state law related to
2 the State Financial Control Board. We have started
3 some research on that internally and to get
4 everybody a copy of what the State law is and where
5 there might be opportunities for us to --

6 DR. FORSYTHE: Actually, it's a very
7 complicated business, not just the State law, but
8 there is a whole series of bond covenance and other
9 provisions that kind of depend on or relate. So,
10 it's a complicated structure we're all encountering.

11 CHAIRWOMAN FUCHS: Which I hope you'll
12 help us with. In fact, that's another reason why
13 this is important because it's not simple like just,
14 okay, here is the State law, now let's make it part
15 of the City Charter. It is much more complicated.

16 DR. FORSYTHE: The other thought, it's
17 just a thought, maybe a bad thought, but while
18 you're looking at the parts of the procurement
19 pieces that were passed in local law, you might
20 consider -- I know you don't want to do it for this
21 November -- but consider whether you want to --
22 while we're working on the more complicated issues,
23 whether there is a list of sort of easy things that
24 might be put forward and suggested as additional
25 proposals for local law change. Again, the sort of

1 PMMR is one that comes to my mind just because that
2 was one that I was aware of that I knew didn't make
3 any sense. And there may be a few others that
4 probably everybody would have agreed to if it hadn't
5 been caught up in the big wake of the bigger issues.
6 And it maybe that the Mayor might want to consider a
7 smaller package for legislative actions. Maybe not.
8 Like I said, it may not be a good idea.

9 CHAIRWOMAN FUCHS: No, but I think that's
10 important. The work that we do we can determine
11 whether we want to bring it forward as a proposition
12 versus whether we want to bring it forward to the
13 City Council and to the Mayor for legislative action
14 or make a suggestion to the State Legislature. So,
15 we're aware that some of the issues that we look at
16 can be accommodated through local legislation, too,
17 or through the Charter. And we can determine which
18 way we want to go on that.

19 In the next meeting we're going to invite
20 some experts to speak to us. And one of the things
21 that I would like is some suggestions from the
22 Commission that they can call in. Right now, the
23 best number to call into is 788-2153.

24 MR. GRAYSON: Ester, in that regard, it
25 might be useful at some point to put together a

1 distribution list.

2 CHAIRWOMAN FUCHS: Yes. And we have a
3 distribution list and rather than handing it out,
4 we'll e-mail it to everybody. So, you should get
5 that tomorrow morning through your e-mail.

6 MR. ABRAMS: Just as we -- the Mayor has
7 focused on three areas, administrative law judges,
8 the financial and fiscal areas and procurement
9 areas, and just as we're looking at what failed,
10 what was recommended in the procurement area for
11 last year, perhaps we can go back over the last few
12 years if there was anything else recommended in the
13 three areas that the Mayor thought we should focus
14 on.

15 CHAIRWOMAN FUCHS: Great idea.

16 MR. ABRAMS: I think if we left it to
17 staff to take a look over the last few years to see
18 if there is anything relevant in those three areas
19 that had been worked on in the past.

20 MR. FIALA: If I could piggyback on that.
21 One area that I have a particular interest in, and
22 the past staff reports touch on this, is the
23 unfunded mandates. I think as an extension of
24 dealing with codifying the FEA, that should be
25 something that is looked at a little bit more

1 indepth than in the past. So, I would have a
2 personal interest in that area.

3 CHAIRWOMAN FUCHS: You mean for a message
4 to the State Legislature?

5 MR. FIALA: No. There have been
6 suggestions offered in past Commission meetings that
7 the Charter address unfunded mandates at the City
8 level. Having served as a legislator, I can tell
9 you we love to spend money, but we, unlike the
10 Mayor, don't have to worry about the economic
11 consequences of passing bills and seeing them come
12 to law since you have a veto-proof City Council. I
13 think with all of the good practices that the City
14 operates under with respect to its budgeting, that
15 all goes out the window once you hit the point of
16 spending. You know, the Legislature, this is just
17 the nature of the beast. The Legislature gets to
18 hold press conferences, this is what we do, pass
19 laws and have no regard whatsoever on how those
20 things are going to be funded. And then the mayor
21 is out there looking like the bad guy. And I don't
22 mean any particular mayor. Unfunded mandates are a
23 problem in the federal government, passing on down
24 to the State, the State onto the City. But, I think
25 in recent years, certainly, we've seen the City

1 Council does a very good job on its own at being
2 less than careful with tax payer dollars. And since
3 this has been talked about at least, I think, over
4 the last two or three Charter Commissions, I am
5 wondering if we could look at it a little more
6 indepth because it does tie in with the overall
7 goals that the Mayor has established with respect to
8 financial matters.

9 DR. FORSYTHE: It's interesting. The
10 federal government operates under a thing called
11 "pay as you go" provisions for some portion of their
12 work, which is just what you're talking about, the
13 part of the legislature to come up with savings or
14 revenues to pay for their actions.

15 CHAIRWOMAN FUCHS: Any other suggestions?

16 So, what we'll do is simply contact you
17 to give you the next schedule for the meetings, and
18 the next meeting we will be inviting some experts in
19 these three areas to speak to us. If you have
20 anybody that you would like to come speak, that
21 would be helpful at this point. We'll be doing --
22 the staff will start doing research that the
23 Commissioners have suggested. We are right now in
24 the process also of appointing staff to the
25 Commission. And we have, fortunately, Sara Vidal,

1 who will be joining us again, who I want to
2 personally thank for helping us put together the
3 meeting tonight on very short notice. And we have
4 Frank Barry, who will also be joining us as a staff
5 member to the Commission. And that's where we've
6 started. Now, we have to put together a whole
7 compliment of staff. And I want to particularly
8 thank Anthony and Frank and Sara and my assistant,
9 Ashley, who went to a Columbia mixer tonight instead
10 of coming here -- and I think that was more fun for
11 her -- for helping us just get this together in a
12 very short period of time. But we expect to have a
13 full compliment of staff. If anybody has any
14 recommendations, please feel free to share that with
15 me.

16 So, if there are no more issues to bring
17 to the table at this point, then I would like to
18 adjourn the meeting.

19 Thank you all.

20 (Whereupon, at 8:00 p.m. the above matter
21 was concluded.)

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

I, KELLY FINE-JENSEN, a Registered Professional Reporter and a Notary Public, do hereby certify that the foregoing is a true and accurate transcription of my stenographic notes.

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

KELLY FINE-JENSEN, RPR