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CHARTER REVISION COMMISSION 2019

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CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

CHARTER REVISION COMMISSION 2019

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JUNE 12, 2019  
Start: 6:11 p.m.  
Recess: 9:47 p.m.

HELD AT: COUNCIL CHAMBERS - CITY HALL

B E F O R E: GAIL BENJAMIN, CHAIRPERSON

COMMISSIONERS: SAL ALBANESE  
DR. LILLIAM BARRIOS-PAOLI  
LISETTE CAMILO  
JAMES CARAS  
EDUARDO CORDERO SR.  
STEPHEN FIALA  
PAULA GAVIN  
LINDSAY GREENE  
ALISON HIRSH  
REV. CLINTON MILLER  
SATEESH NORI  
MERRYL TISCH  
JAMES VACCA  
CARL WEISBROD

1  
2 CHAIRPERSON GAIL BENJAMIN: [GAVEL] Good  
3 evening and welcome to tonight's public meeting of  
4 the 2019 New York City Charter Revision Commission.  
5 I'm Gail Benjamin, the Chair of the Commission, and I  
6 am joined by the following Commission members: The  
7 honorable Sal Albanese; the honorable Dr. Lilliam  
8 Barrios-Paoli; the honorable Lisette Camilo; the  
9 honorable Jim Caras; the honorable Stephen Fiala; the  
10 honorable Paula Gavin; the honorable Lindsay Greene;  
11 the honorable Alison Hirsh; the honorable Reverend  
12 Clinton Miller; the honorable Sateesh Nori; the  
13 honorable Dr. Merryl Tisch; the honorable James  
14 Vacca; and the honorable Carl Weisbrod.

15 With those members present, we have a  
16 quorum. Before we begin on our business of today, I  
17 will entertain a motion to adopt the minutes of the  
18 Commissions hearing held on May 14<sup>th</sup> at the College  
19 of Staten Island. A copy of which has been provided  
20 to all of the Commissioners. Do I hear a motion?  
21 Second? Discussion? All of those in favor?

22 ALL: Aye.

23 CHAIRPERSON GAIL BENJAMIN: Opposed? The  
24 motion carries.

1  
2 Over the past eleven months, this  
3 Commission has engaged in a robust and comprehensive  
4 examination of our city's Charter and a thoughtful  
5 deliberation of various ideas for amendments to it.

6 As I have emphasized throughout our  
7 public meetings as the city's foundational governing  
8 document, the Charter plays a vitally important role  
9 in establishing the structures and processes of City  
10 Government which in turn effect many aspects of our  
11 everyday lives.

12 It has been our task to evaluate how the  
13 current Charter has performed since it was largely  
14 put into place in 1989 and to identify areas in which  
15 improvements could be made in order to best serve the  
16 city for the next 30 years.

17 At our first round of borough hearings in  
18 September as well as through engagement online and in  
19 person, we received hundreds of suggestions for  
20 changes to the Charter.

21 The Commission ultimately adopted a set  
22 of focus areas which outlined those ideas which we  
23 decided to pursue further and then held a series of  
24 expert forums at which we were able to hear from a  
25

1  
2 wide array of people knowledgably in those areas. I  
3 know that some of you here were on those panels.

4           Following that months process, the  
5 Commission Staff issued a Preliminary Staff Report  
6 containing its recommendations regarding those  
7 proposals which they felt particularly merited  
8 further consideration for presentation to the voters  
9 on the ballot this November.

10           That led to another round of hearings  
11 throughout the five boroughs and engagement online  
12 where we solicited additional feedback as we worked  
13 to refine our proposals. On behalf of the entire  
14 Commission, I would like to thank all of the New  
15 Yorkers who took the time to share your ideas with us  
16 whether at hearings or online. Your ideas and  
17 feedback were immensely valuable as we understood  
18 this important and daunting task.

19           We sincerely hope that you felt the  
20 process allowed for meaningful and productive  
21 engagement. I know that I for one have done my best  
22 to keep an open mind along the way.

23           Today, it is our job to discuss debate  
24 and make decisions about what proposals or changes to  
25

1  
2 the Charter should be placed before the voters for  
3 their consideration in a referendum this November.

4           Commissioners, we will try to get through  
5 everything as methodically and efficiently as  
6 possible. As always, please be concise as possible  
7 and respectful of everyone's time and to the members  
8 of the public who have joined us today, while we know  
9 you may have very strong feelings about some of the  
10 items we will be discussion, so that we may have an  
11 orderly meeting as possible and to allow us to get  
12 through everything on our agenda, please refrain once  
13 more from cheering, jeering, or comments and instead,  
14 indicate your agreement or disagreement using jazz  
15 hands or reverse jazz hands.

16           With that, let's begin. We are going  
17 to take proposal by proposal, what is on the draft  
18 sheet you have in your folder. I will introduce a  
19 proposal one at a time, grouped by the proposed  
20 ballot questions and then open the floor to  
21 Commissioner discussion on that proposal. Once we  
22 have finished discussing a given proposal including  
23 consideration of any amendments, we will vote on  
24 whether to direct the staff to prepare all necessary  
25

1 materials for placing that proposal on the ballot in  
2 November.

3  
4           Once we have gone through all the  
5 proposals, there will be an opportunity for  
6 Commissioners to make motion to add any other  
7 proposals.

8           Okay, so, beginning with Ranked Choice  
9 Voting, proposal one is to establish a Ranked Choice  
10 Voting system for all municipal, Primary, and Special  
11 Elections. Allow voters to rank five candidates,  
12 including write in candidates. Have this system  
13 apply beginning with the elections in 2020.

14           Is there any discussion? Oh, I am sorry,  
15 2021. I am sorry, yeah, not the elections before  
16 they would even be adopted. Is there any discussion?  
17 Yes, okay.

18           STEPHEN FIALA: Thank you, Madam Chair.  
19 We have discussed this issue at great length in this  
20 body and election reform has been discussed at great  
21 length in just about every one of the proceeding  
22 eight Commissions since the 1989 Charter Revision  
23 Commission.

24           Everybody agrees that the existing system  
25 is broken and is not serving the citizenry well.

1  
2 Voter apathy is at an all-time high, civic  
3 participation continues to decline particularly in  
4 citywide elections and there is a general sentiment  
5 out there that this government just isn't there for  
6 the people. The consequences of that are pretty  
7 dire. It means we create the self-perpetuating  
8 cycle. Apathy leads to not voting, leads to less  
9 people weighing in on the essentially direction of  
10 their local government. Leads to less creativity and  
11 interest on the part of the government to respond to  
12 the myriad of needs in as broad of fashion as  
13 possible.

14           So, a year ago, I sat right in this seat  
15 I think, and I had advocated along with three other  
16 Commissioners for a more extensive set of reforms.  
17 We chose to limit our discussions in this area and  
18 over the course of many, many sessions I conceded  
19 that Ranked Choice Voting is a bold and exciting move  
20 and that's what we need. Election reform is the  
21 gateway through which every other improvement in this  
22 city or any city or state in the nation is going to  
23 achieve. It's the gateway, we have to fix it and the  
24 time is now.

25

1  
2 I sent my colleagues a letter stating  
3 that I would offer an amendment that my support of  
4 Ranked Choice Voting was tentative and conditional.  
5 If it weren't to include general elections, I am not  
6 sure that I would want to support this. So, what I  
7 would really appreciate is someone explaining to me  
8 why, what have I missed? Because I have looked at  
9 this backwards and forwards and I can't for the life  
10 of me figure out why we would do it in one part and  
11 not another. I said this city is bipolar when it  
12 comes to its elections. We have sometimes  
13 nonpartisans, sometimes partisan and that causes a  
14 lot of consternation among people. Now, we would  
15 overhaul a system and say, in some elections it's  
16 Ranked Choice and in general elections it not. For  
17 me, maybe I am oversimplifying this. It seems to me  
18 that what's good for the goose is good for the  
19 gander. If it is good enough in one, it is good  
20 enough in all.

21 We shouldn't perpetuate this complex  
22 system we have where in certain times it's this and  
23 in other times it's that. So, I am asking that we  
24 consider an amendment to include as was discussed.  
25 Most of the folks that testified in my recollection



1  
2 said, we should have it in general elections. So, I  
3 am not clear, maybe I am missing something, and I am  
4 willing to rethink; remember I said, I listen. I  
5 genuinely listen. If I have missed something, I will  
6 rethink this, but I don't think I have. So, my  
7 amendment is include the general election as we were  
8 discussing throughout these sessions.

9 CHAIRPERSON GAIL BENJAMIN: We have an  
10 amendment on the floor.

11 UNIDENTIFIED: I will second that  
12 amendment.

13 CHAIRPERSON GAIL BENJAMIN: Okay,  
14 discussion on the amendment? Jim?

15 JAMES CARAS: Like Steve, I've you know,  
16 tried to keep an open mind on all of these issues and  
17 I guess it's my sort of gut feeling that if we can  
18 apply Ranked Choice Voting to the general election as  
19 well and make sure there is a system for  
20 implementation that respects fusion voting and that  
21 candidates may run on multiple lines, I would be in  
22 favor of that. I guess where I come down slightly  
23 different from Steve is that I support Ranked Choice  
24 Voting. I support the proposal that's before us but  
25 would rather see it broadened if it can be broadened.

1  
2           So, I would authorize staff to make sure  
3 there is a way of implementing it that respects  
4 fusion voting and if there is to do it that way. If  
5 not, to go with whats before us and I have reached  
6 out to some experts who believe that it is more a  
7 system issue that can be solved. We just need to  
8 make sure that A. that's true and that B. we have  
9 time to make sure that that can be done.

10           CHAIRPERSON GAIL BENJAMIN: Is that a  
11 friendly amendment to the amendment?

12           JAMES CARAS: No. Oh, I am sorry. Do I  
13 respond?

14           CHAIRPERSON GAIL BENJAMIN: Yes. No, you  
15 get to respond to whether it's a friendly amendment.  
16 Do you accept it as a friendly amendment?

17           JAMES CARAS: No.

18           CHAIRPERSON GAIL BENJAMIN: Okay.

19           JAMES CARAS: That's my position however  
20 that plays out.

21           CHAIRPERSON GAIL BENJAMIN: Okay. Sal?

22           SAL ALBANESE: Yeah, I want to support  
23 the amendment of Commissioner Fiala and simply say  
24 that the rationale that's been given for this; this is  
25 a very good reform but it's a half measure. If we

1  
2 don't include general elections, it makes no sense.  
3 I mean we've got the ability to address the fusion  
4 voting issue.

5           First of all, fusion maybe out the window  
6 in December because of a Commission that the Governor  
7 has convened that will recommend one way or the other  
8 whether we should have fusion or not. But you know,  
9 we have a green part, we've got other small parties  
10 even the conservative party across the ideological  
11 spectrum that's going to be adversely impacted by us  
12 moving this in this direction. It is a halfway  
13 measure. Why do we continuously do halfway things?  
14 We want the process to be open. We are going to  
15 confuse New Yorkers that's for sure. People are  
16 going to have a hard time being educated about this  
17 and then we are going to tell them you can do it in  
18 the primary in a special election, but you can't do  
19 it in the general election. It makes no sense.

20           I am convinced that the Board of  
21 Elections as in sometimes incompetent as they are,  
22 can address this issue. I had a discussion with the  
23 Executive Director about this and even he  
24 acknowledged that there will be a way to handle it  
25 for general elections.

1  
2           Otherwise, we are going to have  
3 situations in the general election. You could have a  
4 situation where somebody gets elected with 30, 40  
5 percent of the vote and it doesn't represent that  
6 district because they are not allowed to rank folks.  
7 So, at the end of the day, they will have over 50  
8 percent of plurality which represents the area. So,  
9 I am vehemently opposed to just doing it for the  
10 primary and for special elections. I think we have  
11 an obligation to do it right.

12           CHAIRPERSON GAIL BENJAMIN: Thank you  
13 Sal. Is there anyone else? Carl.

14           CARL WEISBROD: Yes, I want to speak in  
15 favor of the proposal as written and just want to  
16 start with just an overall basic statement about how  
17 we are approaching all of these proposals.

18           As I have said repeatedly throughout our  
19 process, I think the number one goal first of all,  
20 let's take a step back and say, I think there is a  
21 consensus generally on this Commission that the 1989  
22 Charter Commission which revamped City Government  
23 generally speaking, got it right. And that our goal  
24 is not to be radical but to refine what the 1989  
25 Charter did and that's the way I've approached this

1  
2 and second, I think another consensus issue that we  
3 have all agreed on, is that we want to be very  
4 careful to do no harm.

5 I think to the proposal as written is  
6 quite a dramatic step forward and to apply rank  
7 choice voting to primaries and special elections is,  
8 I think an important step. A step by favor and the  
9 vast preponderance, not all, but the vast  
10 preponderance of the testimony that we did get on  
11 this issue was in favor of Ranked Choice voting. But  
12 there was a considerable split among those who  
13 favored Ranked Choice Voting generally and those who  
14 favored Ranked Choice Voting only for primaries and  
15 special elections and I think that the organizations  
16 that testified in favor of ranked choice voting very,  
17 very well respected organizations largely I think, as  
18 I recall and certainly a significant number of them  
19 at the very least limited their recommendation to  
20 primaries and special elections.

21 And as Jim Caras said, I think if we see  
22 that it works in primary and special elections, we  
23 always have the ability, another Charter Commission  
24 in the future certainly has the ability to expand it  
25 with the safeguards that Jim and others mentioned.

1  
2           So, I respectfully oppose the amendment  
3 but support the proposal.

4           CHAIRPERSON GAIL BENJAMIN: Thank you  
5 very much. Mr. Vacca.

6           JAMES VACCA: My view is that the  
7 Commission has a decision to make. Do we favor  
8 Ranked Choice Voting or not? If we go with Ranked  
9 Choice Voting, how do we tell people that you rank  
10 choice candidates in a primary but then in November,  
11 you go back to the other system of voting for people  
12 the way you used to vote for people. I think it just  
13 is confusing. I just think that once we make a  
14 decision on voting reform in the city, that decision  
15 has to be consistent. And I argue for consistency  
16 and in minimizing of voter confusion in the future.

17           I cannot say that we should do it in the  
18 primary and then consider what we do in the general  
19 election for another Charter Revision Commission.  
20 No, that's not the way things should be done.

21           We have no idea if and when this kind of  
22 next Charter Commission will be appointed. We don't  
23 know how many years away it would be. We don't know  
24 what action they will take. I think when it comes to  
25 reform, if we do it, we have to do it correctly now.

1  
2 CHAIRPERSON GAIL BENJAMIN: Lindsay.

3 LINDSAY GREENE: Thanks everybody for  
4 your comments. I just wanted to sort of follow up.  
5 I generally support the concept of Ranked Choice  
6 Voting, but I have a response with regards to the  
7 need for in a general. You know, I generally feel  
8 like the real benefit of Ranked Choice Voting is that  
9 it helps you get to a better way for people to sort  
10 and really choose multiple people that they like in  
11 the stages where you are really trying, for lack of a  
12 better term, funnel people so that you have a smaller  
13 number of candidates on which to focus in a general  
14 election.

15 I think Ranked Choice Voting is a better  
16 system to do that than what we have currently, but I  
17 don't think you need to take that step for the  
18 general election whereby default you have a fewer  
19 number of people amongst which to choose. I think it  
20 is already a simple choice for voters in most  
21 instances and I just don't think it is necessary.  
22 And I think second, there is a real value to trying  
23 this out. It's a very new idea for New York. We  
24 have a big voter base. It's a big systematic change  
25 to implement. I am a believer in you know,

1  
2 optimistic caution. I think doing it for the places  
3 where we really need a better way for people to  
4 advance and get heard and we, by nature, have a large  
5 number of people on the ballot. It is better to  
6 start there.

7 CHAIRPERSON GAIL BENJAMIN: Sal.

8 SAL ALBANESE: Well, you know we should  
9 not limit debate on this stuff. This is serious.

10 CHAIRPERSON GAIL BENJAMIN: I just called  
11 on you Sal.

12 SAL ALBANESE: Well, one of the ways that  
13 reforms get killed is let's study it further. Let's  
14 wait until the next Commission. We've seen that  
15 before. I have seen the movie before. I don't know  
16 that Commissioner Fiala seen the movie before. I  
17 have read the reports, you know, it's the same old  
18 story. Bottomline here is that every possible  
19 rational for supporting Ranked Choice Voting in the  
20 primary which is a greater mandate. More choices for  
21 voters, more civility, no spoiler effect, applies to  
22 the general election as it does to the primary. The  
23 only difference is that you save money in a runoff,  
24 which is good, and I am all for that, but to limit it  
25 to just primaries and special election. By the way,



1  
2 every other state that has Ranked Choice Voting  
3 applies it across the board. This is insanity. I  
4 have no idea. There is no compelling reason why we  
5 should move to limit it, besides the idea of let's  
6 try it out. It has been tried out. We've had  
7 testimony. It's ineffective in 15, 16 states. Come  
8 on, let's stop playing games. If you are opposed to  
9 it, tell us why you are opposed to it, but don't tell  
10 me that we want to study it further. That's  
11 nonsense.

12 CHAIRPERSON GAIL BENJAMIN: Well, I do  
13 think that Commissioner Greene was telling why she  
14 was opposed to it. I don't think you can quite say  
15 she wasn't telling you that or that Carl wasn't. You  
16 may not agree with their reasons or their rational,  
17 but they did have them.

18 SAL ALBANESE: Well, I respectfully  
19 disagree Madam Chair.

20 CHAIRPERSON GAIL BENJAMIN: Okay. Anyone  
21 else? Motion to call the question on the amendment?  
22 Second? Yes.

23 UNIDENTIFIED: Point of clarification, we  
24 are calling on question the amendment, not the  
25 original question.

1  
2 CHAIRPERSON GAIL BENJAMIN: Correct, this  
3 is on the amendment.

4 COMMISSION CLERK: Commissioner Albanese?

5 SAL ALBANESE: For.

6 COMMISSION CLERK: Commissioner Barrios-  
7 Paoli?

8 LILLIAM BARRIOS-PAOLI: No.

9 COMMISSION CLERK: Commissioner Camilo?

10 LISETTE CAMILO: No.

11 COMMISSION CLERK: Commissioner Caras?

12 JAMES CARAS: Yes.

13 COMMISSION CLERK: Commissioner Fiala?

14 STEPHEN FIALA: Yes.

15 COMMISSION CLERK: Commissioner Gavin?

16 PAULA GAVIN: No.

17 COMMISSION CLERK: Commissioner Greene?

18 LINDSAY GREENE: No.

19 CHAIRPERSON GAIL BENJAMIN: If everyone  
20 could make sure that when they speak, they are  
21 directly speaking into the mic, so it gets picked up  
22 for the transcript, that would be appreciated.

23 COMMISSION CLERK: Commissioner Hirsh?

24 ALISON HIRSH: No.

25 COMMISSION CLERK: Commissioner Miller?

1  
2 REVEREND CLINTON MILLER: In favor of the  
3 amendment.

4 COMMISSION CLERK: Commissioner Nori?

5 SATEESH NORI: Yes.

6 COMMISSION CLERK: Commissioner Tisch?

7 MERRYL TISCH: No.

8 COMMISSION CLERK: Commissioner Vacca?

9 JAMES VACCA: Yes.

10 COMMISSION CLERK: Commissioner Weisbrod?

11 CARL WEISBROD: No.

12 COMMISSION CLERK: Six votes in the  
13 affirmative, seven in the negative, I am sorry, Chair  
14 Benjamin?

15 CHAIRPERSON GAIL BENJAMIN: No.

16 COMMISSION CLERK: Six votes in the  
17 affirmative, eight votes in the negative. The motion  
18 fails.

19 CHAIRPERSON GAIL BENJAMIN: Okay, moving  
20 back to the original question then. Is there other  
21 discussion? Does anyone want to call the question on  
22 the Proposal One?

23 UNIDENTIFIED: I move that Proposal One  
24 as presented the Adopted.

1  
2 CHAIRPERSON GAIL BENJAMIN: Second? Roll  
3 call.

4 COMMISSION CLERK: Commissioner Albanese?

5 SAL ALBANESE: Pass.

6 COMMISSION CLERK: Commissioner Barrios-  
7 Paoli?

8 BARRIOS-PAOLI: Yes.

9 COMMISSION CLERK: Commissioner Camilo?

10 LISETTE CAMILO: Yes.

11 COMMISSION CLERK: Commissioner Caras?

12 JAMES CARAS: Yes.

13 COMMISSION CLERK: Commissioner Fiala?

14 STEPHEN FIALA: If I could explain my  
15 vote?

16 CHAIRPERSON GAIL BENJAMIN: Yes.

17 STEPHEN FIALA: Thank you very much Madam  
18 Chair. I have sat in this body a number of times,  
19 cast thousands of votes. I am very used to being in  
20 the minority of being voted down. So, Jim, I  
21 appreciate you very much. The urgent need for reform  
22 in the area is so paramount that I'd rather give the  
23 people half a loaf then nothing at all. So, I vote  
24 aye.

25 COMMISSION CLERK: Commissioner Gavin?

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PAULA GAVIN: Yes.

COMMISSION CLERK: Commissioner Greene?

LINDSAY GREENE: Yes.

COMMISSION CLERK: Commissioner Hirsh?

ALISON HIRSH: Yes.

COMMISSION CLERK: Commissioner Miller?

REVEREND CLINTON MILLER: Yes.

COMMISSION CLERK: Commissioner Nori?

SATEESH NORI: Yes.

COMMISSION CLERK: Commissioner Tisch?

MERRYL TISCH: No. I'd like to explain.

CHAIRPERSON GAIL BENJAMIN: Yes, you may.

MERRYL TISCH: From the time I was about five or six years old one of the greatest things that happened to me was my grandmother who was an immigrant, who could not speak a word of English, took me to vote with her on the lower east side of Manhattan. And let me just tell you it was the lower east side before the millennials discovered reinvented and improved on the lower east side.

But the power to vote and the ability to get people who are running and seeking office to tell you exactly what they think, to me, is one of the greatest privileges of our democracy and I took the

1  
2 opportunity, I never do this, to write down exactly  
3 what I wanted to say.

4           This is an experiment that unfortunately  
5 I can't support. Our American system of democracy is  
6 at its best, has always been predicated upon people  
7 casting their vote for the candidate they believe  
8 will do the best job. In turn, that forces  
9 candidates to seek, to persuade voters to make a  
10 singular and sometimes really difficult choice.

11           Ranked Voting is a well-intentioned  
12 experiment that could reap at best uncertain and  
13 perhaps complicated consequences. For example, if we  
14 enacted such a system, it could well give candidates  
15 an incentive not to take clear issue positions.  
16 Preferring to play to the audience for being  
17 everyone's second choice by offending as few people  
18 as possible to rack up second and third choice votes.

19           Therefore, I think that we should take  
20 some time, study this with great care. A city that  
21 is headed towards \$9 million in population by the  
22 middle of this century should trust Hamilton and  
23 Madison over Rube Goldberg in structuring its  
24 democracy.  
25

1  
2 I applaud experimentation in every aspect  
3 of our democracy. I understand that our system is at  
4 best flawed, but I just think this is something that  
5 given the complications of our election, our ability  
6 to count votes, our ability to get our electret out  
7 to come out and vote, we are just not ready for it.

8 CHAIRPERSON GAIL BENJAMIN: Thank you  
9 very much Commissioner Tisch.

10 COMMISSION CLERK: Commissioner Vacca?

11 JAMES VACCA: Aye.

12 COMMISSION CLERK: Commissioner Weisbrod?

13 CARL WEISBROD: Aye.

14 COMMISSION CLERK: Commissioner Albanese?

15 SAL ALBANESE: Aye.

16 COMMISSION CLERK: Chair Benjamin?

17 CHAIRPERSON GAIL BENJAMIN: Aye.

18 COMMISSION CLERK: The motion carries.

19 CHAIRPERSON GAIL BENJAMIN: Okay,  
20 Proposal Number Two is on the timing of special  
21 elections. This would extend the time period between  
22 when a special election is announced and when it is  
23 held from 45 days to 60 days for a Mayoral Special  
24 Election to 80 to 90 days in order to provide  
25

sufficient time to accommodate state and federal laws relating to military voting and early voting.

Discussion? Call the question. Second?

Roll call?

COMMISSION CLERK: Commissioner Albanese?

SAL ALBANESE: Yes.

COMMISSION CLERK: Commissioner Barrios-

Paoli?

BARRIOS-PAOLI: Yes.

COMMISSION CLERK: Commissioner Camilo?

LISETTE CAMILO: Yes.

COMMISSION CLERK: Commissioner Caras?

JAMES CARAS: Yes.

COMMISSION CLERK: Commissioner Fiala?

STEPHEN FIALA: Aye.

COMMISSION CLERK: Commissioner Gavin?

PAULA GAVIN: Yes.

COMMISSION CLERK: Commissioner Greene?

LINDSAY GREENE: Yes.

COMMISSION CLERK: Commissioner Hirsh?

ALISON HIRSH: Yes.

COMMISSION CLERK: Commissioner Miller?

REVEREND CLINTON MILLER: Yes.

COMMISSION CLERK: Commissioner Nori?



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SATEESH NORI: Yes.

COMMISSION CLERK: Commissioner Tisch?

MERRYL TISCH: Yes.

COMMISSION CLERK: Commissioner Vacca?

JAMES VACCA: Yes.

COMMISSION CLERK: Commissioner Weisbrod?

CARL WEISBROD: Yes.

COMMISSION CLERK: Chair Benjamin?

CHAIRPERSON GAIL BENJAMIN: Yes.

COMMISSION CLERK: The motion carries.

CHAIRPERSON GAIL BENJAMIN: Proposal

Three, Timing of Redistricting. Amend the timeline for establishing Council District boundaries in order to ensure that such boundaries are established with sufficient time before the petitioning period established under the recent state law which allows early voting. Have such changes apply to the next occurring redistricting and to each redistricting thereafter. Do not alter the officials into these responsible for appointing the members of the districting commission.

Discussion? No discussion. Call the question. Second? Roll call?

COMMISSION CLERK: Commissioner Albanese?

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SAL ALBANESE: Yes.

COMMISSION CLERK: Commissioner Barrios-  
Paoli?

BARRIOS-PAOLI: Yes.

COMMISSION CLERK: Commissioner Camilo?

LISETTE CAMILO: Yes.

COMMISSION CLERK: Commissioner Caras?

JAMES CARAS: Yes.

COMMISSION CLERK: Commissioner Fiala?

STEPHEN FIALA: Yes.

COMMISSION CLERK: Commissioner Gavin?

PAULA GAVIN: Yes.

COMMISSION CLERK: Commissioner Greene?

LINDSAY GREENE: Yes.

COMMISSION CLERK: Commissioner Hirsh?

ALISON HIRSH: Yes.

COMMISSION CLERK: Commissioner Miller?

REVEREND CLINTON MILLER: Yes.

COMMISSION CLERK: Commissioner Nori?

SATEESH NORI: Yes.

COMMISSION CLERK: Commissioner Tisch?

MERRYL TISCH: Yes.

COMMISSION CLERK: Commissioner Vacca?

JAMES VACCA: Yes.

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COMMISSION CLERK: Commissioner Weisbrod?

CARL WEISBROD: Yes.

COMMISSION CLERK: Chair Benjamin?

CHAIRPERSON GAIL BENJAMIN: Yes.

COMMISSION CLERK: The motion carries.

CHAIRPERSON GAIL BENJAMIN: Okay, and I would just like to ask if people in audience could turn their cell phones to airplane mode or silence, I would appreciate it.

The next ballot grouping is about the Civilian Complaint Review Board. Proposal Number Four, Structure of the Civilian Complaint Review Board. The Board is currently comprised of 13 members, all of the members are ultimately appointed by the Mayor but five are designated by the Council. One from each borough and three are designated by the Police Commissioner with each having law enforcement experiment.

This proposal would change the structure so that the board would be expanded to 15 members adding 2 new members. One of the new members would be appointed by the Public Advocate. The other new member would serve as Chair and would be jointly appointed by the Mayor and the Speaker provided that

1  
2 a process be established for appointment of an  
3 interim chair if the Mayor and Speaker cannot agree  
4 on a Chair in a timely fashion. The Council would  
5 appoint its members directly rather than designating  
6 them.

7 Is there discussion?

8 UNIDENTIFIED: Yes, I have a question.

9 CHAIRPERSON GAIL BENJAMIN: Okay, I am  
10 told we are going to go back to Proposal Three on  
11 Redistricting and as a member from the prevailing  
12 side, I would ask for reconsideration of Proposal  
13 Three. Second? All in favor?

14 All: Aye.

15 CHAIRPERSON GAIL BENJAMIN: Opposed? The  
16 item is before us again for reconsideration.  
17 Commissioner Vacca? I am sorry, Commissioner  
18 Albanese.

19 SAL ALBANESE: Thank you Madam Chair. On  
20 the issue of redistricting, we have had testimony  
21 around this issue by experts and others who expressed  
22 opinion about redistricting, which is too often a  
23 very political process that I believe we should  
24 follow other states of municipality and reform it.  
25 And my amendment calls for an independent

1  
2 redistricting commission that would emulate  
3 California, Arizona, Alaska and a couple other states  
4 where the people that are selected are obviously  
5 people of integrity, but they are not lobbyists, they  
6 are not connected to the political system and in one  
7 state, they do it by lottery.

8           So, my amendment calls for establishing  
9 an independent commission to draw the lines of  
10 Council District, such as a Commission who members  
11 are selected by lottery. That's my amendment.

12           CHAIRPERSON GAIL BENJAMIN: Discussion?

13 LINDSAY.

14           LINDSAY GREENE: Thank you Sal. Could  
15 you elaborate on how such a lottery might work? Is  
16 it just randomly selected from the general public,  
17 like jury duty or from a specific subset of people?

18           SAL ALBANESE: In California, it's done  
19 by the general public. Voters, registered voters and  
20 they are interviewed, they are screened and that's  
21 the way they appoint those folks and they draw the  
22 district lines.

23           CHAIRPERSON GAIL BENJAMIN: Are the lines  
24 drawn any better? I am concerned. I know that there  
25 have been issues in California about the

1  
2 redistricting lines and about how they are drawn and  
3 which populations they favor. So, my question would  
4 be, does this system result in the drawing of lines  
5 that are more equitable?

6 SAL ALBANESE: I believe it has in the  
7 states that have implemented it, there was little  
8 bit of a controversy in California, but in other  
9 places, it hasn't caused any problems. I mean  
10 basically, the objective is to distance itself from  
11 politics as much as you can so that we don't have  
12 gerrymander districts.

13 So, we don't have districts that are  
14 caving to particular politicians and I believe that's  
15 important and that's why I offered the amendment. I  
16 have been through as a Council Member; a number of  
17 redistricting periods and I've seen the games that  
18 are played by folks that are appointed by  
19 politicians. I mean they eliminate housing blocks  
20 that have failed to one politician and included in  
21 another district that favor somebody else based on  
22 the political persuasion or the alliance with the  
23 power structure.

24 I think redistricting is too important to  
25 be left to folks that are linked to the political

1  
2 establishment. It should be done in a way that is as  
3 independent as possible. And I am open to other  
4 suggestions besides the lottery that we can look at,  
5 but I do believe we should move to an independent  
6 commission.

7 CHAIRPERSON GAIL BENJAMIN: Is there  
8 anyone else who wants to speak?

9 SAL ALBANESE: I'm sorry.

10 CHAIRPERSON GAIL BENJAMIN: No, I said is  
11 there anyone else who wants to speak on the  
12 amendment?

13 Call the question. Yes, we are voting on  
14 the amendment if somebody would second calling the  
15 question.

16 UNIDENTIFIED: Second.

17 COMMISSION CLERK: Commissioner Albanese?

18 SAL ALBANESE: Yes.

19 COMMISSION CLERK: Commissioner Barrios-  
20 Paoli?

21 BARRIOS-PAOLI: No.

22 COMMISSION CLERK: Commissioner Camilo?

23 LISETTE CAMILO: No.

24 COMMISSION CLERK: Commissioner Caras?

25 JAMES CARAS: No.

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COMMISSION CLERK: Commissioner Fiala?

STEPHEN FIALA: I would like to explain my vote. Commissioner Albanese, I applaud you for addressing the issue. Conceptually, I agree that we need to look at this. This is a movement I think that is part of the national dialog. My only concern is that given the time that we've had to discuss it, I would have concerns about how it would be constructed at this particular time. But conceptually I am with you, but I am going to vote no on the amendment.

COMMISSION CLERK: Commissioner Gavin?

PAULA GAVIN: No.

COMMISSION CLERK: Commissioner Greene?

LINDSAY GREENE: No.

COMMISSION CLERK: Commissioner Hirsh?

ALISON HIRSH: No.

COMMISSION CLERK: Commissioner Miller?

REVEREND CLINTON MILLER: No.

COMMISSION CLERK: Commissioner Nori?

SATEESH NORI: No.

COMMISSION CLERK: Commissioner Tisch?

MERRYL TISCH: No.

COMMISSION CLERK: Commissioner Vacca?



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JAMES VACCA: No.

COMMISSION CLERK: Commissioner Weisbrod?

CARL WEISBROD: No.

COMMISSION CLERK: Chair Benjamin?

CHAIRPERSON GAIL BENJAMIN: I would also like to explain my vote very quickly. I would like to be associated with remarks of Council Member Fiala as I indicated when I spoke I do think that redistricting is an important issue and how we do it not just here but all over the country, not just looking at the political part is but at populations, and how we achieve districts that are equitable and fair is an important issue and I don't think we have had enough time to really examine the ways in which we might examine the issue of redistricting and then proceed to find solutions that might work.

So, for that reason, I cannot support this amendment at this time, but I would be happy to work with you in the future on something.

SAL ALBANESE: Thank you.

COMMISSION CLERK: The motion fails.

CHAIRPERSON GAIL BENJAMIN: Can we by unanimous consent revote Proposal Three? All in favor?

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ALL: Aye.

CHAIRPERSON GAIL BENJAMIN: All opposed?

Proposal Three is readopted. Moving back to Proposal Four, which was on the CCRB. Is there anyone who wishes to be heard? Lisette.

LISETTE CAMILO: I just had a clarification question. So, I know that the language provided that a process shall be established. That's the language in the proposal as drafted. Who would come up with the process or is that part of further study?

CHAIRPERSON GAIL BENJAMIN: Who would come up with the process for the -

LISETTE CAMILO: Appointment of an Interim Chair.

CHAIRPERSON GAIL BENJAMIN: I can imagine there would be several ways, but I believe that staff is intending to come back with a proposal as part of the drafting process that we could all look at.

LISETTE CAMILO: So, when we vote on the question, the question will provide the actual process?

CHAIRPERSON GAIL BENJAMIN: Yes.

LISETTE CAMILO: Great, thank you.

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2 CHAIRPERSON GAIL BENJAMIN: Any further  
3 discussion? Call the question. Second? Call the  
4 roll please.

5 COMMISSION CLERK: Commissioner Albanese?

6 SAL ALBANESE: Pass.

7 COMMISSION CLERK: Commissioner Barrios-  
8 Paoli?

9 BARRIOS-PAOLI: Yes.

10 COMMISSION CLERK: Commissioner Camilo?

11 LISETTE CAMILO: Yes.

12 COMMISSION CLERK: Commissioner Caras?

13 JAMES CARAS: Yes.

14 COMMISSION CLERK: Commissioner Fiala?

15 STEPHEN FIALA: No, pending  
16 reconsideration upon further clarification on the  
17 refinement of the mechanisms that was just discussed.  
18 I am not clear.

19 CHAIRPERSON GAIL BENJAMIN: For the  
20 Interim Appointment if one is needed.

21 STEPHEN FIALA: So, we will be revisiting  
22 this obviously, because there is going to be a  
23 caveat, here right? So, on this round I say no.

24 COMMISSION CLERK: Commissioner Gavin?

25 PAULA GAVIN: Yes.

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COMMISSION CLERK: Commissioner Greene?

LINDSAY GREENE: Yes.

COMMISSION CLERK: Commissioner Hirsh?

ALISON HIRSH: Yes.

COMMISSION CLERK: Commissioner Miller?

REVEREND CLINTON MILLER: Madam Chair,  
just a brief commentary before my vote. Although  
this is progress from the present make up of the  
CCRB, I don't think it goes far enough. We would be  
naive to think that complainants; civilians who have  
complaints against the misconduct of the police would  
get a fair hearing when the overwhelming majority of  
appointments come through the Mayor and the Police  
Commissioner. So, in between it is good to see  
progress but if there is any area in this city where  
there is distrust, it lays in the relationship  
between citizens and the police. So, I will have to  
vote no.

COMMISSION CLERK: Commissioner Nori?

SATEESH NORI: Yes.

COMMISSION CLERK: Commissioner Tisch?

MERRYL TISCH: Abstain.

COMMISSION CLERK: Commissioner Vacca?

JAMES VACCA: Yes.

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COMMISSION CLERK: Commissioner Weisbrod?

CARL WEISBROD: Yes.

COMMISSION CLERK: Chair Benjamin?

CHAIRPERSON GAIL BENJAMIN: Yes.

COMMISSION CLERK: Commissioner Albanese?

COMMISSIONER ALBANESE: Yes.

COMMISSION CLERK: Eleven in the affirmative, two negative, one abstention. The motion carries.

CHAIRPERSON GAIL BENJAMIN: Okay, Proposal Number Five, also has to do with CCRB and deviation from disciplinary recommendations and would require that the Police Commissioner provide CCRB with an explanation in all cases where the Police Commissioner intends to depart from discipline, recommended by the CCRB or by the New York City Department Deputy or Assistant Deputy Commissioner for trials.

Discussion?

UNIDENTIFIED: Chair Benjamin.

CHAIRPERSON GAIL BENJAMIN: Yes.

UNIDENTIFIED: I just wanted to endorse this strongly given the testimonies we have heard. I do believe it is very, very critical that we all

1  
2 know, and I mean all know reasons for deviation from  
3 the discipline recommendations. So, I would like to  
4 just give a strong endorsement to this.

5 CHAIRPERSON GAIL BENJAMIN: Any other  
6 discussion? Call the question? Second? Call  
7 the roll.

8 COMMISSION CLERK: Commissioner Albanese?

9 SAL ALBANESE: Pass.

10 COMMISSION CLERK: Commissioner Barrios-  
11 Paoli?

12 BARRIOS-PAOLI: Yes.

13 COMMISSION CLERK: Commissioner Camilo?

14 LISETTE CAMILO: Yes.

15 COMMISSION CLERK: Commissioner Caras?

16 JAMES CARAS: Yes.

17 COMMISSION CLERK: Commissioner Fiala?

18 STEPHEN FIALA: I would like to explain  
19 my vote. This was a recommendation advanced in the  
20 White Report. It's been deemed sanctual, I think the  
21 Police Commissioner, or the NYPD testified as well  
22 that they want to see this process move forward and  
23 that the blue-ribbon panel proposal is a sound one,  
24 so I vote Aye.

25 COMMISSION CLERK: Commissioner Gavin?

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PAULA GAVIN: Yes.

COMMISSION CLERK: Commissioner Greene?

LINDSAY GREENE: Yes.

COMMISSION CLERK: Commissioner Hirsh?

ALISON HIRSH: Yes.

COMMISSION CLERK: Commissioner Miller?

REVEREND CLINTON MILLER: Yes.

COMMISSION CLERK: Commissioner Nori?

SATEESH NORI: Yes.

COMMISSION CLERK: Commissioner Tisch?

MERRYL TISCH: Abstain.

COMMISSION CLERK: Commissioner Vacca?

JAMES VACCA: Yes.

COMMISSION CLERK: Commissioner Weisbrod?

CARL WEISBROD: Yes.

COMMISSION CLERK: Chair Albanese?

SAL ALBANESE: Yes.

COMMISSION CLERK: Chair Benjamin?

CHAIRPERSON GAIL BENJAMIN: Yes.

COMMISSION CLERK: The motion carries.

CHAIRPERSON GAIL BENJAMIN: Proposal

Number Six is the Delegation of Subpoena Power. It would allow CCRB through a majority vote of the board to delegate it's subpoena power to and withdraw it's

1  
2 subpoena power from the CCRB Executive Director who  
3 when he was here spoke about the problems that arise  
4 from the board having to vote on the subpoena's and  
5 that evidence of different types particularly from  
6 cameras was overwritten and other things that would  
7 prevent it from being useful which is the reason for  
8 that. Discussion? Call the question and second?  
9 Call the roll.

10 COMMISSION CLERK: Commissioner Albanese?

11 SAL ALBANESE: Yes.

12 COMMISSION CLERK: Commissioner Barrios-  
13 Paoli?

14 BARRIOS-PAOLI: Yes.

15 COMMISSION CLERK: Commissioner Camilo?

16 LISETTE CAMILO: Yes.

17 COMMISSION CLERK: Commissioner Caras?

18 JAMES CARAS: Yes.

19 COMMISSION CLERK: Commissioner Fiala?

20 STEPHEN FIALA: Explain.

21 CHAIRPERSON GAIL BENJAMIN: Yes.

22 STEPHEN FIALA: I think I had a problem  
23 with this when I first saw it and it's not because  
24 it's CCRB related. It's the very nature of the  
25 delegation of authority away from the officials and I



1  
2 think it is ill-advised, but it seems to me that a  
3 compelling case was made by all of the advocates.  
4 So, in light of the testimony that was given and what  
5 appears to be a pressing need to get this because of  
6 the camera issue, I am willing to go against my own  
7 better judgement and say Aye.

8 COMMISSION CLERK: Commissioner Gavin?

9 PAULA GAVIN: Yes.

10 COMMISSION CLERK: Commissioner Greene?

11 LINDSAY GREENE: Yes.

12 COMMISSION CLERK: Commissioner Hirsh?

13 ALISON HIRSH: Yes.

14 COMMISSION CLERK: Commissioner Miller?

15 REVEREND CLINTON MILLER: Yes.

16 COMMISSION CLERK: Commissioner Nori?

17 SATEESH NORI: Yes.

18 COMMISSION CLERK: Commissioner Tisch?

19 MERRYL TISCH: Abstain.

20 COMMISSION CLERK: Commissioner Vacca?

21 JAMES VACCA: Yes.

22 COMMISSION CLERK: Commissioner Weisbrod?

23 CARL WEISBROD: Yes.

24 COMMISSION CLERK: Chair Benjamin?

25 CHAIRPERSON GAIL BENJAMIN: Yes.

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COMMISSION CLERK: The motion carries.

CHAIRPERSON GAIL BENJAMIN: Proposal

Seven is false official statements in CCRB matters. Allows CCRB to investigate and recommend discipline against an officer who is the subject of a CCRB complaint. If that officer makes a false material statement within the course of CCRB's investigation or prosecution of such complaint.

Discussion? Oh sorry, Alison.

ALISON HIRSH: Yes, thank you. I would like to propose amendment to this proposal. I think I agree with the proposal as it stands but I think it actually doesn't go far enough. I think that the CCRB's current inability to investigate all conduct, misconduct, or potential misconduct related to a fatal complaint unnecessarily ties their hands. When you think about a case such as Daniel Pantaleo, let's say in the Eric Garner case, the fact that the CCRB is only allowed to investigate and try on the chokehold itself and not the related misconduct that occurred in that situation. Such as the false arrest, the potential failure to provide aid, witness intimidation, leaking in addition to the false statements and I think that given the lack of trust

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2 that exists right now between the community and the  
3 police department leaving those additional items of  
4 misconduct to the IAB to handle internally does not  
5 feel like the step forward that we need in police  
6 community relations.

7           And so, I would like to amend this  
8 proposal to allow the CCRB to investigate all  
9 misconduct associated or alleged misconduct  
10 associated with a fatal complaint, not simply false  
11 statements.

12           CHAIRPERSON GAIL BENJAMIN: Discussion?

13           JIM CARAS: I have a question. Would  
14 that include officers other than the subject of the  
15 investigation. I am trying to figure out how much  
16 broader you are going with your amend.

17           ALISON HIRSH: That is a good question.  
18 Can I get back to you on that? I actually hadn't  
19 thought through the other officers. I guess I would  
20 say that I believe it should include all officers who  
21 are onsite and participating in said complaint.

22           CHAIRPERSON GAIL BENJAMIN: But doesn't  
23 CCRB need a Complainant as to that officer? So, I am  
24 not sure you could expand to include officers who  
25

1  
2 were in front of CCRB or for which a complaint had  
3 not been made.

4 ALISON HIRSH: That's fair. I mean I  
5 need to look at in a little bit more detail, but I  
6 think keeping it within the constructs of whatever  
7 CCRB is investigating, so I guess the fatal complaint  
8 is against the singular officers, so it would be just  
9 that officer.

10 JIM CARAS: Okay, thanks.

11 ALISON HIRSH: Sorry for the confusion.

12 SAL ALBANESE: So, is she withdrawing her  
13 amendment.

14 CHAIRPERSON GAIL BENJAMIN: I don't  
15 believe so. I think she is just leaving it as  
16 originally -

17 ALISON HIRSH: Sorry, so I am leaving it  
18 as it originally stands. So, it would be against  
19 additional misconduct by the complainant.

20 SAL ALBANESE: I am still not clear.

21 CHAIRPERSON GAIL BENJAMIN: Lisette.

22 LISETTE CAMILO: I just had a question  
23 regarding I guess jurisdiction. All of these  
24 misconducts, whether it be making a false material  
25 statement or any and other that you anticipate

1  
2 currently those types of issues are under the  
3 jurisdiction of IAB's, is that correct?

4 ALISON HIRSH: That is my understanding  
5 yes.

6 CHAIRPERSON GAIL BENJAMIN: Yes.

7 LISETTE CAMILO: Thank you.

8 CHAIRPERSON GAIL BENJAMIN: Sal, did you  
9 get an answer to your question.

10 SAL ALBANESE: Sort of. I am still not  
11 clear.

12 CARL WEISBROD: Can I ask, what is the  
13 amendment?

14 CHAIRPERSON GAIL BENJAMIN: Excuse me?  
15 Alison.

16 ALISON HIRSH: Sorry, I was not  
17 withdrawing my amendment.

18 CHAIRPERSON GAIL BENJAMIN: No, we  
19 weren't suggesting you are.

20 ALISON HIRSH: The amendment again, is to  
21 allow the CCRB to investigate all misconduct  
22 associated with a fatal complaint. So, a complaint  
23 that is already within CCRB's jurisdiction, not only  
24 false statements. So, maybe not only false  
25

1  
2 statements would not be in the actual language of the  
3 amendment.

4           CARL WEISBROD: Could we have a  
5 hypothetical there?

6           ALISON HIRSH: I mean, I think I gave a  
7 hypothetical in my remarks which is the Eric Garner  
8 case where I think there is a lot of evidence is  
9 probably not the technical term because I am not a  
10 lawyer, but there were a lot of areas, allegations,  
11 thank you my attorney sitting next to me.

12           A lot of allegations of additional  
13 misconduct in addition to the chokehold itself that  
14 Officer Pantaleo engaged in and since the CCRB is  
15 running an investigation, or was running an  
16 investigation against Officer Pantaleo, they should  
17 be able to investigate all of the allegations, not  
18 simply the act of the chokehold itself.

19           JAMES CARAS: But Alison, I just want to  
20 make clear, all of the allegations against officer  
21 Pantaleo, okay, its not against some other officer  
22 who there is no complaint against who may be  
23 appearing in that CCRB case.

24           ALISON HIRSH: Correct.

25           JAMES CARAS: Okay, thanks.

1  
2 CHAIRPERSON GAIL BENJAMIN: Further  
3 discussion? Are we ready to call the question?  
4 Okay, call the question? Roll call.

5 UNIDENTIFIED: On Commissioner Hirsh's  
6 amendment.

7 CHAIRPERSON GAIL BENJAMIN: On the  
8 amendment only.

9 COMMISSION CLERK: Commissioner Albanese?

10 SAL ALBANESE: No.

11 COMMISSION CLERK: Commissioner Barrios-  
12 Paoli?

13 BARRIOS-PAOLI: Yes.

14 COMMISSION CLERK: Commissioner Camilo?

15 LISETTE CAMILO: No.

16 COMMISSION CLERK: Commissioner Caras?

17 JAMES CARAS: Yes.

18 COMMISSION CLERK: Commissioner Fiala?

19 STEPHEN FIALA: No.

20 COMMISSION CLERK: Commissioner Gavin?

21 PAULA GAVIN: No.

22 COMMISSION CLERK: Commissioner Greene?

23 LINDSAY GREENE: No.

24 COMMISSION CLERK: Commissioner Hirsh?

25 ALISON HIRSH: Yes.

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COMMISSION CLERK: Commissioner Miller?

REVEREND CLINTON MILLER: Favor of the amendment.

COMMISSION CLERK: Commissioner Nori?

SATEESH NORI: Yes.

COMMISSION CLERK: Commissioner Tisch?

MERRYL TISCH: Abstain.

COMMISSION CLERK: Commissioner Vacca?

JAMES VACCA: No.

COMMISSION CLERK: Commissioner Weisbrod?

CARL WEISBROD: No.

COMMISSION CLERK: Chair Benjamin?

CHAIRPERSON GAIL BENJAMIN: No.

COMMISSION CLERK: Five in the affirmative, eight in the negative, one abstention. The motion fails.

CHAIRPERSON GAIL BENJAMIN: Is there more discussion on Proposal Seven as stands?

STEPHEN FIALA: I'd just like to point out that you know, without the amendment this is a very narrow and I think really necessary component. As city employees, I mean we are always held to a high standard, but I think you know, in today's day and age when we see whats going on in Washington, to



1  
2 think that somebody can appear before an oversight  
3 board and about a complaint against them and lie to  
4 that board and that board has to just sit there and  
5 listen and can do nothing about it, that would blow  
6 my mind. That I think we don't expect congress to do  
7 nothing when they are faced with people you know,  
8 lying to them. I don't think we should hold anyone  
9 to a different standard.

10 CHAIRPERSON GAIL BENJAMIN: Anyone else?

11 Call the question.

12 CARL WEISBROD: Point of information.

13 How is that handled presently by the Police  
14 Department, do we know? By the CCRB, by Internal  
15 Affairs. How is that handled?

16 CHAIRPERSON GAIL BENJAMIN: If the  
17 complaint is at CCRB, it is my understanding that  
18 CCRB is free to file a finding of whats it called? A  
19 finding of alleged credibility finding, adverse  
20 credibility with IAD.

21 CARL WEISBROD: And then IAB handles it?

22 CHAIRPERSON GAIL BENJAMIN: Yes, that was  
23 the subject in part of a report by Mary Jo White that  
24 concluded that in almost 90 percent of the cases, no  
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1  
2 discipline resulted from those that were forwarded to  
3 IAB.

4 CARL WEISBROD: Did the report recommend  
5 that it be handled by the CCRB?

6 CHAIRPERSON GAIL BENJAMIN: I don't  
7 believe the report made a recommendation. I am told  
8 that it was outside the scope of their report  
9 recommendations. Did that address your concern?

10 CARL WEISBROD: Yeah, I just wanted to  
11 get more feedback.

12 CHAIRPERSON GAIL BENJAMIN: Seeing no  
13 further questions. Call the question? Second? Roll  
14 call.

15 COMMISSION CLERK: Commissioner Albanese?

16 SAL ALBANESE: Pass.

17 COMMISSION CLERK: Commissioner Barrios-  
18 Paoli?

19 BARRIOS-PAOLI: Yes.

20 COMMISSION CLERK: Commissioner Camilo?

21 LISETTE CAMILO: No.

22 COMMISSION CLERK: Commissioner Caras?

23 JAMES CARAS: Yes.

24 COMMISSION CLERK: Commissioner Fiala?

25 STEPHEN FIALA: No.

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COMMISSION CLERK: Commissioner Gavin?

PAULA GAVIN: No.

COMMISSION CLERK: Commissioner Greene?

LINDSAY GREENE: No.

COMMISSION CLERK: Commissioner Hirsh?

ALISON HIRSH: Yes.

COMMISSION CLERK: Commissioner Miller?

REVEREND CLINTON MILLER: Is abstinence  
allowed or pass is the same thing?

CHAIRPERSON GAIL BENJAMIN: Well, if you  
abstain, you are not voting but it counts in the  
negative. So, you can abstain.

REVEREND CLINTON MILLER: I will abstain.  
Thank you.

COMMISSION CLERK: Commissioner Nori?

SATEESH NORI: Yes.

COMMISSION CLERK: Commissioner Tisch?

MERRYL TISCH: Abstain.

COMMISSION CLERK: Commissioner Vacca?

JAMES VACCA: No.

COMMISSION CLERK: Commissioner Weisbrod?

CARL WEISBROD: No.

SAL ALBANESE: No.

COMMISSION CLERK: Chair Benjamin?

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CHAIRPERSON GAIL BENJAMIN: Yes.

COMMISSION CLERK: Five in the affirmative, seven in the negative, two abstentions. The motion fails.

CHAIRPERSON GAIL BENJAMIN: Proposal Number Eight is a guaranteed budget for CCRB, require that the CCRB personnel budget be no less than .3 percent of the personnel budget for the New York City Police Department. In Fiscal Year 2019, this would have resulted in a CCRB personnel budget of \$15.2 million instead of \$12.8 million. Discussion? Lindsay.

LINDSAY GREENE: Yes, I know I have said some comments to staff in this effect and I fully support the need for CCRB to have a guaranteed budget. I think there is probably a really clear way to approach it. It is not the right time to propose an amendment or?

CHAIRPERSON GAIL BENJAMIN: Yeah, if you want to offer that.

LINDSAY GREENE: I'll sort of explain and then I will propose the amendment. I think there is a lot of stuff that's in personnel budgets that's not necessarily tied to the core work of the Police

1  
2 Department in terms of the officers on the street and  
3 doing the work and I think that is the place where  
4 CCRB's investigative work is focused.

5           So, I think it's a cleaner place to tie  
6 the CCRB budget to a ratio of CCRB personnel people  
7 to the number of officers rather than a sort of  
8 dollar for dollar budget ratio. So, the amendment I  
9 am proposing is require that the CCRB budget be  
10 sufficient to fund personnel service expenses for a  
11 number of employees that is equal to .5 percent of  
12 the number of uniform PD personnel with the caveat  
13 that unless the Mayor makes a written determination  
14 of Fiscal necessity.

15           CHAIRPERSON GAIL BENJAMIN: Is there  
16 discussion? Jim.

17           JIM CARAS: I have a question.

18           LINDSAY GREENE: Just a clarification,  
19 sorry, the proposed ratio is actually .54, not simply  
20 .5.

21           JIM CARAS: What would that work out to  
22 in terms of dollars for their budget today as if this  
23 were passed as opposed to what they have now?

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2 LINDSAY GREENE: I believe it is an  
3 increase, I don't have the exact figures. I can try  
4 and do that math and follow up.

5 JIM CARAS: I would appreciate it. I am  
6 worried that the .3 percent that comes out to about a  
7 little over \$2 million that with the camera, the  
8 video that they need to go through, and stuff may not  
9 be enough. So, you know, I want to make sure we get  
10 them to a good place.

11 LINDSAY GREENE: I think it would be  
12 about the current level and not so much of a  
13 substantial increase, but it provides for a  
14 substantial increase as the number of officers  
15 changes. I think there is a lot of other things in  
16 the budget besides some of the camera stuff that you  
17 talk about and the dollar budget, it sort of  
18 fluctuates based on the seniority and the ten year of  
19 the people that are within the Police Department,  
20 both officers and more traditional civilian folks.  
21 And that to me is a lot of instability compared to a  
22 personnel ratio.

23 CHAIRPERSON GAIL BENJAMIN: When you say  
24 that unless the Mayor makes a written determination  
25 of Fiscal necessity, what does that mean?

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2 LINDSAY GREENE: That is if there are  
3 acceptations to the ratio which usually in event of  
4 basically Fiscal emergency and that's usually  
5 deployed across the board. Not necessarily specific  
6 to some sets. It's a general type of caveat that  
7 exists in a lot of the budget process.

8 CHAIRPERSON GAIL BENJAMIN: Would you be  
9 willing to have language that said that it was – the  
10 determination would have to be of a general Fiscal  
11 emergency? One of the concerns that I had certainly,  
12 when reading that language is that a Mayor could say,  
13 there is an emergency here and I am going to take the  
14 money from CCRB and so, that's a Fiscal necessity  
15 even though other agencies are getting increases.  
16 And I think that the point of this was the Mayor has  
17 certain things in the first part of the sentence.  
18 There is a relationship between the number of  
19 officers and the personnel and if the number of  
20 officers goes down, their budget goes down.

21 So, if we are talking about a situation  
22 where the number of officers stays the same or goes  
23 up, but their budget is going to go down anyway, I  
24 think it has to be more than just a letter of I'm  
25 taking money away from you but there has to be some

1  
2 plan to illuminate the gap or something of that  
3 nature. Is that something that you would consider as  
4 a friendly amendment?

5 LINDSAY GREENE: I appreciate that  
6 concern. I think I would propose not to amend the  
7 language in that way because this is language that's  
8 consistent in some other places and how we do the  
9 budgeting process now and generally speaking, you  
10 know, even if you'd make a proposal to change the  
11 budget because the personnel number changed, it still  
12 goes into the broader bucket to have the budget  
13 approved and negotiated between the Mayor and the  
14 City Council.

15 So, I think there is some check on that  
16 sort or robbing from you know, place A to sort of go  
17 to place B in that regard without trying to change  
18 the fundamental concept of Fiscal necessity.

19 CHAIRPERSON GAIL BENJAMIN: Okay.

20 JIM CARAS: Can I just say Madam Chair,  
21 Commissioner Greene, when you say no to a friendly  
22 amendment you did it much more delicately than I did.

23 CHAIRPERSON GAIL BENJAMIN: Any further  
24 discussion? Call the question, this is on the  
25 amendment offered by Commissioner Greene that would



1  
2 require the CCRB budget be sufficient to fund  
3 personnel service expenses for a number of employees  
4 that is equal to .54 percent of the number of  
5 uniformed NYPD personnel unless the Mayor makes a  
6 written determination of Fiscal necessity.

7 Call the question? Call the roll?

8 COMMISSION CLERK: Commissioner Albanese?

9 SAL ALBANESE: Pass.

10 COMMISSION CLERK: Commissioner Barrios-

11 Paoli?

12 BARRIOS-PAOLI: No.

13 COMMISSION CLERK: Commissioner Camilo?

14 LISETTE CAMILO: Yes.

15 COMMISSION CLERK: Commissioner Caras?

16 JAMES CARAS: No.

17 COMMISSION CLERK: Commissioner Fiala?

18 STEPHEN FIALA: No.

19 COMMISSION CLERK: Commissioner Gavin?

20 PAULA GAVIN: Yes.

21 COMMISSION CLERK: Commissioner Greene?

22 LINDSAY GREENE: Yes.

23 COMMISSION CLERK: Commissioner Hirsh?

24 ALISON HIRSH: No.

25 COMMISSION CLERK: Commissioner Miller?

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REVEREND CLINTON MILLER: Yes.

COMMISSION CLERK: Commissioner Nori?

SATEESH NORI: No.

COMMISSION CLERK: Commissioner Tisch?

MERRYL TISCH: Abstain.

COMMISSION CLERK: Commissioner Vacca?

JAMES VACCA: No.

COMMISSION CLERK: Commissioner Weisbrod?

CARL WEISBROD: Yes.

COMMISSION CLERK: Commissioner Albanese?

SAL ALBANESE: No.

COMMISSION CLERK: Chair Benjamin?

CHAIRPERSON GAIL BENJAMIN: No.

COMMISSION CLERK: Five in the affirmative, eight in the negative, one abstention. The motion fails.

CHAIRPERSON GAIL BENJAMIN: Are there other - Jim.

JIM CARAS: If I may. In terms of the .3 percent, the CCRB, which to my knowledge, is the only Mayoral controlled agency that appeared before us and actually made a case that their budget was insufficient and asked for one percent. Now, I know that one percent is quite a large increase, but I

1  
2 would like to make an amendment to require that the  
3 personnel budget be at least a fixed percentage of  
4 the personnel budget for NYPD but not yet specify  
5 that percentage other than that it should be now less  
6 than .3 percent and no greater than .5 percent and  
7 ask the staff you know, to do some more work with the  
8 CCRB and with the numbers and with the costs  
9 associated with going through these films and these  
10 body cameras and come back with a number to us in the  
11 final report.

12 CHAIRPERSON GAIL BENJAMIN: Discussion?  
13 Call the question? Second? There was a second over  
14 here, it was quite but it was.

15 COMMISSION CLERK: Commissioner Albanese?

16 SAL ALBANESE: Pass.

17 COMMISSION CLERK: Commissioner Barrios-  
18 Paoli?

19 BARRIOS-PAOLI: No.

20 COMMISSION CLERK: Commissioner Camilo?

21 LISETTE CAMILO: No.

22 COMMISSION CLERK: Commissioner Caras?

23 JAMES CARAS: Yes.

24 COMMISSION CLERK: Commissioner Fiala?

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2           STEPHEN FIALA: No with the right to  
3 reverse upon similar to the first item in this batch.  
4 I want to reserve the right to reverse this vote,  
5 pending the staffs determination.

6           COMMISSION CLERK: Commissioner Gavin?

7           PAULA GAVIN: No.

8           COMMISSION CLERK: Commissioner Greene?

9           LINDSAY GREENE: No.

10          COMMISSION CLERK: Commissioner Hirsh?

11          ALISON HIRSH: No.

12          COMMISSION CLERK: Commissioner Nori?

13          SATEESH NORI: Yes.

14          COMMISSION CLERK: Commissioner Tisch?

15          MERRYL TISCH: Abstain.

16          COMMISSION CLERK: Commissioner Vacca?

17          JAMES VACCA: If I could explain briefly.  
18 I believe that for the CCRB to fulfil it's mission,  
19 it has to have resources and as my colleague  
20 indicated, they were one of the few agencies that  
21 came to this Charter Revision Commission saying that  
22 they had insufficient resources. Based on that, if  
23 we are going to be addressing CCRB issues in the  
24 Charter, I want to be supportive. So, I will vote  
25 yes.

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COMMISSION CLERK: Commissioner Weisbrod?

CARL WEISBROD: No.

COMMISSION CLERK: Commissioner Albanese?

SAL ALBANESE: No.

COMMISSION CLERK: Chair Benjamin?

CHAIRPERSON GAIL BENJAMIN: Yes.

COMMISSION CLERK: Four in the affirmative, eight in the negative, one abstention. The motion fails.

CHAIRPERSON GAIL BENJAMIN: Okay, so we are back to Proposal Eight as written. Is there any further discussion on Proposal Eight as written? If not, call the question? Is there a second? Please call the roll.

COMMISSION CLERK: Commissioner Albanese?

SAL ALBANESE: Pass.

COMMISSION CLERK: Commissioner Barrios-Paoli?

BARRIOS-PAOLI: Yes.

COMMISSION CLERK: Commissioner Camilo?

LISETTE CAMILO: No.

COMMISSION CLERK: Commissioner Caras?

JAMES CARAS: Yes.

COMMISSION CLERK: Commissioner Fiala?

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STEPHEN FIALA: No.

COMMISSION CLERK: Commissioner Gavin?

PAULA GAVIN: No.

COMMISSION CLERK: Commissioner Greene?

LINDSAY GREENE: No with the explanation that I support having a guaranteed budget, I just don't like this particular formula.

COMMISSION CLERK: Commissioner Hirsh?

ALISON HIRSH: Yes.

COMMISSION CLERK: Commissioner Nori?

SATEESH NORI: Yes.

COMMISSION CLERK: Commissioner Tisch?

MERRYL TISCH: Abstain.

COMMISSION CLERK: Commissioner Vacca?

JAMES VACCA: I do not think that these numbers are numbers that I can be supportive of. I did express though that we should be looking at more money for the CCRB. So, I will vote no at this time.

COMMISSION CLERK: Commissioner Weisbrod?

CARL WEISBROD: No, but I'd like to explain my vote because this is going to come up in subsequent discussions regarding fixed and guaranteed budgets which is that I generally support the notion here, the CCRB having a fixed budget. But I also

1  
2 believe that there has to be some sort of fail safe  
3 for the Mayor in a time of Fiscal constraint to not  
4 necessarily be in 100 percent formulaic situation and  
5 I appreciate the concern that many have raised that  
6 the proposed amendments as written, the proposed  
7 amendments are loose in terms of how the Mayor makes  
8 a determination of Fiscal necessity and under what  
9 straight jackets he or she might be able to do that.  
10 And we are familiar with instances in the past where  
11 Mayor's have cut budgets of other elected officials  
12 or departments based on their momentary spats with  
13 those departments. But nevertheless, I think that  
14 there has to be a way for Mayor's to exercise that  
15 kind of Fiscal constraint in periods of true economic  
16 crisis and restraint.

17           So, I would ask the staff to ponder this  
18 issue more generally. I am going to vote no here,  
19 but I do think that there should be a way to refine  
20 this language in a way that protects against what all  
21 of us fear while at the same time assuring that the  
22 goals that these amendments have can be realized.

23           CHAIRPERSON GAIL BENJAMIN: That was a no  
24 vote, I take it?

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CARL WEISBROD: Yes, I said no.

COMMISSION CLERK: Commissioner Albanese?

SAL ALBANESE: Yes.

COMMISSION CLERK: Chair Benjamin?

CHAIRPERSON GAIL BENJAMIN: Yes.

Would you read the roll please?

COMMISSION CLERK: The vote is six in the affirmative, six in the negative with one abstention. The motion fails.

CHAIRPERSON GAIL BENJAMIN: I believe this is an important issue and I sense that others would also agree that it is an important issue, but that we haven't come to a way that we can all feel comfortable. So, I would propose that we reconsider one of the amendments, so that we can direct staff in a particular way, but I would add the caveat that the language about Fiscal necessity needs to be changed.

STEPHEN FIALA: So, I would second your call for a reconsideration with the understanding, I want to associate my comments with Commissioner Weisbrod. I have those same concerns, there has to be some kind of a mechanism in place. If we start creating guaranteed budgets with no recourse,



1  
2 eventually elected officials are responsible for  
3 everything and nothing at the same time.

4           So, if there is a way to with the actual  
5 original proposal to insert into that proposal, that  
6 fail-safe mechanism that Commissioner Weisbrod speaks  
7 about. I would certainly then Madam Chair follow  
8 your lead because I do agree. This is important but  
9 what Carl said is potentially – a lot of negative  
10 potential. So, we want to be careful about the  
11 unintended consequences of doing something right.

12           JIM CARAS: Madam Chair?

13           CHAIRPERSON GAIL BENJAMIN: Yes, Jimmy.

14           JIM CARAS: I would also be willing to  
15 reassess my vote if we get the wording correct here.  
16 I want the CCRB to be adequately funded. We had them  
17 come here and tell us that they are not. I just  
18 think that we need wording, but I do agree that the  
19 staff recommendation is the starting point that I can  
20 be supportive of if we can nail down a little  
21 further.

22           CHAIRPERSON GAIL BENJAMIN: Is there  
23 anyone else? Alison.

24           ALISON HIRSH: I would also reconsider my  
25 vote on the amendment that Commissioner Greene

1  
2 proposed with more clarity around what the  
3 determination for Fiscal necessity.

4 CHAIRPERSON GAIL BENJAMIN: Okay, we have  
5 two proposals on the floor then.

6 UNIDENTIFIED: I am sorry, would you mind  
7 just repeating what the two standing proposals that  
8 are on the floor are?

9 CHAIRPERSON GAIL BENJAMIN: The two  
10 standing proposals, as I have heard them are one,  
11 that we reconsider the amendment that the CCRB budget  
12 be sufficient to fund and while changing the – unless  
13 the Mayor makes a written determination of Fiscal  
14 necessity, to something that also gives the CCRB some  
15 reliable sense that their budget can't be cut  
16 whimsically or retaliatory. So, I am not sure what  
17 the language is.

18 But I believe that proposal that  
19 Commissioner Greene put on the floor essentially  
20 changes the way it's calculated because it's tied to  
21 the number of uniform officers as opposed to  
22 personnel in general.

23 CHAIRPERSON GAIL BENJAMIN: That is  
24 correct. There is a second proposal on the floor

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2 though that we take Proposal Eight as is and add in  
3 this financial fail safe.

4 UNIDENTIFIED: So, then we got four  
5 following including you right. So, yes, there is a  
6 reconsideration following your lead.

7 CHAIRPERSON GAIL BENJAMIN: Is there more  
8 discussion on that?

9 UNIDENTIFIED: I guess I wanted to  
10 reiterate, and I feel like a financier or a  
11 spreadsheet nerd which I will own, I am, but the  
12 ratio purely based on personnel budgets I just think  
13 is vague. And we were are talking about a floor,  
14 it's not that you can't go above if you deem it  
15 necessary and in many instances there are. But I  
16 still think a personnel to personnel, like body to  
17 body ratio is still a more meritorious approach.

18 CHAIRPERSON GAIL BENJAMIN: Jim.

19 JIM CARAS: I would be willing as well to  
20 support Proposal Eight with a determination of Fiscal  
21 necessity that had some definition to it that was  
22 broader and essentially any Fiscal reason. But not  
23 the number that Commissioner Greene is suggesting  
24 that would essentially leave their budget the same  
25 but subject to potential increases.

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2 CHAIRPERSON GAIL BENJAMIN: so, are you  
3 proposing to amend the amendment?

4 JIM CARAS: I thought you said Proposal  
5 Eight with a -

6 CHAIRPERSON GAIL BENJAMIN: Yes, but I  
7 thought what you were saying just now is that you  
8 wanted to include the between Point Three and Point -

9 JIM CARAS: I would prefer that  
10 obviously.

11 UNIDENTIFIED: Could you please read the  
12 whole new proposed recommendation.

13 CHAIRPERSON GAIL BENJAMIN: Okay,  
14 Proposal Number Eight require that the CCRB personnel  
15 budget be no less than .3 percent of the personnel  
16 budget for the New York City Police Department unless  
17 the Mayor I don't know the language for this, but  
18 unless the Mayor essentially makes a general  
19 determination of Fiscal necessity or makes a - does  
20 anybody have language?

21 CARL WEISBROD: Madam Chair?

22 CHAIRPERSON GAIL BENJAMIN: Carl.

23 CARL WEISBROD: Can I make a suggestion,  
24 because I think when 15 or how ever many of us are  
25

1  
2 here, 13 of us are trying to draft something, it is  
3 doomed to failure.

4 CHAIRPERSON GAIL BENJAMIN: But the  
5 lawyers, the lawyers, we have lawyers.

6 CARL WEISBROD: And when many of us are  
7 lawyers it's even more doomed to failure, but I think  
8 there is a general consensus that we do want to have  
9 a fixed budget for the CCRB and that we don't want  
10 the CCRB's budget to get unfixed as a result of a  
11 retaliatory spat from either the Police Department or  
12 the Mayor or whatever.

13 And it seems to me rather than trying to  
14 refine that right now, since we know where we want to  
15 go with this, if we could defer this to June 18<sup>th</sup> and  
16 get language from the staff that we could potentially  
17 all agree on, I think that would be a much better  
18 outcome then trying to fashion that language here  
19 among 13 of us.

20 CHAIRPERSON GAIL BENJAMIN: Well, just in  
21 case we are able finish all of our work today, would  
22 you be agreeable to staff in sending out the proposal  
23 that results from this that they send out before that  
24 proposed language for Eight to be included? And then  
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2 we could all have this conversation by email, phone  
3 and other technological.

4           CARL WEISBROD: From your lips to God's  
5 ears Madam Chair that we finish tonight. But I think  
6 what I am suggesting is that at least with respect to  
7 this matter, we know where we want to go. That  
8 instead of resolving, refining it tonight, we defer  
9 it to the staff grappling with this and hopefully  
10 having heard of all this conversation coming back to  
11 us either technologically or in person and hopefully  
12 with an approach we can all agree on.

13           UNIDENTIFIED: Madam Chair, I agree with  
14 Commissioner Weisbrod, but I do believe we need to do  
15 that in person, I don't think it's a good idea  
16 because it's an important issue to dive into it  
17 through emails. Who knows what's going to happen with  
18 that, that can go on and on and on. As you pointed  
19 out, this is a crucial issue, I think we should come  
20 back and review it on the 18<sup>th</sup>.

21           JAMES VACCA: I concur.

22           UNIDENTIFIED: Excuse me?

23           CHAIRPERSON GAIL BENJAMIN: Yes.

24           UNIDENTIFIED: There are a number of  
25 other proposals in this package that will bump up

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2 against the same set of language requirements. So,  
3 as we come to them, can we just be reminded that  
4 we've already had the conversation on the language  
5 requirements?

6 CHAIRPERSON GAIL BENJAMIN: Absolutely.

7 So, on Proposal Number 8, as we've been  
8 discussing, directing staff to add to Proposal Number  
9 8 language that would allow the Mayor in the case  
10 Fiscal necessity for the city to amend the budget  
11 clearly in a downward direction that staff will come  
12 back to us with language that would accomplish that.  
13 Is there any further discussion?

14 CARL WEISBROD: Madam Chair, I think  
15 there is also a murkiness around you know, as Mr.  
16 Caras indicated and as Ms. Greene indicated, a  
17 murkiness around what the formula is as well. So, I  
18 would just ask that the staff look at both of those  
19 issues here.

20 JIM CARAS: Were you thinking the number  
21 as well Carl?

22 CARL WEISBROD: I'm sorry.

23 JIM CARAS: The number as well?  
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2 UNIDENTIFIED: I think it's whether you  
3 calculate it through the whole staff, or you  
4 calculate through just a uniform person.

5 JIM CARAS: Oh, and if I could add to  
6 that, that the staff look at the number as well. And  
7 again, unfortunately we did vote to expand the  
8 jurisdiction of the CCRB, so I realize that that  
9 number is probably not going to be significantly  
10 different, but if staff feels that it should be a  
11 somewhat higher number, I would like to know that at  
12 that time as well.

13 CHAIRPERSON GAIL BENJAMIN: Okay, so let  
14 me see if I can fashion a sense of where we are now,  
15 so that we can vote on it.

16 Okay, so what we are going to do now -

17 UNIDENTIFIED: Chair Benjamin, may I  
18 suggest that we vote on sending it back? We just  
19 voted it down, so if we could vote on sending it  
20 back.

21 CHAIRPERSON GAIL BENJAMIN: We've  
22 reconsidered it, did we vote on the reconsideration?  
23 No, so it's not with us at all. So, what I would  
24 propose we do is that we vote to reconsider Proposal  
25 Eight then we set it aside with a direction to staff



1  
2 to come back to us and fashion it more closely in the  
3 following ways.

4           STEPHEN FIALA: I second that.

5           CHAIRPERSON GAIL BENJAMIN: Okay.

6           UNIDENTIFIED: Just a question. And a  
7 yes vote for reconsideration is to do just that, send  
8 it back?

9           CHAIRPERSON GAIL BENJAMIN: Yes.

10           Call the roll on the reconsideration with  
11 the direction to staff that would include a Fiscal  
12 necessity portion that would number two, include an  
13 analysis of the personnel versus uniform personnel  
14 issue and recommendation and would also include a  
15 Fiscal analysis of whether .3 percent is adequate.

16           Everybody happy?

17           ALL: Yes.

18           CHAIRPERSON GAIL BENJAMIN: Okay, can you  
19 call the roll on that please.

20           COMMISSION CLERK: Commissioner Albanese?

21           SAL ALBANESE: Yes.

22           COMMISSION CLERK: Commissioner Barrios-  
23 Paoli?

24           BARRIOS-PAOLI: Yes.

25           COMMISSION CLERK: Commissioner Camilo?

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LISETTE CAMILO: Yes.

COMMISSION CLERK: Commissioner Caras?

JAMES CARAS: Yes.

COMMISSION CLERK: Commissioner Fiala?

STEPHEN FIALA: Yes.

COMMISSION CLERK: Commissioner Gavin?

PAULA GAVIN: Yes.

COMMISSION CLERK: Commissioner Greene?

LINDSAY GREENE: Yes.

COMMISSION CLERK: Commissioner Hirsh?

ALISON HIRSH: Yes.

COMMISSION CLERK: Commissioner Nori?

SATEESH NORI: Yes.

COMMISSION CLERK: Commissioner Tisch?

MERRYL TISCH: Abstain.

COMMISSION CLERK: Commissioner Vacca?

JAMES VACCA: Yes.

COMMISSION CLERK: Commissioner Weisbrod?

CARL WEISBROD: Yes.

CHAIRPERSON GAIL BENJAMIN: Yes.

COMMISSION CLERK: The motion carries.

CHAIRPERSON GAIL BENJAMIN: Great. Now

we are on to the governance. Proposal Nine,

appointment of Corporation Counsel. This proposal

1  
2 would provide for the City's Corporation Counsel to  
3 be appointed by the Mayor with the advise and consent  
4 of the Council.

5 Any discussion? Mr. Caras.

6 JAMES CARAS: Yes, I am not asking for a  
7 fixed term of one year or two years or three years or  
8 four years, so you know, I came on strong on this  
9 issue. I feel that if we can support this, that this  
10 is a good move to make for the best interests of the  
11 city as the Law Department likes to say. So, I ask  
12 you all to please support this. Thank you.

13 CHAIRPERSON GAIL BENJAMIN: Anyone else?

14 Jimmy

15 JIMMY VACCA: I also want to rise in  
16 support of this. The Corporation Counsel to our city  
17 is important not just to the Mayor, it's important to  
18 Community Boards who are agencies in their own right.  
19 They give guidance to agencies, elected officials,  
20 the Corporation Counsel rises to that level, so I  
21 want to be supportive of that as well.

22 CHAIRPERSON GAIL BENJAMIN: Sal.

23 SAL ALBANESE: I'd like to associate with  
24 the comments of Commissioner Vacca, I think that the  
25 Corporation Counsel has to have a bit more

1  
2 objectivity. He is not just the Mayor's lawyer; he  
3 is the attorney for all of the folks that work for  
4 the city and the different branches of government.  
5 So, I think this is a positive step.

6 CHAIRPERSON GAIL BENJAMIN: Are there  
7 other people who have discussion issues? Then lets  
8 call the question, is there a second? Let's call the  
9 roll.

10 COMMISSION CLERK: Commissioner Albanese?

11 SAL ALBANESE: Yes.

12 COMMISSION CLERK: Commissioner Barrios-  
13 Paoli?

14 BARRIOS-PAOLI: Yes.

15 COMMISSION CLERK: Commissioner Camilo?

16 LISETTE CAMILO: Move to explain my vote  
17 very quickly. Because there is no term limit portion  
18 to this proposal, I can support. So, yes.

19 COMMISSION CLERK: Commissioner Caras?

20 JAMES CARAS: Yes.

21 COMMISSION CLERK: Commissioner Fiala?

22 STEPHEN FIALA: Explain. We have  
23 wrestled with this since 1989 and the two Commissions  
24 that I were on and the other six, all have heard this  
25 subject matter at nauseum. I was disinclined at the

1  
2 start of the process. My hope was that a robust  
3 memorandum of understanding between the two parts of  
4 this hall would have settled this. I have been here,  
5 and I want Jim Caras to know, you have twisted my  
6 arm, notwithstanding my concerns. I understand that  
7 30 years is too long to wait and that this position  
8 unlike several other positions that have been  
9 discussed with Advice and Consent is extremely  
10 unique. This is the Lawyer for the government of the  
11 City of New York. There are two sides to this hall  
12 and every Mayor, and every Council since David  
13 Dinkins forward has had this tension. It is time we  
14 end the tension and I think this is a fairly modest  
15 way in the big scheme of the things and putting this  
16 to bed. I vote Aye.

17 COMMISSION CLERK: Commissioner Gavin?

18 PAULA GAVIN: I vote yes, and I would  
19 also like to comment that I think this is a fair  
20 solution especially without term limits. So, yes.

21 COMMISSION CLERK: Commissioner Greene?

22 LINDSAY GREENE: Yes.

23 COMMISSION CLERK: Commissioner Hirsh?

24 ALISON HIRSH: Yes.

25 COMMISSION CLERK: Commissioner Nori?

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SATEESH NORI: Yes.

COMMISSION CLERK: Commissioner Tisch?

MERRYL TISCH: Yes.

COMMISSION CLERK: Commissioner Vacca?

JAMES VACCA: Yes.

COMMISSION CLERK: Commissioner Weisbrod?

CARL WEISBROD: Yes, and I'd also like to explain my vote. I just really want to commend Mr. Caras who is a very persuasive magnum opus. Really did turn me around on this issue where I, like many people here as I've said, originally had reservations about this but I really appreciate the work that Jim Caras did on it, and I join my colleagues in voting Aye.

CHAIRPERSON GAIL BENJAMIN: Aye.

COMMISSION CLERK: The motion carries.

CHAIRPERSON GAIL BENJAMIN: Proposal Ten is on the Conflict of Interest Board, COIB structure. COIB currently consists of the five members appointed by the Mayor with the advice and consent of the Council. This proposal would change the structure of COIB to replace two of the Mayoral appointees with one appointee by the Comptroller and one appointee by the Public Advocate.

1  
2 Discussion?

3 JAMES VACCA: I'd like to make an  
4 amendment to change the structure of the COIB, so  
5 that it is composed of three members appointed by the  
6 Public Advocate, one member by the Mayor and one  
7 member appointed by the Comptroller. I do this  
8 because Conflict of Interest Boards hears cases and I  
9 would estimate that 95 percent of the cases they hear  
10 are against city employees that work for the  
11 Executive Branch.

12 The overwhelming number of cases that  
13 COIB hears, are against people who work for the  
14 Executive Branch, who work for the Mayor or his  
15 agencies or his Commissioners. I don't speak about  
16 this Mayor; I speak about the Institution of the  
17 Mayoralty. It does not make sense but more than  
18 that, it's not appropriate to have a Conflict of  
19 Interest Board where the Mayor has the majority of  
20 the votes.

21 This Conflict of Interest Board, if you  
22 believe in good government at all, if anything has to  
23 be independent it has to be the Conflict of Interest  
24 Board. If anything has to be above reproach, where  
25 people have total faith and confidence, it has to be

1  
2 the Conflict of Interest Board. I don't have to tell  
3 you, you can go back and read newspapers from the  
4 last ten to fifteen years and you can see cases where  
5 the judgement or the lack of action from the Conflict  
6 of Interest Board has been questioned by editorial  
7 boards, good government groups and many others.

8           Now, the configuration I proposed would  
9 give the Public Advocate a majority of the members as  
10 opposed to the Mayor. This Commission started out  
11 where many of us were discussing getting the Public  
12 Advocate some formal powers. We basically have not.  
13 Our report that's recommended, give him a member of  
14 this Commission, a member of that Commission and life  
15 goes on.

16           But I do think that if we're looking for  
17 something where the Public Advocate can play a role,  
18 it is on COIB. It is when it comes to ethics. I  
19 would still give the Mayor one appointment and as I  
20 said, this is not about the current Mayor or former  
21 Mayor's, this is institutional. If we go forth with  
22 the COIB that is continually controlled by the  
23 Executive, many people will question actions they  
24 take or inaction that they could be accused of.



1  
2           So, I would pass my colleagues to look at  
3 that amendment and I would urge its adoption.

4           CHAIRPERSON GAIL BENJAMIN: Thank you  
5 Jimmy, any further discussion?

6           SAL ALBANESE: I want to agree with  
7 Commissioner Vacca, I think the Conflict of Interest  
8 Board, it's essential that we even avoid the  
9 appearance of priority and what we are here to do is  
10 and forget about the individuals that are in office,  
11 but how do we create a mechanism that minimizes  
12 Conflicts of Interest and we have seen already a  
13 number of decisions by COIB that were questionable.  
14 There were new stories about potential conflicts.  
15 The law firms that those folks came from were close  
16 to the Mayor and once again, it's not about this  
17 Mayor, it's an institutional issue and I think one of  
18 our fundamental missions is to minimize conflicts of  
19 interests, have checks and balances.

20           And I think COIB is one of the agencies  
21 that has to be above reproach. The weight structured  
22 presently, it's not. So, I think that Commissioner  
23 Vacca, while he wants the Public Advocate to do more,  
24 which is great. Beyond that, it's about checks and  
25

1  
2 balances. And I think this is a well wise amendment  
3 that I think we should support.

4 CHAIRPERSON GAIL BENJAMIN: Alison.

5 ALISON HIRSH: So, I want to respectfully  
6 speak in opposition to this amendment. I think that  
7 the Conflict of Interest Board should be outside of  
8 politics and by having a good majority of members on  
9 that board being appointed by an elected official who  
10 is by definition in our Charter at odds with the  
11 members of the Mayoral Administration, that is the  
12 role of the Public Advocate and is the proper role  
13 for the Public Advocate. But I would not want the  
14 Public Advocate to have complete oversight and  
15 authority over the administrative responsibilities of  
16 identifying legitimate conflicts of interest and  
17 figuring out how to most effectively govern,  
18 understanding that conflicts of interest are only  
19 natural and human, and they have to be adjudicated  
20 properly.

21 And so, I think that this amendment has  
22 the opposite impact of what Commissioner Albanese  
23 said and actually overly politicizes the office of  
24 the Conflict of Interest Board and I find that to be  
25 very concerning.

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CHAIRPERSON GAIL BENJAMIN: Sateesh.

SATEESH NORI: Just a quick point of clarification. Under this amendment, what happens to the Advice and Consent for the three members that are not appointed by the Mayor?

CHAIRPERSON GAIL BENJAMIN: You have to speak into the mic.

JAMES CARAS: I would keep that in place.

CHAIRPERSON GAIL BENJAMIN: Paula.

PAULA GAVIN: Yes, thank you. I too am opposed to this amendment because I do believe that the recommendation imposes checks and balances with three and two, I do feel we are entering into a good checks and balances with the current recommendation. So, I to oppose the amendment.

CHAIRPERSON GAIL BENJAMIN: Jimmy and then Sal.

JAMES VACCA: Since the main objection appears to be that I have given the Public Advocate three of the five appointments, I would be willing to modify my amendment to give the Public Advocate only two. To give one to the Comptroller, one to the Speaker of the Council and one to the Mayor.

1  
2 CHAIRPERSON GAIL BENJAMIN: Are you  
3 amending your amendment?

4 JAMES VACCA: I am amending my amendment  
5 because the main objection I seem to hear is that the  
6 Public Advocate has three appointments. So, I would  
7 recommend that we give the Public Advocate two, the  
8 Comptroller one, one to the Speaker of the Council  
9 and one to the Mayor.

10 CHAIRPERSON GAIL BENJAMIN: Alison.

11 ALISON HIRSH: I appreciate the effort,  
12 Commissioner Vacca. I guess, let me rephrase my  
13 concern of this amendment. I think the Conflict of  
14 Interest Board should be an administrative agency  
15 that handles potential conflicts of interest and it  
16 judicates them in an as an unpolitical of a way as  
17 possible. I am sure there is a more eloquent way to  
18 say that. I do not think that it should be a gotcha  
19 body. It is a body that staff and leaders of the  
20 city need to go to ask advice on how best to do their  
21 job in the most ethical way possible. And if that  
22 become politicized and people who have interests that  
23 are potentially better served by the failure of a  
24 Mayoral Administration then the success of a Mayoral  
25 Administration, the Conflicts of Interest Board

1  
2 becomes an incredibly powerful tool to use against  
3 that said administration and I think that it could be  
4 very dangerous for the functioning of the city.

5 JAMES VACCA: I think it is very  
6 dangerous to leave the Conflict of Interest Board  
7 under the control of one politician, the Mayor of the  
8 City of New York is a politician, just like it was  
9 alleged. Others are politicians, they're all  
10 politicians. I am proposing that no one have control  
11 of the Conflict of Interest Board because of the  
12 fairness that we should be expecting from them.

13 I am sure that there are people who will  
14 oppose any change on this. I think it's wrong, I  
15 think it's terrible to think that we should have the  
16 current system in place, and have it continue. I  
17 know that if I could change this board to five  
18 supreme court judges and there would still be a  
19 resistance to giving up Mayoral control. I could put  
20 Ginsburg on this and there would still be people  
21 saying leave it as it is.

22 CHAIRPERSON GAIL BENJAMIN: Thank you.  
23 Carl.

24 CARL WEISBROD: I just want to associate  
25 myself with what Alison said. I think she is exactly

1  
2 right. This is an administrative body and not a  
3 gotcha body and I think the proposal at hand before  
4 us with the added caveat that Sateesh clarified which  
5 is that the additional appointees, the Comptrollers  
6 appointee and the Public Advocates appointee also be  
7 subject to the advice and consent of the Council  
8 creates exactly the right balance between the  
9 Executive Branch of government, the legislative  
10 branch of government and the elected officials who  
11 are in charge of both our financial matters and the  
12 Public Advocate.

13 JAMES VACCA: Just as long as we know  
14 what we are saying, those who have said it, Conflict  
15 of Interest Board should be a mayoral agency just  
16 like the Parks Department and just like the Police  
17 Department. That's good government. I question the  
18 judgement and the political wisdom of those who feel  
19 that way.

20 CHAIRPERSON GAIL BENJAMIN: Sal.

21 SAL ALBANESE: Chair, there is some good  
22 points raised about the Public Advocate appointing  
23 three members and while I in principal support what  
24 Commissioner Vacca is saying, is there a possibility  
25 that we could rework this? So, that we can have a

1  
2 body that is not controlled by one entity but  
3 certainly balanced across the board. Maybe the staff  
4 can come up with some suggestions to the proposal  
5 here that would allow for that.

6 Right now, this proposal that the staff  
7 recommended, still places the Conflict and Interest  
8 Board under the domination of the Mayor and that  
9 doesn't help anything. I mean, I think the CIRB  
10 should be an independent. I almost feel like the  
11 Independent Budget Office. It's a very sensitive  
12 body, it's a judicial body. It shouldn't be  
13 dominated by one politician.

14 Of course, I understand some of the  
15 opposition and a lot of it is unfortunately  
16 political, but we should be doing the right thing  
17 here.

18 CHAIRPERSON GAIL BENJAMIN: I think we  
19 need to vote on the amendment first as we did the  
20 last one and then based on that vote, see where we  
21 can go.

22 SAL ALBANESE: Vote on the amendment as  
23 written?

24 CHAIRPERSON GAIL BENJAMIN: As written  
25 and modified by Mr. Vacca and Mr. Vacca, do you

1  
2 accept the modification of Sateesh Nori that added  
3 the subject to the advise that all of those  
4 appointees, two from the Public Advocate, one from  
5 the Comptroller, one from the Speaker, and one from  
6 the Mayor would be subject to the advice and consent  
7 of the Council?

8 JAMES VACCA: I do accept the amendment.

9 CHAIRPERSON GAIL BENJAMIN: So, the  
10 amendment that is on the floor now, which has been  
11 further amended, would now say to change the  
12 structure of COIB, so that it is composed of five  
13 members, two appointed by the Public Advocate, one  
14 member appointed by the Comptroller, one member  
15 appointed by the Speaker of the City Council, and one  
16 member appointed by the Mayor, all subject to the  
17 advice and consent of the Council.

18 That is the motion that Mr. Vacca has  
19 further amended to. Call the question.

20 SAL ALBANESE: I'll second that.

21 CHAIRPERSON GAIL BENJAMIN: Excuse me?

22 SAL ALBANESE: You want to second that  
23 motion?

24 CHAIRPERSON GAIL BENJAMIN: Let's call  
25 the roll on the amendment.



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COMMISSION CLERK: Commissioner Albanese?

SAL ALBANESE: Yes.

COMMISSION CLERK: Commissioner Barrios-  
Paoli?

BARRIOS-PAOLI: Yes.

COMMISSION CLERK: Commissioner Camilo?

LISETTE CAMILO: No.

COMMISSION CLERK: Commissioner Caras?

JAMES CARAS: I am torn, I see merits on  
both sides. I was ready to oppose because I felt we  
shouldn't give control to the Public Advocate but at  
the same time, I also see the merit in what Carl says  
that two members plus advice and consent over the  
Mayor's office is somewhat balanced. I am going to  
vote no but I am not sure I will stay a no with what  
comes later.

COMMISSION CLERK: Commissioner Fiala?

STEPHEN FIALA: Yes.

COMMISSION CLERK: Commissioner Gavin?

PAULA GAVIN: No.

COMMISSION CLERK: Commissioner Hirsh?

ALISON HIRSH: No.

COMMISSION CLERK: Commissioner Nori?

SATEESH NORI: Yes.

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COMMISSION CLERK: Commissioner Tisch?

MERRYL TISCH: No.

COMMISSION CLERK: Commissioner Vacca?

JAMES VACCA: Yes.

COMMISSION CLERK: Commissioner Weisbrod?

CARL WEISBROD: No.

CHAIRPERSON GAIL BENJAMIN: At this time, I am going to have to vote no because I do believe that the Mayor having one appointment doesn't work for me. I believe that as the Executive of the city and the person who would carry out in its own way the discipline, the Mayor needs to have appointments on the board who understands both the possibilities of that discipline and where the Mayor would fall. So, at this time, I have to vote no.

COMMISSION CLERK: Five votes in the affirmative, seven votes in the negative, the motion fails.

UNIDENTIFIED: Madam Chair, I would like to propose a modest amendment to proposal ten which simply adds the clarification that Commissioner Nori first made awhile ago that the change to replace two of the mayoral appointees with one Comptroller appointee and one Public Advocate appointee also be

1  
2 subject to the advice and consent of the Council and  
3 with that propose that we move Proposal Number Ten.

4 CHAIRPERSON GAIL BENJAMIN: Mr. Vacca.

5 JAMES VACCA: And Madam Chair, I don't  
6 know the order of things, that would be your  
7 determination, but in order to ease the concerns of  
8 the appointments of the Mayor, the four members  
9 appointed by the Mayor and your concerns Madam Chair.  
10 I would be willing to have two appointees by the  
11 Mayor.

12 CHAIRPERSON GAIL BENJAMIN: Okay, hold on  
13 to that thought. We have an amendment right now on  
14 the floor which is to amend proposal Ten to add that  
15 that Comptroller appointee and Public Advocate  
16 appointee would be subject to the advice and consent  
17 of the Council. Can we do that by unanimous consent?

18 UNIDENTIFIED: Yes.

19 CHAIRPERSON GAIL BENJAMIN: All in favor?

20 ALL: Aye.

21 CHAIRPERSON GAIL BENJAMIN: All opposed?

22 Fine, so that's amended. Now, we have a  
23 further amendment from Commissioner Vacca.

24 JAMES VACCA: I would amend to have two  
25 members appointed by the Mayor, one from the Public

1  
2 Advocate, one from the Comptroller, and one from the  
3 Speaker of the Council, all subject of confirmation.  
4 I hope that this eases the concerns of the Chair and  
5 the four members appointed by the Mayor.

6 CHAIRPERSON GAIL BENJAMIN: Discussion?  
7 Is there any discussion?

8 SAL ALBANESE: I would just like to say  
9 that Commissioner Vacca has been flexible. He has  
10 been willing to listen to other people's viewpoints  
11 and has agreed to some amendments which I think are  
12 reasonable but still make the Conflict and Interest  
13 Board an independent entity that's not clouded by  
14 politics. At least to the extent that it is now, so  
15 I think it's a very good and sound proposal. I would  
16 hope that the Mayor's representatives would support  
17 it.

18 CHAIRPERSON GAIL BENJAMIN: Would there  
19 be any qualifications Jimmy for the persons who are  
20 appointed by the Speaker? Do, they have to be  
21 lawyer? Could it be a Council Member?

22 JAMES VACCA: I would be open to having  
23 whatever qualifications we now have for the Conflict  
24 of Interest Board be mandated upon all the appointing  
25 officers. I would be open to having all. Whatever

1  
2 qualifications are set forth, must be met by the  
3 appointees of the Mayor, Public Advocate, Comptroller  
4 and Speaker.

5 SAL ALBANESE: Madam Chair don't we have  
6 those qualifications already in place? It states you  
7 can't be a lobbyist; you can't be running for office;  
8 you can't be a crook.

9 CHAIRPERSON GAIL BENJAMIN: You can be a  
10 crook; you just can't be a felon.

11 JAMES VACCA: Do the guidelines say that  
12 if you are on the COIB, you can not be a lobbyist?

13 SAL ALBANESE: It does say that, yeah.

14 JAMES VACCA: You cannot be a lobbyist at  
15 that time that you are appointed but you can be a  
16 lobbyist in the past?

17 CHAIRPERSON GAIL BENJAMIN: Yes.

18 JAMES VACCA: So, we could have lobbyists  
19 now on the COIB, I don't know. So, my point is that  
20 I would be open to all guidelines and mandates being  
21 applied across the board to all the appointing  
22 officers. Yes, Madam Chair.

23 CHAIRPERSON GAIL BENJAMIN: Can I make a  
24 further suggestion that would ease my comfort level?

1  
2 That instead of the Speaker Rep, we have Corporation  
3 Council as the fifth person.

4 JAMES VACCA: I cannot accept that Madam  
5 Chair. The Corporation Council is an appointee of  
6 the Mayor.

7 CHAIRPERSON GAIL BENJAMIN: With the  
8 advice and consent of the Council.

9 JAMES VACCA: I cannot accept that, no.

10 CHAIRPERSON GAIL BENJAMIN: Okay.

11 Any further discussion? Call the  
12 questions? Okay, the amendment before us is to  
13 change the structure of COIB to replace the Mayoral  
14 appointees with two Mayoral appointees. One  
15 appointee of the Public Advocate, one appointee of  
16 the Comptroller, and one appointment of the Speaker.  
17 All subject to the advice and consent of the Council.

18 Call the question? Second? Call the  
19 roll please.

20 COMMISSION CLERK: Commissioner Albanese?

21 SAL ALBANESE: Yes.

22 COMMISSION CLERK: Commissioner Barrios-  
23 Paoli?

24 BARRIOS-PAOLI: Yes.

25 COMMISSION CLERK: Commissioner Camilo?

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LIVETTE CAMILO: No.

COMMISSION CLERK: Commissioner Caras?

JAMES CARAS: Jimmy, you probably  
sweetened the pot just enough to make me tip over the  
other way. I will vote yes, but also with the caveat  
that if this carries, I am going to think about this  
between now and the final report.

COMMISSION CLERK: Commissioner Fiala?

STEPHEN FIALA: Yes.

COMMISSION CLERK: Commissioner Gavin?

PAULA GAVIN: No.

COMMISSION CLERK: Commissioner Greene?

LINDSAY GREENE: No.

COMMISSION CLERK: Commissioner Hirsh?

ALISON HIRSH: No.

COMMISSION CLERK: Commissioner Nori?

SATEESH NORI: Yes.

COMMISSION CLERK: Commissioner Tisch?

MERRYL TISCH: I am not a mayoral  
appointee, but I still vote no.

COMMISSION CLERK: Commissioner Vacca?

JAMES VACCA: Yes.

COMMISSION CLERK: Commissioner Weisbrod?

CARL WEISBROD: No.

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COMMISSION CLERK: Chair Benjamin?

CHAIRPERSON GAIL BENJAMIN: I know you are trying Jimmy, but I'm still not comfortable. If it passes, I will try and find a way to make myself more comfortable, but I am just not there.

COMMISSION CLERK: The vote is six in the affirmative, seven in the negative. The motion fails.

UNIDENTIFIED: Now, I would like to move Proposal Ten as written and as amended by unanimous consent.

UNIDENTIFIED: Second.

CHAIRPERSON GAIL BENJAMIN: Call the roll.

COMMISSION CLERK: Commissioner Albanese?

SAL ALBANESE: I'd just like to explain my vote. I will vote yes, with the caveat that I believe this is a slightly better than the present constitution of the Conflict and Interest Board. The structure is a little better, but I still think it doesn't achieve the independence the appearance of impropriety that we need for this board but sense it's a slight improvement I will vote yes.



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2 COMMISSION CLERK: Commissioner Barrios-  
3 Paoli?

4 BARRIOS-PAOLI: Yes.

5 COMMISSION CLERK: Commissioner Camilo?

6 LISETTE CAMILO: Yes.

7 COMMISSION CLERK: Commissioner Caras?

8 JAMES CARAS: I think it's more than a  
9 slight improvement Sal. I was convinced by Jimmy,  
10 but I think two non-mayoral reps with advice and  
11 consent in all the reps is a real improvement. It's  
12 still, as Jimmy says has control with the Mayor, but  
13 I vote yes. I think it's a good proposal.

14 COMMISSION CLERK: Commissioner Fiala?

15 STEPHEN FIALA: Explain. I too want to  
16 commend Council Member Vacca. You have been pushing  
17 this for years. We just went through five  
18 amendments. You are going to get the price at the  
19 end of this. I am going to associate my remarks with  
20 Commissioner Albanese and Caras, this is an  
21 improvement albeit very small over what we have and  
22 if that is before us, it's a yes.

23 COMMISSION CLERK: Commissioner Gavin?

24 PAULA GAVIN: I am voting yes, and I do  
25 think it's a significant improvement, thank you.

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COMMISSION CLERK: Commissioner Greene?

LINDSAY GREENE: Yes.

COMMISSION CLERK: Commissioner Hirsh?

ALISON HIRSH: Yes.

COMMISSION CLERK: Commissioner Nori?

SATEESH NORI: Yes.

COMMISSION CLERK: Commissioner Tisch?

MERRYL TISCH: Yes.

COMMISSION CLERK: Commissioner Vacca?

JAMES VACCA: Yes.

CHAIRPERSON GAIL BENJAMIN: Now, that's  
was I call a really talented statesman.

COMMISSION CLERK: Commissioner Weisbrod?

CARL WEISBROD: Yes.

COMMISSION CLERK: Chair Benjamin?

CHAIRPERSON GAIL BENJAMIN: Yes.

COMMISSION CLERK: The motion carries.

CHAIRPERSON GAIL BENJAMIN: Proposal  
Eleven is the MWBE Citywide Director in Office  
require that the citywide director of the minority  
and Women Owned Business Enterprise, the MWBE program  
report directly to the Mayor and require further that  
such director be supported by our Mayoral office of  
MWBE's.

1  
2 Discussion? Call the question? Call the  
3 roll. Second, somebody second, sorry.

4 UNIDENTIFIED: Second, second, second.

5 COMMISSION CLERK: Commissioner Albanese?

6 SAL ALBANESE: Yes.

7 COMMISSION CLERK: Commissioner Barrios-  
8 Paoli?

9 BARRIOS-PAOLI: Yes.

10 COMMISSION CLERK: Commissioner Camilo?

11 LISETTE CAMILO: Yes.

12 COMMISSION CLERK: Commissioner Caras?

13 JAMES CARAS: Yes.

14 COMMISSION CLERK: Commissioner Fiala?

15 STEPHEN FIALA: No.

16 COMMISSION CLERK: Commissioner Gavin?

17 PAULA GAVIN: Yes.

18 COMMISSION CLERK: Commissioner Greene?

19 LINDSAY GREENE: Yes.

20 COMMISSION CLERK: Commissioner Hirsh?

21 ALISON HIRSH: I'd like to explain my  
22 vote. I am going to vote yes, but I also do want to  
23 be clear that in training an office of minority in  
24 women owned businesses in the City Charter is really  
25 only a small step forward that does not match the

1  
2 scale of the problem that we are facing. Where we  
3 must support every effort to improve diversity in our  
4 city, by merely trying an existing initiative into  
5 law, the Office of MWBE's is ultimately a little bit  
6 disappointing in terms of what we could have  
7 accomplished on this Commission.

8 Over the last few months, we have been  
9 debating the merits of what kind of City Charter  
10 Revisions would bring our city to the 21<sup>st</sup> Century  
11 and set us on a course for a brighter more equitable  
12 future. And that's exactly why we really need a  
13 Chief Diversity Officer in City Hall, in CDO's in  
14 every agency. We need someone at the very top to be  
15 that compliance and equity watchdog and tackle the  
16 pervasive patterns of discrimination that extend  
17 throughout city government. It's why we need an  
18 office with oversight and enforcement over not just  
19 MWBE's but broadly across our city to ensure that  
20 city's employees and budget reflect the breath of  
21 diversity in our city. These positions have teeth,  
22 they are armed with data and power to make change.

23 By conducting internal audits and  
24 assessments, the CDO would reveal discrimination  
25 patterns and workforce in procurement and work

1  
2 closely with the Mayor and agency commissioners to  
3 implement effective programs with transparency,  
4 metrics, goals and accountability.

5 Other cities across the country have  
6 achieved diversity officer, New York should not be at  
7 the back of that pack. So, while I am voting yes for  
8 the Charters proposed office of minority and women  
9 owned businesses and continue to be disappointed that  
10 we could not take this proposal farther. Thanks.

11 COMMISSION CLERK: Commissioner Nori?

12 SATEESH NORI: Yes.

13 COMMISSION CLERK: Commissioner Tisch?

14 MERRYL TISCH: Yes, and I would like to  
15 commend Alison on her eloquent explication of a very  
16 critical issue.

17 COMMISSION CLERK: Commissioner Vacca?

18 JAMES VACCA: Yes.

19 COMMISSION CLERK: Commissioner Weisbrod?

20 CARL WEISBROD: Yes.

21 COMMISSION CLERK: Chair Benjamin?

22 CHAIRPERSON GAIL BENJAMIN: Yes.

23 COMMISSION CLERK: The motion carries.

24 STEPHEN FIALA: This is not the proposal  
25 for the diversity officer?

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CHAIRPERSON GAIL BENJAMIN: No.

STEPHEN FIALA: Alright, my mistake here.

Is this related to the local law that was passed establishing a citywide director? What I am trying to get at is it's my fault, my confusion here, I am looking here at my notes. This particular position, is this a position that exists or is this the new citywide diversity officer that has been proposed?

CHAIRPERSON GAIL BENJAMIN: This is not a new citywide diversity officer.

STEPHEN FIALA: Does this relate to previous legislation passed creating this position?

CHAIRPERSON GAIL BENJAMIN: In 2013. It is not the legislation that you are thinking about that was adopted by the Council earlier this year and that was to be implemented by - I believe May 1<sup>st</sup>. It is not that.

STEPHEN FIALA: I owe you all an apology. So, this relates to a local law that was established five or six years ago. Okay, so consistent. I would like to change my vote, but I want to explain why. Consistent with what I said at the beginning of this process. It's good to try things legislatively, run it, see how it goes, and then when there is enough

1  
2 consensus that something works, and if it is of such  
3 substantial import, you then import it into the  
4 Charter. My apologies for my confusion. So, I would  
5 like to be noted -

6 CHAIRPERSON GAIL BENJAMIN: Change your  
7 vote.

8 STEPHEN FIALA: Please.

9 CHAIRPERSON GAIL BENJAMIN: Okay, so if  
10 you would read the revised vote count.

11 COMMISSION CLERK: The revised vote total  
12 is 13 in the affirmative, zero in the negative.

13 CHAIRPERSON GAIL BENJAMIN: Okay, moving  
14 on to ballot grouping number four, which is Finance.  
15 Proposal Twelve it has to do with units of  
16 appropriation. It would establish a mechanism for  
17 which the Council and the Mayor can jointly establish  
18 a structure for units of appropriation outside of the  
19 confines of the budget season.

20 What this would mean and there was a lot  
21 of discussion about this and I think we all owe Jim  
22 in particular a debt of gratitude. There was a lot  
23 of discussion about the fact that while the Charter  
24 requires meaningful units of appropriation, some of  
25 the units of appropriation have been so large as to

1  
2 make the ability to monitor them and the programs  
3 with which they are associated, somewhat impossible.

4           It is also true that a number of city  
5 agencies have moved in discussions with the Council  
6 to split their units of appropriation so that people  
7 can more closely understand what is being proposed.

8           In one of our last hearings, Commissioner  
9 Fiala had suggested that the way this should best be  
10 handled is for the Mayor and the Council to find a  
11 way to come together and discuss this and arrive at  
12 reasonable units of appropriation. And that is what  
13 this proposal would do. It would require the  
14 establishing of that mechanism. So, I just wanted to  
15 explain why we are there as opposed to anywhere else.

16           Is there discussion?

17           STEPHEN FIALA: Would you mind just  
18 expanding a little bit more. You said that this, in  
19 your interpretation, this proposal speaks directly to  
20 what I had suggested they do and that's to talk. To  
21 negotiate through the normal political process. And  
22 we feel that the need and Jim Caras deserves a  
23 standing ovation, 30 new units of appropriation this  
24 year. I haven't seen that in the last 30 years. So,  
25 again Jim kudos. I am just concerned that we are



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2 going to import into the Charter a direction that two  
3 parties in the same building that do this routinely  
4 have to talk. I mean, what do we hope to yield from  
5 this. That hasn't been achieved since we've already  
6 seen success recently and without your advocacy, it  
7 would not have happened.

8                   CHAIRPERSON GAIL BENJAMIN: I believe  
9 that without this Commission, considering this issue,  
10 it would not have happened in the way that it did.  
11 And that we want to continue to reward the great  
12 behavior of the agency heads who have in fact worked  
13 really hard to come up with realistic units of  
14 appropriation and to once we are gone, to continue  
15 that effort. What I envision and that's really just  
16 me, is that there might be, and the staff would come  
17 back to us with this. There might be a schedule  
18 let's say, that in year one, three agencies, four  
19 agencies, come forward with their proposal and that  
20 in year two, three more agencies come forward. I do  
21 not envision that it would say that on September 1<sup>st</sup>,  
22 the Mayor and the Council sit down and work this  
23 through.

24                   STEPHEN FIALA: So, a kind of binding  
25 resolution between the parties, but what happens if

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2 it doesn't happen? What happens if you know, in year  
3 two, previously we had agreed to six new units of  
4 appropriation for agency A, B, and C. Walk me  
5 through this.

6 CHAIRPERSON GAIL BENJAMIN: Well,  
7 fortunately or unfortunately, there are no budget  
8 police other than OMB, I guess, but they are not  
9 exactly the police. I am not sure I have a good  
10 answer for that at this stage, but I would like to  
11 see if we could let this go further to try and come  
12 up with one and see if there is a process that we can  
13 all agree to and feel comfortable that the sides  
14 would in fact have incentives to do so.

15 STEPHEN FIALA: Forced conversation.

16 CHAIRPERSON GAIL BENJAMIN: yes.

17 STEPHEN FIALA: That hasn't taken place.  
18 Not now, it hasn't taken place sufficiently over 30  
19 years. I am just so leery because you have a  
20 proposal for me later on for borough presidents that  
21 is essentially the same thing. It is forcing  
22 conversation and it kills me to have to ask that we  
23 put in the Charter language that tells people, you  
24 should talk to that side, and you should talk to that  
25

1  
2 side. And at the end of the day, what recourse is  
3 there? What happens when it doesn't?

4           So, in other words, it's a hail Mary pass  
5 to an extent.

6           CHAIRPERSON GAIL BENJAMIN: To an extent.

7           STEPHEN FIALA: If the dialog doesn't  
8 happen, nothing happens.

9           CHAIRPERSON GAIL BENJAMIN: Yeah.

10          STEPHEN FIALA: Okay.

11          CHAIRPERSON GAIL BENJAMIN: Jim.

12          JIM CARAS: I think a couple things that  
13 I would say to address that. One, I'd like the staff  
14 to try to work on something that's outside of the  
15 budget process. I think often, during the budget  
16 process the focus is so much on how much money do we  
17 get for what, that often these things like units of  
18 appropriation in terms and conditions get pushed  
19 aside maybe in return greater funding on something or  
20 maybe just as that they move down the list of  
21 priorities as opposed to you know, how much funding  
22 are we getting for the Police Department? How much  
23 funding are we getting for the Department of Health?

24               So, I think having a process and I am  
25 confident staff can come up with something. I have

1  
2 great confidence in this staff. I think they have  
3 done amazing work. That is a separate process that  
4 would shine a light on that process, that would  
5 essentially, they would have a blank piece of paper  
6 at the end of the process if they didn't do anything.  
7 And I also think that you know, yes, perhaps there  
8 will be 30 new units of appropriation in this budget  
9 because of the fact that this Commission has talked  
10 about this so much. And maybe that would even  
11 continue next year if we went away and didn't do  
12 anything, but I guarantee you that with a new Mayor,  
13 the budget would go back to exactly the way it's been  
14 for the last 30 years.

15           So, I ask for your support and I hope and  
16 I'm going to push that its more than forced talking,  
17 but I will be supporting some forced talking things  
18 as well as we go through the agenda.

19           So, I will just leave it at that.

20           STEPHEN FIALA: So, this language will be  
21 further flushed out?

22           CHAIRPERSON GAIL BENJAMIN: Yeah, if you  
23 don't like the language and don't think that it  
24 works, when we meet again on the actual language, we  
25 can eliminate it from the ballot proposals.

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2           STEPHEN FIALA: I am very, very concerned  
3 but I will vote yes with the right to recall my vote  
4 later on.

5           UNIDENTIFIED: I just wanted to echo that  
6 I think this is a great compromise, but it ensures  
7 for the future that any Mayor and any City Council be  
8 responsible to do this. So, I too think it's a great  
9 solution.

10          CHAIRPERSON GAIL BENJAMIN: Okay, are we  
11 ready to call the question? Second? Call the roll.

12          COMMISSION CLERK: Commissioner Albanese?

13          SAL ALBANESE: Yes.

14          COMMISSION CLERK: Commissioner Barrios-  
15 Paoli?

16          BARRIOS-PAOLI: Yes.

17          COMMISSION CLERK: Commissioner Camilo?

18          LISETTE CAMILO: Yes.

19          COMMISSION CLERK: Commissioner Caras?

20          JAMES CARAS: Yes.

21          COMMISSION CLERK: Commissioner Fiala?

22          STEPHEN FIALA: Yes, as previously  
23 stated.

24          COMMISSION CLERK: Commissioner Gavin?

25          PAULA GAVIN: Yes.

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COMMISSION CLERK: Commissioner Greene?

LINDSAY GREENE: Yes.

COMMISSION CLERK: Commissioner Hirsh?

ALISON HIRSH: Yes.

COMMISSION CLERK: Commissioner Nori?

SATEESH NORI: Yes.

COMMISSION CLERK: Commissioner Tisch?

MERRYL TISCH: Yes, even though the author stole my cushion. He stole my cushion when I got up one time.

CHAIRPERSON GAIL BENJAMIN: He stole your cushion? Would you like mine?

MERRYL TISCH: No.

COMMISSION CLERK: Commissioner Vacca?

JAMES VACCA: Yes.

COMMISSION CLERK: Commissioner Weisbrod?

CARL WEISBROD: Yes.

COMMISSION CLERK: Chair Benjamin?

CHAIRPERSON GAIL BENJAMIN: Yes.

COMMISSION CLERK: The motion carries.

CHAIRPERSON GAIL BENJAMIN: Proposal Thirteen Revenue Estimate. Require the Mayor to submit a revenue estimate by May 25<sup>th</sup> instead of June 5<sup>th</sup> but allow the Mayor to submit an updated revenue

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2 estimate after May 25<sup>th</sup> with the consent of the  
3 Council. If the Mayor does not provide a separate  
4 revenue estimate by May 25<sup>th</sup>, then the Mayor's  
5 previous revenue estimate submitted with his or her  
6 April Executive Budget will control.

7 Discussion?

8 LINDSAY GREENE: Thank you Chair and  
9 thank you the staff, I know I sent some modifications  
10 to this and some of those made them here. I'd  
11 specifically like to make an amendment to the first  
12 bullet point. At the end, I don't think we should  
13 have - in the event there is an updated revenue  
14 estimate after May 25<sup>th</sup>, I don't think that should  
15 require the consent of the Council. That inherently  
16 will make the revenue estimate political. I think a  
17 better way to ensure and safeguard against what may  
18 feel like a last-minute change per say, require that  
19 the Administration and the Mayor provide an  
20 explanation as to the economic or Fiscal nature for  
21 the updated revenue estimate. It will basically  
22 force the delivery of something that would explain  
23 that any updated revenue estimate after May 25<sup>th</sup>, was  
24 necessary for a very rare occasion.  
25

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2 CHAIRPERSON GAIL BENJAMIN: Is there  
3 discussion? Questions? Oh, sorry, Lisette.

4 LISETTE CAMILLO: I would just like to  
5 echo the need for the amendment. Typically, revenue  
6 estimates change due to a financial or a Fiscal  
7 change and that's a factual basis for which to submit  
8 a change and demonstrating or talking about why that  
9 was, I think is sufficient. I just want to echo my  
10 support for the amendment.

11 CHAIRPERSON GAIL BENJAMIN: Jim.

12 JIM CARAS: Again, I mean, I think the  
13 reason that the consent of the Council is in there is  
14 because as Larian Angelo testified before us who was  
15 First Deputy Director of OMB and also Council Finance  
16 Director, that the revenue estimate often is  
17 negotiated when there is a consensus budget. So, if  
18 the Mayor and the Council know they are heading  
19 towards a consensus budget, it seems to make sense to  
20 give them as much time as they both think they need.

21 So, I actually think that is sort of in  
22 keeping with how the budget process works. And then  
23 my concern with the economic Fiscal explanation is  
24 that again, the exception you know, if there is no  
25 showing that there are declining revenues or



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2 increasing revenues, and that that's why the May 25<sup>th</sup>  
3 revenue estimate would be premature. A Fiscal  
4 explanation could just be some big company in the  
5 city is late in their June or their quarterly  
6 payments or something and we're waiting for that.  
7 You know, there could be a lot of sort of Fiscal  
8 reasons that may not end up effecting revenue. So, I  
9 am worried that the exception would sort of swallow  
10 the rule.

11 LINDSAY GREENE: I hear you Jim. I think  
12 the challenge is any of those things are indeed  
13 factual things. There are instances where those  
14 changes could be material and I think that in this  
15 scenario, even in the amendment, the Council and the  
16 Mayor, they are still negotiating overall total  
17 budget, but I think the emphasis that currently  
18 exists in the Charter is that the majority of that  
19 consent is focused on the expense out of the ledger  
20 and not the revenue.

21 I don't think an approval over the  
22 revenue number and the expense number, I don't think  
23 that's good for Fiscal responsibility and I think it  
24 really enhances the political nature of the  
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1 negotiations in a way that I don't think is  
2 productive.

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4 CHAIRPERSON GAIL BENJAMIN: Carl.

5 CARL WEISBROD: Yeah, Jim cited Larian  
6 Angelo who I have to say on this particular issue,  
7 was probably the most credible witness before us who  
8 has been on both sides of this, both as the  
9 negotiator and representative of the Council and also  
10 as Deputy Director of OMB, and you know when directly  
11 asked, Larian Angelo said that if it were up to her,  
12 she would leave this exactly - the language in the  
13 Charter exactly the way it is. And while you are  
14 right Jim, that as with everything else, it's subject  
15 to conversations, discussions between the Council and  
16 the Mayor and that's just the way the ebb and flow of  
17 the budget process works.

18 I think the key to this is that  
19 ultimately the Mayor has to be responsible for the  
20 revenue estimate and I think what the proposal, at  
21 least the intent of the proposal is to take a step  
22 further in terms of giving at least a revenue  
23 estimate earlier than the Charter currently requires.  
24 But not to change the fundamental realities on the  
25 ground. And so, that's why once you include the

1  
2 consent of the Council, you really are changing the  
3 fundamental balance and that's why I support  
4 Lindsay's amendment; although I would frankly just  
5 leave it as the Mayor submits a revenue estimate by  
6 May 25<sup>th</sup>, then which could be amended.

7           But I think that I am really guided by  
8 what Larian said, which I think has worked rather  
9 well over the last 40 years.

10           CHAIRPERSON GAIL BENJAMIN: So, are you  
11 suggesting Carl, a further amendment?

12           CARL WEISBROD: I'm supporting Lindsay  
13 Greene's amendment, which I think is more thoughtful  
14 than anything I could propose.

15           CHAIRPERSON GAIL BENJAMIN: Are there any  
16 further discussions on this? Seeing none, call the  
17 question.

18           UNIDENTIFIED: Second.

19           CHAIRPERSON GAIL BENJAMIN: Let's call  
20 the roll on the amendment.

21           COMMISSION CLERK: Commissioner Albanese?

22           SAL ALBANESE: Pass.

23           COMMISSION CLERK: Commissioner Barrios-  
24 Paoli?

25           BARRIOS-PAOLI: Yes.

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COMMISSION CLERK: Commissioner Camilo?

LISETTE CAMILO: Yes.

COMMISSION CLERK: Commissioner Caras?

JAMES CARAS: No.

COMMISSION CLERK: Commissioner Fiala?

STEPHEN FIALA: Yes.

COMMISSION CLERK: Commissioner Gavin?

PAULA GAVIN: Yes.

COMMISSION CLERK: Commissioner Greene?

LINDSAY GREENE: Yes.

COMMISSION CLERK: Commissioner Hirsh?

ALISON HIRSH: Yes.

COMMISSION CLERK: Commissioner Nori?

SATEESH NORI: Yes.

COMMISSION CLERK: Commissioner Tisch?

MERRYL TISCH: Yes.

COMMISSION CLERK: Commissioner Vacca?

JAMES VACCA: No.

COMMISSION CLERK: Commissioner Weisbrod?

CARL WEISBROD: Yes.

COMMISSION CLERK: Commissioner Albanese?

SAL ALBANESE: Yes.

COMMISSION CLERK: Chair Benjamin?

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2 CHAIRPERSON GAIL BENJAMIN: With the  
3 caveat that Merryl Tisch talked about earlier, the  
4 economic Fiscal explanation, if we could just have a  
5 little more clarity on what that is and what it  
6 means, then my yes would stand on the amendment.

7 On the amended proposal, is there  
8 additional discussion? If not call the question?

9 UNIDENTIFIED: Second.

10 CHAIRPERSON GAIL BENJAMIN: Call the  
11 roll.

12 COMMISSION CLERK: Commissioner Albanese?

13 SAL ALBANESE: Pass.

14 COMMISSION CLERK: Commissioner Barrios-  
15 Paoli?

16 BARRIOS-PAOLI: Yes.

17 COMMISSION CLERK: Commissioner Camilo?

18 LISETTE CAMILO: Yes.

19 COMMISSION CLERK: Commissioner Caras?

20 JAMES CARAS: I am about torn, yeah, I'll  
21 pass.

22 COMMISSION CLERK: Commissioner Fiala?

23 STEPHEN FIALA: Yes.

24 COMMISSION CLERK: Commissioner Gavin?

25 PAULA GAVIN: Yes.

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COMMISSION CLERK: Commissioner Greene?

LINDSAY GREENE: Yes.

COMMISSION CLERK: Commissioner Hirsh?

ALISON HIRSH: Yes.

COMMISSION CLERK: Commissioner Nori?

SATEESH NORI: Yes.

COMMISSION CLERK: Commissioner Tisch?

MERRYL TISCH: Yes.

COMMISSION CLERK: Commissioner Vacca?

JAMES VACCA: Yes.

COMMISSION CLERK: Commissioner Weisbrod?

CARL WEISBROD: Yes.

COMMISSION CLERK: Commissioner Albanese?

SAL ALBANESE: I am sort of concerned but will probably vote for it. I am concerned because the revenue estimates change rapidly and if the Council decides that they don't want to grant the Mayor an updated revenue estimate, it could be problematic. He needs to consent to the Council, yet we know that these things change daily. Tax collections, other issues pop up, the state budget maybe late and what have you, but with those reservations I will still support it and vote yes.

COMMISSION CLERK: Commissioner Caras?

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2                   COMMISSIONER CARAS: I guess I don't have  
3 to be so torn anymore. I will vote yes with Chair  
4 Benjamin's caveat but even a little bit on steroids  
5 that we really have to work to make that financial  
6 reason meaningful and not just any financial reason.

7                   COMMISSION CLERK: Chair Benjamin?

8                   CHAIRPERSON GAIL BENJAMIN: I would like  
9 to have my comments associated with those of  
10 Commissioner Caras, who has worked long and hard on  
11 these issues and as I stated before, that the  
12 defining of this economic Fiscal explanation needs to  
13 be less vague.

14                   COMMISSION CLERK: The motion carries.

15                   CHAIRPERSON GAIL BENJAMIN: Proposal  
16 Fourteen, Budget Modification Timing. Require that  
17 periodic financial plan updates be accompanied by any  
18 proposed budget modification necessitated by such  
19 update provided that such modifications maybe filed  
20 with the Council within 30 days after the relevant  
21 plan update is provided to the Council.

22                   Any discussion? Call the question.

23                   UNIDENTIFIED: Second.

24                   CHAIRPERSON GAIL BENJAMIN: Call the  
25 roll.

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COMMISSION CLERK: Commissioner Albanese?  
SAL ALBANESE: Yes.  
COMMISSION CLERK: Commissioner Barrios-  
Paoli?  
BARRIOS-PAOLI: Yes.  
COMMISSION CLERK: Commissioner Camilo?  
LISETTE CAMILO: Yes.  
COMMISSION CLERK: Commissioner Caras?  
JAMES CARAS: Yes.  
COMMISSION CLERK: Commissioner Fiala?  
STEPHEN FIALA: Yes.  
COMMISSION CLERK: Commissioner Gavin?  
PAULA GAVIN: Yes.  
COMMISSION CLERK: Commissioner Greene?  
LINDSAY GREENE: Yes.  
COMMISSION CLERK: Commissioner Hirsh?  
ALISON HIRSH: Yes.  
COMMISSION CLERK: Commissioner Nori?  
SATEESH NORI: Yes.  
COMMISSION CLERK: Commissioner Tisch?  
MERRYL TISCH: Yes.  
COMMISSION CLERK: Commissioner Vacca?  
JAMES VACCA: Yes.



1  
2 COMMISSION CLERK: Commissioner Weisbrod  
3 on the budget modification question?

4 CARL WEISBROD: Excuse me?

5 COMMISSION CLERK: I just saw you walking  
6 in. It's on the budget modification.

7 CARL WEISBROD: Number Fourteen as  
8 unchanged?

9 CHAIRPERSON GAIL BENJAMIN: Correct.

10 CARL WEISBROD: Yes.

11 COMMISSION CLERK: Chair Benjamin?

12 CHAIRPERSON GAIL BENJAMIN: Yes.

13 COMMISSION CLERK: The motion carries.

14 CHAIRPERSON GAIL BENJAMIN: Proposal  
15 Number Fifteen, the Rainy-Day Fund. Make the  
16 necessary Charter changes to allow the city to create  
17 and use a rainy-day fund provided that such changes  
18 will have no practical effect until either the state  
19 financial emergency act expires or is repealed or  
20 amended.

21 Discussion?

22 STEPHEN FIALA: I submitted to all of you  
23 a four-page memo on this. I've spoken to most of you  
24 individually. I am so pleased that this issue is  
25 finally getting the light of day.

1  
2           In my memo to you, I talked about this  
3 being a very unique opportunity to finally address  
4 this issue. We've talked about it for years. The  
5 impediments while not insubstantial or not  
6 insurmountable. But we chose not to do that in the  
7 past. I said that we also had an opportunity to  
8 address the issue relating to the retiree health  
9 benefits trust fund, which is a good idea when it was  
10 conceived, it's a good idea now. However, I do  
11 believe the time was right for us to codify that into  
12 the Charter first of all and to appropriate strings  
13 to it. So as to ensure that that liability which now  
14 is about \$105 billion is dealt with with that program  
15 as opposed to that particular fund being used as a  
16 Rainy-Day Fund de facto.

17           I am not going to push an amendment to  
18 deal with that because I realize that you can only  
19 get so much and Madam Chair, I want to thank you  
20 because I think you know, this was my number one  
21 priority and, in the past, we punted, punted, punted.

22           I want you all to know this. If there  
23 was nothing else that we did, nothing else that we  
24 did, this is the most important thing we will have  
25 done, and it isn't about numbers. I often hear you

1  
2 are concerned about the budget, the numbers, numbers,  
3 numbers. I hate numbers. I am terrible at math.  
4 This is really about the poorest of the poor and the  
5 middle class. Because they are the ones who have  
6 from the time, we started having recessions until  
7 now, they're the ones that always suffer. It's the  
8 service cuts that hit them the most. It's their  
9 social safety nets that eviscerated and it's taxes  
10 that are imposed on them.

11           This isn't about cold numbers, this is  
12 about responsible, and I use the term, ethical fiscal  
13 stewardship. That's what's missing in this country  
14 and quite frankly despite good efforts, and I want to  
15 applaud Speaker Johnson, I want to applaud the Mayor  
16 for the monies they set aside through the normal  
17 mechanisms, but that is not an answer. These surplus  
18 roles and the other mechanisms we've used, they work  
19 fine when things are fine and then when things aren't  
20 fine, they work fine for about an hour and a half and  
21 then the axe falls.

22           So, what you do today if you vote  
23 affirmatively for this, is you vote to protect the  
24 poorest of the poor and the middle class who will  
25 suffer the most during economic down turns. So, I

1  
2 really thank you for indulging this issue. I want to  
3 commend the Citizens Budget Commission. I have sent  
4 you their report, I have talked about it. I wish we  
5 could have done more, but this is a very, very  
6 significant first step and then it would be off to  
7 Albany to deal with the necessary legislation there.

8           The only thing I would ask is that in the  
9 final language, a rainy-day fund as a concept is  
10 great, but it's got to be tied to something  
11 significant. We've got to bind the size, the scope,  
12 the inputs and the withdrawals. Otherwise, the  
13 rainy-day fund doesn't work, and staff has that  
14 material, so I won't belabor the point. But I thank  
15 you all, I think we have a chance to do something  
16 really, really extraordinary and create the type of  
17 ethical fiscal stewardship that is sorely lacking in  
18 the world today.

19           So, I urge your yes vote.

20           CHAIRPERSON GAIL BENJAMIN: Jimmy and  
21 then Jim.

22           JAMES CARAS: I just need clarity because  
23 when you talk about the Rainy-Day Fund, which I am in  
24 favor of as well. But it says that such changes will  
25

1  
2 have no practical effect until the state financial  
3 emergency act expires or is repealed amended.

4 CHAIRPERSON GAIL BENJAMIN: Yes.

5 JAMES CARAS: So, that means that we will  
6 not have a Rainy-Day Fund until the state financial  
7 emergency? The state emergency act, is that the old  
8 financial control board from the 70's.

9 CHAIRPERSON GAIL BENJAMIN: Yes.

10 JAMES CARAS: So, we're saying that that  
11 Rainy-Day Fund will have no practical impact until  
12 that act expires. I need clarity.

13 CHAIRPERSON GAIL BENJAMIN: Or until it  
14 is amended.

15 JAMES CARAS: Or is repealed or amended.

16 CHAIRPERSON GAIL BENJAMIN: Correct.

17 JAMES CARAS: But that may never happen.  
18 The powers that may lead that state emergency control  
19 board in effect for so many years. I thought we were  
20 planning a Rainy-Day Fund in the immediate future.  
21 How does it pertain? How does one relate to the  
22 other?

23 STEPHEN FIALA: So, in a previous  
24 commission, I talked about the most egregious example  
25 I can give is after the 2000 downturn and the

1  
2 subsequent 911 attack on this country, this city took  
3 a massive hit. And the City Council and the then  
4 Mayor in my view, did something that was  
5 unconscionable. We were four Fiscal Years away from  
6 paying off the MAC bonds, 30 years from the 75  
7 crisis. In order to save \$500 million in one fiscal  
8 year, think of it as a home mortgage. Because we  
9 were so strapped for cash then, the City Council and  
10 the Mayor had no choice in their view but  
11 essentially, they went to Albany and they said, would  
12 you take this off our hands, refinance this for over  
13 another 30 years.

14           So, those original 75 bonds were  
15 essentially renegotiated, and they don't get paid off  
16 until 2033. So, as result of that, we're going to  
17 deal with a longer runway in implementing this. But  
18 this Commissioner Vacca is a necessary first step.  
19 This gives the push for the Speaker and the Mayor and  
20 the Council to go to Albany and say, deal with this  
21 amendment. We know how to manage our budget, we have  
22 the best budgetary system in America, and we do.

23           What we do today will strengthen it  
24 during those downturns. This is just the missing  
25 link I think that has been missing all along and it

1  
2 really addresses those rocky waters. I think the  
3 Citizen's Budget Commission talked about weathering  
4 the storm. That's what it does, it weathers the  
5 storm for the poorest of the poor and for the middle  
6 class.

7 I wish we could get it. I have wrestled  
8 with this for 22 years, so, no, no, no, no. What  
9 this is, is the moral authority for the city to go up  
10 to Albany and say, we have done our part and the  
11 people of New York have spoken and said, there shall  
12 be a rainy-day fund, so now let's begin to amend all  
13 of the financial emergency acts, statutes that are  
14 impediments to doing this. We can shorten the term  
15 from 2030 backwards, but the worst-case scenario, it  
16 would be at the expiration. I am willing, since it's  
17 been 22 years waiting, another decade is not what I  
18 want, but not having this means we continue to have  
19 the poorest of the poor and the middle class suffer  
20 perennially, downturn after downturn after downturn.  
21 But I share your frustration.

22 CHAIRPERSON GAIL BENJAMIN: Okay.

23 JAMES VACCA: I am completely supportive  
24 of the concept of a Rainy-Day Fund. I do have one  
25 area that I think I differ from Steve on and that's I

1  
2 have a concern that we not mandate when money has to  
3 be put into the fund.

4 I think that needs to be a negotiation  
5 between the Council and the Mayor in the budget  
6 process and I think that's probably the only thing I  
7 agreed with all the OMB people who appeared before  
8 us. That said, you know, that we should not be  
9 saying when, how much money has to be put in, because  
10 there could be times when you know that money may  
11 have to be taken from other essential services.

12 So, I think in the case of the role  
13 that's always negotiated. In the case of the retiree  
14 health benefits trust fund, that's always negotiated.

15 I think I would be able to wholeheartedly  
16 support a plan where the inputs are negotiated but  
17 the outputs, the withdrawals can only be made in  
18 times of decreasing revenues or unexpected  
19 significant expenses. Something to that effect.

20 STEPHEN FIALA: Well Jim, I operate under  
21 this philosophy, what is it, the good can't be the  
22 enemy of the perfect. I have great concerns. If you  
23 don't have a tight structure, but I have greater  
24 concerns if we don't have any structure at all.



1  
2           This battle has been too long for it to  
3 go down for that. I would urge though that the  
4 Commission provide as some supporting material, you  
5 know, when legislation is passed, years later  
6 something's in court and the litigators all say, go  
7 get the memorandums of understanding and see what  
8 their intent was back then, right? Let's see what  
9 the original intent was. I would love it if in that  
10 documentation we gave an expression that we do  
11 believe that the CFA which is the national  
12 organization that sets these parameters is the right  
13 mechanism, and we strongly advise and urge compliance  
14 with that.

15           But I do understand your concern and I  
16 will be damned if I am going to let this go down,  
17 because I want everything. So, I am certainly  
18 prepared, and I thank you.

19           JIM CARAS: I can work with that.

20           CHAIRPERSON GAIL BENJAMIN: Any further  
21 discussion? Would somebody describe for me is there  
22 a change in this Proposal Fifteen? No changes, okay.  
23 Then, call the question. Second? Call the roll.

24           COMMISSION CLERK: Commissioner Albanese?  
25

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2 SAL ALBANESE: Before I vote, I'd like to  
3 commend Commissioner Fiala on his passionate advocacy  
4 for this. I support a Rainy-Day Fund and  
5 Commissioner Fiala has certainly made very compelling  
6 points on how important it is. I mean we all talk  
7 about it and say it's a great thing, but when  
8 Commissioner Fiala drills down on it, you realize how  
9 important it is. So, I want to commend him for his  
10 advocacy and vote yes on the Proposal.

11 COMMISSION CLERK: Commissioner Barrios-  
12 Paoli?

13 BARRIOS-PAOLI: Yes.

14 COMMISSION CLERK: Commissioner Camilo?

15 LISETTE CAMILO: Yes.

16 COMMISSION CLERK: Commissioner Caras?

17 JAMES CARAS: Yes, with the caveat that  
18 we don't do anything that would require putting in  
19 certain amounts at certain times.

20 COMMISSION CLERK: Commissioner Fiala?

21 STEPHEN FIALA: With the happiest yes, I  
22 can give.

23 COMMISSION CLERK: Commissioner Gavin?

24 PAULA GAVIN: Yes.

25 COMMISSION CLERK: Commissioner Greene?

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LINDSAY GREENE: Yes.

COMMISSION CLERK: Commissioner Hirsh?

ALISON HIRSH: Yes.

COMMISSION CLERK: Commissioner Nori?

SATEESH NORI: Yes.

COMMISSION CLERK: Commissioner Tisch?

MERRYL TISCH: Yes.

COMMISSION CLERK: Commissioner Vacca?

JAMES VACCA: I want to thank

Commissioner Fiala for his work on this and the total effort he put into this was amazing, but he believes in this and he took it to task and I commend him, and I think it's something long overdue. I vote yes.

COMMISSION CLERK: Commissioner Weisbrod?

CARL WEISBROD: I also vote yes and also commend Commissioner Fiala for his passion on this issue and for his focus on it and also the Citizens Budget Commission which testified before us on the importance of this and I happily vote yes.

COMMISSION CLERK: Chair Benjamin?

CHAIPERSON GAIL BENJAMIN: Yes.

COMMISSION CLERK: The motion carries.

CHAIPERSON GAIL BENJAMIN: Proposal Sixteen. Guaranteed budgets for the Public Advocate

1  
2 and Borough President require that the personnel  
3 budgets for the Public Advocate and Borough  
4 Presidents be set at or above their respective Fiscal  
5 Year 2019 personnel budgets adjusted for inflation,  
6 provide for a mechanism in which the Mayor can  
7 propose and the Council may adopt, a lower budget in  
8 cases where the Mayor has established there is a  
9 fiscal necessity for doing so. In Fiscal Year 2019,  
10 the personnel budget for the Public Advocate was \$3.3  
11 million. For the Borough Presidents were \$4.8  
12 million in the Bronx, \$5.2 million in Brooklyn, \$4.2  
13 million in Manhattan, \$4.0 million in Queens and \$3.6  
14 million in Staten Island.

15 Discussion? Jimmy.

16 JAMES CARAS: Just a point of  
17 clarification. So, we are setting the budgets where  
18 they are in FY 2019 but then they will be  
19 automatically adjusted for inflation every year?

20 CHAIRPERSON GAIL BENJAMIN: Well, there is  
21 a possible amendment to establish 2020 as the  
22 baseline year instead of 2019. But yes, whatever the  
23 baseline year is, there would adjusted for inflation  
24 thereafter.

25

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2           JAMES CARAS: So, that would not require  
3 Council action and the Mayor would be compelled to  
4 include the inflationary increase in his budget and  
5 then if there was money up and above that for the  
6 Public Advocate or the Borough Presidents, that would  
7 be at the discretion of the Mayor and the Council?

8           CHAIPERSON GAIL BENJAMIN: Correct.

9           JAMES CARAS: Okay.

10          CHAIPERSON GAIL BENJAMIN: Merryl.

11          MERRYL TISCH: You know this reminds me  
12 of a conversation we had an hour and a half ago and I  
13 want to remind us that we promised ourselves not to  
14 repeat the conversation. And I would just also like  
15 to say there needs to be a mechanism in which the  
16 Executive in charge has the ability to make a  
17 decision should there be a fiscal crisis. Not to  
18 punish but should there be. And so, I intend to vote  
19 yes with that caveat.

20          CHAIPERSON GAIL BENJAMIN: I agree with  
21 that caveat. I was just going to offer an amendment  
22 which has been suggested by a number of the offices  
23 that are contained herein that since by the time this  
24 is adopted it will be Fiscal Year 2020. That we use  
25 Fiscal Year 2020 as the baseline budget.

1  
2 PAULA GAVIN: But I am concerned about  
3 having it automatically increased on the inflation  
4 rate. So, that was an amendment that was put forward  
5 and not adjust these baselines, whether it 2019 or  
6 2020.

7 CHAIPERSON GAIL BENJAMIN: Okay, but we  
8 have one amendment on the floor now, can we just vote  
9 on that amendment and then we will take other  
10 amendments as and then we will go back to the main  
11 item.

12 Discussion on the using 2020 base instead  
13 of 2019, since we will be in FY 2020 then. Call the  
14 question. Second? Call the roll.

15 COMMISSION CLERK: Commissioner Albanese?

16 SAL ALBANESE: Yes.

17 COMMISSION CLERK: Commissioner Barrios-  
18 Paoli?

19 BARRIOS-PAOLI: Yes.

20 COMMISSION CLERK: Commissioner Camilo?

21 LISETTE CAMILO: Yes.

22 COMMISSION CLERK: Commissioner Caras?

23 JAMES CARAS: Yes.

24 COMMISSION CLERK: Commissioner Fiala?

25 STEPHEN FIALA: Yes.

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COMMISSION CLERK: Commissioner Gavin?

PAULA GAVIN: No, because of the adjusted  
for inflation.

CHAIRPERSON GAIL BENJAMIN: We are only  
voting on the amendment. Okay.

COMMISSION CLERK: Commissioner Greene?

LINDSAY GREENE: I second Paula's  
question, yes to 2020 instead of 2019 but not on the  
language regarding inflation.

CHAIRPERSON GAIL BENJAMIN: Okay.

COMMISSION CLERK: So, that's a yes on  
the motion to change it to 2020?

LINDSAY GREENE: Yes.

COMMISSION CLERK: Commissioner Hirsh?

ALISON HIRSH: Yes.

COMMISSION CLERK: Commissioner Nori?

SATEESH NORI: Yes.

COMMISSION CLERK: Commissioner Tisch?

MERRYL TISCH: Yes.

COMMISSION CLERK: Commissioner Vacca?

JAMES VACCA: Yes.

COMMISSION CLERK: Commissioner Weisbrod?

CARL WEISBROD: Yes.

COMMISSION CLERK: Chair Benjamin?

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CHAIPERSON GAIL BENJAMIN: Yes.

COMMISSION CLERK: The motion carries.

CHAIPERSON GAIL BENJAMIN: I understand there area some – that Paula you, I would assume want to offer the amendment or someone that the budgets not be automatically adjusted for inflation removing that language, is that correct?

PAULA GAVIN: Correct.

CHAIPERSON GAIL BENJAMIN: Is there discussion?

PAULA GAVIN: I would just like to add that you know, there are times you may need to adjust the budget that are independent of inflation that applies to the entire budget. We naturally react to that and the Council and Mayor negotiate that. I don't think anything should be automatically indexed to inflation in the budget.

CHAIPERSON GAIL BENJAMIN: Alison.

ALISON HIRSH: So, my concern without having any kind of indexing or method for adjustment is that you know, in a very short number of years, the baseline budget will be going down as opposed to up in all practicality. Is there another method of indexing that you would feel more comfortable with?



1  
2 You know, often minimum wage increases for instance  
3 are tied to the consumer price index instead of to  
4 inflation. Is there something because it strikes me  
5 as concerning to set a baseline budget at a time when  
6 we know that over time an exact dollar figure becomes  
7 less meaningful.

8 CHAIRPERSON GAIL BENJAMIN: I hear your  
9 point. I mean I think any index might be  
10 problematic. I think the amendment includes some  
11 language that gives the Mayor some flexibility to  
12 adjust that floor, so to speak, if necessary. Is  
13 that not sufficient?

14 ALISON HIRSH: Sorry, the language as I  
15 read it gives the Mayor the mechanism to propose a  
16 lower budget where there a Fiscal necessity but not a  
17 higher budget.

18 CHAIRPERSON GAIL BENJAMIN: I think yes, I  
19 think there is an inherent idea that the budget can  
20 always go higher if the Mayor and the Council agree.  
21 Rather than having it being automatic.

22 ALISON HIRSH: I guess I would argue that  
23 having no way to index defeats the purpose of setting  
24 a baseline budget for the offices.

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2                   CHAIPERSON GAIL BENJAMIN: Okay, Carl you  
3 were next.

4                   CARL WEISBROD: Yeah, I certainly agree  
5 that to simply require and I think Alison implicitly  
6 agrees to this as well, to simply requiring an index  
7 to inflation does not – it's not appropriate really  
8 for any item in the budget. But at that same time, a  
9 desire to in effect protect the relationship of the  
10 elected officials budgets relative to the city as a  
11 whole in a sense. And I would suggest just going  
12 back to what Dr. Tisch said earlier, this is really  
13 quite similar to the issue we confronted earlier.  
14 And I would ask on this that the staff try to  
15 struggle and come up with language that protects  
16 against a malignant intent on the part of the  
17 Executive or the Executive and Council together, as  
18 we discussed with respect to the CCRB.

19                   But also, recognizes that ultimately this  
20 is the kind of issue that in times of Fiscal stress,  
21 the body politic has to deal with and so, we have to  
22 face this issue with the CCRB, and I suggest a  
23 similar hard look by the staff here.

24

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2                   CHAIPERSON GAIL BENJAMIN: So, are you  
3 suggesting that we would leave in the language cost  
4 of living or whatever?

5                   CARL WEISBROD: I don't think we should,  
6 I feel quite uncomfortable about and I think we all  
7 recognize simply indexing this to inflation is as  
8 with any policy in the budget, not as with any item  
9 in the budget. Not good budget management but we  
10 want to protect basically the relative budgets of the  
11 other elected officials with other offices. And  
12 protect particularly against political payback.

13                   CHAIPERSON GAIL BENJAMIN: I think it was  
14 more than that was spoken about. I think it was also  
15 just if the budget remains frozen in the same amount,  
16 it's worth less money every year. So, if you have 25  
17 staff members and each staff member is making  
18 \$10,000.

19                   CARL WEISBROD: Well, but the city's  
20 budget as a whole could stay frozen for a year or two  
21 or three. We've been going through a period of  
22 rising revenues in the city for the last several  
23 years but let's not assume that that's going to  
24 proceed forever. It won't and we could easily have,  
25 and we have had many times over my lifetime,

1 inflation with a serious reduction in city revenue.

2 And so, I just think we have to come up with an  
3 approach that recognizes that we don't want to see  
4 these elected offices lose ground relative to the  
5 budget but to index it to inflation.  
6

7 CHAIPERSON GAIL BENJAMIN: Do you have a  
8 different suggestion then inflation?

9 CARL WEISBROD: No, I think it would be  
10 very difficult to have to index it at all. I do  
11 think that what we want to protect against is an  
12 inappropriate intent on the part of either the  
13 Executive or the legislative or the Executive and  
14 Legislative together if they are unhappy with a  
15 particular Borough President or the Public Advocate.  
16 And I do believe that it's possible for the staff to  
17 come up with an approach. That's all that I am  
18 saying.

19 CHAIPERSON GAIL BENJAMIN: Lilliam and  
20 then Alison.

21 LILLIAM BARRIOS-PAOLI: Yeah, I think you  
22 know, it's more than that. I think we want to  
23 provide a stable budget so that they can do the job  
24 they are supposed to do. And what we have seen the  
25

1  
2 last few years, is that their budget is certainly not  
3 appropriate to the job that they have to do.

4           So, look, we pegged the CCRB to some  
5 percentage of the Police Department budget. We  
6 pegged IBO to some percentage of OMB's budget. So,  
7 shouldn't the Public Advocate and the Borough  
8 Presidents be pegged to some percentage of the  
9 Mayor's budget? You know, the office of Mayor's  
10 budget and that's more objective and that certainly  
11 is not arbitrary in any way.

12           CARL WEISBROD: It may be an approach  
13 worth looking at, I'm just saying I think we all  
14 recognize what the objective is, and we all recognize  
15 the risk that we are trying to avoid. And so, I  
16 don't think that we are going to come up with the  
17 exact language tonight and again, I would ask the  
18 staff to look at it.

19           CHAIPERSON GAIL BENJAMIN: Alison and  
20 then Jimmy.

21           ALISON HIRSH: I just want to first  
22 associate myself with what Dr. Barrios-Paoli said. I  
23 think that is worth looking at. I also think what  
24 Commissioner Weisbrod point about if the city's  
25 revenues go down and the rest of city governments

1  
2 budget goes down, then these offices shouldn't be  
3 exempt from that. I think that is a valid point.  
4 So, I would say we cannot be in a situation where the  
5 rest of the city budget is going up and these offices  
6 are by default going down.

7                   CHAIPERSON GAIL BENJAMIN: Okay, Jimmy  
8 and then Steve.

9                   JIMMY VACCA: These offices are there for  
10 a reason. These offices represent entities that are  
11 independent of the Mayor and these offices are asking  
12 for an inflationary increase. I think the rate of  
13 inflation last year was 2 percent.

14                   So, maybe in the Bronx, we would get a  
15 \$150,000 more for the Borough Presidents office.  
16 Even in times of Fiscal crisis, this is peanuts.  
17 Peanuts, why don't we look at the expansion of the  
18 Mayor's office in the past 15, 20 years. How many  
19 more employees.

20                   Do you think it would be nice to limit  
21 the Mayor to 1 percent or 2 percent? Of course not.  
22 We're limiting these people to 1 or 2 percent to  
23 recognize that they are independent entities. We are  
24 already a city where the Mayor is all powerful. Our  
25

1  
2 form of government is the Mayor form of government.  
3 The Mayor is the most powerful person.

4           So, if we have the Public Advocate and  
5 the Borough Presidents, I think mandating an  
6 inflationary increase, look at the numbers of their  
7 budgets. 2 percent, 3 percent to Staten Island 3.6  
8 million, peanuts. And we are arguing over this. I  
9 don't know, do we want any check on the Mayor or  
10 maybe we want a more powerful Mayor but we, on this  
11 Commission, are retaining these offices. We've  
12 decided to retain them.

13           Well, give them a little bit of not  
14 having to go cup in hand every year to the Mayor and  
15 the Council for bones. They should not have to do  
16 that. They should have a budget that is guaranteed  
17 because if they don't have a budget that's guaranteed  
18 with a small inflationary increase, yes. If they  
19 don't have that, they have to come to the entities  
20 that they are independent of for the money. That's  
21 the whole point.

22           And that point was made by Tisch, James  
23 for years. That point is being made by Jumaane now  
24 and by the Borough Presidents and they are right.

25           CHAIPERSON GAIL BENJAMIN: Steve.

1  
2           STEPHEN FIALA: Thank you. This is  
3 exactly what we have been dealing with for 30 years  
4 right? This is why the original Commission and the  
5 Eight subsequent Commissions. Dr. Barrios-Paoli and  
6 I served together on the 2004-2005 Commission. It  
7 took it up, it's taken up in every Commission.

8           What we have is the distance of time now.  
9 30 years removed, right. To your point Council  
10 Member Vacca, Dean Lane, Doug Mosio and a host of  
11 other who were there, said that they didn't do  
12 enough. That this was an office that they really  
13 needed for political reasons and for legitimate  
14 perspective reasons. There are three levels of  
15 governance, local, borough and citywide. And the  
16 Borough Presidents got a lot taken away and got very  
17 little given. And what they were given was  
18 insufficient.

19           Now, with respect to budgets, I share  
20 Commissioner Weisbrod's concerns, I always have. I  
21 think what you are saying is we want to find a way to  
22 insulate these actors, these political actors from  
23 cuts that are not related to anything other than  
24 economic downturn cuts, right?



1  
2                   CARL WEISBROD: Well, I would say we want  
3 to insulate them essentially politically motivated  
4 cuts.

5                   STEPHEN FIALA: Politically motivated. I  
6 think Commissioner Barrios-Paoli who probably has  
7 more experience than anybody in government been there  
8 and done everything. Your proposal actually is in my  
9 mind's eye the logical middle ground and it seems to  
10 be the logical direction that we are moving in.

11                   As we get into this experiment 30 years  
12 removed, we've had the argument with the CCRB, with  
13 COIB, with all of these agencies. IBO has always  
14 been the model that everybody uses. It's pegged,  
15 it's pegged, it's pegged. If they set the precedent  
16 then, well, why can't we do it now?

17                   So, if there is no objection, I think  
18 what you are saying is that you would like us to  
19 amend the proposal to find some kind of a formula  
20 tied to the office of the Mayor, that will solve the  
21 issue of the erosion of funding because of the Mayor  
22 not granting, right. When a rising tide, when the  
23 Mayor's budget goes up then, which indicates good  
24 economic times, I think that's your point Lilliam  
25 right. Then everybody's budget should go up. But

1  
2 that their existing mechanism still that under  
3 extraordinary circumstances, to Dr. Tisch's point,  
4 there is a need to have some kind of a way to cut.  
5 It think that's the fairest mechanism than anybody  
6 could conceive of. And say you have an amendment on  
7 the floor, but I think trying to bridge all of the  
8 concerns. We need to do something to your point. We  
9 need to do something about this.

10 JAMES VACCA: Can I just respond to  
11 Steve? I do agree we need to do something, and I  
12 understand what Lilliam is saying. I think unlike  
13 the comparing or pegging IBO to OMB where their  
14 functions are very similar, or even the CCRB. The  
15 Mayor's office as Lilliam who has been there many  
16 times can attest. Is an ever-changing entity. A lot  
17 of things are in the Mayor's Budget. A lot of things  
18 leave the Mayor's Budget, go out and go into various  
19 agencies.

20 So, I am not convinced that that is the  
21 right thing to peg it to. I do agree, I think again  
22 as we discussed with the CCRB, I do think that we do  
23 want to protect these elected offices from  
24 politically malevolent budget cuts. I mean, I think  
25 that's the goal and so, again, ask staff to try to

1  
2 come up with an approach, table this for now and I  
3 think we all have the same goal and the same fears.

4           And so, we should be able – this is more  
5 a matter of a mechanism than a principal and so, I  
6 would hope that we could come up with a way to do it.

7           CHAIRPERSON GAIL BENJAMIN: Steve, would  
8 you like to state what it is we are asking staff to  
9 do?

10           STEPHEN FIALA: I think Commissioner  
11 Weisbrod.

12           CHAIRPERSON GAIL BENJAMIN: Everyone is  
13 welcome to jump in and say that I have totally  
14 misunderstood. For Proposal Number Sixteen, we would  
15 like staff to come back with language that would  
16 require some manner of assuring the personnel budgets  
17 of the Public Advocate and Borough Presidents. That  
18 would have the year 2020 as its baseline budget but  
19 would allow for a way for the budgets to be flexible  
20 and tied to something whether the Mayor's office or  
21 some other objective criteria, when it came to have  
22 the budget would increase.

23           I think Carl though, I would add to what  
24 you said that there is not just the concern about the  
25 malevolent Mayor or the malevolent Council, both of

1  
2 which could and have been true, but is also just the  
3 concern that each year if the budget doesn't have an  
4 automatic way to increase, each year that particular  
5 amount of money buys less and less which is the  
6 starvation possibility. No, I think it's both  
7 issues.

8                   STEPHEN FIALA: I appreciate that and  
9 that's right.

10                   PAULA GAVIN: So, I made the motion to  
11 remove the inflation indexing, so I would amend that  
12 motion to remove the inflation indexing but create a  
13 ratio to protect the offices.

14                   CHAIRPERSON GAIL BENJAMIN: How does that  
15 sound?

16                   UNIDENTIFIED: Could you repeat that?

17                   PAULA GAVIN: I would make a motion to  
18 remove the inflation indexing to create a ratio to  
19 protect these offices.

20                   LISETTE CAMILO: Can I just for  
21 clarification, I thought that we were discussing  
22 similar to what we did with the previous proposal to  
23 table a vote on this proposal while the staff look  
24 into and prepare or clarify language.

1  
2 CHAIRPERSON GAIL BENJAMIN: Yeah, but  
3 Paula is suggesting another way to go.

4 PAULA GAVIN: So, in a way I thought we  
5 had actually in the CCRB, we approved it based on the  
6 conceptual agreement but in a decision to rewrite it.  
7 So, in a way I was thinking it was very similar. But  
8 it was taking out the inflation indexing, which is  
9 currently in the motion. I am willing to go either  
10 way. I mean if we want to just send it back for  
11 rewrite, but I was trying to get the conceptual  
12 agreement approved.

13 UNIDENTIFIED: You have to change Fiscal  
14 Year 2019 to 2020.

15 CHAIRPERSON GAIL BENJAMIN: Right, we did  
16 that. We adopted that amendment.

17 JAMES VACCA: If I can make a motion to  
18 table this item, I think that's the best approach. I  
19 believe that the inflation 1 percent, 2 percent is a  
20 floor, but I do understand there is a hesitation  
21 about how we insulate these offices and protect them.  
22 So, I would make a motion to table at this time.

23 STEPHEN FIALA: Just a point of  
24 clarification. Does it table the entire discussion  
25 without any direction to staff?

1  
2 JAMES VACCA: Table with direction to  
3 staff to come back with a report based on our  
4 concerns about insulting these offices and protecting  
5 them going forth and giving them adequate budgets.

6 UNIDENTIFIED: I am still stuck on  
7 Commissioner Greene's amendment from like 20 minutes  
8 ago and now, Commissioner Gavin's.

9 CHAIRPERSON GAIL BENJAMIN: I would like  
10 to suggest as follows. That except for the 2020  
11 amendment, and using that as the baseline, that all  
12 the amendments be withdrawn and that what we adopt is  
13 a direction for staff that using the year 2020 as a  
14 baseline they come back with a mechanism for the  
15 orderly conduct of budgeting for the Public Advocate  
16 and Borough Presidents and with as Merryl has said,  
17 with a response to the Mayor having the ability in a  
18 Fiscal downturn or however we are expressing this and  
19 to not use that method or to lower the budgets  
20 basically. I am sorry if that's not clear.

21 PAULA GAVIN: Chair that's already in the  
22 second bullet. Provide for a mechanism in which the  
23 Mayor could propose.

24 CHAIRPERSON GAIL BENJAMIN: Right. So,  
25 with that, which may not be as clear as I have been

1  
2 earlier in the evening. Is there discussion? Or can  
3 we by unanimous consent direct staff to do that and  
4 to come back to us?

5           STEPHEN FIALA: I move to do that.

6           CHAIRPERSON GAIL BENJAMIN: By unanimous  
7 consent, all in favor?

8           ALL: Aye.

9           CHAIRPERSON GAIL BENJAMIN: Opposed?

10           Okay, so staff understands the direction.  
11 There was one more amendment on this, I think.

12           Proposal Number Seventeen, Ulurp  
13 precertification notice period. For projects subject  
14 to Ulurp require that a project summary sufficient in  
15 detail, so as to put the effected community on notice  
16 of impending land use action entering public review  
17 be transmitted to the effected Borough Presidents and  
18 Community Boards and Borough Board I guess, if  
19 required and be published online before such  
20 application is certified as complete by the  
21 Department of City Planning. The summary must be  
22 published, transmitted no later than 30 days before  
23 the application is certified and the certified  
24 application must be consistent with the project  
25 summary that is published and transmitted.

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Discussion? Jim.

JIM CARAS: I am concerned that this doesn't really do anything. It requires a notice that pretty much any Borough Presidents Officer Community Board can get by asking the Department of City Planning for a list of pre-applications. As originally conceived, this was supposed to be a 60-day period and require allow for comments by the Borough President and Community Boards and require a response to those comments and I would like to see that put back.

I know Steve talked about you know, forced talking, I am worried that the way this has evolved, it's forced. Dropping a piece of paper in the mail with information that you could get without the piece of paper. So, it doesn't even reach the level of forced talking.

So, I would ask Commissioners to please consider putting some meat on this.

CHAIRPERSON GAIL BENJAMIN: Discussion? I mean, I am going to take the prerogative and then Jim and then Carl and then anybody else?

We have had the discussion I know, and my understanding was what was being requested was



1  
2 notification. We do have a Ulurp process and during  
3 that process, as imperfect as it may be, all of the  
4 people you are talking about have time periods for  
5 comment.

6 I am concerned about the idea of  
7 establishing a pre-Ulurp Ulurp comment period and I  
8 am concerned that that takes away from the process  
9 that we have. I think Ulurp, there are places and  
10 ways in which Ulurp could use some fresh air on all  
11 sides. We all know that Community Boards are not all  
12 equal. They don't all use their time periods well,  
13 but to establish a pre-Ulurp Ulurp just seems to me  
14 to avoid the question of whats wrong with Ulurp.

15 You were next Jimmy.

16 JAMES VACCA: I tend to agree with both  
17 the Chair and Commissioner Caras. I think both of  
18 you have put together concisely the problems with  
19 this recommendation.

20 To have the community boards go online  
21 and make suggestions in a 60-day period or ask  
22 questions, I mean, that kind of reminds me right now,  
23 of the Community Boards making Capital Budget  
24 recommendations. Have any of you ever seen Community  
25 Boards make recommendations on the Capital Budget?

1  
2 And for years, back to when I was a District Manager,  
3 the response from every agency says no money for  
4 this, no money for that. They don't give a response.  
5 They don't give a detailed answer. They just say  
6 it's not in our plans. Well, of course, it's not in  
7 your plans. The Community Board's asking for it  
8 knowing it's not in your plan. That's what Community  
9 Boards get.

10           So, I know that we're concerned about  
11 community engagement, at least we say we want more  
12 community engagement and the voters voted for a  
13 community engagement panel on the last referendum in  
14 November on Charter Revisions. I have suggested that  
15 at the Interagency Level, when the City Planning  
16 Commission convenes meetings with city agencies,  
17 interagency meetings are convened for a year or two  
18 before an item is ulurped and certified. At those  
19 meetings there should be the Community Board District  
20 Manager and a representative of the Borough  
21 President's office. They are city agencies.

22           So, how can the Department of City  
23 Planning have pre-Ulurp scoping and design meetings  
24 and meet with applicants about development projects  
25 and the Community Board and the Borough President who

1  
2 are city agencies are not there while DOT is there,  
3 while Parks is there, while DDC is there and all the  
4 other agencies.

5           That's where that involvement makes  
6 sense. This is all much to do about nothing. What I  
7 see in front of me is more of the gobbly gook  
8 basically. Let's get down to brass tacks and that's  
9 what community board are entitled to. We don't treat  
10 Community Boards as full city agencies and they are  
11 and then when they object to a project, we say, oh  
12 you are all a bunch of nimbies. Sure, we brought you  
13 in after we determined what we were going to do.  
14 What do you think the Community Boards are going to  
15 feel like. And by the way, I have to say something  
16 Madam Chair and I will end here.

17           When I first became a Community Board  
18 member in 1977, they were called Community Planning  
19 Boards in the old Charter before they were brought on  
20 as Community Boards. They were Planning Boards; they  
21 should be part of the planning process and we have to  
22 engage them and bring them in. So, I would make a  
23 suggestion that we do so and that we specify this in  
24 the Charter.

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CHAIRPERSON GAIL BENJAMIN: Thank you.  
Carl.

CARL WEISBROD: Well, I will simply  
associate myself with the comments of the Chair,  
because I think that the purpose of this proposal was  
as the Chair said, to provide notice. Now, the  
reality is that in most cases, certainly when it's  
city application and when it's a large application,  
and when a private applicant is seeking something.  
In most cases and in every case when it comes to a  
city application, there is extensive discussion with  
the community well before certification.

The purpose of this was to assure that in  
those cases where that for one reason or another,  
hasn't taken place, that the Community Board and the  
Borough President have some advanced notice before  
Ulurp formally starts. But to amend this to require  
a longer notice, 60 days, during which time for some  
reason or another, maybe the application changes. By  
having a 30-days' notice it's reasonably fresh but  
still giving advance notice to the Community Board  
and to the Borough President.

And then to require on top of that,  
responses back and forth is as the Chair is saying

1  
2 creating a pre-Ulurp Ulurp and extending Ulurp from  
3 seven months to who knows how long. So, I support  
4 the proposal as it stands, and I oppose the  
5 amendment.

6 CHAIRPERSON GAIL BENJAMIN: Anyone else?

7 Call the question on the amendment which is to extend  
8 the period to 60 days and require applicant responses  
9 to comments submitted during such period. Call the  
10 question. Second? Call the roll.

11 COMMISSION CLERK: Commissioner Albanese?

12 SAL ALBANESE: Pass.

13 COMMISSION CLERK: Commissioner Barrios-

14 Paoli?

15 BARRIOS-PAOLI: Yes.

16 COMMISSION CLERK: Commissioner Camilo?

17 LISETTE CAMILO: No.

18 COMMISSION CLERK: Commissioner Caras?

19 JAMES CARAS: Yes.

20 COMMISSION CLERK: Commissioner Fiala?

21 STEPHEN FIALA: No.

22 COMMISSION CLERK: Commissioner Gavin?

23 PAULA GAVIN: No.

24 COMMISSION CLERK: Commissioner Greene?

25 LINDSAY GREENE: No.

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COMMISSION CLERK: Commissioner Hirsh?

ALISON HIRSH: Pass.

COMMISSION CLERK: Commissioner Nori?

SATEESH NORI: Yes.

COMMISSION CLERK: Commissioner Tisch?

MERRYL TISCH: No.

COMMISSION CLERK: Commissioner Vacca?

JAMES VACCA: I vote no because this does not address the issue of community engagement and community board meaningful participation, no.

COMMISSION CLERK: Commissioner Weisbrod?

CARL WEISBROD: No.

COMMISSION CLERK: Commissioner Albanese?

SAL ALBANESE: Yes.

COMMISSION CLERK: Commissioner Hirsh?

ALISON HIRSH: Yes.

COMMISSION CLERK: Chair Benjamin?

CHAIPERSON GAIL BENJAMIN: No.

COMMISSION CLERK: Five votes in the affirmative, eight votes in the negative. The motion fails.

JIM VACCA: Can I make a motion. Madam Chair, can I?

1  
2                   CHAIPERSON GAIL BENJAMIN: Is the motion  
3 an amendment to Proposal Seventeen.

4                   JIM VACCA: Yes, seventeen. Since  
5 Seventeen has failed.

6                   CHAIPERSON GAIL BENJAMIN: No, seventeen  
7 didn't fail. Only the amendment to seventeen failed.

8                   JIM VACCA: The amendment to seventeen.  
9 Alright, seventeen, I will make an amendment to  
10 seventeen saying that Community Boards and Borough  
11 Presidents offices must be involved in interagency  
12 pre-certification meetings on Ulurp items held by the  
13 City Planning Commission.

14                   CHAIPERSON GAIL BENJAMIN: I think Jimmy  
15 that that would be in the category B or C, it was not  
16 on the original.

17                   JIM VACCA: I have suggested it several  
18 times, it was on my emails, I can look them up.

19                   CHAIPERSON GAIL BENJAMIN: I understand,  
20 but those things that were not in the original staff  
21 list are all in B and C.

22                   JIM VACCA: I don't see my suggestion on  
23 this topic in B or C Madam Chair and I had emails  
24 where I did make the suggestion and I made it  
25

1  
2 publicly at previous public hearing we've had, and I  
3 don't see it anywhere.

4           So, I make it as an amendment now, but I  
5 know I have publicly stated it and I have emails.

6           CHAIPERSON GAIL BENJAMIN: I will  
7 certainly allow you to bring it up on B and C when we  
8 do those but not as an amendment to Seventeen.

9           JIM VACCA: But I think, Madam Chair, if  
10 I can urge your indulgence, I think its germane to  
11 Number Seventeen because we are talking about  
12 Community Board notice. It's germane.

13           CHAIPERSON GAIL BENJAMIN: I don't think  
14 it's the notice that you are talking about. We are  
15 talking about Community Board, a particular project  
16 statement and project summary that is to be provided  
17 30 days before certification. You are talking about  
18 meetings that may occur at some time prior to that  
19 point.

20           So, I don't think that they are the same  
21 issue. As I said, I think that as a matter of C we  
22 can take this up at the next meeting and you can  
23 propose it, but I don't think it's an amendment in  
24 the same area as Proposal Seventeen.

25           JAMES VACCA: I accept your rule.



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CHAIPERSON GAIL BENJAMIN: Okay.

LILLIAM BARRIOS-PAOLI: I believe that we were voting not on the amendment but on the actual motion Seventeen, so I want to clarify.

CHAIPERSON GAIL BENJAMIN: Oh, okay.

LILLIAM BARRIOS-PAOLI: I would have voted no to the amendment.

CHAIPERSON GAIL BENJAMIN: Okay, so Commissioner Lilliam is changing her vote because she thought it was on the whole.

COMMISSION CLERK: The revised vote total is four in the affirmative, nine in the negative.

CHAIPERSON GAIL BENJAMIN: Okay, so Proposal Seventeen as is. Discussion? Call the question? Call the roll please.

COMMISSION CLERK: Commissioner Albanese?

SAL ALBANESE: Pass.

COMMISSION CLERK: Commissioner Barrios-Paoli?

BARRIOS-PAOLI: Yes.

COMMISSION CLERK: Commissioner Camilo?

LISETTE CAMILO: Yes.

COMMISSION CLERK: Commissioner Caras?

JAMES CARAS: Yes.

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COMMISSION CLERK: Commissioner Fiala?

STEPHEN FIALA: Yes.

COMMISSION CLERK: Commissioner Gavin?

PAULA GAVIN: Yes.

COMMISSION CLERK: Commissioner Greene?

LINDSAY GREENE: Yes.

COMMISSION CLERK: Commissioner Hirsh?

ALISON HIRSH: Yes.

COMMISSION CLERK: Commissioner Nori?

SATEESH NORI: Yes.

COMMISSION CLERK: Commissioner Tisch?

MERRYL TISCH: Yes.

COMMISSION CLERK: Commissioner Vacca?

JAMES VACCA: Yes.

COMMISSION CLERK: Commissioner Weisbrod?

CARL WEISBROD: Yes.

COMMISSION CLERK: Commissioner Albanese?

SAL ALBANESE: Yes.

COMMISSION CLERK: Chair Benjamin?

CHAIPERSON GAIL BENJAMIN: Yes.

COMMISSION CLERK: The motion passes.

CHAIPERSON GAIL BENJAMIN: Proposal

Eighteen is for an additional Ulurp Review Time for  
Community Boards. As many of you know, the Community

1  
2 Boards have long asked for additional time in the  
3 summer months when they don't need regularly or at  
4 times at all. This proposal would provide that  
5 Community Boards have 90 days instead of 60 days to  
6 review Ulurp applications that are certified by City  
7 Planning in June and 75 days to review Ulurp  
8 applications certified by DCP between July 1<sup>st</sup> and  
9 July 15<sup>th</sup> inclusive.

10 Discussion? Call the question? Can we  
11 all the question by unanimous consent?

12 SAL ALBANESE: Yeah.

13 CHAIPERSON GAIL BENJAMIN: Second?

14 STEPHEN FIALA: Yes.

15 CHAIPERSON GAIL BENJAMIN: Call the  
16 question by unanimous consent, all in favor?

17 ALL: Aye.

18 CHAIPERSON GAIL BENJAMIN: Opposed?

19 And with that, we end our part A. I  
20 would ask the Commissioner at this point; we have  
21 part B and C which we will not do in this way. My  
22 intention is that if there are items on part B and C,  
23 or elsewhere as Commissioner Vacca raised, that  
24 Commissioner wish to bring back to the floor to try  
25

1  
2 and add to A, we will do those items and only those  
3 items.

4           It is 20 to 10, I don't know if people  
5 would like to stay and attempt to do it or if they  
6 would like to come back on the 18<sup>th</sup>? Can I get a  
7 show of hands for how many people would like to come  
8 back on the 18<sup>th</sup>?

9           One, two, three, four, five, six, seven.

10           UNIDENTIFIED: Wait, wait. Come back on  
11 the 18<sup>th</sup> or do it now?

12           CHAIPERSON GAIL BENJAMIN: Yeah.

13           UNIDENTIFIED: Do we have to come back  
14 anyway?

15           CHAIPERSON GAIL BENJAMIN: Well, we had  
16 those two items that we are directing staff to come  
17 back with a fully fleshed out proposal.

18           UNIDENTIFIED: So, wait. So, I was  
19 looking at B and C during the evening when some of  
20 the conversation was going on and one of the things  
21 that struck me about items in B and C was in the  
22 context of the conversation that we had tonight, some  
23 of those items become clear. Some become a little  
24 more murky and I think that for one, I want to go  
25 back. I want to see the next write up that staff

1  
2 does. Because I know you guys have been doing  
3 nothing for weeks, when do we get the next edits or  
4 language? I withdrawal the question. Let me put it  
5 differently dear.

6 When we get the next edits, I think that  
7 B and C will get some more clarity to them.

8 CHAIPERSON GAIL BENJAMIN: Well, we are  
9 going to get the edits for the two items that we  
10 asked staff to go back and rework and I would  
11 anticipate we will have those on the 18<sup>th</sup>.

12 UNIDENTIFIED: And what about specific  
13 language for some of these recommendation?

14 CHAIPERSON GAIL BENJAMIN: The language  
15 that would be used for the ballot etc., will be  
16 forthcoming for our July meeting.

17 UNIDENTIFIED: Okay, so I will do what  
18 everyone else wants to do, but I am exhausted.

19 CHAIPERSON GAIL BENJAMIN: Al, Sal not  
20 Al. I am sorry.

21 SAL ALBANESE: I would recommend that we  
22 come back on the 18<sup>th</sup> for the rest of the items. I  
23 mean, I have got a number of items that are pretty  
24 exhaustive. I mean, I've got an exhaustive  
25 presentation on at least one or two of them.

1  
2                   CHAIPERSON GAIL BENJAMIN: You are going  
3 to exhaust us?

4                   SAL ALBANESE: Well, that's my objective.  
5 So, we have been here for almost three and a half,  
6 almost four hours. I would appreciate it if we could  
7 come back and deal with those items then.

8                   CHAIPERSON GAIL BENJAMIN: Paula.

9                   PAULA GAVIN: my only question is on part  
10 B; those are ones that are there any that we can  
11 eliminate tonight from Part B or any that we should  
12 chose from Part B or should we come back and look at  
13 all of those in Part B?

14                   CHAIPERSON GAIL BENJAMIN: Is there anyone  
15 who intends to pull something out of Part B to try  
16 and put it on Part A at this moment and time?

17                   Okay, so we can't eliminate Part B.

18                   Paula had asked the question as to  
19 whether we could just excise Part B because no one  
20 had issues that they wish to discuss in Part B, but  
21 we do have people who have issues in Part B that they  
22 would like to discuss and move to Part A. So, we  
23 can't do as Paula asked. You don't have to explain  
24 what the issues are now, it's enough to know that we  
25

1  
2 cannot merely eliminate from further consideration  
3 Part B.

4                   CARL WEISBROD: Madam Chair, can I make a  
5 suggestion.

6                   CHAIPERSON GAIL BENJAMIN: You may.

7                   PAULA GAVIN: As long as it's a good one.

8                   CARL WEISBROD: I may withdrawal it. But  
9 that if there are items in Part B or Part C that  
10 people would like to discuss, that they send them to  
11 us in advance, so that we can think about them.

12                   CHAIPERSON GAIL BENJAMIN: Is that a  
13 motion Carl?

14                   CARL WEISBROD: I will make it as a  
15 motion that if we don't get literally these items in  
16 the next couple of days, we can assume that anything  
17 else on B and C will not be discussed and be  
18 eliminated. And we can just focus on those hopefully  
19 few items that people feel are very important.

20                   JAMES VACCA: Well, again, my item is not  
21 here even. So, what do I do with my item that not  
22 here? Put it in B, C?

23                   CHAIPERSON GAIL BENJAMIN: I am told by  
24 Council that what you are proposing would run a foul  
25 of open meetings law.

1  
2                   CARL WEISBROD: Can we amend the Open  
3 Meetings Law? No, I'm just teasing. I am just  
4 teasing, just teasing, just teasing, just teasing.

5                   CHAIPERSON GAIL BENJAMIN: Okay, I  
6 misspoke, I am told it is cleaner for us to adjourn  
7 without making any promises about the rest of this  
8 list. I would suggest as a courtesy however, that if  
9 people have intentions of bringing things up from  
10 Part B or Part C, and trying to get them on to Part  
11 A, that they let us know so that we can all think  
12 about it.

13                   JAMES CARAS: Madam Chair, should we send  
14 it to staff or circulate it ourselves to the members?

15                   CHAIPERSON GAIL BENJAMIN: It's always  
16 nice if you send it to staff and then staff can  
17 circulate it. But if you'd like to do it yourself,  
18 feel free.

19                   JAMES CARAS: No, whatever works best.

20                   UNIDENTIFIED: I think staff is too young  
21 to be up writing in the middle of the night. I get  
22 your emails in the middle of the night. It's  
23 pathetic guys, pathetic.

24                   CHAIPERSON GAIL BENJAMIN: Okay, I would  
25 like to thank everybody for their participation and



1  
2 particularly those of you who stuck it out with us as  
3 we have debated and talked and clashed and come  
4 together on these issues. I believe that the sense  
5 of the group is that we are going to adjourn this  
6 meeting and that we will reconvene on the 18<sup>th</sup> at  
7 6:00 in this room.

8                   CARL WEISBROD: I make a motion to  
9 adjourn Madam Chair.

10                   UNIDENTIFIED: Second.

11                   CHAIPERSON GAIL BENJAMIN: Everybody  
12 seconds for him; I have to drag it out of you. Call  
13 the roll. Voice vote, all in favor?

14                   ALL: Aye.

15                   CHAIPERSON GAIL BENJAMIN: All opposed?

16                   [Gavel] Meeting adjourned.  
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C E R T I F I C A T E

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



Date April 22, 2019