

CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON GOVERNMENTAL  
OPERATIONS, STATE &  
FEDERAL LEGISLATION

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March 21, 2025  
Start: 10:06 a.m.  
Recess: 3:31 p.m.

HELD AT: Council Chambers - City Hall

B E F O R E: Lincoln Restler,  
Chairperson

COUNCIL MEMBERS:

Gale A. Brewer  
David M. Carr  
James F. Gennaro  
Jennifer Gutiérrez  
Shahana K. Hanif  
Vickie Paladino  
Lynn C. Schulman  
Inna Vernikov

## A P P E A R A N C E S (CONTINUED)

Louis Molina  
Commissioner of Department of Citywide  
Administrative Services

Shanna Middleton  
DCAS- Deputy Commissioner

Sana Barakat  
Deputy Commissioner of Energy Management

Katrina Porter  
Deputy Commissioner of Human Capital, DCAS

Joe Wagner  
DCAS

Keith Kerman  
City Chiefs Fleet Officer, DCAS

Shameka Overton  
Executive Deputy Commissioner Asset and Property  
Management, DCAS

Asim Rehman  
Chief Administrative Law Judge and Commissioner  
NYC Office of Administrative Trial Hearings,  
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## A P P E A R A N C E S (CONTINUED)

Eric Eichenholtz  
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Jennie Nagle-Yndigoyen  
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Mike Ryan  
Executive Director of the BOE

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Deputy Executive Director, BOE

Susan Stetzer  
Manhattan Community Board 3

Celestina Leon  
Brooklyn Community Board 4

Shawn Campbell  
Brooklyn Community Board 14

Jesus Perez  
Manhattan Community Board 6

Mark Diller  
Community Board 2 in Manhattan

Sharon Brown  
Self

Tanisha Grant  
Self

## A P P E A R A N C E S (CONTINUED)

Gary Giordano  
Self

Jeremy Loffer  
Self

Melinda Perkins  
Self

Christopher Leon Johnson  
Self

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2 SERGEANT AT ARMS: Testing one, two, one two.  
3 Today's date is March 21, 2025. Today's hearing is  
4 the Committee on Government Operations and State and  
5 Federal Legislation being recorded in the Chambers by  
6 Keith Polite.

7 SERGEANT AT ARMS: Good morning and welcome to  
8 the New York City Preliminary Budget hearing on  
9 Governmental Operations, State and Federal  
10 Legislation. At this time, can everybody please  
11 silence your cellphone? If you wish to testify,  
12 please go to the back of the room to fill out a  
13 testimony slip. At this time and going forward, no  
14 one is to approach the dais. I repeat, no one is to  
15 approach the dais. Chair, we are ready to begin.

16 CHAIRPERSON RESTLER: [GAVEL] Good morning. I  
17 will discontinue discussing Jace Reece(SP?) vacation  
18 plans and shift to the hearing. My name is Lincoln  
19 Restler. I'm the - I have the good fortune of being  
20 the Chair of the City Council's Governmental  
21 Operations State and Federal Legislation Committee.  
22 It's always a mouthful.

23 Today, we will hear testimony from the Department  
24 of Citywide Administrative Services, the Office of  
25 Administrative Trials and Hearings, the Law

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3 Department, and the Board of Election and of course  
4 the public regarding the Fiscal Year 2026 Preliminary  
5 Plan. These agencies are tasked with some of our  
6 city's most fundamental functions. A role that is  
7 always important but roles that are always important  
8 but have become even more critical as New York City  
9 faces unprecedented threats and extraordinary  
upheaval out of Washington.

10 With the looming impact of federal funding cuts  
11 and policies that just quite simply contradict our  
12 values, we must be prepared to keep our city running  
13 and protect the health and safety of New Yorkers.  
14 The agencies we're hearing from today keep our lights  
15 on, manage our city's vehicle fleet, advise and  
16 defend us from lawsuits, conduct elections,  
17 facilitate hiring and so much more. Your work is  
18 invaluable.

19 My fellow Committee Members and I - thank you  
20 David, are tasked with the role of ensuring these  
21 core functions are being executed affectively to  
22 ensure that New Yorkers are being provided with the  
23 services they depend on. Our budget of course is a  
24 moral document and as we prepare ourselves for the  
25 next four years, this budget will determine how we

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3 intend to navigate the challenges ahead. We look  
4 forward to hearing more details about the four  
5 agencies budgets today and whether funding is being  
6 used effectively and efficiently.

7 I'd like to make sure that we thank our Committee  
8 Staff for their hard work preparing for this hearing.  
9 I cannot say enough nice things about the Finance  
10 Unit Head Julia K. Haramis who has overseen three  
11 hearings this week and somehow manages to answer  
12 every single one of our questions and provide the  
13 most thorough support. So, thank you very much to  
14 Julia. Senior Legislative Counsel who always  
15 supports us on this Committee Jayasri Ganapathy, and  
16 our Legislative Policy Analyst Erica Cohen. Thank  
17 you both. Thank Adrienne for being with us today.  
18 My expert Communications Director Nieve Mooney and  
19 last but certainly not least my Chief of Staff Molly  
20 Haley who is fully the brains behind our operation.  
21 In addition, I'd like to recognize Council Member  
22 Carr of Brooklyn and thank him for joining us today.

23 Now, I'd like to welcome Commissioner Molina and  
24 Deputy Commissioner Middleton from DCAS to testify  
25 before the Committee. The Department of Citywide  
Administrative Services Fiscal Year 2026 Preliminary

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2 Budget totals \$1.93 billion, including \$239.3 million  
3 in Personnel Services funding to support 2,415 full  
4 time positions and \$1.39 billion for Other than  
5 Personnel Services expenses. DCAS's budget is  
6 divided into ten program areas and the bulk of the  
7 agency's overall budget, 56 percent is allocated to  
8 the Energy Conservation Program area.

9 In the preliminary plan, DCAS's Fiscal 2026  
10 Preliminary Budget is \$160.5 million less than its  
11 Fiscal 2025 Adopted Budget. This decrease is mainly  
12 driven by \$56.4 million in city fund savings from the  
13 citywide re-estimate of asylum seeker response costs  
14 included in the Preliminary Plan.

15 The plan adds support for new needs in Fiscal  
16 2025 that includes fire safety directors, the  
17 Nonpublic School Security Guard Reimbursement program  
18 and contracted security guards for DCAS managed  
19 buildings.

20 In Fiscal Year 2026, an additional \$329.6 million  
21 in city funding was added for asylum seeker response  
22 related expenses. At today's hearing we look forward  
23 to discussing DCAS's operations, new needs and other  
24 adjustments in the preliminary plan. The agency's  
25 plans for the decarbonization of our city's fleet and

3 buildings, hiring and recruitment policies, the  
4 management of city owned and leased spaces and more.

5 DCAS's employes are often unseen but they carry  
6 out critical functions that keep our city running.  
7 In particular, I appreciate the work that DCAS does  
8 to keep our facilities in good repair. It's  
9 commendable that the DCAS team continues to complete  
10 in house repairs in under three days.

11 And as the representative for the 33<sup>rd</sup> District,  
12 which is home to the second large concentration of  
13 public sector buildings in New York City, I  
14 appreciate your teams ongoing efforts to mitigate  
15 construction impacts and work with us to improve  
16 conditions around DCAS buildings. I greatly  
17 appreciate the work you're doing to modernize our  
18 civil service exam system, reduce the size of the  
19 city fleet, and enhance city vehicle safety.

20 When it comes to our buildings and  
21 transportation, which remain the two largest sources  
22 of carbon emissions in New York City, I am deeply  
23 concerned that we are no longer on track to meet our  
24 goals to reduce emissions by 40 percent by 2025. The  
25 private sector will begin facing fines later this  
year for lack of compliance with Local Law 97

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3 mandates and it is imperative that city government  
4 lead by example.

5 Climate change is an existential crisis that is  
6 now being routinely denied at the federal level and  
7 we must work together to identify ways to fast track  
8 critical retrofit projects to show how city  
9 governments can continue pushing for climate  
10 progress. Additionally, I look forward to hearing  
11 about more about the advancements that are being made  
12 on fleet electrification. Another critical avenue  
13 for reducing our local emissions.

14 I am also deeply concerned about the vacancies  
15 across city government and hope to understand how  
16 this budget addresses the need for hiring halls and  
17 expanded recruitment for all city agencies.  
18 Commissioner Molina and team, we appreciate you being  
19 with us today. We look forward to your testimony and  
20 with that, I'd like to ask our Committee Counsel to  
21 administer the oath and swear in the testifying  
22 representatives.

23 COMMITTEE COUNSEL: Good morning. Can you please  
24 raise your right hands? Do you swear to tell the  
25 truth, the whole truth and nothing but the truth in

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11

2 your testimony today and respond honestly to Council  
3 Member questions?

4 LOUIS MOLINA: I do.

5 SHANNA MIDDLETON: I do.

6 COMMITTEE COUNSEL: Thank you. You can go ahead.

7 LOUIS MOLINA: Good morning, Chair Restler and  
8 members of the Committee on Governmental Operations.  
9 I am Louis Molina, Commissioner of the Department of  
10 Citywide Services, commonly known as DCAS and I'm  
11 pleased to be here to discuss proposed DCAS budget  
12 for fiscal year 2026.

13 Since joining DCAS last July, I've become keenly  
14 aware of the many ways our agency plays a critical  
15 role in delivering the resources and support all  
16 agencies need to succeed. Each decision we make,  
17 each dollar we allocate, is a reflection of our  
18 mission to make city government work for all New  
19 Yorkers.

20 With that objective in mind, before looking  
21 forward, I'd like to start by briefly looking a bit  
22 back and provide a few updates about the critical  
23 work we've accomplished at DCAS since our agency  
24 testified before your Committee last year.

25

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3 Making sure our streets and buildings are among  
4 the greenest in the nation has been at the forefront  
5 of much of our work and over the past year, we've  
6 made great strides to improve our city's fleet  
7 operations.

8 In October of 2024, we announced that the city's  
9 entire heavy-duty fleet, one of the largest in the  
10 country, has fully transitioned to using renewable  
11 diesel before the end of the year. We further  
12 announced that our city's ferries will now run on  
13 renewable diesel as well. This makes a significant  
14 advancement for our city's environmental footprint,  
15 eliminating approximately 162 million metric tons of  
16 carbon emissions annually.

17 Encompassing the transition to renewable diesel,  
18 our onboarding of electric vehicles, and hybrid  
19 prioritization, from sanitation trucks to emergency  
20 response vehicles, and everything in between, the  
21 city's fleet is now greener than at any time in the  
22 past 100 years. But it's not just our streets  
23 becoming greener, so too is our infrastructure. This  
24 past December, we celebrated the completion of New  
25 York City's largest collection of solar arrays, a  
groundbreaking project that underscored our long-term

3 commitment to clean energy. Over 100 public school  
4 buildings have been equipped with solar arrays, and  
5 our latest portfolio added nearly 17 megawatts of  
6 solar energy to the city's power portfolio. With  
7 this latest installation, we have nearly tripled the  
8 municipal solar capacity since the pandemic. What's  
9 more, over half of these projects, 55 percent of them  
10 are in disadvantaged communities, building greener  
11 energy equity in our neighborhoods, and ensuring that  
12 the benefits of clean energy reach those who need it  
13 most.

14 Beyond energy, as you all know well, one of our  
15 biggest tasks is to maintain the city as an employer  
16 of choice for New Yorkers. In fact, we play a  
17 critical role in supporting agencies' efforts to  
18 recruit and retain employees and foster an accessible  
19 civil service system with minimum barriers to entry.

20 Our retention rate at 90 percent is similar to  
21 other large public sector employers. Data shows that  
22 our civil servants are staying in municipal work more  
23 than three times longer than their private sector  
24 counterparts. This is tremendous progress coming out  
25 of the pandemic and a true testament to the success  
of our work. To advance this effort, we've

1 streamlined hiring processes, expanded opportunities,  
2 especially through our Minimum Qualification Review.  
3

4 Our Minimum Qualification Review initiative is a  
5 major effort to modernize civil service requirements  
6 and ensure that experience, skills, and talent matter  
7 most. By removing outdated requirements that limit  
8 access, we're opening doors for New Yorkers. We are  
9 actively reassessing qualifications to better align  
10 with the modern job market, ensuring that hiring  
11 standards reflect real-world skills and competencies  
12 rather than unnecessary bureaucratic hurdles.

13 Looking ahead, we're exploring and implementing  
14 strategies that build upon our success.

15 Following the widely successful implementation of  
16 renewable diesel for heavy-duty vehicle fleet this  
17 year, we will be working with other city vessel  
18 programs, including NYC Ferry, NYPD Harbor Unit, the  
19 Department of Environmental Protection sludge boats,  
20 and FDNY Fire Boats to explore the use of renewable  
21 diesel. By replacing conventional diesel and through  
22 our continuous work to transition from gas to  
23 electrical cars, of which we expect to have 6,000 by  
24 the years end, we are eliminating harmful emissions  
25 from our air, paving the way for a cleaner,

3 healthier, New York City for all who call it home.

4 This is just one step in our broader efforts to  
5 decarbonize the city's fleet and more towards a zero  
6 emissions future. While we are already ahead of  
7 schedule on this goal, it remains front and center as  
8 we look ahead this year.

9 Similarly, we are working to build upon our  
10 sustainable infrastructure. We plan to install  
11 another seven megawatts of solar on city property  
12 over the next year, with 50 percent located in  
13 environmental justice communities. According to our  
14 latest report, city government has reduced greenhouse  
15 gas emissions by 26 percent since fiscal year 2006.  
16 This effort has outpaced the private sector, showing  
17 the city is leading by example as we work towards our  
18 mandate to reduce emissions in city government  
19 operations, 50 percent by 2030.

20 By continuing to scale up clean energy and other  
21 energy efficiency initiatives, we are making  
22 meaningful progress toward reducing emissions,  
23 cutting costs and building a more sustainable future  
24 for all New Yorkers.

25 Beyond our environmental impact, our solar  
installations on schools have been an educational

3 tool, providing city students with a firsthand look  
4 at solar technology and renewable energy solutions,  
5 hopefully inspiring the next generation of leaders.

6 We also recognize that education is the foundation of  
7 opportunity. Not just for students but for all New  
8 Yorkers looking to build successful careers, whether  
9 it's creating pathways to public service, expanding  
10 career readiness programs, or supporting lifelong  
11 learning, we are making critical investments to  
12 ensure that education remains accessible, equitable  
13 and tied to real world opportunities.

14 One of the ways we're delivering on this  
15 commitment is to the expansion of the DCAS Automotive  
16 Internship Program, a major initiatives to connect  
17 young New Yorkers with hands-on training in  
18 automotive technology and fleet management.

19 Last year, we announced that DCAS will more than  
20 double the number of participating high school  
21 students, providing them with paid internships in  
22 city fleet garages and exposure to one of the largest  
23 municipal fleets in the nation. We've also worked  
24 hard to expand our Civil Service Pathways fellowship,  
25 one of the premier opportunities in the city to bring  
real-life work experience to students. In

1 partnership with the City University of New York, we  
2 have significantly enhanced the Civil Service  
3 Pathways Fellowship program. This expansion not only  
4 provides recent graduates with valuable career  
5 opportunities but also infuses our municipal  
6 workforce with fresh perspectives and diverse  
7 talents.  
8

9 Looking internally, we are just as committed to  
10 supporting the continued learning and advancement of  
11 our city's workforce. That's why we launched the  
12 first ever High School Equivalency and College Credit  
13 Program for municipal employees in partnership with  
14 Metropolitan College of New York. Through this  
15 program, municipal employees can earn a high school  
16 equivalency diploma while simultaneously earning  
17 college credits, giving them the ability to pursue  
18 higher education with fewer barriers.

19 This initiative isn't just about education, it's  
20 about economic mobility. A high school diploma is a  
21 stepping-stone to better wages, new career  
22 opportunities, and long-term stability for our  
23 municipal workforce and we're proud to lead this  
24 effort at DCAS. As we work to not just meet, but  
25 exceed our benchmarks, it's necessary to establish a

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2 clear understanding of our budget and our  
3 limitations. As a primary service provider for city  
4 agencies, much of our budget is dedicated to  
5 supporting the critical functions of their daily  
6 operations. In Fiscal Year 2026, our budget is \$1.9  
7 billion inclusive of all funding sources with \$236.3  
8 million covering payroll and other personnel service  
9 costs and \$1.7 billion covering other than personnel  
10 service costs. \$966 million or 51 percent of our  
11 budget will be used to support citywide utility  
12 payments for heating, lighting and power. These are  
13 fixed costs based on forecasted energy usage and  
14 utility rates. The good news is that DCAS is working  
15 every day, both internally and with our sister  
16 agencies through multiple programs to reduce energy  
17 use. I'm proud to say that this work has generated  
18 more than \$141 million in annual energy savings since  
19 2014. Beyond providing utilities to our sister  
20 agencies, we are also tasked with identifying  
21 physical spaces for city agencies and other public  
22 entities to meet their operational needs. When a  
23 need arises and city owned space is not available or  
24 feasible, our real estate team identifies and  
25 negotiates leases on behalf of the city. Of our

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19

3 overall budget, \$163 million is dedicated to these  
4 costs associated with multi-tenanted leased sites.

5 In Fiscal Year 2024, DCAS procured a total of  
6 \$125 million worth of contracts toward city certified  
7 MWBE's for contracts under Local Law 1, \$62.5 million  
8 went to MWBE's representing a 33.3 percent  
9 utilization rate.

10 In addition to these efforts, we have also  
11 invested in extensive maintenance, repair and energy  
12 efficiency work across our portfolio of city-managed  
13 buildings. To support these efforts our Fiscal Year  
14 2026 budget includes: \$152.8 million to support  
15 cleaning, maintenance and repair work across DCAS  
16 managed buildings and \$110 million to achieve the  
17 city's climate goals as outlined in Executive Order  
18 89 and Local Law 97.

19 In addition to these programs, every year DCAS  
20 generates a significant amount of revenue on the  
21 city's behalf. In Fiscal Year 2026, our annual  
22 revenue target is \$63.7 million, primarily due to  
23 three areas. \$44.7 million in private rentals of  
24 city-owned properties, DCAS's largest source of  
25 recurring revenue, \$9 million for the sale of surplus  
vehicles and other city owned equipment, and \$4.8

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3 million from applicant filing fees or civil service  
4 exams. The final piece of our budget is our capital  
5 plan, or the funds allocated towards upgrading and  
6 renovating our infrastructure. This preliminary  
7 budget reflects an updated five year plan of \$8.8  
8 billion for Fiscal Year 2025 to Fiscal Year 2029  
9 including \$5.5 billion for projects managed by DCAS.  
10 This plan includes maintenance and enhancements to  
11 DCAS facilities, the renovation of leased spaces, and  
12 continuing our energy conservation and fleet  
13 electrification work.

14 The preliminary budget for DCAS managed projects  
15 in Fiscal Year 2026 is \$1.2 billion and includes  
16 \$724.5 million of energy, conservation and green  
17 energy projects. \$382.9 million to support our  
18 capital construction program for city owned offices  
19 and court buildings. \$17.8 million for information  
20 technology system upgrades to improve our human  
21 capital front end systems, internal agency  
22 application support, and the modernization of our  
23 Civil Service Exam System Infrastructure. And  
24 lastly, \$39 million for fleet electrification work.

25 In closing, I want to thank the Council for its  
partnership and for providing with the opportunity to

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3 testify. I look forward to working with each of you  
4 to improve our operations and advance our mission.  
5 With that, I'm happy to answer any questions.

6 CHAIRPERSON RESTLER: Great, thank you very much  
7 Commissioner for your thoughtful and thorough  
8 testimony. I meant to mention this in my opening but  
9 I have a great deal respect for the DCAS staff and  
10 have had the privilege of working with many people  
11 over the years at DCAS, including yourself in various  
12 roles to solve problems for New Yorkers, and I was  
13 just informed that Executive Deputy Commissioner  
14 Beatrice Thuo is leaving DCAS and I just wanted to  
15 say thank you for your service. It's been a pleasure  
16 working with you, learning from you and your  
17 contributions to the city over many years here at  
18 HPD. You are just a model of civil service and so,  
19 thank you for all your work truly.

20 APPLAUSE

21 With that, I am going to offer Council Member  
22 Carr the chance to begin and then I'll jump in after.

23 COUNCIL MEMBER CARR: Thank you so much Chair.  
24 Commissioner, always good to see you. Good morning.

25 LOUIS MOLINA: Good morning.

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2 COUNCIL MEMBER CARR: I wanted to focus in a  
3 little bit at the start about the reimbursement  
4 program for nonpublic schools security guards. The  
5 Council recently passed legislation that was enacted  
6 to expand eligibility for that program and that will  
7 begin with the start of the coming fiscal year. And  
8 so, my question to you is do you feel like you have a  
9 handle on the likely increase in eligible  
10 applications that are going to come the agencies way  
11 and do you feel like the appropriation in the  
12 preliminary budget is sufficient to cover that need  
13 in total?

14 LOUIS MOLINA: Yeah, I'm confident that we'll be  
15 able to handle it and DC Middleton can just walk you  
16 through some of the details for the Council Member.

17 SHANNA MIDDLETON: Yes, thank you Council Member.  
18 Like the Commissioner said, we're gearing up and  
19 getting ready. We've opened the application period  
20 and applications opened up on March 1<sup>st</sup>. Currently  
21 the allocation for Fiscal Year 2026 has not yet been  
22 added but we are in conversations with OMB and we  
23 expect them to add that funding.

24 COUNCIL MEMBER CARR: Okay and you'll be speaking  
25 to OMB in real time if the application volume is

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23

3 unexpectedly high and when does the application  
4 window close?

5 SHANNA MIDDLETON: May 15<sup>th</sup>.

6 COUNCIL MEMBER CARR: May 15<sup>th</sup>. So, round about  
7 time for executive budget and for us to have that as  
8 information before us. So, would you be able to get  
9 the Committee and the Council the full number of  
10 applications and the full appropriation required to  
11 meet it once that information is available?

12 HANNA MIDDLETON: Yes, definitely.

13 COUNCIL MEMBER CARR: I appreciate that. My next  
14 question, this is about you know some of the  
15 properties that we have on Staten Island that's in  
16 DCAS inventory. Some of them are rented to tenants  
17 who have been there for a long time. A number of  
18 them are municipal lots for parking. Can you give us  
19 any kind of sense of whether there is any plan  
20 changes or vision for those sites or is there a  
21 commitment to you know maintaining the current uses  
22 as is?

23 LOUIS MOLINA: Yeah, so I think you know there's  
24 a commitment depending on if there's going to be a  
25 chance in those uses to figure out if that change  
makes sense for the city and also the community as

2 well, that those lots may be in. We have been doing  
3 a review within real estate to look at what lots may  
4 be viable to possibly put up for lease auction and  
5 evaluating those properties with our new Executive  
6 Deputy Commissioner Overton who oversees asset and  
7 property management but we're in close communication  
8 with community leaders throughout the city regarding  
9 any sort of real estate opportunities that may exist  
10 for community, nonprofits and others.

11 COUNCIL MEMBER CARR: And when do you expect that  
12 internal review to conclude?

13 LOUIS MOLINA: Yeah so we just recently had a  
14 meeting a couple of weeks ago and we're happy to sort  
15 of work with you if there are any specific lots  
16 within your district that you think you might have  
17 some ideas. You know obviously there may be a ULURP  
18 process that may be involved with that and we'd work  
19 closely with you to sort of figure that out.

20 COUNCIL MEMBER CARR: I appreciate that and then  
21 I guess my last area of questioning is about you know  
22 the posting of civil service exam lists. You know I  
23 think in past hearings, we've been focusing on you  
24 know whether we could do more hiring. Obviously  
25 there's a great need across different agencies in

1 order to do that. And so, could you tell us like how  
2 whether or not you have sufficient staff and  
3 operational support in order to process these exams  
4 and post those lists in a quick amount of time  
5 because the sooner they're out there, the sooner the  
6 agencies can be in hiring off them.  
7

8 And then I guess my final question is, you know  
9 the agency in the beginning of the administration did  
10 a number of hiring halls around the city. I think  
11 one was in partnership with my office and do you  
12 think that there enough in the preliminary budget for  
13 hiring halls in the coming fiscal year that could be  
14 done on Staten Island and Brooklyn and other places?

15 LOUIS MOLINA: Thanks for your question. So, I  
16 think you know like the Mayor has said, I think we  
17 have to go to where the people are. It just tells  
18 them about the opportunities that exist in the city  
19 and at the beginning of hiring halls, DCAS was  
20 spearheading that work. The work of hiring halls has  
21 transitioned to City Hall, NYC Talent and the small  
22 business services. The good thing I'll say about  
23 that is that it has expanded not only for city job  
24 opportunities with the city but also career  
25 opportunities with the private and nonprofit sector

1  
2 also attend those hiring halls. We at DCAS have  
3 enough funding for our Office at Citywide Recruitment  
4 to support those efforts. We attend many of these  
5 hiring halls and do a lot of tabling. We also if  
6 space permits, as well as time, conduct civil service  
7 101 presentations to those that are looking for  
8 career opportunities within the city. And just  
9 yesterday, in supporting NYC Department of the Aging,  
10 we had a hiring hall in Brooklyn that was geared  
11 towards seniors in our community. So, I think hiring  
12 halls are one part of a very important strategy to  
13 make candidates and especially New Yorkers aware of  
14 what job opportunities are available and we fully  
15 support that.

16 COUNCIL MEMBER CARR: Okay and with respect to  
17 the publishing of civil service exams?

18 LOUIS MOLINA: Oh, thank you for reminding me.

19 COUNCIL MEMBER CARR: No, it's okay.

20 LOUIS MOLINA: Yeah, so in the last fiscal year,  
21 we did have really good headway in the turnaround of  
22 the publishing of exam lists but I think it's  
23 important to know that many of those exams were  
24 qualified and come in exams, and those aren't exams  
25

1 but they're very different from education experience  
2 exams and multiple question exams.  
3

4 So, there's a shorter window to turn around those  
5 exams and that drew our turnaround time date very,  
6 very low. We are at about 160 days right now, which  
7 is still under our 197 day target, so we look to get  
8 these exam lists out as quickly as possible but we do  
9 provide preliminary lists so that our agencies have a  
10 sense of some of the candidates that are going to be  
11 coming their way once the list is certified, so they  
12 can begin to do some sort of recruitment efforts to  
13 shorten the window of timeframe when they want to  
14 bring candidates on.

15 COUNCIL MEMBER CARR: I appreciate that  
16 Commissioner. Thank you for answering my questions.  
17 Chair, thank you.

18 CHAIRPERSON RESTLER: Thank you Council Member  
19 Carr, always good to see you. Uhm, I would like to  
20 start with sustainability but we have - DCAS is an  
21 exceptional agency. You guys do so much important  
22 work, so we've got a lot of different areas that  
23 we'll cover today but sustainability is very much- oh  
24 and I would just like to acknowledge my colleague and  
25

1 friend, Council Member Gutiérrez who is with us  
2  
3 online.

4 Climate change of course is an existential threat  
5 and the city should be leading the way in helping to  
6 combat it, especially as for mandating compliance on  
7 the private sector. Local Law 97 mandates that the  
8 city reduce greenhouse gas emissions by approximately  
9 40 percent for large buildings. In late 2023, DCAS  
10 testified that the city was no longer on track to  
11 meet the goal of 40 percent reduction in city  
12 greenhouse gas emissions by 2025. Now you had  
13 testified that you were on track to meet that goal by  
14 2027. Today you testified we're only 26 percent of  
15 the way toward achieving that goal. So, we got a  
16 long way to go.

17 My understanding is that in FY24, we only reduced  
18 the greenhouse gas emissions by 26,626 metric tons,  
19 66 percent of the original target of 40,000 metric  
20 tons and over the past three Fiscal Years, the city  
21 has cumulatively 23,000 tons behind our goal of  
22 reduced greenhouse gas emissions.

23 The goal for FY25 is again 40,000 tons of  
24 greenhouse gas emissions. Are we on track to meet  
25 the 40,000 emission reduction goal for FY25?

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3 LOUIS MOLINA: So, uhm I'll just talk about why  
4 we missed the target a little bit. So, you know we  
5 do expect and I just want to reaffirm to you as Chair  
6 and the rest of the Council Members, that we are  
7 going to hit the 40 percent by Fiscal Year 2027. For  
8 me when I came in at DCAS, this has been an all hands  
9 on deck effort to keep pushing the needle down on our  
10 emissions. We did face some headwinds prior to that,  
11 most of which was out of our control including a  
12 number of delays that were connected to COVID. The  
13 states grid did get dirtier due to the closure of  
14 Indian Point Energy Center.

15 CHAIRPERSON RESTLER: Hmm, hmm.

16 LOUIS MOLINA: And we had equipment and lead time  
17 supply chain issues for procurement timelines, and  
18 there were out of state budgetary pressures as well  
19 that we have to just recognize but we are commitment  
20 to meeting that goal by Fiscal Year 2027. As you  
21 stated, we are 26 percent from where we want our  
22 baseline in Fiscal Year '06. We have reduced overall  
23 energy uses in our building operations, which I think  
24 is also important by 14 percent compared to the five  
25 year average of '06 to '10. So we are driving down  
energy consumption in our buildings. We're doing

1 everything we can to electrify our building systems.  
2 We're pursuing large comprehensive retrofit projects,  
3 with significant GAG reduction. We've been doing a  
4 lot of decarbonization of our city's fleet and we're  
5 investing in clean energy generation as city owned  
6 buildings. So we do have a plan. We're on target to  
7 hit that plan, so that's why I'm confident we'll hit  
8 it by 40 percent by Fiscal Year '27 and our larger  
9 goal of 50 percent by 2030.

11 CHAIRPERSON RESTLER: So, I appreciate that  
12 response. The goal is to reduce 40,000 this year,  
13 40,000 greenhouse gas metric tons this year. We've  
14 got about 110,000 to go to reach that goal by FY '27.  
15 If I have those numbers right. Please correct me.  
16 Please walk me through, are we on track to meet the  
17 40,000 goal for this current fiscal year and what's  
18 the pathway to reduce the further 110,000 greenhouse  
19 gas metric tons by FY27.

20 LOUIS MOLINA: So we'll walk you through my  
21 technical version of how we meet that goal. I'll  
22 hand it over to our Deputy Commissioner of Energy  
23 Management.

24 SANA BARAKAT: Good morning.

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2 CHAIRPERSON RESTLER: Oh, you need to sworn in.  
3 I apologize.

4 COMMITTEE COUNSEL: Can you please raise your  
5 right hand? Do you swear to tell the truth, the  
6 whole truth and nothing but the truth and respond  
7 honestly to Council Member questions today?

8 SANA BARAKAT: I do.

9 COMMITTEE COUNSEL: Thank you.

10 CHAIRPERSON RESTLER: Can we do all your Deputy  
11 Commissioners at once, so we don't have to do it a  
12 bunch of times?

13 COMMITTEE COUNSEL: Could you please raise your  
14 right hands.

15 CHAIRPERSON RESTLER: Yeah, would you mind  
16 standing, I apologize. I think that's what we're  
17 supposed to do. I apologize.

18 COMMITTEE COUNSEL: Do you swear to tell the  
19 truth, the whole truth and nothing but the truth and  
20 respond honestly to Council Member questions today?

21 PANEL: I do.

22 COMMITTEE COUNSEL: Thank you.

23 CHAIRPERSON RESTLER: Thank you. Sorry about  
24 that. I just figure we don't need to do it for every  
25 single topic we go through. Go ahead.

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2 SANA BARAKAT: Okay, so your first question was  
3 whether we will meet our 50,000 metric tons for  
4 Fiscal Year -

5 CHAIRPERSON RESTLER: 40,000 metric ton goal for  
6 FY5 that's right.

7 SANA BARAKAT: That's right and we are on target  
8 to meet that goal for '25.

9 CHAIRPERSON RESTLER: Good. And walk me through  
10 the pathway to '27 for the 110,000 that we have  
11 outstanding because I think the Commissioner  
12 testified that we're 26 percent of the way to our  
13 goal. We've got a ways to go. Could you walk me  
14 through?

15 SANA BARAKAT: Yeah and that number, the 26  
16 percent is for - based on Fiscal Year 2023. We still  
17 have you know a few years to go. Our pipeline, we  
18 have a lot of projects in our pipeline and those  
19 projects are intact. You know they're moving as fast  
20 as possible and they are on time to be completed on  
21 time.

22 CHAIRPERSON RESTLER: Do you want to talk me  
23 through at a high level what are the big picture  
24 projects that are going to have the most significant  
25 impact in reducing - in achieving our goal?

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2 SANA BARAKAT: Yes, we have a lot of projects in  
3 the pipeline. We shared them with you last time.  
4 I'll go over them again here. There are large  
5 projects in your district as well.

6 CHAIRPERSON RESTLER: I love to hear it.

7 SANA BARAKAT: Just give me a second.

8 CHAIRPERSON RESTLER: As you - well, I'll give  
9 you a second before I pepper you with more questions.

10 SANA BARAKAT: Yes, here we go. Okay, I'll start  
11 with the project in your district. There is a  
12 gravity belt thickener that involves thermal energy  
13 storage installation at the New Town Creek Wastewater  
14 Treatment Plant. That will reduce emissions by  
15 18,000 metric tons.

16 Another one in your district is the Brooklyn  
17 Criminal Court. That one has - it's an impartial  
18 electrification upgrade and includes installation of  
19 an advanced energy management system and solar as  
20 well. And there's another one, the Brooklyn  
21 Appellate Court.

22 CHAIRPERSON RESTLER: Say that again the Brooklyn  
23 which court?

24 SANA BARAKAT: The Appellate Court.

25 CHAIRPERSON RESTLER: Appellate sorry.

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3 SANA BARAKAT: Which will include the  
4 installation of heat pump, water heaters, air source  
5 heat pump system with energy recovery and other  
6 miscellaneous upgrades.

7 CHAIRPERSON RESTLER: Great. We love the in  
8 district projects. I'm happy to hear that you're on  
9 track broadly and I'll dig in on a couple of these  
10 capital plan changes but I did just want to ask at a  
11 high level my understanding was that the most  
12 consequential thing that we're doing is CHPY. Is  
13 that right?

14 SANA BARAKAT: Correct.

15 CHAIRPERSON RESTLER: So, I mean I'll just, I'll  
16 do a slight preamble. DCAS purchases 3.9 billion  
17 kilowatt hours of electricity annually for city  
18 buildings. 48.7 percent of our energy uses, of  
19 course electricity. As we work to meet our  
20 sustainability goals, we'll be relying even more on  
21 electricity and a major part of our plan to lower  
22 electricity cost is reliant on the Champaign Hudson  
23 Power Express CHPY, which is scheduled to be coming  
24 online in May of 2026. Indeed the City of New York  
25 is expected to be the anchor purchaser of this  
renewable energy flowing into New York City.

3 I've been a supporter of CHPY. My mom grew up in  
4 Quebec in Montreal and not everybody up there is as  
5 enthusiastic as I am but I think it's a very  
6 worthwhile project and a good thing for the City of  
7 New York. How much does DCAS expect CHPY to lower  
8 electricity costs or have you been able to model  
9 that?

10 SANA BARAKAT: So, the CHPY actually is going to  
11 direct purchase, so it is going to be an increase in  
12 cost.

13 CHAIRPERSON RESTLER: Okay.

14 SANA BARAKAT: But the benefits of course are  
15 beyond the financial.

16 CHAIRPERSON RESTLER: And I've been asked, you're  
17 not the first person I've asked this question at  
18 Preliminary Budget hearings. I think you're the  
19 third but I haven't gotten a good answer yet so we'll  
20 see if today is the day. Have you begun discussing  
21 with colleagues internally the impacts of the  
22 potential Canadian tariffs on the city's electricity  
23 bills and what the potential cost will be for us?

24 SANA BARAKAT: Yes, as you know the situation is  
25 very fluent at this point right and even the state  
issued deporting the same thing. There's a lot of

3 unknowns and you know the big part of it is that it's  
4 not even certain that electricity sales would be part  
5 of the tariff, but if it does, it's not affecting the  
6 construction of CHPY. It is still on track to be  
7 completed by the Spring of 2026.

8 CHAIRPERSON RESTLER: Right and as I said, I  
9 think it's a good thing that we are the anchor  
10 purchaser for CHPY and that we've supported this and  
11 I think the City of New York's leadership from the  
12 previous administration in advancing this has been  
13 instrumental in it happening but as you noted, it  
14 will lead to an increase in costs and if there's a  
15 potential 25 percent tariff that's imposed on this  
16 electricity, which is a very real threat. It could  
17 be a major challenge for our electricity budget at  
18 DCAS. Is that right?

19 SANA BARAKAT: It does increase the cost but at  
20 the same time we are doing all these other things  
21 that help reduce the cost, including demand response  
22 and if it's a project which our you know with the  
23 goal to reduce energy consumption, so.

24 CHAIRPERSON RESTLER: Can I ask just like, have  
25 you been talking to OMB? To State Legislative  
Affairs, Governor's Office, Federal Affairs about the

1 impact that these tariff's could have on this project  
2 and electricity costs for the city? Are we sounding  
3 an alarm bell that this could be severely problematic  
4 for the city's finances?  
5

6 SANA BARAKAT: Our understanding it's not going  
7 to be significantly effecting the pricing. The  
8 report came out after two days ago from the state  
9 saying that it is staying the same.

10 CHAIRPERSON RESTLER: Okay.

11 SANA BARAKAT: But we continue the discussion with  
12 OMB and as you know we get clarity on what the tariff  
13 looks like, of course you know we're going to  
14 continue the discussion and the impact there.

15 CHAIRPERSON RESTLER: Great, that's helpful. I  
16 appreciate the answers. Uhm, the capital plan, which  
17 began to cite a few projects in District 33 we're of  
18 course excited about, included a number of  
19 adjustments in the five year plan for energy  
20 sufficiency and sustainability projects. Notably we  
21 saw a \$175 million reduction in a lump sum payment to  
22 the FCA, \$23 million reduction in solar panel  
23 systems, \$56 million reduction for energy efficiency  
24 funding under One NYC, \$15 million reduction for the  
25 DOE Direct Install Lighting Program, \$23 million

1 reduction for citywide resiliency measures. Could  
2 you, at a high level, help explain why these  
3 adjustments were made and what impact they will have  
4 on our emission reduction goals? If we were to fight  
5 to restore these funds and last year we had a lot of  
6 success pushing from the City Council to restore some  
7 of the Mayor's proposed cuts to the sustainability  
8 capital projects. What impact would that have on  
9 achieving our goals?  
10

11 SHANNA MIDDLETON: Hi Council Member. Just to  
12 clarify the reductions you're seeing are likely  
13 reallocations. So, typically once we submit our  
14 requests to OMB, the amount of an allocated funds is  
15 reduced and then it's reallocated to an actual  
16 project.

17 So, there were a number of new projects actually  
18 added for DM in this light and we can submit that to  
19 you offline if needed.

20 CHAIRPERSON RESTLER: We would love that. We'd  
21 love the chance to review the new projects that  
22 you're looking at and we can share with you what  
23 we're seeing on the reductions and it would be  
24 helpful to better understand if those funds were  
25

3 reallocated or pushed to outyears or what exactly is  
4 going on there.

5 SHANNA MIDDLETON: Yeah.

6 CHAIRPERSON RESTLER: And then I think that the  
7 best way to do this is maybe to follow up in writing  
8 but I appreciated that you just mentioned a few  
9 projects. Last year, you gave us a list of the ten  
10 largest projects in terms of emission reduction  
11 impacts and I would love if you would be able to  
12 provide that same update on our top ten projects and  
13 the timeline for kind of completion on those projects  
14 so that we can just better understand how we're doing  
15 on each of those projects. I might just highlight a  
16 few today. The Wards Island water resources recovery  
17 facility digester tank reconstruction I believe was  
18 the largest impact. Is that still the case and  
19 what's our timeline for completion there?

20 SANA BARAKAT: It's still on track.

21 CHAIRPERSON RESTLER: Okay and oh let me ask just  
22 about a couple that we couldn't find. Last year, you  
23 mentioned the Manhattan Garages. I assume that was  
24 Disney. We couldn't find that and the Manhattan  
25 Garages was what was listed as an important project.  
Well, does that ring a bell for you?

2 SANA BARAKAT: Seven Street Garages is a project  
3 that we are uhm implementing. I forgot about the  
4 Manhattan but I can get back to you on that.

5 CHAIRPERSON RESTLER: Okay, we'll share what you  
6 gave us last year in writing. There were a few that  
7 we could not find in the updated capital project  
8 listings. We just wanted to understand the  
9 Kingsville Reservoir, the Queens County Family Court,  
10 Catskill Delaware Interconnect to cite a few that we  
11 just weren't - we're looking for more information.  
12 But that's great, I covered CHPY. One more question  
13 on sustainability and then we can shift gears. I  
14 have been saying to my staff for some time that well,  
15 I am profoundly concerned about the shifting federal  
16 landscape of offshore wind and the impact that that's  
17 going to have for the City of New York on our ability  
18 and the State of New York too on our ability to  
19 achieve our climate reduction, our climate goals.

20 I think we need to begin shifting for at least  
21 the next few years, considering no offshore, it  
22 doesn't appear that offshore wind is going to move  
23 forward in any way. Thinking about new approaches to  
24 expand renewable energy. It feels like we're  
25 potentially at a moment for more focus on geothermal.

1 We have a large, 1,000 unit tower going up in the  
2 Greenpoint waterfront that's powered with geothermal  
3 energy. Could you share with us what projects DCAS  
4 is working on with geothermal and do you think  
5 there's an opportunity for us to expand both our  
6 city's carbon - the City of New York governments  
7 carbon reduction - carbon greenhouse gas reduction  
8 goals through more reliance on geothermal and beyond?

9 SANA BARAKAT: Yeah, we're always looking for new  
10 technologies right, to accelerate our project and the  
11 reduction of DHC emissions. We are starting to look  
12 into geothermal but I don't think it's a technology  
13 that is going to be - you know I shouldn't say much  
14 about it because we are in the process of evaluating  
15 if it's something we should look into and implement  
16 but we had one geothermal - actually, no it was more  
17 of a thermal energy storage; that's not what you're  
18 asking but I can get back to you on you know if  
19 there's any opportunity anywhere to -

20 CHAIRPERSON RESTLER: I just you know you are in  
21 such an important position as a purchaser right and  
22 to be able to help shape the market and on behalf of  
23 the City of New York, you know we have a clean energy  
24 hub that's getting built in Vinegar Hill that Con Ed  
25

1  
2 is working on. It was supposed to bring in enough  
3 offshore wind energy to power half of Brooklyn. And  
4 so, we're not talking - I mean I love this work of  
5 panel projects and everything but we're not talking  
6 about a few solar panels on a roof that represent  
7 this much energy, we're talking about half of  
8 Brooklyn. Like, this is the transformational stuff  
9 that actually allows us to meet our climate goals and  
10 that's as far as I can tell, it's all dead in the  
11 water because it's a good fit, dead in the water  
12 since it's offshore wind. DCAS humor. Gov Ops humor  
13 is probably more appropriate.

14 I really think that we need to just be focusing  
15 on what other renewable energy sources we can  
16 realistically benefit from in the immediate future  
17 and I really do hope that we can do more to evaluate  
18 opportunities around geothermal and if there are ways  
19 that the Council can be helpful or supportive in  
20 those efforts, please let us know.

21 SANA BARAKAT: Point well taken, thank you.

22 CHAIRPERSON RESTLER: Thank you. I would love to  
23 shift to hiring. Oh, and I was just supposed to ask  
24 for you to say your name and title for the record.

25

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3 SANA BARAKAT: Sana Barakat City Chief  
4 Decarbonization Officer and Deputy Commissioner of  
5 Energy Management at DCAS.

6 CHAIRPERSON RESTLER: I think you have the best  
7 title in City government, right? Okay we've been  
8 joined by Council Members Vernikov, Council Member  
9 Hanif online, and former Gov Ops Chair Gale Brewer in  
10 person.

11 Alright, we will shift gears to hiring - unless  
12 you have a question. You good? We'll shift gears to  
13 hiring if that's okay. Of course this is one of  
14 DCAS's most important functions serving as the hiring  
15 and recruitment manager for all city agencies. Our  
16 city cannot operate without hardworking civil  
17 servants and we're dependent on DCAS to ensure that  
18 we are fully staffed and able to meet expectations of  
19 New Yorkers but there are currently 15,000 vacancies  
20 in city government, a vacancy rate of about five  
21 percent.

22 Prior to the pandemic, the city vacancy rate was  
23 under two percent. When Mayor Adams took office, the  
24 vacancy rate was eight percent. So, you might think  
25 that there's an improvement but that's only because  
the Mayor has permanently cut 10,000 positions from

3 the budgeted headcount. Adding those positions back  
4 in and the vacancy rate jumps back to eight percent.  
5 If this sounds familiar, it's because I raise this at  
6 every hearing. We don't seem to be making progress.  
7 Are you concerned about the persistent levels of  
8 vacancies in city government? Is there a larger  
9 strategy on how we're going to effectively combat  
10 this?

11 LOUIS MOLINA: So, thank you for your question.  
12 I'll just begin before our Deputy Commissioner for  
13 Human Capital jumps in.

14 But we have been more agile to response to the  
15 needs of our agencies. So, as you know, we have a  
16 target of about 185 civil service exams a year and  
17 when agencies forecast that they may have hiring  
18 issues that they project into the future, we can  
19 always add exams to those schedules. In addition to  
20 that, our Office of Citywide Recruitment helps to  
21 support recruitment efforts, not only at agencies but  
22 also to support the ongoing efforts of the hiring  
23 halls as well.

24 We are evolving with the changing landscape of  
25 today's job market. A different sort of a generation  
of worker that's wants more affordability within

3 their career and we've been adapting to those  
4 changes. With that for more technical, I'll pass it  
5 over to Deputy Commissioner of Human Capital Katrina  
6 Porter.

7 KATRINA PORTER: Good morning. So, Council  
8 Member Restler, examinations continue to be the  
9 cornerstone of our recruitment efforts to support  
10 city agencies. We are currently in the process of  
11 developing our examination schedule for Fiscal Year  
12 '26 where we're engaging agencies to understand their  
13 recruitment needs, so that we can support them in the  
14 future.

15 CHAIRPERSON RESTLER: Can I just ask on that? I  
16 was really impressed in the PMMR to see the number of  
17 applications for civil service exams increase so  
18 much. I think it was 71,000 in the first four months  
19 of this year compared to about 40,000 last year. So,  
20 you know 80 something percent increase, very  
21 impressive. What do you attribute that to?

22 KATRINA PORTER: So we opened application periods  
23 for one of our large scale exams Fire Fighter, which  
24 mostly contributed to the increase in applications.

25 CHAIRPERSON RESTLER: Do you know the numbers?  
What number of that was Fire Fighter?

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3 KATRINA PORTER: Uhm, we received upwards of  
4 40,000 applications for Fire Fighter.

5 CHAIRPERSON RESTLER: Okay. So, that is the  
6 whole increase?

7 KATRINA PORTER: Yeah.

8 CHAIRPERSON RESTLER: Okay, sorry, I interrupted  
9 you. If you want to continue or I can keep peppering  
10 you with questions?

11 KATRINA PORTER: Yes, I was going to mention that  
12 we also support agencies by encouraging them to  
13 participate in our pathway programs, which are exempt  
14 from you know the current two for one hiring  
15 procedure. Our Civil Service Pathway Fellowship  
16 program, applications and matching for that program  
17 is currently underway. We expect to onboard about 91  
18 new fellows as a part of that program in April. And  
19 so, just looking for you know creative ways to  
20 support agency hiring where feasible.

21 CHAIRPERSON RESTLER: As with Council Member De  
22 La Rosa, we had a hearing on this not too long ago  
23 that highlighted some of these issues and our  
24 concerns but I'd like to just dig into them again a  
25 little bit here.

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2 The PMMR showed the number of days it takes DCAS  
3 to get from exam administration to issuing results,  
4 increase to 163 days, up from 115 days in the  
5 previous year. So, that's you know close to a 30  
6 something percent increase we're talking about. And  
7 that's only two results, not when - that's not for  
8 when someone's actually getting a job offer, right?  
9 So, 163 days we're talking about five months just to  
10 get your results on an exam. At our hearing in  
11 November, we discussed it's taking 14 to 15 months  
12 from when an applicant takes an exam to when they're  
13 actually getting hired.

14 We heard from DEP that everyone that recently got  
15 called on an engineering list declined the  
16 opportunity. Has DCAS done analysis of how often  
17 this is happening? We think in part because of the  
18 delays and just how slow and painful the process is,  
19 we're losing folks. Are you looking at this? Can  
20 you offer any insight into what may be occurring?

21 KATRINA PORTER: So what I can say is for titles  
22 that are hard to recruit where agencies may have a  
23 hiring need, we are able to provide them with passes  
24 lists well before the exam is officially established,  
25 so that they can engage these candidates in the

3 process and to keep them excited about the work that  
4 the agency's mission and vision, right? But there's  
5 no way for us to understand why folks a not you know  
6 showing up for the interview process, what we call a  
7 fail to report but there are notices that the  
8 agencies have to provide these candidates to you know  
9 inform them of the ability to restore themselves to  
10 the list and you know we provide agencies with  
11 training on the Civil Service List Call Process so  
12 that they are aware of what they need to do.

13 CHAIRPERSON RESTLER: Do you track how long OMB  
14 takes to approve agencies? To give approval to  
15 agencies for positions from when they make an offer  
16 to when they actually - from when the agency makes an  
17 offer to when they actually get hired?

18 KATRINA PORTER: No, DCAS does not track that  
19 process.

20 CHAIRPERSON RESTLER: Would you consider tracking  
21 in the MMR kind of end to end recruitment to hiring,  
22 so that we have a better vision of the - because  
23 right, that's the goal? Right your goal here and I  
24 know it's - you have a tough job, especially when OMB  
25 stonewalls you every step of the way but the goal is

3 to get people into jobs. Isn't that the outcome that  
4 we should really be tracking?

5 KATRINA PORTER: So, what I can say is we are  
6 looking for ways to use our nightcap system to better  
7 track the time to hire but the process between when  
8 an agency requests OMB approval to when they receive  
9 that, that really happens at the agency level. I'll  
10 take it back and we'll figure out if we can you know  
11 better coordinate with the agencies to understand  
12 that process.

13 CHAIRPERSON RESTLER: I just think we would all  
14 be better served - you guys- we have you under a  
15 microscope for the portion that you're responsible  
16 for but we don't hold the agencies or OMB, we don't  
17 have that same window into their timeframes and have  
18 them - and are unable to hold them accountable in a  
19 similar fashion. You're measured in the PMMR and the  
20 MMR and the DMMR all the time of how many exams your  
21 issuing, how long it's taking to get those exams  
22 processed right and the rest of the process is a bit  
23 of a - is far more opaque. Is that - I mean, do you  
24 think that characterization is fair?

25 KATRINA PORTER: I think we're making strides in  
standardizing hiring processes across the city

3 through our HR transformation process. Where we're  
4 looking at our forms and you know how we engage  
5 employees at orientation to build a more standardized  
6 process. You know we've been at this for about one  
7 year. We've made tremendous strides and we will  
8 continue to do so.

9 CHAIRPERSON RESTLER: And that sounds helpful. I  
10 still think we need the data to be able to measure  
11 ourselves and to hold ourselves accountable. You  
12 know we had OMB testify before us two weeks ago that  
13 they give responses to agencies in two weeks from  
14 when an agency sends a PAR over and they get two  
15 weeks for approval. Have you ever had a response  
16 from OMB in two weeks for an agency PAR?

17 KATRINA PORTER: Not that I'm aware of but DCAS  
18 proper would be able speak about that.

19 CHAIRPERSON RESTLER: Yeah, I didn't think so but  
20 I appreciate your honesty. I'd like to shift to  
21 hiring halls, which I just have to say I thought was  
22 one of the really wonderful cool things that DCAS had  
23 been doing and loved you all taking the lead on it  
24 and thought that they were really successful. Why  
25 has DCAS moved away from city government focused  
hiring halls?

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3 KATRINA PORTER: Uhm, so DCAS, we're here to  
4 support the overall hiring for all effort being led  
5 by SBS. So, our role is to encourage city agencies  
6 to participate in the hiring events by providing them  
7 with information about when and where these events  
8 will be happening. DCAS Office of Citywide  
9 Recruitment, they're also in attendance at these  
10 events to provide information about civil service  
11 jobs.

12 CHAIRPERSON RESTLER: Are you able to compare the  
13 results from how we were doing on the city government  
14 focused hiring halls that have been a big focus of I  
15 think year two of the Adams Administration verse  
16 these more private sector oriented hiring halls where  
17 the city is just one of many?

18 KATRINA PORTER: So, what we can track is the  
19 engagement at our tables when we are you know - when  
20 we are attending the hiring hall. We track the  
21 traffic at you know - the folks that we engage at our  
22 tables. We do track that number but overall that  
23 information is being handled by SBS.

24 CHAIRPERSON RESTLER: Okay, and at our hearings  
25 we've heard and in our conversations with city  
agencies, we've heard from housing and human services

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3 agencies about that they want health agencies. That  
4 they want hiring halls. They want the model back  
5 that you all had successfully pioneered. Have you  
6 heard those requests? Have you received any of those  
7 requests from city agency partners?

8 KATRINA PORTER: We're in constant contact with  
9 city agencies. We host you know title specific  
10 hiring events often and we're always more than  
11 willing to support agencies in that way. You know so  
12 we can definitely uhm, maybe ask the question.

13 CHAIRPERSON RESTLER: Yeah, I mean when we had  
14 our budget hearing last year and remind me how long  
15 have you been in this position? It's about that  
16 long?

17 KATRINA PORTER: For almost two years now.

18 CHAIRPERSON RESTLER: Two years, okay so my  
19 recollection was that there was cuts from funding to  
20 the team that was responsible for overseeing and  
21 implementing the hiring halls. Is my remembering  
22 that correctly that there was cuts about a year ago?

23 KATRINA PORTER: Not that I'm aware of.

24 CHAIRPERSON RESTLER: Okay.

25 KATRINA PORTER: You know the hiring hall was the  
all hands on deck event at DCAS so all DCAS employees

1 kind of pitched in, so there wasn't really a set  
2 team.  
3

4 CHAIRPERSON RESTLER: Well, I'll just - I have  
5 some more questions on federal government so I'll  
6 just close on the hiring hall piece to say, I really  
7 think this was one of the more innovative things that  
8 happened in the Adams Administration and it was  
9 working and people really appreciated it and city  
10 government jobs are great jobs and we connect people  
11 to stable careers, especially people of color.

12 Moderate income backgrounds to really good steady,  
13 stable careers and we stopped that recruitment and I  
14 realize there's some efforts a foot but it's nothing  
15 like what had been happening and it's just a hugely  
16 missed opportunity. So I hope that you all consider  
17 bringing back the needed resources to do so because I  
18 think you were doing a great job and I you know, when  
19 the hiring hall came to District 33, I was not asked  
20 to cosponsor it. The Mayor asked all the other  
21 elected officials to co-sponsor it but I still was  
22 happy that it was happening in my community even if  
23 they didn't want my name on it.

24 LOUIS MOLINA: Council Member if I could just  
25 add, you know I think from my perspective, I think

3 what we have seen really is an expansion of that  
4 effort to connect New Yorkers to jobs. Not only jobs  
5 that are available in the city but jobs that may be  
6 available in nonprofits, jobs that may be available  
7 in the private sector. I've attended a number of  
8 these more expansive hiring halls with my SBS  
9 Commissioner colleague and there's a lot of  
10 engagement. We've also expanded on those that may  
11 be eligible for city purposes or 55A program that may  
12 have disabilities and we're making those  
13 accommodations as well. Appreciate your feedback and  
14 always how we can support to enhance those efforts  
15 done by NYC Talent and SBS and we also, our human  
16 capital team meets monthly with the agency personnel  
17 officers.

18 CHAIRPERSON RESTLER: Right.

19 LOUIS MOLINA: And whenever they engage with us  
20 and tell us they have an issue specifically about a  
21 particular title, where they're having a tough time  
22 recruiting, we will be there and prepared to help.  
23 They have specific hiring halls for those titles.

24 CHAIRPERSON RESTLER: Yeah but Commissioner, the  
25 challenge we have is that when we do these hiring  
halls that are mostly private sector oriented,

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3 nonprofit oriented, they can hire people in a week.

4 We just talked about a process with the civil service

5 exam where it's taken an average of 14 to 15 months

6 to get somebody hired or if we have agencies that

7 don't need to be hiring off a list, best case

8 scenario is still 3 to 6 months before somebody is

9 actually starting a job. If you get an offer, you

10 don't have work and you get an offer that you can

11 start in two weeks or you can start in six months,

12 you got to put food on the table, right? There's no

13 choice at all and our job as DCAS and Gov Ops, we're

14 focused on how do we make sure that the vacancy rate

15 in city government is down? How do we make sure that

16 every city agency is properly staffed? I want SBS

17 and the talent folks to do their job too but I don't

18 want to compete and I want you all to continue to be

19 laser focused on making sure that city agencies have

20 the resources and the staffing that they need to

21 thrive and I just think that we get lost in the

22 shuffle in these new approach to hiring halls. I've

23 heard from city agencies; they don't find it nearly

24 as effective as the previous hiring hall model that

25 they were really enthusiastic about. I have had

conversations with Henry Garrido going back five

3 years on wanting to see hiring halls just like this.  
4 I think there's a lot of enthusiasm from labor, from  
5 labor unions across New York City, from city  
6 government and from city agencies and it's just - I  
7 think there's OMB resource constraints on DCAS that  
8 made this impossible. I said that you didn't say  
9 that but I wish that you all had the resources and we  
10 should continue to push for the resources for you all  
11 to be able to be the robust recruitment arm that the  
12 city desperately needs.

13 LOUIS MOLINA: I appreciate your support.

14 CHAIRPERSON RESTLER: Thank you. I'm going to  
15 just on federal government issues, you know we've  
16 obviously seen a massive shrinking of the federal  
17 government. These Deputy Commissioner Porter, maybe  
18 for your too, I don't know. Just in case, you don't  
19 get too comfortable. We've seen a massive shrinkage  
20 in the federal government over the last three months  
21 and it seems like things are getting worse every day.  
22 What are we doing to target federal workers to help  
23 fill vacancies in city government? And then I just  
24 have a couple specific questions. Have you examined  
25 whether job qualification requirements adequately  
consider federal service? So that we're making it as

3 easy as possible for federal - uh for formal federal  
4 employees to qualify for city positions and  
5 relatedly, I'm really interested in understanding if  
6 we've reviewed federal government pension plans to  
7 determine if there are changes that we could or  
8 should be making at NYCERS and to our other pensions  
9 to credit federal service to encourage people who  
10 have left federal government to join city service.

11 LOUIS MOLINA: Got it. Okay, so thank you for  
12 your question. I'll just take the last part as it  
13 relates to NYCERS and federal pension plans. I'll  
14 leave that to NYCERS. We haven't specifically looked  
15 at that issue. I can tell you uhm, we have done  
16 significant work and a minimum qualification review  
17 where we have leaned an equal five what I'll say is  
18 work experience and certainly for certain federal  
19 jobs, there could be significant work experience  
20 that is equal on parts and maybe some academic  
21 training that would make that person qualified and  
22 competitive for that.

23 CHAIRPERSON RESTLER: I know that's been a  
24 priority of yours and I think that's a great thing  
25 that you've come in and tried to say work experience,  
lower some of the academic requirements, make sure

3 that people who have real world experience that can  
4 help and contribute to city government are eligible  
5 for the positions. That I love but I'm just  
6 specifically on the federal government experience  
7 piece, have we looked at that in particular to  
8 understand if we need to make adjustments to make  
9 sure that we're incentivizing as much as possible for  
10 federal government, formal federal government workers  
11 to join city service?

12 LOUIS MOLINA: So I think that the MQR review  
13 encompasses that because federal workers have  
14 significant work experience in a number of technical  
15 areas. What we've also done is we've worked with  
16 agencies where if they had former city employees that  
17 went - they took the opportunity with the federal  
18 government, we're working with those agencies. Can  
19 this person be reinstated? What is the process to  
20 rehire this person back in their agency that now has  
21 significantly more talent than when they left because  
22 of their experience the Feds.

23 So, it's on a case by case basis depending on the  
24 title we're talking about and the status of that  
25 individual but we engage with agencies who are trying

3 to bring back former city employees that were federal  
4 workers as well.

5 CHAIRPERSON RESTLER: Anything you'd like to add  
6 here? Could you speak to the pension issues at all?  
7 Are there ways in which we could or should be  
8 modifying our pension policies to better incentivize  
9 formal federal workers from joining city government?

10 KATRINA PORTER: Yeah so that question would be  
11 best addressed by NYCERS. I wouldn't be able to  
12 address that.

13 CHAIRPERSON RESTLER: Uhm, do you know if this is  
14 something - have you all been in conversation with  
15 NYCERS on this topic as of yet?

16 LOUIS MOLINA: We have not.

17 CHAIRPERSON RESTLER: Is that something that  
18 you'd be -

19 LOUIS MOLINA: I'm happy to engage with my  
20 partners at NYCERS to talk - to think it through and  
21 talk about it. I think might be better left to maybe  
22 like a state legislative issue because it effects  
23 pensions and pension tiers but happy to work with  
24 them to see if there's a value there.

25 CHAIRPERSON RESTLER: Well, any of those changes  
in all likelihood come through our Committee as well,

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3 so we'd be happy to be involved or helpful and  
4 supportive in any conversation.

5 LOUIS MOLINA: We have done a lot uhm on just try  
6 to help employees both at the state level and the  
7 city level understand the way portability of their  
8 pension work, right? So, at the state and city  
9 level, that is much easier but happy to get into - uh  
10 think through what we can do on the federal side.

11 CHAIRPERSON RESTLER: Okay. I have more  
12 questions that I think are for Deputy Commissioner  
13 Porter's world but I will pause in case Council  
14 Member Brewer would like to jump in.

15 COUNCIL MEMBER BREWER: Thank you very much. One  
16 question I have is just commercial space. Not all of  
17 it is yours but how much commercial space; not the,  
18 I'm talking storefront. There's certainly a lot of  
19 them around here, the old models ect.. How much do  
20 you have? How are you going to be renting it etc.?  
21 Because it does seem vacant and I get complaints  
22 generally about vacancy in terms of commercial space.  
23 Because when the city has it, it's even more  
24 complicated. So, I want to get an update on how much  
25 commercial space you have and how much is unrented.

2 LOUIS MOLINA: Yeah, so we just recently had an  
3 auction of three storefronts that went successfully  
4 well as we transitioned to an online auction website  
5 in order to conduct those auctions. That auction  
6 just completed for those three sites in Bay Ridge  
7 Brooklyn and we're in negotiations now with the one  
8 who won that.

9 As is relates to the storefronts that I think  
10 you're talking about, the former municipal credit  
11 union branch, as well as the restaurant. The Corte  
12 Café that was next to it.

13 COUNCIL MEMBER BREWER: And the one at 280  
14 Broadway too, yeah.

15 LOUIS MOLINA: Well to the Corte Café and former  
16 MCU Bank Branch, I've had meetings with my real  
17 estate team to sort of prep and prepare those  
18 storefronts for auction. We're evaluating how we can  
19 maybe do things a little bit better from our moving  
20 to an online auction platform to make sure that we  
21 get - we put ourselves in a position to get the most  
22 square footage possible dollar value for those sites  
23 as well. I can follow up with you on the Model site.  
24 That's a little bit different because it's managed by  
25 an outside entity who oversees that building but we

2 can follow up with you on that. And I know you do  
3 see a lot of storefronts as you're walking in and  
4 around this municipal sector. We don't have control  
5 over all those storefronts.

6 COUNCIL MEMBER BREWER: No, I know.

7 LOUIS MOLINA: But where we do, we are making  
8 efforts to get those lease auctions up.

9 COUNCIL MEMBER BREWER: Could you get a list to  
10 the Chair of those that you are trying to lease or  
11 that those that you are empty that you are in the  
12 process?

13 LOUIS MOLINA: Happily, we could send you that,  
14 yeah.

15 COUNCIL MEMBER BREWER: Okay because it doesn't  
16 add to the street scape. It adds to challenges and  
17 then of course my other question is and this is a 30  
18 year question. I do love the City Store but could it  
19 be somewhere more visible and could it be open on the  
20 weekends?

21 LOUIS MOLINA: Yes.

22 COUNCIL MEMBER BREWER: This is a 30 year story.

23 LOUIS MOLINA: No, no, I hear. I love the City  
24 Store as well as I learn more about it. So, we are  
25 doing a website refresh that's going to be launching

3 very soon. In addition to that, we've done  
4 improvements on our backend to sort of increase our  
5 online traffic to City Store.

6 COUNCIL MEMBER BREWER: Uh, huh.

7 LOUIS MOLINA: I'm also working with our  
8 Executive Deputy Commissioner that oversees the City  
9 Store to think about is there ways that we can draw  
10 in traffic. Soon we will have a new City Store  
11 manager that comes from the retail sector and looking  
12 forward to that person bringing us some new and  
13 refreshed ideas. To the evaluation of relocating the  
14 City Store, we haven't - we've thought about that.  
15 We're not kind of there yet. Thinking about where  
16 that might go but happy to engage with you and you  
17 team on -

18 COUNCIL MEMBER BREWER: If we just take a little  
19 portion of the Model space because then every tourist  
20 would purchase on the weekend. You're closed on the  
21 weekends.

22 LOUIS MOLINA: Yeah, we'll take your  
23 recommendation and advice.

24 COUNCIL MEMBER BREWER: And then you need longer  
25 scarfs. You only have the square scarf. You need  
the longer scarf.

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3 LOUIS MOLINA: Got it. Okay, I'll add that to  
4 our inventory.

5 COUNCIL MEMBER BREWER: This is 30 years of the  
6 same conversation. The other question I have is just  
7 about food. You know it so well and my question is,  
8 you purchase for Rikers. You purchase for HRA and  
9 you purchase for DFTA and my question is what are you  
10 doing Carmine Moses? What are you doing to have more  
11 local purchasing? What's the you know dollar figure?

12 LOUIS MOLINA: So, I'll share with you that we  
13 have parted with organizations including the New York  
14 State Department of Agriculture, Cornell Cooperative  
15 extension and Grown NYC to locate and promote locally  
16 grown and produce products. Furthermore, we are  
17 collaborating with agencies to enhance menu planning  
18 and incorporate more New York State products. I know  
19 it's important to you Council Member.

20 Whenever possible, DCAS does food biz require the  
21 inclusion of New York State products based on the  
22 successful procurement of these items. In previous  
23 contracts for example, apples and your onions are  
24 mandated as New York State products due to their  
25 consistent availability in past procurements. Local  
sourcing mandates apply to several categories

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3 including process fresh and frozen foods, Halal and  
4 Kosher meals, fresh fruits and vegetables, meats and  
5 poultry as well as baking products.

6 COUNCIL MEMBER BREWER: Okay, so what you're  
7 saying is that you're making big efforts to try to do  
8 more. That's what you're saying?

9 LOUIS MOLINA: Absolutely.

10 COUNCIL MEMBER BREWER: That's what you're  
11 saying.

12 LOUIS MOLINA: And we've talked about food  
13 before.

14 COUNCIL MEMBER BREWER: I know, I've been talking  
15 the same thing me, forever but I appreciate that  
16 you're aware of the concern and then we can keep  
17 working on it.

18 LOUIS MOLINA: Yup.

19 COUNCIL MEMBER BREWER: And then just finally, I  
20 know that the question of well, the closure of all of  
21 the H&H sites. Those were your processes right in  
22 terms of the places where migrants were living. Is  
23 that - are they completely done? Do you still have  
24 other places that need to be closed that are under  
25 your purview or is that not your purview at all now?

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3 LOUIS MOLINA: Yeah, so the operations and  
4 decommissioning of past or present migrant sites is  
5 not under our - we don't control that so I would  
6 refer you to the Office of Asylum Seekers, New York  
7 City Emergency Management where they have a footprint  
8 in H&H.

9 COUNCIL MEMBER BREWER: Okay because you had -  
10 you didn't have the Randall's Island, Creedmoor or  
11 Floyd Bennett? None of those were yours?

12 LOUIS MOLINA: We didn't operate them.

13 COUNCIL MEMBER BREWER: Okay.

14 CHAIRPERSON RESTLER: But the funding wise?

15 LOUIS MOLINA: The funding yeah.

16 CHAIRPERSON RESTLER: You're responsible for  
17 those contracts.

18 LOUIS MOLINA: Yeah, but it think the Council  
19 Members question was about the operation of those.

20 COUNCIL MEMBER BREWER: Yeah, no, I think I  
21 misspoke. I do want to know about the funding of.  
22 So, they're all closed? They're all gone etc.? Is  
23 that correct?

24 LOUIS MOLINA: I'll let DC Middleton give you  
25 some further clarification.

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3 SHANNA MIDDLETON: Yeah, thank you Council  
4 Member. In terms of the sites that are closed, so  
5 Floyd Bennett closed in January. Randall's also  
6 closed. Our budget in Fiscal Year 2026 does reflect  
7 funding for the remaining open sites that we pay the  
8 bills for and that's mainly for Creedmoor and the  
9 license sites, the hotel.

10 COUNCIL MEMBER BREWER: The hotel?

11 SHANNA MIDDLETON: And Bruckner.

12 CHAIRPERSON RESTLER: And Bruckner.

13 COUNCIL MEMBER BREWER: Okay.

14 CHAIRPERSON RESTLER: That's the new site in the  
15 Bronx.

16 COUNCIL MEMBER BREWER: Right, no I know I'm  
17 aware.

18 CHAIRPERSON RESTLER: Right.

19 COUNCIL MEMBER BREWER: Alright and so, do you  
20 have the cost? Creedmoor is because people are there  
21 and the new site, people are there?

22 SHANNA MIDDLETON: Correct.

23 COUNCIL MEMBER BREWER: So, all the ones that are  
24 vacant, you're no longer paying for?  
25

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3 SHANNA MIDDLETON: Right we're closing out  
4 remaining bills but there's no budget in Fiscal Year  
5 '26 for those sites.

6 COUNCIL MEMBER BREWER: Alright, thank you Mr.  
7 Chair.

8 CHAIRPERSON RESTLER: Thank you very much for  
9 raising that Council Member Brewer. Uhm, a few more  
10 hiring questions. I was concerned by some of the  
11 trends we saw in the PMMR in terms of citywide  
12 hiring. We saw a four percent reduction in the  
13 number of Black new hires, a three percent reduction  
14 in the number of Asian new hires and the percentage  
15 of women who are new hires dropped just to 41  
16 percent. At a time when the federal government is  
17 rolling back efforts to increase diversity or even to  
18 mention the word diversity and threatening DEI  
19 practices all across the nation. This should be a  
20 top priority for New York City. What do you  
21 attribute to these changes and what's DCAS doing to  
22 increase diversity in new hires?

23 LOUIS MOLINA: So, you know I'll take the one on  
24 the gender. So, given they are big exams in our  
25 uniform agencies, those tend to trend more towards  
males. So, that's where you could have seen that

1           disparity there. We do have a workforce that is  
2 significantly diverse. It's well over 70 percent but  
3 I think like we've talked about hiring halls, we're  
4 engaging with MWBE contractors. That's not  
5 specifically a hiring question but sometimes workers  
6 that we're engaging with that work for MWBE's choose  
7 to may want to take a career in the city as they  
8 learn more about our city's work.  
9

10           So, I think our diversity and inclusion efforts  
11 are still in the forefront, in the forefront of our  
12 mine when we're thinking about bringing in all of the  
13 talent that the city has to offer and that our  
14 government workforce is reflective of the city.

15           CHAIRPERSON RESTLER: Any thing you'd like to  
16 add? Uhm, and you mentioned Deputy Commissioner  
17 Porter I believe in our fall hearing that you  
18 anticipated the city workforce profile report; one of  
19 our favorite reports for FY24 would be released in  
20 March. Are we still on time for that?

21           KATRINA PORTER: So we are a little behind  
22 schedule but not too far.

23           CHAIRPERSON RESTLER: Okay.

24           KATRINA PORTER: Our new deadline for release is  
25 the end of April. We are experiencing some

3 challenges with the data but we're hopeful to get it  
4 done by then.

5 CHAIRPERSON RESTLER: Okay, the PMMR showed there  
6 was 47 percent reduction in the number of city  
7 employees completing the mandatory equity and  
8 inclusion training. I understand this can be  
9 dependent on calendar year training cycles but how  
10 many employees are we on track to train in total for  
11 FY25?

12 KATRINA PORTER: So, we always want to reach 100  
13 percent. So, we're constantly engaging the agencies  
14 and completing the mandatory trainings. As you know,  
15 we recently launched our NY City Learn system, which  
16 you know -

17 CHAIRPERSON RESTLER: Do you put agencies on  
18 blast? Like do you share that information publicly  
19 of what agencies have - what percentage of employees  
20 at a given agency have completed necessary trainings?

21 KATRINA PORTER: I'm not sure if it's public  
22 information but we do provide updates on a monthly  
23 basis.

24 CHAIRPERSON RESTLER: Could you share that with  
25 the Council?

KATRINA PORTER: Sure.

2 CHAIRPERSON RESTLER: Okay, we'll follow up for  
3 that. That's helpful and then relatedly, I'm just  
4 you know given the high profile documented sexual  
5 harassment incidents in this administration, has DCAS  
6 taken any steps to review sexual harassment training  
7 protocols?

8 KATRINA PORTER: So, we're constantly reviewing  
9 our training to ensure that you know it complies with  
10 you know federal, state, city laws and I believe we  
11 are engaging a vendor to also take a look at that.

12 CHAIRPERSON RESTLER: Okay, and there was also a  
13 46 percent reduction in the number of trainings  
14 completed by city employees for professional  
15 development. I understand there was a pause in  
16 training as you shifted to the NY City Learn  
17 Platform. I think you were just mentioning, have  
18 trainings resumed?

19 KATRINA PORTER: Yes.

20 CHAIRPERSON RESTLER: And okay and then I lastly  
21 just want to ask about DCAS headcount, which I don't  
22 think is your problem but uhm, so shifting back over  
23 here. DCAS currently has a headcount according to  
24 our notes of 2,043 out of a budgeted 2,417 positions.  
25 Vacancy rate of 15 percent but when you factor in the

3 additional 130 positions that Mayor Adams has cut  
4 from the DCAS headcounts since taking office, it's  
5 actually more like 20 percent.

6 The number of people employed at DCAS has  
7 increased by only 20 positions, since we had our last  
8 budget hearings. What steps are you taking  
9 Commissioner and team to fill these vacant positions?  
10 And could you just advise what positions are  
11 currently subject to the two for one hiring  
12 restrictions at DCAS?

13 LOUIS MOLINA: Yeah so uhm, you know one of our  
14 positions are our custodial positions were subject to  
15 the two for one. We're in communication with OMB now  
16 to do a one for one because we want to make sure that  
17 we stay on top of our buildings, cleanliness,  
18 conditions and all of those things. So, we're  
19 engaging with OMB now on those talks.

20 CHAIRPERSON RESTLER: What positions are  
21 exemptive? I mean you mentioned that they are  
22 subject to the two for one. Do you have any  
23 positions that are not subject to the two for one?

24 LOUIS MOLINA: We could follow up with you and  
25 get you a list of which ones.

CHAIRPERSON RESTLER: It's not the entire agency?

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2 LOUIS MOLINA: It's not the entire agency, no.

3 CHAIRPERSON RESTLER: Okay.

4 LOUIS MOLINA: In addition to that, our 50  
5 percent vacancy rate has been steady. I mean it was  
6 also that last fiscal year. I will say that the team  
7 overall that I inherited has been phenomenal work.  
8 So, there was a need to bring a lot of change to the  
9 agency and our core mission sort of stays on lock  
10 step and we haven't missed a beat.

11 With that, we've been aggressive with engaging in  
12 a lot of areas, not only in competition with trade  
13 jobs, jobs in energy where we're trying to recruit  
14 individuals to our agencies and where we have  
15 somebody that we are especially selected and wanted  
16 to hire, we make sure we get that person through the  
17 process.

18 CHAIRPERSON RESTLER: I'll just say that DCAS is  
19 the backend of city government and when you all don't  
20 have capacity, it undermines every city agencies  
21 ability to do their job effectively and so, when  
22 we're looking at 400 plus vacant positions, you know  
23 a 15 percent vacancy rate, it really does effect city  
24 services much more broadly. And so, I wish that with  
25 OMB support there was a plan to actually fill all of

1 these vacant jobs. I'm happy to hear you're  
2 addressing cleanliness because the data from the PMMR  
3 was really troubling that we saw only 59 percent of  
4 buildings down from 72 percent in the prior year were  
5 deemed clean based on the PMMR's status, so I'm  
6 hopeful.  
7

8 LOUIS MOLINA: I'll just answer to that specific  
9 point. You know that jumped at me out as well when I  
10 first become Commissioner and again, we've addressed  
11 bringing on more custodians to do that work. Doing  
12 better at pest management. I think it's important to  
13 point out our buildings, on average about 90 years  
14 old, so I think that also has an impact and we have a  
15 new Deputy Commissioner that's overseeing facilities  
16 and construction and technical services and we're  
17 doing better at engaging with our tenants, our agency  
18 tenants to make sure that we're responding to  
19 whatever needs that they bring to our attention.

20 CHAIRPERSON RESTLER: Okay. I have a few  
21 questions on city managed buildings. I'll start with  
22 a topic that's a favorite for many in the Council  
23 which is scaffolding. Mayor Adams you know has made  
24 it a whole big thing about how big a priority it is  
25 to get scaffolding down, declaring it bad public

1  
2 policy, bad for public safety etc.. Yet of course  
3 the city is responsible for many, many buildings that  
4 have had scaffolding up for many, many years on end.  
5 What is DCAS doing to get scaffolding down from city  
6 owned buildings? How many city owned buildings have  
7 had scaffolding up for more than five years? How  
8 many city owned buildings have had scaffolding up for  
9 more than ten years? Does DCAS have a plan to  
10 eliminate all you know buildings that have had  
11 scaffolding up for over I don't know 12 months?

12 LOUIS MOLINA: So, let me talk about the city  
13 buildings that DCAS manages. I'm happy to share  
14 that. We have removed scaffolding from eight sites.

15 CHAIRPERSON RESTLER: Okay.

16 LOUIS MOLINA: One of those eight sites we not  
17 only remove the scaffolding but we put up netting  
18 because at 8811- something Boulevard, we did netting  
19 and that was just better for the cosmetics of the  
20 neighborhood in Queens.

21 We have 11 buildings up that still have  
22 scaffolding and we are working, 4 of those 11 we're  
23 actively working on those sites with an effort to  
24 bring that scaffolding down. We can send you a list  
25 of those 11.

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3 CHAIRPERSON RESTLER: So, there only 11 city  
4 managed buildings that have scaffolding up today?

5 LOUIS MOLINA: That are managed by DCAS that have  
6 scaffolding. So, there may be other city buildings  
7 that are managed by other agencies directly and not  
8 DCAS that possibly could have scaffolding up.

9 CHAIRPERSON RESTLER: Okay, I you know celebrated  
10 the fact that 360 Adams Courthouse in Kings County  
11 Courthouse is finally going to begin work later this  
12 summer. I believe scaffolding to begin to come down.  
13 There's been scaffolding up there for over 18 years.  
14 So, there are kids graduating from high school this  
15 year that are younger than the scaffolding at this  
16 courthouse, which is in Columbus Park.

17 Some people here today shop at the Farmers Market  
18 there and are frustrated by the blight that we have  
19 on that courthouse. Can you commit that the timeline  
20 for when that work is going to begin and that DCAS is  
21 going to be removing the scaffolding in sections as  
22 the facade and roof work -

23 LOUIS MOLINA: I believe that work is primarily  
24 done by DDC, so we'll confer with DDC to make sure  
25 they're on schedule.

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3 CHAIRPERSON RESTLER: Okay great and then just  
4 another parochial question. Any update on  
5 construction at the Brooklyn Municipal Building?  
6 Current completion date and if you can share if  
7 temporary HVAC systems will be used this summer? And  
8 is the new boiler in place for next winter?

9 LOUIS MOLINA: Yeah, so I'll have Joe Wagner come  
10 up. He's technically - knows what's going on at that  
11 site.

12 CHAIRPERSON RESTLER: Good to see you Joe.

13 JOE WAGNER: Yeah nice to see you again. Uh at  
14 210, we will be not using temporary. Hopefully we're  
15 not using temporary unless something happens but it's  
16 schedule to be completed with the installation, so  
17 temporary boilers and chillers shouldn't be used.

18 CHAIRPERSON RESTLER: So, we should not expect to  
19 see temporary -

20 JOE WAGNER: Chillers at all.

21 CHAIRPERSON RESTLER: Chillers or boilers?

22 JOE WAGNER: Well, right now, the boilers are  
23 being used but they'll be off for the season.

24 CHAIRPERSON RESTLER: Yeah, but we're almost I  
25 mean-

26 JOE WAGNER: We're just about done with them.

2 CHAIRPERSON RESTLER: That will be very good news  
3 for the people who live nearby and I will just say  
4 while we've had some very, very angry neighbors, you  
5 and your team, Deputy Commissioner Ringelheim have  
6 been very responsive and we've appreciated the  
7 communication and the coordination even though it's  
8 been a painful process that you all have tried to  
9 work with us and did eventually identify very good  
10 solutions. And the timeline for completion?

11 JOE WAGNER: The end of December of 2026.

12 CHAIRPERSON RESTLER: End of December 2026 and  
13 housing court will move in after that?

14 JOE WAGNER: The courts will move in after that.  
15 They'll be done with construction. The courts -

16 CHAIRPERSON RESTLER: I think the original plan  
17 was the housing court was supposed to move in in 2020  
18 but that's probably not your problem.

19 JOE WAGNER: 2020 -

20 CHAIRPERSON RESTLER: 2027 we're getting there  
21 and this one might be for you also. The one critical  
22 component of the borough based jail project is that  
23 the Brooklyn Criminal Court needs to be made ADA  
24 accessible so that the sally port- so that detainees  
25 have access from the courthouse to the jail. My

2 understanding is that there's \$384,000 allocated for  
3 FY29. Is that right? Is that accurate?

4 JOE WAGNER: No, that's not the - that number is  
5 probably just a holding. That number, DDC is doing  
6 that project. It's not a DCAS project.

7 CHAIRPERSON RESTLER: So, my anxiety here is that  
8 the jail is supposed to be completed in FY29, two  
9 years after the law requires but still it's slated to  
10 be completed in '29 but if the project is only - the  
11 capital is only going to begin for ADA accessibility  
12 in FY29, we're not going to have that done in time  
13 for the jail to open. Is there anything we can do to  
14 work together to try to speed up that timeline?

15 LOUIS MOLINA: What I can do is engage with DDC  
16 because they're a lead on the project and just kind  
17 of see where they are on their planning.

18 CHAIRPERSON RESTLER: Okay.

19 LOUIS MOLINA: Yeah and follow up with you.

20 CHAIRPERSON RESTLER: Oh and I am - we have a  
21 group of kiddos with us up in the balcony. The Lower  
22 Manhattan Community Middle School from Council  
23 Member Marte's district are here and we just want to  
24 thank you so much for being with us today for our  
25 Preliminary Budget hearing with DCAS. We hope you

2 enjoy your time at the City Council and I failed to  
3 acknowledge Council Member Schulman. Thank you for  
4 being here Lynn.

5 Now, I am going to shift to the world of Deputy  
6 Commissioner Kerman and the Fleet. Thank you very  
7 much Assistant Commissioner Wagner. The PMMR showed  
8 that the city was up to 5,349 electric vehicles in  
9 the city fleet, an increase of 161 vehicles over the  
10 first four months of the previous fiscal year. So,  
11 about half as many new electric vehicles as were  
12 added in the first four months of '24 if I have that  
13 right. When can we expect to meet the revised goal  
14 of 6,000 electric vehicles?

15 KEITH KERMAN: Hi Council Member. It's great to  
16 be here again with you.

17 CHAIRPERSON RESTLER: Nice to see you.

18 KEITH KERMAN: So, we are going to be at 6,000 by  
19 the end of the year.

20 CHAIRPERSON RESTLER: Okay.

21 KEITH KERMAN: So, we have a lot of purchases  
22 that are actually coming in the fiscal year '25  
23 expense budget that are getting delivered now.

24 CHAIRPERSON RESTLER: Great.

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3 KEITH KERMAN: We've also moved some of our  
4 purchases including some of the pickups and vans are  
5 now capitally eligible, so that will take some relief  
6 off the expense budget, which we know is always  
7 stressed and we'll expect to see those mid-year. So  
8 we're going to hit 6,000 by the end of the year and -

9 CHAIRPERSON RESTLER: The end of the calendar  
10 year?

11 KEITH KERMAN: The end of the calendar year.

12 CHAIRPERSON RESTLER: Okay.

13 KEITH KERMAN: And for a little historical  
14 memory. When we started in 2015, when we announced  
15 the NYC Green Fleet Plan, we expected to be at 2,000  
16 by the end of 2025 calendar year. So, we have moved  
17 this you know much more than we ever thought we  
18 could.

19 CHAIRPERSON RESTLER: And just walk me through,  
20 the goal it to have a fully electric fleet by 2038?

21 KEITH KERMAN: That is correct.

22 CHAIRPERSON RESTLER: How many new electric  
23 vehicles will we need to get there?

24 KEITH KERMAN: Well, you know basic math so you  
25 have about 25,000 on road vehicles, right? So, you  
would have to be doing about 2,500 a year to meet

2 that - a little less. The 2035 goals is for light  
3 and medium and then there's a 2038 goal for heavy and  
4 specialized. So, 25,000 on road divided by 13 years,  
5 probably about 2,000 -

6 CHAIRPERSON RESTLER: 25,000 and we've done 6,000  
7 already?

8 KEITH KERMAN: We've done 6,000.

9 CHAIRPERSON RESTLER: So, we have 19 to go.

10 KEITH KERMAN: Correct although to be honest -

11 CHAIRPERSON RESTLER: We'd like to shrink the  
12 fleet a little more?

13 KEITH KERMAN: Well, we always look for fleet  
14 reduction. You also have some electric vehicles that  
15 have to be replaced, right? We have electric  
16 vehicles that are 12, 13 years old.

17 CHAIRPERSON RESTLER: But separate and apart from  
18 replacement, I just mean to say, we have a gap of  
19 19,000 electric vehicles that we need roughly and  
20 we've got 13 years to do it, so we got to do -

21 KEITH KERMAN: Within that math, it would be what  
22 about 800-900 a year if I'm thinking the math.

23 CHAIRPERSON RESTLER: So, 19,000 vehicles, 13  
24 years. That means we've got 1,500 or so to do a  
25 year, right? Or give or take.

2 KEITH KERMAN: Sure, you have limitations in the  
3 market place. So, you know we need to see advances  
4 on electric vehicles say in plowing, right? We don't  
5 have plow vehicles now that are electric, so you know  
6 that will be a limitation. We're going to need to  
7 see advances in fire fighting equipment you know,  
8 real advances. So, there also are issues in the  
9 market place. Not everything is ready to be electric  
10 yet.

11 CHAIRPERSON RESTLER: Fair but that being said,  
12 we'd still - how many just to give us - to help keep  
13 it simple for everybody, last fiscal year, how many  
14 electric vehicles did we purchase?

15 KEITH KERMAN: About 400.

16 CHAIRPERSON RESTLER: Right. So, our very back  
17 of the envelope, we're just sitting at a hearing  
18 talking math. We've got to do about 1500 a year.  
19 Last year we did 400, recognizing there's some gaps  
20 in the market that hopefully it's going to increase  
21 over time as electric vehicles become more widely  
22 adopted and utilized. We've got a ways to go. Last  
23 year, there was a \$15 million PEG if I recall  
24 correctly to electric vehicle purchasing, is that  
25 right?

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3 KEITH KERMAN: That's correct.

4 CHAIRPERSON RESTLER: How many additional  
5 electric vehicles would we have purchased if that \$15  
6 million PEG had not taken effect?

7 KEITH KERMAN: Well, \$25 million - it's simple  
8 math. \$25 million bought you 600 electric vehicles  
9 on the expense budget. \$10 million buys you about  
10 250. So, that's the gap. It's about 350 a year that  
11 you lose. We are trying to move, like I mentioned  
12 earlier, we're trying to move the pickups and vans,  
13 which we've made a lot of progress on the capital  
14 side.

15 CHAIRPERSON RESTLER: I do and I want to get into  
16 that I just before we do, just to keep it simple for  
17 me because you know I'm limited. We've got - we need  
18 to do about 1,500 a year. We did 400. We would have  
19 been able to do an extra 350 but OMB cut \$15 million,  
20 which was 60 percent of your EB purchasing last year.  
21 So, we would have been half way to our goal but now  
22 we're about a quarter of the way to our goal and that  
23 means we're nowhere close to being on pace to  
24 achieving the 2038 mandate. We're way off, right? I  
25 mean I just - even if they hadn't cut the \$15 million  
last year from your EB purchasing, we were half way

1 to our goal. Now, we are a quarter of the way to our  
2 goal and you're doing the best you can and I'm glad  
3 you're meeting 6,000 this year but 6,000 out of a  
4 25,000 goal, we're just way far off. So, I just, I  
5 continue to be just totally confused at why this cut  
6 took effect and how it aligns with our climate goals  
7 as a city and for what we're looking to accomplish  
8 with the fleet. What we're legally mandated to  
9 accomplish with the fleet.  
10

11 KEITH KERMAN: Well on the - let's go to the  
12 greenhouse gas emissions because that's actually a  
13 really great story. We committed to 50 by '25 back  
14 in 2015, which goes beyond the legal mandate of 40 by  
15 '25, and we are achieving that. So, how are we  
16 achieving that? You know we all want more electric  
17 vehicles but we do in fact operate the largest  
18 electric vehicle fleet in the state at 5,400 going to  
19 6,000. We operate the largest electric charging  
20 network in the state at 2,200 ports going up to 2,500  
21 and more. We're installing every day. And as the  
22 Commissioner testified, we've switched out the first  
23 major fleet in the east coast of the United States.

24 All our diesel fuel is now renewable non-fossil  
25 diesel fuel. We basically have used cooking oil and

3 waste animal fat powering the entire city fleet  
4 today. As well as the efficiencies, the fleet  
5 reduction and other efficiencies that I know you've  
6 been involved with.

7 So, the good news on the broader climate agenda  
8 is we're meeting 50 by 25. Find me another fleet  
9 anywhere that can say that and we've made enormous  
10 progress. On the electrification side, we are still  
11 making a lot of progress. We're moving vehicles onto  
12 the capital side. We announced a big truck purchase  
13 in December. We won a grant and that is moving  
14 forward to get 55 electric trucks. We're going to be  
15 doing more electric trucks on the regular capital  
16 program. We're also, to really bridge the target, so  
17 I know your math but I'll tell you actually really to  
18 bridge the target, we need to get law enforcement  
19 vehicles into electric models. That's actually what  
20 we'll bring and we are working to do that.

21 CHAIRPERSON RESTLER: So, let's shift gears to  
22 that. So, my notes are that the average cost of an  
23 NYPD vehicle are \$53,938. Is that consistent with  
24 your understanding?

25 KEITH KERMAN: I wasn't prepared to answer that  
question but you know, it sounds right.

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3 CHAIRPERSON RESTLER: It seems ballpark yes.

4 KEITH KERMAN: We could certainly find that.

5 CHAIRPERSON RESTLER: Would that include  
6 outfitting or would that just be the vehicle itself?

7 KEITH KERMAN: That sounds like an outfitting  
8 cost. There's about \$12,000 of outfitting that can  
9 go into an NYPD vehicle. You have your lights and  
10 sirens and the bullet proofing.

11 CHAIRPERSON RESTLER: So, why would and those  
12 lights and sirens, the technology, all of that  
13 totally essential to the vehicle, right? NYPD can't  
14 operate, can't put an officer in that vehicle without  
15 it. You can help me here, right? I'm getting a nod  
16 from the Commissioner, he knows.

17 KEITH KERMAN: All of those vehicles are being  
18 bullet proofed and set up with all of our -

19 CHAIRPERSON RESTLER: None of us would ever send  
20 a police officer out in any other type of vehicle in  
21 good conscience. We're north of the \$50,000 number.  
22 Why for gosh sake, is that not capitally eligible?

23 KEITH KERMAN: Well, as we've discussed before,  
24 we are working with OMB and the police department on  
25 that very proposal. And so, we agree and so we agree  
and we appreciate your support that police cars, not

1 just for NYPD but for other agencies, law enforcement  
2 vehicles are specialized equipment. Just like fire  
3 engines, just like sanitation equipment and should be  
4 capitally eligible. That would really help our cause  
5 plus the electric upfit will also be 10,000 to  
6 15,000. So, as you electrify those, we are working  
7 now with Ford and others on a plug in hybrid and all  
8 electric options, so that we can get plugs on these  
9 cars. So, we are absolutely supportive of that and  
10 appreciate your assistance.  
11

12 CHAIRPERSON RESTLER: I, I just Council Member  
13 Ariola, myself, this is a priority for both of us.  
14 We've raised it with the Commissioners Office and the  
15 Police Department. I know that they believe that  
16 this is a priority as well. I know this is a  
17 priority for DCAS, if I can say that and I've spoken  
18 to the Comptroller and his team. This is a priority  
19 for them too. It seems like everybody agrees except  
20 for the budget office over on Greenage Street. So,  
21 if we could all try to work together to get them to  
22 see that this so obviously in the benefit of us  
23 achieving our electrification goals and for us to be  
24 able to much more smartly manage the fleet, this  
25 feels like the most obvious thing in the world and I

3 would love for us to achieve it this Fiscal Year.

4 Can we work together on that?

5 KEITH KERMAN: Absolutely.

6 CHAIRPERSON RESTLER: Wonderful. Everyone around  
7 me is saying that I'm taking too much time. So, I  
8 will try to go faster. Let's shift gears to real  
9 estate, even though I had a lot more questions for  
10 you Deputy Commissioner Kerman. It's always good to  
11 see you. Can I just ask, I think I see every Deputy  
12 Commissioner here except for the Deputy Commissioner  
13 for Real Estate. Is Deputy Commissioner Hamilton not  
14 available today?

15 UNIDENTIFIED: [INAUDIBLE 01:29:48] Okay, I hope  
16 he's okay. I'm sorry to hear that.

17 So, the MMR showed there was an increase in  
18 leases. 2.8 million square feet, up from \$2.5  
19 million in FY23. With the announcement of an  
20 extension of the DC37 remote work pilot and of  
21 course, as I've noted, the shrinkage in the city  
22 workforce. Has the citywide space savings taskforce  
23 finalized its recommendations?

24 LOUIS MOLINA: Yeah, so we're close to having a  
25 finalized draft that's being reviewed right now and  
look forward to releasing that soon.

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2 CHAIRPERSON RESTLER: Okay, in October, you had  
3 mentioned that you had expected it by the end of the  
4 year so we certainly look forward to reviewing it.  
5 Could you - my understanding is that the total number  
6 of leases and the total square footage leased by the  
7 city has increased in the Administration despite the  
8 citywide remote worker pilot and despite the  
9 shrinkage in the city government workforce. Can you  
10 explain or can somebody help explain for me why we  
11 would be leasing more spaces and leasing more square  
12 footage when the workforce is shrinking and the  
13 workforce has shrunk dramatically and more people are  
14 working from home?

15 LOUIS MOLINA: Yeah, so I think there's a couple  
16 of issues and I'll turn it over Executive Deputy  
17 Commissioner Overton. We had prior leases that were  
18 not reflected yet in the primary administration that  
19 were added to that. I believe during the asylum  
20 crisis that would have added square footage of space  
21 that might have been leased or licensed to the city  
22 to deal with that issue, where you see those  
23 increases. EDC Overton.

24 SHAMEKA OVERTON: That's accurate.

25 LOUIS MOLINA: That's it.

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2 CHAIRPERSON RESTLER: Okay, I have a few follow  
3 up questions from our hearing in October. After that  
4 hearing, then First Deputy Mayor Torres Springer  
5 noted that a City Hall was conducting a review of  
6 policies and procedures across the Administration as  
7 a whole. I don't think we ever got an outcome there  
8 but it included - it was slated to include DCAS real  
9 estate practices.

10 Do you know if that review has concluded or what  
11 happened to it?

12 LOUIS MOLINA: Well, we did have a review of one  
13 lease that we talked about in October, which was 14  
14 Wall Street.

15 CHAIRPERSON RESTLER: Great.

16 LOUIS MOLINA: That review was done by Mayor's  
17 Office of Risk Management and we are waiting the  
18 deliberation of the decision of that review but we  
19 were very cooperative in the process.

20 CHAIRPERSON RESTLER: Okay. So, no update now.  
21 I think that our good friend at DFTA testified that  
22 it's in the final stages at the Aging Budget Hearing.

23 LOUIS MOLINA: I think that's an accurate  
24 description of it will be eminent.

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2 CHAIRPERSON RESTLER: Okay. Uhm, okay, a couple  
3 other questions here. So there's no broader review  
4 that is happening of DCAS leasing practices?

5 LOUIS MOLINA: So, there is. So, Executive  
6 Deputy Commissioner Overton and her leadership team  
7 is looking at asset and property management overall,  
8 which is real estate services, facilities management  
9 and construction typical services. We're in the  
10 middle of that process right now, so to understand  
11 best practices and other municipal jurisdictions -

12 CHAIRPERSON RESTLER: But that's not a City Hall  
13 review. That's a DCAS internal review.

14 LOUIS MOLINA: That's what we're doing internally  
15 yes.

16 CHAIRPERSON RESTLER: Do you know if the City  
17 Hall review continues or what happened to the -

18 LOUIS MOLINA: The largest City Hall review I  
19 would refer you to them to find out about that.

20 CHAIRPERSON RESTLER: Okay and you currently now  
21 report to Deputy Mayor Varlack?

22 LOUIS MOLINA: I do. The Deputy Mayor  
23 Administration.

24 CHAIRPERSON RESTLER: Right okay and I wanted to  
25 ask about the tenant representation services

3 contract. At our October hearing, you testified that  
4 DCAS was preparing a new RFP for tenant  
5 representation services and that we could expect a  
6 quote really soon, "by the end of the year." What's  
7 the status of the new RFP?

8 LOUIS MOLINA: Well that was my hope. So, one  
9 thing is through our RFP process that we had with 14  
10 Wall Street, I wanted to strengthen other aspects of  
11 the tenant RFP. So, working with our DCAS Office of  
12 General Council, we've tightened that up in areas  
13 where I thought there might have been some  
14 vulnerabilities and that's under legal review right  
15 now.

16 CHAIRPERSON RESTLER: Is Diana Boutros still the  
17 lead representative on the Cushman and Wakefield  
18 Contract?

19 LOUIS MOLINA: She's on the Cushman and Wakefield  
20 team yes.

21 CHAIRPERSON RESTLER: And she's still the lead on  
22 that team?

23 LOUIS MOLINA: She's on the team yeah.

24 CHAIRPERSON RESTLER: Her position has not  
25 changed since the hearing?

LOUIS MOLINA: It has not.

3 CHAIRPERSON RESTLER: Have you conducted any  
4 review of her selection process? Is the point person  
5 at Cushman and Wakefield working for the city?

6 LOUIS MOLINA: So, we don't select. We select  
7 the vendor but Cushman and Wakefield selects the team  
8 that's in place to manage that contract.

9 CHAIRPERSON RESTLER: In light of the litigation  
10 that has noted the involvement of city officials in  
11 her selection as the Cushman and Wakefield  
12 representative, there's been no review of her role?

13 LOUIS MOLINA: There's been no review by DCAS of  
14 her role in that.

15 CHAIRPERSON RESTLER: Okay and despite her  
16 glaring lack of qualifications, there's been no  
17 review, no conversations about whether we would be  
18 better served as a city with a more experienced  
19 representative in that position?

20 LOUIS MOLINA: I read her bio, I wouldn't of the  
21 opinion that she lacks qualifications but she's one  
22 member of a Cushman and Wakefield team that services  
23 the city's contract.

24 CHAIRPERSON RESTLER: I'll just say for the  
25 record; she had only done retail leasing. Never done  
commercial leasing and was put in charge of one of

3 the most important commercial leasing contracts in  
4 the City of New York, if not the most. And so, I  
5 stand by my description glaring lack of  
6 qualifications.

7 At the hearing in October, you testified that you  
8 were not familiar with the fact that the Chief  
9 Diversity Officer for the city had met with JRT  
10 Realty and Deputy Commissioner Hamilton multiple  
11 times regarding the fact that Diana Boutros and  
12 Jessie Hamilton slashed the MWBE goals in the  
13 contract. Have you spoken to the Chief Diversity  
14 Officer since then and worked to rectify that issue?

15 LOUIS MOLINA: No, so the issue was that we  
16 wanted to make sure that there was equitable  
17 representation of diverse contractors or  
18 subcontractors in real estate. So, the 30 percent  
19 goal was not reduced. What it was, was that with a  
20 ten percent goal for Black owned businesses, 10  
21 percent for Hispanic owned businesses, and 10 percent  
22 for women owned businesses.

23 CHAIRPERSON RESTLER: Right.

24 LOUIS MOLINA: To get to the 30.

25 CHAIRPERSON RESTLER: But the prior - the  
existing contract, which has been delayed and delayed

3 and delayed, let me restate that. Has been extended  
4 and extended and extended and has continued to be  
5 extended under your leadership. The one sub that was  
6 an MWBE was JRT Realty. When Ms. Boutros became the  
7 point person for Cushman and Wakefield, she slashed  
8 JRT Realty's role on the contract, slashing the MWBE  
9 goals on that contract. You're stating that you want  
10 - that your priority for the new contract is to  
11 expand MWBE's but you said at the hearing a few  
12 months ago, you were not familiar with the fact that  
13 Cushman had been brought into City Hall to meet with  
14 the Chief Diversity Officer, to address the fact that  
15 the MWBE goals had been slashed on the current  
16 contract, which continues to be extended. Have you  
17 looked at that issue and tried to address it?

18 LOUIS MOLINA: I was not at the meeting. What I  
19 can say is that I support diversity and I think it's  
20 important that we look at the subsets of those  
21 diversities to make sure that Black owned business,  
22 Hispanic owned businesses and women owned businesses  
23 are well represented.

24 CHAIRPERSON RESTLER: And to be clear, I agree  
25 with you and I know you weren't at the meeting. It  
predated your role as Commissioner or your time as

3 Commissioner but you were unaware of it at the - you  
4 testified to being unaware of it a few months ago, I  
5 was just wondering if anything had been done in the  
6 intervening time to look into this matter and try and  
7 rectify the existing contract where the MWBE had been  
8 cut out.

9 LOUIS MOLINA: Yeah, so I was appraised on the  
10 clarity that there was no reduction and instead of a  
11 reduction, we were just making sure that we were  
12 having goals that were representative of all of the  
13 small businesses.

14 CHAIRPERSON RESTLER: Okay, I don't - I think we  
15 might be talking past one another a little bit. I  
16 have a couple more topics and then I will let you all  
17 enjoy the rest of your afternoon but before I do, I  
18 just want to offer Council Member Brewer the chance  
19 to ask a few more questions.

20 COUNCIL MEMBER BREWER: Two points. One in terms  
21 of scaffolding. I know 2720 Broadway is, I think  
22 it's Volunteers of America but it's a city owned  
23 building. So, at some point it would be helpful to  
24 know, you own the building, somebody else manages it.  
25 The scaffolding is up and the complaints are endless.

2 So, that would be - maybe you could get us a list  
3 of the buildings that you own that also have  
4 scaffolding. You can obviously check that by looking  
5 at who owns it and then comparing that with the DOB  
6 website I assume. 2720 is just nonstop complaints,  
7 just FYI.

8 LOUIS MOLINA: Thank you.

9 COUNCIL MEMBER BREWER: City owned building.  
10 Number two, I just - it says here and maybe we  
11 covered this. I was listening earlier; I didn't hear  
12 \$1 million for city funds for lease costs on DCAS  
13 managing the buildings have been reduced. It seems  
14 like it would be more because there are fewer city  
15 employees. So I want to know how was that funding  
16 determined? What locations does it relate to? And I  
17 just it's just for one year only. I mention that  
18 also because at a community board, borough board  
19 meeting yesterday, Community Board 1 in Manhattan is  
20 very upset about 100 Gold because they weren't  
21 involved at all in the way in which it's going to be  
22 used in the future. So, I mean that will be an  
23 example. You have to move all those people out. I  
24 guess you're selling the building at the post of  
25 affordable housing.

3 So, how are you deciding how much and what kind  
4 of leases? A fewer number city employees are using.

5 SHANNA MIDDLETON: Yes, Council Member that  
6 adjustment you see was a technical adjustment done by  
7 OMB related to a couple of court sites, 141  
8 Livingston and 151 West Broadway. It's not related  
9 to the broader space savings program.

10 COUNCIL MEMBER BREWER: Okay but what is the  
11 number of fewer dollars for leased space because  
12 there are fewer employees?

13 SHANNA MIDDLETON: I'm sorry?

14 COUNCIL MEMBER BREWER: The City of New York has  
15 fewer people working. You'd think that if you're  
16 standing out here, that we would have fewer leased  
17 space right? Just computing. So, is there a  
18 reduction in the cost of leased space because there  
19 are fewer employees? And then what are we going to  
20 do with all those people at 100 Gold?

21 LOUIS MOLINA: Yeah, so to your point, I think  
22 when we finalize our spacing report, we anticipate  
23 that we will see a reduction, not only because there  
24 are less employees but also we have our work from  
25 home two days a week that's been extended.

COUNCIL MEMBER BREWER: Right.

2 LOUIS MOLINA: And just the world of work is just  
3 changing. To your question regarding 100 Gold  
4 Street. That is an economic development corporation  
5 led project, so they I believe have already released  
6 an RFP, so that we can create, I believe the goal is  
7 like over 1,000 units of housing. A percentage of  
8 that obviously would be affordable and we do have  
9 agencies at 100 Gold Street and we will be working  
10 with the agencies to make sure that we relocate them  
11 either first in any city space that may be available  
12 for their use so that that's more cost effective and  
13 obviously if we have to go to a leased space, then we  
14 would do that but we will work with each agency to  
15 figure out what their needs are and what would be the  
16 best thing for the city.

17 As far as engaging with the community that's  
18 effected by the 100 Gold Street Project, I believe  
19 there has been community engagement but again that  
20 project is led by EDC.

21 COUNCIL MEMBER BREWER: The Community Board was  
22 quite upset FYI. So, what you're saying is you're  
23 doing this space report and you'll give us a number  
24 as to how much we're saving in next year?

2 LOUIS MOLINA: We would forecast what we think  
3 that savings would be with sort of a rightsizing the  
4 space that's needed or space that is just not  
5 utilized or underutilized at the different agencies  
6 and working with the agencies to right size their  
7 lease square footage.

8 COUNCIL MEMBER BREWER: So, what's the timing of  
9 that?

10 LOUIS MOLINA: The report is in the final stages  
11 of being done, so hopefully soon you'll have it to  
12 share.

13 COUNCIL MEMBER BREWER: Thank you.

14 CHAIRPERSON RESTLER: Thank you very much Chair  
15 Brewer. I have one question on behalf of Council  
16 Member Marte, my friend and colleague from lower  
17 Manhattan about the status of the 88 East Broadway  
18 Mall. If there's anything that you can share there.  
19 It was supposed to be taken over by new owners two  
20 years ago and updates have been requested and nothing  
21 has been received. My understanding is there was  
22 some legal problems with the new group but trying to  
23 understand the mall is just sitting there decaying  
24 after City Hall had rushed to give it to their allies  
25

3 and now we want to understand what the path forward  
4 is.

5 LOUIS MOLINA: I just want to be exact because  
6 this involves litigation as well. So, the matter  
7 related specifically at East Broadway Mall is still  
8 pending resolution in Bankruptcy Court. The court  
9 has approved a bankruptcy plan for the city to issue  
10 a new lease to a new group called Broadway East  
11 Group. The city is currently performing its due  
12 diligence before executing a new lease, subject to of  
13 course the Bankruptcy Courts proceedings and the  
14 completion of the due diligence between DCAS  
15 anticipates executing the new lease in calendar year  
16 2025.

17 CHAIRPERSON RESTLER: Okay, so you expect to  
18 execute a new lease this year.

19 LOUIS MOLINA: Yes.

20 CHAIRPERSON RESTLER: Okay.

21 LOUIS MOLINA: Presuming the Bankruptcy Court is  
22 in support.

23 CHAIRPERSON RESTLER: And is there somebody that  
24 Council Member Marte's office should be following up  
25 with if they're not getting information?

2 LOUIS MOLINA: I mean I know Council Member Marte  
3 well, so he can always reach out to me directly and I  
4 can connect him with whom he needs to speak with on  
5 our side.

6 CHAIRPERSON RESTLER: His staff just walked out  
7 of the room but we will follow up with him to make  
8 sure that -

9 LOUIS MOLINA: He has my cell number.

10 CHAIRPERSON RESTLER: We appreciate that  
11 Commissioner. Two more items from me and my  
12 colleagues will kick me if they have anything they  
13 want to add before we let you go.

14 Non public school security guards. Uhm, Local  
15 Law - so, we just passed a new law to expand  
16 eligibility for smaller schools to benefit from these  
17 nonpublic school security guards. I think this is  
18 really important especially for considering the  
19 increase in hate crimes that we've been seeing across  
20 the city.

21 Local Law 4 of 2025 sets the maximum  
22 reimbursement rate for the expanded program at \$35  
23 million, which has not yet been added to DCAS's  
24 budget. When will the full funding be added for next  
25 fiscal year? Do you expect it in Exec?

2 SHANNA MIDDLETON: We have requested it and we're  
3 in conversations with OMB. They do typically add it  
4 before the new school year, so we're hopeful.

5 CHAIRPERSON RESTLER: Okay, great and have you  
6 done your own analysis? Do you expect the full \$35  
7 million to be needed or is it too hard to predict how  
8 many of the smaller schools will take advantage of  
9 this?

10 SHANNA MIDDLETON: I think it's a little too  
11 hard. You know if we look at the original program,  
12 it sort of took a couple of years to ramp up, so.

13 CHAIRPERSON RESTLER: And headcount has been  
14 added from as a result of our legislation? Have you  
15 guys begun the hiring process there?

16 SHANNA MIDDLETON: Yes, we're starting to  
17 recruit.

18 CHAIRPERSON RESTLER: Great and then the last  
19 topic Commissioner Molina, I think you are uniquely  
20 positioned to lead us to a solution on and that is  
21 renewable Rikers. From your past hat to your current  
22 hat, I think you are the person that can help us out  
23 of the morass that we find ourselves in.

24 DOC has transferred 40 acres of vacant land and  
25 the JATC facility to DCAS Control in 2021. Does DCAS

1 have full control in utility of that land and site as  
2 of today?

3  
4 LOUIS MOLINA: My apologies. DCAS has over the  
5 42 and a half acres in that one building, facility  
6 administrative control.

7 CHAIRPERSON RESTLER: Okay.

8 LOUIS MOLINA: We don't - are not in a position  
9 to have day to day operational control of that site  
10 because the operation of the island as you know is  
11 managed by the Department of Corrections.

12 CHAIRPERSON RESTLER: Does DOC still occupy 25  
13 percent of the facility for storage? Is that right?

14 LOUIS MOLINA: I don't know the answer to that  
15 off the back of -

16 CHAIRPERSON RESTLER: Do you know if DOC is still  
17 using the space?

18 LOUIS MOLINA: I don't know the answer if they're  
19 still using the space. I would refer you to DOC but  
20 we could also follow up with you as well.

21 CHAIRPERSON RESTLER: There as a DOI report that  
22 I imagine you remember well, that showed the building  
23 had been used as a secret lounge after being  
24 condemned in 2015 by DOC - a secret lounge for DOC  
25 officers after the building had been condemned in

1  
2 2015 and contained hundreds of thousands of dollars'  
3 worth of unused equipment. Do you know if this  
4 lounge area has been cleared out?

5 LOUIS MOLINA: Well that predated me. I could  
6 tell you -

7 CHAIRPERSON RESTLER: Predated you at DCAS or  
8 predated you?

9 LOUIS MOLINA: At DOC.

10 CHAIRPERSON RESTLER: At DOC.

11 LOUIS MOLINA: Yeah that lounge situation  
12 predated me. It was not used in that state when I  
13 was Commissioner. I would imagine the current DOC  
14 Commissioner is not allowing that either.

15 CHAIRPERSON RESTLER: Good. Has DCAS conducted  
16 any assessment of the 40 acres of vacant land on  
17 Rikers that was transferred into your control you  
18 know four years ago?

19 LOUIS MOLINA: Yeah so, there have been a number  
20 of DEP; I think has put in some research on what the  
21 possibilities are. It could be the future of Rikers  
22 Island as well as others. Sana I don't know if you  
23 want to add anything to that.

24 SANA BARAKAT: The DP and MOCEJ.  
25

2 LOUIS MOLINA: And the MOCEJ also has done some  
3 studies that they've shared with the Commission as  
4 well.

5 CHAIRPERSON RESTLER: And have you received any  
6 communication from DOC outlining a timeline for  
7 future transfers to DCAS?

8 LOUIS MOLINA: I have not.

9 CHAIRPERSON RESTLER: So, look -

10 LOUIS MOLINA: I mean it is DOC's. I mean they  
11 own that decision.

12 CHAIRPERSON RESTLER: I understand. I just,  
13 eventually we're obviously way behind the timeline  
14 that is required in Local Law. I think DDC testified  
15 it's been a long week, but DDC testified on Tuesday  
16 that they're looking to 2032 on current plans if  
17 things move as anticipated for closure, for  
18 completion of the borough based jails.

19 So, for our planning purposes, we are seven years  
20 away from if nothing changes, the closure of Rikers  
21 Island and we have only the most preliminary uplands  
22 for how we can maximize the use of this area to  
23 achieve our renewable energy goals and get New York  
24 City on a path to sustainability. I am really  
25 struggling to understand why this Administration is

2 not taking that planning process more seriously.

3 There's legislation in the Council now to consider a  
4 master plan to force the agencies to do more. My  
5 recollection is that you know there's a taskforce  
6 that just began meeting within the last year.

7 There's little results to show. The report was  
8 frankly lacking in specificity. How do we get this  
9 to be a top priority of the Administration over the  
10 course of the remainder of this year? I don't want  
11 to lose nine more months of us sitting on our hands.

12 We need a real master plan that can you know do  
13 any variety of bold and ambitious things. We heard  
14 Commissioner Ader Walt (SP?) testify earlier this week  
15 to some of his priority ideas for what we can do on  
16 Riker's Island but we just - we need to start  
17 planning and start the environmental review and  
18 whatever ULURP changes will be needed and the above  
19 and get the resources. It takes five to seven years  
20 to do all of those things and if we just let the time  
21 go, we're going to miss an enormous opportunity.

22 So, talk to me. You know both of these agencies  
23 that are the key agencies involved as well as anyone  
24 in city government. How do we not lose the rest of  
25 2025?

2 LOUIS MOLINA: Well, I think, you know I look  
3 forward to working with the Rikers Island Commission  
4 to come up with their recommendations and any support  
5 that we can provide at DCAS in supporting their work  
6 in that effort I think is important. As thinking  
7 about what is the future of that, Rikers Island can  
8 be. I've been public about this issue that I think  
9 Rikers Island needs to close but I think we need to  
10 evolve other plans in order to get that done. So,  
11 I'm in agreement with you in a lot of areas of how do  
12 we plan for the future and DCAS will not stand in the  
13 way at all.

14 CHAIRPERSON RESTLER: And who's the point at DCAS  
15 for this? Who's your point person on this issue?

16 LOUIS MOLINA: Sana Barakat because we think the  
17 biggest impact what renewable Rikers could be is  
18 really one of climate and sustainability for the city  
19 that could change things for a generation.

20 CHAIRPERSON RESTLER: Do you think it would be  
21 helpful for the Council to convene a meeting of some  
22 of the leading stakeholders in city government led by  
23 Deputy Commissioner Barakat to start to try and push  
24 for a more aggressive timeline to develop solutions  
25 here?

2 LOUIS MOLINA: Well, I know that Sana Chairs  
3 those for me as my designee on the Commission. If  
4 the Council thought they wanted a meeting that would  
5 be up to you. Certainly you know if we were invited,  
6 I'm sure we would attend.

7 CHAIRPERSON RESTLER: I mean the message I got  
8 from Commissioner Aggarwala earlier this week was  
9 basically that nothings is happening. Those are not  
10 his words; that's my total interpretation of them but  
11 I was Chairing the Environmental Protection hearing  
12 and it was disappointing and I just feel like we're  
13 on a road to nowhere and we're losing time and we  
14 can't afford it. It's so important. I mean this is  
15 just the - truly the hardest thing to find in New  
16 York City is space. We have an island that where we  
17 can achieve some of our most ambitious climate goals,  
18 whether it be new waste water treatment plants, you  
19 know new renewable energy hubs and so much more. How  
20 do we - I just I really want to hear how we can make  
21 this a priority for the rest of 2025.

22 LOUIS MOLINA: Sure, okay. So, if you want to do  
23 that, work together, I'm happy to think through how  
24 we can be more action oriented and heading in that  
25 direction.

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2 CHAIRPERSON RESTLER: I anticipate we'll have a  
3 hearing on this later this year to try to dig into  
4 more in that way but I'd love to do more work offline  
5 to actually move things forward.

6 LOUIS MOLINA: Absolutely.

7 SANA BARAKAT: If I may add, the Committee meets  
8 frequently and we are in the process of developing  
9 recommendations for the renewable Rikers.

10 CHAIRPERSON RESTLER: Okay. If there is progress  
11 that is happening that we're just not aware of, it  
12 would be great to be looped in more. I've heard from  
13 enough people in city government that they do not  
14 believe that progress is happening at the pace that  
15 it should, that I'm concerned. So, appreciate that  
16 you're working on it. I'd love for us to fast track  
17 it. With that, thank you very much Commissioner,  
18 Deputy Commissioner and team. Appreciate DCAS for  
19 your hard work and you guys have a great rest of your  
20 day.

21 LOUIS MOLINA: You to.

22 CHAIRPERSON RESTLER: We will start with OATH  
23 now. [01:51:45]- [01:52:55] Alright, we will  
24 encourage folks to take their seats and to quiet down  
25 and all those nice things so that we can get the next

1 thing going. [01:53:02]- [01:53:23] Okay great. I  
2 would now like to welcome Asim Hehman, Commissioner  
3 and Chief Administrative Law Judge to testify before  
4 the Committee. Thank you for being here today. The  
5 Office of Administrative Trials and Hearings Fiscal  
6 2026 Preliminary Budget totals \$77.2 million,  
7 including \$60.5 million in personnel services funding  
8 to support 455 full time positions and \$16.7 million  
9 for Other Than Personnel Services expenses. OATH is  
10 the city's central independent administrative law  
11 court conducting hearings for city agencies,  
12 commissions and boards. In the preliminary plan,  
13 OATH's Fiscal 2026 Preliminary Budget is \$3.8  
14 million, greater than it's fiscal '25 adopted budget.  
15

16 Today, we look forward to discussing OATH's  
17 operations and other adjustments included in the  
18 Preliminary Plan, staffing at the agency, the  
19 handling of summons for city agencies and the status  
20 of special education hearings. I remain deeply  
21 concerned about the dramatic increase in summons  
22 being issued by city agencies and processed by OATH,  
23 which are on track to exceed one million summons this  
24 year. As the agency ultimately responsible for all  
25 hearings and decisions, as the clearing house of all

1 of these summons, it's critical that OATH helps us  
2 better understand the dramatic impact of this  
3 increase on working class New Yorkers. I continue to  
4 be concerned that this increase is disproportionately  
5 impacting low income Black and Brown New Yorkers who  
6 could be forced to make the choice between paying a  
7 summons and buying groceries, leading to increased  
8 financial strain for far too many families. I  
9 greatly appreciate the work of the OATH staff who  
10 process all of these cases and work to advise New  
11 Yorkers on the process. I was particularly impressed  
12 that the number of help sessions more than doubled in  
13 the first four months of this fiscal year and I'd  
14 like to especially thank John Castelli and Rachel  
15 Amar for their tireless work in conducting in  
16 district OATH help events across the city, including  
17 just yesterday in Greenpoint.

18  
19 Thank you to Judge Rehman for joining us today.  
20 I know you're under the weather, so we'll try to be  
21 nice to you. Well, I can't speak for my colleagues.  
22 With that, I'd like to please ask the Committee  
23 Counsel to administer the oath and swear in the  
24 testifying representatives.

2 COMMITTEE COUNSEL: Good afternoon officially.

3 Could you please raise your right hands? Do you  
4 swear to tell the truth, the whole truth and nothing  
5 but the truth in your testimony before this Committee  
6 and respond honestly to Council Member questions?

7 PANEL: I do.

8 COMMITTEE COUNSEL: Thank you. You can go ahead.

9 ASIM REHMAN: Good afternoon. My name is Asim  
10 Rehman and I am the Chief Administrative -

11 CHAIRPERSON RESTLER: Just before you begin, I'm  
12 sorry Judge. We're just on a long timeline for  
13 today. I just ask if you could highlight the key  
14 things and try and limit this seven single space page  
15 will just be a little much, so if you could just  
16 streamline a little bit of your testimony today, we  
17 would appreciate it.

18 ASIM REHMAN: Yes Council Member. I prepared a  
19 shorter version than what's been submitted for the  
20 record.

21 CHAIRPERSON RESTLER: Perfect. That's perfect,  
22 thank you very much.

23 ASIM REHMAN: Again, my name is Asim Rehman, I'm  
24 the Chief Administrative Law Judge and Commissioner  
25 at OATH, the New York City Office of Administrative

2 Trials and Hearings. I would like to start today by  
3 thanking Chair Restler and the members of the  
4 Committee on Governmental Operations, State and  
5 Federal Legislation for the opportunity to testify  
6 today.

7 As I mentioned in the interest of time, I'll  
8 submit my full testimony for the written record but  
9 I'll present a shorter version of it right now for  
10 the purpose of today's hearing.

11 As the Chair mentioned, OATH is the city's  
12 independent, central administrative law tribunal. In  
13 the past calendar year, fiscal challenges have not  
14 deterred us from our mission to ensure due process,  
15 fair and impartial hearings and timely decisions for  
16 everyone who comes before OATH. All of OATH's  
17 adjudicators approach this responsibility with the  
18 upmost seriousness, as do the OATH staff who help  
19 support our hearings.

20 I can personally speak to this commitment. As  
21 the Chief Administrative Law Judge, I, myself,  
22 conduct trials and conferences where I meet with  
23 litigants and their representatives, listen to  
24 evidence, help parties find opportunities to settle  
25 and issue decisions that are based on the law. Even

3 when faced with challenges, OATH's been able to  
4 maintain our standards by adopting our practices so  
5 that we continue to seamlessly deliver our services  
6 to New Yorkers, city agencies, and all parties who  
7 appear before us.

8 The proof is in the numbers. In the calendar  
9 year 2024 alone, we processed almost 660,000  
10 summonses. We held close to 250,000 hearings. We  
11 issued over 2,500 appeals decisions, conducted over  
12 670 trials, and closed over 17,000 special education  
13 cases. It's a notable increase from the volume of  
14 work we did in calendar year 2023. These tremendous  
15 figures are a testament to the amazing public  
16 servants who are part of the OATH team.

17 In each of these thousands of cases, the tireless  
18 and committed staff at OATH take great care to ensure  
19 that every party who appears before us is treated  
20 impartially and is accorded due process. OATH has  
21 three main adjudicative divisions, the trials  
22 division, the hearings division and the special  
23 education hearings division. OATH has a robust help  
24 center that provides nonlegal support to  
25 unrepresented parties with cases at OATH. OATH is  
also home to the city's Center for Creative Conflict

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2 FEDERAL LEGISLATION

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3 Resolution and to the Administrative Judicial  
4 Institute.

5 OATH's work is also supported by a variety of  
6 internal teams including our Administration division,  
7 General Counsel team, IT division, Legislative and  
8 Public Affairs teams and more. A key and core  
9 ingredient to ensuring due process is keeping oath  
10 impartial and independent.

11 For OATH, impartiality and independence means  
12 that our Administrative Law Judges and our hearing  
13 officers listen to all sides, review the evidence  
14 without favor, apply the law fairly, and do this  
15 without any external influence. We do not take  
16 direction from any city agencies on our cases.

17 At OATH we believe there's one standard of  
18 justice for all. The members of the public who have  
19 cases at OATH are treated no differently from the  
20 city agencies that appear before us. Independence  
21 and impartiality also means that OATH does not  
22 comment on enforcement policies, rules or regulations  
23 or on disciplinary practices of the agencies that  
24 file cases with us.

25 Our role is to adjudicate cases, not to set  
policy. Consistent with this, when we regularly

1 provide City Council with data reports concerning  
2 cases filed with OATH, you'll note that we do not  
3 analyze that data or make recommendations. Such  
4 analysis is not in our purview.  
5

6 As for our budget, OATH's Fiscal Year 2025  
7 Adopted Budget was \$73.4 million and the Fiscal Year  
8 2025 current modified budget was \$74.6 million.  
9 OATH's total preliminary fiscal budget for Fiscal  
10 Year 2026 will be \$77.2 million. Of that, \$60.5  
11 million is in personnel services and \$16.7 million is  
12 in Other Than Personnel Services. Agency headcount  
13 will be 455 for fiscal year 2026 Preliminary Budget  
14 and that doesn't include the 363 per session judicial  
15 hearing officers in the hearings division, all of  
16 whom work on a part time schedule.

17 Whatever challenges await the city, OATH's  
18 amazing staff have dedicated themselves to meeting  
19 the moment and making sure that New Yorkers receive  
20 impartial hearings and timely decisions.

21 OATH's staff is very much New York's fairest. As  
22 noted, I'm going to submit a more detailed version of  
23 the testimony into the record but for now I look  
24 forward to our continued efforts with the City  
25

3 Council and I welcome any questions you may have.

4 Thank you.

5 CHAIRPERSON RESTLER: Thank you very much.

6 Council Member Brewer, if you would like to ask  
7 questions any time, please just let us know.

8 Let's start with the headcount. Why is those  
9 actual headcount as of January '25 over the budgeted  
10 headcount by I believe 16 positions?

11 ASIM REHMAN: So, our headcount with the - under  
12 the Fiscal 2026 upcoming budget we'll about break  
13 even. Currently, we're just one over that amount and  
14 the reason that we're over the amount is because our  
15 needs have grown and when our needs have grown and  
16 when we've needed additional resources to adjudicate  
17 cases, we've gone to OMB. We presented them with the  
18 evidence and they've approved our request have  
19 addition staff and they have allowed us to hire  
20 additional staff but have not yet put those funds  
21 into the budget. They've said they will put those  
22 into future plans. So, that's why we have more staff  
23 than are actually budgeted for.

24 CHAIRPERSON RESTLER: So, OATH's budget has  
25 increased 30 percent since the FY25 Preliminary  
Budget. Last year, OATH's budget increased 23

2 percent, \$14 million from when we had our hearing to  
3 the Adopted Budget. So, a 23 percent increase from  
4 prelim to adoption, \$14 million that's a big increase  
5 for a small agency.

6 Including \$4.2 million in new baseline needs for  
7 23 new positions. You had testified during our  
8 preliminary budget hearing that OATH has the  
9 resources it needs so a little confused at how we got  
10 there but that being said, are you intending to ask  
11 for additional needs again this year and will you  
12 share with this Committee what those intentions are?

13 ASIM REHMAN: Well, I can answer it in a word and  
14 that word is cannabis.

15 CHAIRPERSON RESTLER: It's what?

16 ASIM REHMAN: It's cannabis.

17 CHAIRPERSON RESTLER: Cannabis.

18 ASIM REHMAN: A key change since when we last sat  
19 here Council Member was the legal change that allowed  
20 the Sheriff of New York City to enforce the state  
21 cannabis law and anyone who of course who is subject  
22 to a fine or a penalty is entitled to due process and  
23 those cases came before OATH.

24 So, we had a new form of case come to us in the  
25 last year and not just in new form but a case that

3 was subject to expedited handling. So, we needed  
4 additional resources. That included additional  
5 adjudicators, both part time and full time and that  
6 included other administrative staff. So, those are  
7 just some of the changes over the last year where  
8 we've gone to OMB and said, there's a new need. We  
9 needed additional funding and we received that  
10 additional funding. There was a second part to your  
11 question that I don't recall Council Member.

12 CHAIRPERSON RESTLER: Do you have new needs for  
13 this year?

14 ASIM REHMAN: We do and we've submitted those to  
15 OMB and we are in active discussions with them about  
16 those needs and the details behind those.

17 CHAIRPERSON RESTLER: Anything you can share with  
18 us?

19 ASIM REHMAN: There are needs related across the  
20 department. There are both needs that concern what  
21 the public sees, the adjudicators but there are also  
22 needs that concern our internal infrastructure.

23 CHAIRPERSON RESTLER: So, both staffing and OTPS?

24 ASIM REHMAN: Correct.

25 CHAIRPERSON RESTLER: Okay. I'd like to shift to  
summons. The PMMR showed that summons were up

1 another 35 percent in FY25 and on track to exceed one  
2 million summons issued for the year. This has more  
3 than doubled the number of summons issued when Mayor  
4 Adams took office in FY22.  
5

6 As I mentioned in my opening, I am deeply  
7 concerned about the impact these summons are having  
8 on New Yorkers and the lack of impact they're having  
9 to actually address and improve city conditions.  
10 Recent reporting showed that the Department of Health  
11 doubled the number of rodent summons but 311 activity  
12 by rat complaints continues to increase.

13 NYPD has just announced a new qualify of life  
14 unit that will inevitably drive summons up even  
15 further and my understanding is the NYPD is throwing  
16 the progress of the CJRA from the Mark Ferrito de  
17 Blasio era out the window. I understand that OATH is  
18 not responsible for issuing these summons just  
19 adjudicating but work the clearing house and the only  
20 agency that has insight into the cumulative impact  
21 that these million summons in FY25 have on New  
22 Yorkers.

23 Have you done an analysis of the dramatic  
24 increase of the summons issued by the Adams  
25 Administration and spoken to City Hall about it?

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3 ASIM REHMAN: Yeah, I'm not sure I would  
4 characterize OATH as the place that would have  
5 insight into the impact of those increases. We do  
6 see the increases and again, our job is to adjudicate  
7 the cases. So, we are in a position to provide who  
8 ever wants to conduct that data analysis, be it City  
9 Council, be it City Hall. Individuals who want to  
10 look at data to see what increases have gone up and  
11 what does that data tell us. We can provide that  
12 data. OATH did a tremendous amount of information  
13 regarding our summonses and we issue many reports,  
14 including regular reports to Council.

15 CHAIRPERSON RESTLER: Have you flagged for your  
16 counterparts at City Hall the tremendous increase?  
17 Doubling since the time the Mayor took office so that  
18 they're thinking about the impacts of such a  
19 phenomenal increase in summons during this relatively  
20 short period?

21 ASIM REHMAN: It would be appropriate for OATH to  
22 flag for City Hall the impact it would have on OATH  
23 and our obligation to make sure we can provide timely  
24 hearings. It wouldn't be appropriate for the  
25 tribunal to flag for City Hall any larger societal  
impacts of those summonses.

2 CHAIRPERSON RESTLER: But you do look at whether  
3 you think agencies are appropriately following their  
4 own rules and regulations in laws in the issuance of  
5 those summons.

6 ASIM REHMAN: In the issuance of those summonses  
7 but if we were to see a trend that this particular  
8 agency sees this type of dismissals or what not, that  
9 would be for the agency to study to see, do they need  
10 to be doing anything differently. It wouldn't be  
11 appropriate for the court to say, hey agency, we see  
12 x, y, z, happening because then we lose our status as  
13 being an impartial party.

14 CHAIRPERSON RESTLER: Certainly I understand  
15 you're an impartial party but flagging the trend  
16 lines both for the impact for OATH but also the  
17 impact on New York City, seems like a notable thing  
18 to do. It sounds like you have not had that  
19 conversation with counterparts at City Hall about a  
20 million summons, that we're on track for one million  
21 summons. Do you know the average cost of a summons  
22 in New York City?

23 ASIM REHMAN: I don't.

24 CHAIRPERSON RESTLER: Do any of your colleagues?  
25

2 ASIM REHMAN: But it ranges. I can tell you that  
3 the lion share, vast majority of summonses that we  
4 see are issued by the Sanitation Department and the  
5 categories of summonses that we see most frequently  
6 are the types of summonses that have what we may  
7 consider to be lower level penalties. But I don't  
8 know how the numbers shake out if we were to do a  
9 pure across the board average. But again Council  
10 Member, I think it's really important to point out  
11 that while you and others may think that there is  
12 great value in analyzing that increase, that is not  
13 an analysis that the tribunal should engage in.

14 CHAIRPERSON RESTLER: I appreciate that  
15 Sanitation is one agency that's seeing a significant  
16 increase in summons but the last time I looked  
17 through all of this data, a broad range of agencies  
18 had shifted policies in this administration and we're  
19 dramatically increasing the number of summonses  
20 issued.

21 Going from half a million to one million in three  
22 years, that means that one out of eight New Yorkers  
23 has an additional \$75 that they owe to the city every  
24 single year or whatever that average number is. That  
25 is a big financial impact on New Yorkers and I'm not

1 - It's not clear to me that it's improving the  
2 quality of life in any way. And so I get that you're  
3 just here to you know as Justice Roberts might say,  
4 judge the balls and the strikes, recall the balls and  
5 the strikes but nobody is looking at the policy  
6 implications and encouraging every single agency to  
7 just issue as many summonses as they possibly can and  
8 what that does to New York City. So, I wish that  
9 this was a place where you would take the data that  
10 you're seeing and highlight for your counterparts at  
11 City Hall that we have a problem and that you know we  
12 can't just summons our way out of the issues that  
13 we're facing in New York City. Council Member, you  
14 want to jump in?

16 COUNCIL MEMBER BREWER: Two things. First of  
17 all, I'll say hello to your parents. That was great  
18 for me to meet them at that event. I want to talk  
19 about cannabis. I'm obviously interested in this  
20 topic. So, two things. Are you getting payments  
21 from those that have been closed because I know that  
22 was a concern. And then also, I think there's  
23 ongoing litigation that includes questions about the  
24 units training and knowledge needed to preside over  
25 the cases. So, I didn't know if you were doing

3 anything different in order to deal with that issue.  
4 Number two is pedicabs. Why does some violations go  
5 to OATH and others to the Midtown court? I'm a big  
6 fan of Judge Wang at the Midtown Court and he doesn't  
7 know why there's a difference also. And also, do you  
8 have any recommendations on how to deal with these  
9 pedicab issues?

10 ASIM REHMAN: Thank you and thank you for the  
11 kind words Council Member Brewer and we always  
12 appreciate your engagement with OATH and coming out  
13 to your district where we can work with your  
14 constituents on.

15 COUNCIL MEMBER BREWER: We love John.

16 ASIM REHMAN: As to your questions regarding  
17 cannabis, OATH is the system of record with respect  
18 to payments made when a summons penalty is imposed.  
19 So, if a hearing happens or there's a default and a  
20 penalty is imposed, we're the system of record that  
21 has the data both on what's been imposed, what's been  
22 paid and what hasn't been paid. We are not in the  
23 business of going out and collecting on this.

24 COUNCIL MEMBER BREWER: No, that's finance.

25 ASIM REHMAN: Right and so, we do have  
information and data on how much has been paid and

3 how much hasn't been paid on that summonses on those  
4 summons codes.

5 As for training, if there's active litigation of  
6 which we know that there are some challenges  
7 regarding decisions that have come out of OATH.  
8 That's not something I can comment on and that would  
9 be more appropriate for the law department. I'm not  
10 aware and I'm happy to follow up. I'm not aware of  
11 particular real kind of substantive allegations that  
12 have been made regarding the training incompetence of  
13 our hearing officers, but I can tell you anecdotally  
14 that I read the decisions that come out from our  
15 various hearing officers and I've looked closely at  
16 the ones that are being issued regarding the cannabis  
17 cases. I don't overrule them. They are independent  
18 hearing officers but I find the quality of them to be  
19 very good, thorough, engaging with the evidence,  
20 explaining the law. So, I feel very confident in the  
21 capabilities of our hearing officers for these cases.

22 COUNCIL MEMBER BREWER: Okay.

23 ASIM REHMAN: On the question of pedicabs, I'm  
24 not sure. Can we get back to you on that? I don't  
25 know sitting here today what are the violations that

3 are being issued against pedicab drivers and how that  
4 might differ from the I'm sorry, it was which court?

5 COUNCIL MEMBER BREWER: Mayor's Midtown Court on  
6 54<sup>th</sup> Street, yup, Judge Wang.

7 ASIM REHMAN: Alright, we will look into that and  
8 we'll see if we can get back to your office about  
9 with some information about what is the difference  
10 between what type of violations come to OATH versus  
11 the Midtown Court. That's a new one for me, thank  
12 you.

13 COUNCIL MEMBER BREWER: Okay and then in terms of  
14 special education, that's something that I know  
15 you're dealing with more recently and it's big  
16 challenge in terms of the students and the families  
17 and so on. So, which on the special education  
18 hearings division, which now handles all due process  
19 cases for students with IEP's, and individualized  
20 special education programs. How is this hearings  
21 division structured? I think the reason we're asking  
22 this question and I think you know this is that  
23 Carter cases are just blooming, blossoming and  
24 costing. And so, we're trying to figure out how they  
25 can be adjudicated for the right position and student  
placement but then there's a cost factor too. So, I

1 just want to know a little bit more about that  
2 division.  
3

4 ASIM REHMAN: Sure, so the Special Education  
5 Hearings Division is one of our as I mentioned main  
6 adjudicatory, our three adjudicatory divisions and it  
7 is led by a Deputy Commissioner. It started up right  
8 when I got here, so it started in early 2022 by  
9 nature of the agreement between the city and the  
10 state in late 2021. And it started with just a  
11 handful of people and it has grown significantly  
12 because of the need. We now have close to 100  
13 independent hearing officers working full time on  
14 staff. We have four special education attorneys who  
15 are not hearing officers but they assist with legal  
16 case work and we have about 19 to 20 administrative  
17 staff members and these are the individuals who are  
18 the muscle behind the cases. They are the ones who  
19 line everything up and help with scheduling and  
20 support all of the independent hearing officers. So,  
21 that's the structure of the unit and the way that the  
22 process works is if a parent or family files a due  
23 process complaint with the DOE, the DOE then has to  
24 assign that out and before last January, January of  
25 2024, DOE would assign out those cases, some to OATH

3 and some to contracted IHO's not affiliated with  
4 OATH. Starting with January of last year, 2024, now  
5 all new cases come to OATH. So, if DOE gets a due  
6 process complaint, whatever that volume is, they  
7 assign it to OATH. So, we are dealing with that  
8 volume on our end.

9 COUNCIL MEMBER BREWER: What's the timing between  
10 when the family files and there's adjudication and  
11 hopefully -

12 ASIM REHMAN: Yes, that's really the key question  
13 and that timing question is what got OATH involved in  
14 the first place. I'd like to remind you -

15 COUNCIL MEMBER BREWER: Ms. Vladeck is the good  
16 person behind all that.

17 ASIM REHMAN: I understand. Before OATH got  
18 involved, average case length was over 250 days  
19 before OATH got involved. Now that we're involved,  
20 average case length is closer to 84 days, which is  
21 below the legal threshold of 105 days. The legal  
22 deadline time is 75 days. Usually there's a 30 day  
23 extension that people ask for that's 105 days, so our  
24 average is below but as noted in the PMMR, we still  
25 have work to do about 80 plus percentage of our cases  
are closed within that legal deadline. A tremendous

3 improvement from what the world was like before OATH  
4 took these cases but of course, we want to get that  
5 number higher.

6 COUNCIL MEMBER BREWER: And are there new needs  
7 that are related to this division? Are there other  
8 fundings needed? Is there something, I know you say  
9 it would be good to get that well, 20 percent or  
10 whatever it is to be in the ballpark or even less  
11 than 84 days. Are there new needs related to this  
12 division that you think should be evaluated?

13 ASIM REHMAN: These are things that we are  
14 regularly talking with OMB about. They just recently  
15 approved OATH posting and hiring nine additional  
16 IHO's, which we quickly filled and they just competed  
17 training a week or two ago, so as demonstrate with  
18 the numbers to OMB what the need is, OMB has been in  
19 active discussions with us and as I mentioned  
20 recently, approving bringing on new people.

21 COUNCIL MEMBER BREWER: More on the policy level  
22 and then I'll stop, which is obviously you're dealing  
23 with adjudication that makes sense but there may be  
24 policy implications, so do you also discuss that with  
25 Board of Education? Because is this Carter case is a  
big mess. Not your mess, the population, our city,

3 education. Is there like a policy implication that  
4 you would also discuss with the Board of - with the  
5 Department of Education?

6 ASIM REHMAN: We do not. While we do engage with  
7 the Department of Education on a number of fronts,  
8 mostly logistical and procedural, these broader  
9 issues about how do address services for students in  
10 New York in who have special needs, are policy  
11 decisions and it is not the appropriate place for the  
12 tribunal to get involved in those discussions.

13 COUNCIL MEMBER BREWER: Alright, thank you very  
14 much.

15 ASIM REHMAN: Thank you Council Member.

16 CHAIRPERSON RESTLER: Thank you very much Council  
17 Member Brewer. I'd like to continue on the topic of  
18 special education hearings. So, recognizing there's  
19 been some improvements relative to just the disaster  
20 of how this issue had been handled at the DOE. In  
21 the first four months of FY25, OATH closed only 85.6  
22 percent of cases within the regulatory timeframe,  
23 which is down 10 percent from last year and the  
24 average time to close cases increased 23 percent from  
25 68 to 84 days. Could you speak to these declines and

3 what measures OATH is taking to more efficiently  
4 resolve the cases?

5 ASIM REHMAN: Yeah, so I could say without  
6 scientific certainty but I can say that our main  
7 understanding for that decrease in time was because  
8 of an increase in caseload.

9 CHAIRPERSON RESTLER: Increase in time but yeah.

10 ASIM REHMAN: Right, right meaning -

11 CHAIRPERSON RESTLER: Yeah, no I gotcha.

12 ASIM REHMAN: The drop in the compliance, I'm  
13 sorry.

14 CHAIRPERSON RESTLER: Yes.

15 ASIM REHMAN: Was through, was due to an  
16 increased caseload. In particular, last year, last  
17 summer because of some movements that were happening  
18 at the state level, there was a very sudden surge of  
19 a particular type of case that was filed by parents  
20 and we've had to deal with that massive surge and so  
21 the increase caseload has of course created new work.  
22 How are we dealing with it? Well, we have to very  
23 tightly manage internally how we do our case  
24 assignments. How we set up our processes and then  
25 there comes the question of resources, which as I  
mentioned, had us go to OMB to say this is how our

3 numbers have changed. This is what we think is the  
4 right ratio of cases per hearing officer. We think  
5 we need more resources and we just got more. We got  
6 permission to hire new -

7 CHAIRPERSON RESTLER: So, the thing that I'm  
8 struggling with and maybe I don't have a  
9 comprehensive enough understanding of the issue but  
10 in last week's Committee on the education - in last  
11 week's Education Committee's Preliminary Budget  
12 hearing, DOE spoke to a decrease in filings of due  
13 process claims by about 20 percent during the '24-'25  
14 school year, which I would have thought was reflected  
15 in these PMMR increases that are discordant with what  
16 you just testified to. Can OATH verify this decrease  
17 and do you have any insight into why and shouldn't  
18 that have worked in the opposite direction of what  
19 you just spoke to?

20 ASIM REHMAN: I can explain. I can't verify  
21 DOE's numbers but if you were to tell me that DOE had  
22 an overall decrease in due process complaints, I can  
23 tell you why you don't see the commencer decrease on  
24 the OATH side. So, here's the reason. It comes back  
25 to what I was explaining with Council Member Brewer  
about us starting to take all new cases in January of

3 2024. So, when you compare the two school years  
4 before January 2024, even if DOE had this many cases,  
5 they were farming them out to both OATH and the  
6 independently contracted IHO's. So we were not  
7 seeing that full volume but come January 2024, We  
8 were now getting all the cases. So, while the  
9 greater pool was shrinking, the bottom - the gross  
10 number of cases going to OATH was actually going up.  
11 Does that make sense or -

12 CHAIRPERSON RESTLER: I think so.

13 ASIM REHMAN: We were not seeing, if we were for  
14 the past several years seeing all of the cases and  
15 there were no contracted IHO's then maybe there would  
16 be more of a parallel trend line but we, OATH,  
17 looking at our gross numbers, we were not seeing all  
18 the cases. So, we saw a gross increase from what was  
19 x before, I can tell you the Fiscal Year 2024 OATH  
20 caseload total for the first six months of the fiscal  
21 year was just over 10,000 and fiscal year '25, it was  
22 just under 14,000. Because we were getting more of  
23 these cases.

24 CHAIRPERSON RESTLER: Okay.

25 ASIM REHMAN: It all goes to how DOE farms them  
out.

2 CHAIRPERSON RESTLER: I wanted to follow up on  
3 the issue of this June 1<sup>st</sup> policy that DOE  
4 implemented for the first time this past year. My  
5 understanding is that for children attending  
6 nonpublic schools that - sorry, let me restate that.  
7 DOE enforced the June 1<sup>st</sup> deadline for the first time  
8 for children that attend nonpublic schools regarding  
9 their applications for continued services. This  
10 resulted in thousands of children being left without  
11 vital services. Has OATH seen an increase in cases  
12 relating to this issue? How many? And is OATH  
13 taking into account the fact that the city never,  
14 ever previously enforced this deadline?

15 ASIM REHMAN: So, this is a question that would  
16 come up in the course of the hearing. The June 1<sup>st</sup>  
17 deadline is in the law. It's up to DOE to raise that  
18 in the hearing or not as a legal defense or as a  
19 legal claim that this particular due process  
20 complaint or this assertion should not move forward  
21 because they missed the deadline. It is a legal -

22 CHAIRPERSON RESTLER: Are they consistently  
23 raising it in hearings?

24 ASIM REHMAN: So, it is - I'll come to that in a  
25 second. When it's raised, it then has to be

3 adjudicated by the hearing officer. The hearing  
4 officer is going to look at that claim. They're  
5 going to look at the facts of that case. They're  
6 going to look at the law. They're going to reach a  
7 determination.

8 CHAIRPERSON RESTLER: Do you give guidance to  
9 hearing officers on how to handle this?

10 ASIM REHMAN: Once they are trained, they are  
11 independent. They reach the determinations based on  
12 the fact and law in front of them. So, as an agency  
13 head, I do not give them guidance. Not my place to.  
14 Our Deputy Commissioner does not direct them on how  
15 to rule these. We trust them to reach the result  
16 that they believe is right under the law and the  
17 facts. So, what it might mean, is it could mean -

18 CHAIRPERSON RESTLER: So it may mean that it's  
19 inconsistently applied depending on the hearing  
20 officer if we don't have a consistent approach?

21 ASIM REHMAN: Well, I'll say this. We don't keep  
22 data on the details of individual dispositions. We  
23 may know the number of cases but this is a legal  
24 ruling within a case. It's not something that we  
25 track. I can tell you anecdotally that since this  
issue emerged, anecdotally, we've seen DOE raise it

3 more as a claim in a case than we did before this  
4 past summer. So, are we seeing it being raised as a  
5 claim by one party? Yes we are. Do I have data on  
6 the frequency? I do not.

7 CHAIRPERSON RESTLER: It's troubling because  
8 we've never seen the law implemented before. So, for  
9 many people who have been navigating the very painful  
10 bureaucracy of our special education system for  
11 years, they didn't know this was a meaningful  
12 deadline and then all of a sudden it was having an  
13 outsized impact on their lives.

14 We think DOE is raising this a bunch of the time  
15 but we don't know exactly how much and we don't know  
16 how different hearing officers are approaching it  
17 individually based on the facts of the case, even  
18 though it seems like we should be allowing for  
19 greater latitude or flexibility since there was no  
20 warning provided the DOE that this new - that they  
21 were finally taking this deadline seriously. I just  
22 think we're putting families in a horrible position  
23 and dramatically impacting their access to the  
24 special education services that they need. Is there  
25 anything more that you can do in the leadership role  
of the agency and trying to help rectify this to

3 ensure that families get the services and support  
4 that they deserve?

5 ASIM REHMAN: If it's a legal argument that a  
6 party is entitled to raise in a hearing, they can  
7 raise that and the other party is in a position to  
8 explain why the hearing officer should or should not  
9 follow that argument.

10 CHAIRPERSON RESTLER: Are these families  
11 primarily arguing cases without an attorney?

12 ASIM REHMAN: I don't have - one moment. I may  
13 have one second, let me check something. As noted in  
14 our PMMR, we do have data on special education cases  
15 with parents who are represented by counsel or other  
16 representative. It was the four month actual for  
17 Fiscal Year 2024 was 94.36 percent. It went down,  
18 meaning there's more unrepresented individuals and  
19 parties to 72.28 percent.

20 CHAIRPERSON RESTLER: 72 percent unrepresented or  
21 72 percent represented?

22 ASIM REHMAN: Represented, meaning it used to be  
23 90-

24 CHAIRPERSON RESTLER: Okay, so a quarter of  
25 families do not have representation.

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3 ASIM REHMAN: Right and that's in all cases, not  
4 in particular -

5 CHAIRPERSON RESTLER: Not special education  
6 particular?

7 ASIM REHMAN: I'm sorry, those are in all cases-  
8 special education hearings, yes.

9 CHAIRPERSON RESTLER: Right and so a quarter of  
10 cases don't have representation. Is OATH providing  
11 support and assistance for families that are  
12 navigating this process?

13 ASIM REHMAN: Yes, our hearing officers not only  
14 are they trained on this, they have an ethical duty  
15 to ensure that individuals in all of our divisions,  
16 not just special education hearings division are  
17 given a fair opportunity to present their case.

18 CHAIRPERSON RESTLER: Do you track outcomes  
19 compared to whether there's representation or not for  
20 the family?

21 ASIM REHMAN: I don't know the answer to that  
22 question.

23 CHAIRPERSON RESTLER: Could you track that?

24 ASIM REHMAN: That's what I don't know. I don't  
25 know if we have cross data, which would allow us to  
see outcomes versus representation or

3 nonrepresentation. I don't know that sitting here  
4 today.

5 CHAIRPERSON RESTLER: We will follow up. If you  
6 do have that data, we would very much like to  
7 understand it. I'm - I just - you all have a hard -  
8 let me do one more on this and then I'll give my -

9 The MMR showed there were about 3,500 more cases  
10 sent to OATH than closed in FY24 and about 6,000 more  
11 cases sent to OATH than closed in the first four  
12 months of '25. I know that when DOE started  
13 transitioning cases to OATH there was a backlog of  
14 like 16,000 cases, so it's relative I mean as I  
15 mentioned. I think this is one of the worst corners  
16 of bureaucracy in all of city government, most  
17 dysfunctional. Could you speak to what the current  
18 backlog is? How many cases are still open for over  
19 six months, over a year? How are you tracking that  
20 from a kind of global view?

21 ASIM REHMAN: Yeah, so I'm not sure if we're  
22 using the same terminology. When we at OATH think of  
23 backlog, we are specifically talking about unassigned  
24 cases. So, case filed with DOE that just hasn't even  
25 been given to a hearing officer, that hasn't been as  
it's called, assigned.

2 CHAIRPERSON RESTLER: Assigned, okay.

3 ASIM REHMAN: So, there was a backlog before OATH  
4 got involved. Now, there is zero backlog. A case  
5 gets to DOE within I think a day or two and I could  
6 be wrong. It might be within the same day. It gets  
7 assigned out and then we assign it to a hearing  
8 officer. So, that means if the backlog is zero,  
9 every case is with a hearing officer. It is just  
10 going to take time for those hearing officers to  
11 resolve those cases and that gets us to the question  
12 of how are we doing with completing cases within the  
13 legal timeframe?

14 CHAIRPERSON RESTLER: Right. So, but we're  
15 seeing significantly more cases sent to OATH than  
16 closed. So, 3,500 in FY24, 6,000 in the first four  
17 months of FY25. Those are significant discrepancies.  
18 How are we understanding that cases - that you all  
19 have the capacity to close these cases in a  
20 reasonable timeframe at scale?

21 ASIM REHMAN: I understand. That is part of our  
22 - the strategies we have internally to look at the  
23 volume of cases we have. Look at our hearing officer  
24 and staff capacity, determine how to proceed and  
25 assign those cases. So there's an internal

3 management component of it but then there's a  
4 resource component of it and that involves the  
5 discussions we have with OMB when we show that the  
6 numbers have gone up. Our staffing numbers have not  
7 changed much. There's only so many hours in the day.  
8 Can we hire more hearing officers? And then as I  
9 mentioned, we recently got approval to bring on  
10 additional hearing officers and if the numbers demand  
11 additional resources, we're going to continue to have  
12 those discussions with OMB.

13 CHAIRPERSON RESTLER: Okay, I mean look, we're  
14 seeing the average time to close cases has increased  
15 23 percent. We realize that it's faster than it was  
16 in the old system but still too slow. So, I think we  
17 want to work together to understand what those needs  
18 are and certainly with Chair Joseph try to help  
19 advocate to make sure that families are getting the  
20 special education support that they deserve.

21 I'll do two more quick questions and then  
22 encourage you to enjoy the rest of your Friday  
23 afternoon. Thank you for laughing Gale. I  
24 appreciate you always. Mediations and consultations.  
25 The MMR showed that OATH mediations for city  
employees increased 62 percent last year and

3 mediations for members of the public are up this year  
4 although still only I think it's seven. Is OATH  
5 tracking the results of mediations? How can we scale  
6 up these programs more effectively?

7 ASIM REHMAN: So, the - one second I do want to  
8 look at some data real quick. Yeah, the mediations  
9 for the members of the public as you pointed out are  
10 in single digits so it's hard to kind of really say  
11 that the percentage increase. And the mediations for  
12 city employees -

13 CHAIRPERSON RESTLER: The percentage increase I  
14 showed, mentioned was for city employees.

15 ASIM REHMAN: Yes, yes and so for city employees,  
16 we're happy to provide the services out of the Center  
17 for Creative Conflict Resolution. It's a great team  
18 of individuals that provides mediations, management  
19 training, restorative justice work for all of city  
20 government and at every city agency, they have an ADR  
21 coordinator that helps connect with the Center to do  
22 this type of work, and we are happy, I'm happy as an  
23 agency that every time they go and do a training,  
24 even with staff, central staff at City Council, that  
25 they get called to do more.

3 So, to your question about how are we tracking  
4 it. With our mediations and with our trainings, we  
5 issue a post event survey. A post mediation survey,  
6 a post training survey and the survey asks questions  
7 to help us improve our services. You know what went  
8 well? Would you recommend this to someone else? Was  
9 your problem resolved? So, we do have these kind of  
10 qualitative surveys that allow us to improve our  
11 services and the overall takeaway from those surveys  
12 has been the work is effective and people like it and  
13 they want more of it. Which gets us to your question  
14 about have we thought about scaling it up. It's a  
15 small team of nine professionals who of course  
16 leverage the help of the ADR coordinators at every  
17 agency but nine people. When you compare it to the  
18 city's workforce, it's not a lot of folks and there's  
19 a tremendous amount of good work to be done out there  
20 and if we can avoid conflicts before they grow by  
21 using these alternative services, well that helps  
22 everyone. So, I have had some internal conversations  
23 about what would it look like for this team to be  
24 larger but those are really all in their infancy  
25 stage and that would be a much larger discussion that  
would involve City Hall, OMB, City Council maybe even

3 to see what would the next version of the Center for  
4 Creative Conflict Resolution look like.

5 CHAIRPERSON RESTLER: Well, I think that this  
6 Council has been supportive of increased efforts to  
7 mediate resolutions and you know I think if you can  
8 share data with us on how you've been successful with  
9 city government employees, we should be thinking  
10 about how to expand the model and support more  
11 people. So, you know want to just continue that  
12 conversation and explore scaling that up together.  
13 And then lastly for me is around judicial hearing  
14 officers. So, judicial hearing officers play a vital  
15 role in ensuring OATH cases are handled efficiently.  
16 Since the pandemic, my understanding is that these  
17 officers have been working entirely remotely and are  
18 required to provide their own equipment, their own  
19 supplies. I know that there are ongoing collective  
20 bargaining negotiations on this, so we'll see what  
21 you're able to comment but does OATH provide any  
22 supplies or support to OATH hearing officers who are  
23 operating remotely?

24 ASIM REHMAN: You're right, there are aspects of  
25 this that are governed by collective bargaining. The  
judicial hearing officers who are a vital part of

1 OATH, they are the ones who are helping us get  
2 through those more than more than 220,000 hearings a  
3 day. Today, this Friday, we would likely clear more  
4 than 600 maybe more than 700 hearings today because  
5 of the work of our judicial hearing officers. So,  
6 they are an essential team for what we do. Their  
7 work conditions are governed by their collective  
8 bargaining contract and that includes whether or not  
9 OATH will cover expenses, including covering expenses  
10 for training. We will cover the expense for  
11 mandatory training. They are paid for that. They  
12 are not paid for the equipment that they use. That  
13 is their own expense. That's all subject to  
14 collective bargaining.  
15

16 We do provide support. Our IT team is available.  
17 Our help desk staff will assist them if they are  
18 having issues with their software or connecting to a  
19 hearing. So, of course, we want to make sure that  
20 they are in the best position possible to adjudicate  
21 their cases. So, we do provide that type of support.

22 CHAIRPERSON RESTLER: Just from a basic logic, it  
23 doesn't make sense to me that we have a full time  
24 remote employee and we don't provide them with the  
25 basic equipment that they need to do their job. I

3 understand that some of this has to be resolved  
4 through the collective bargaining process but just  
5 wondering, have you conducted any cost assessment for  
6 the relevant supplies that a judicial hearing officer  
7 needs to do their job?

8 ASIM REHMAN: So, there's a few elements to this.  
9 Uhm, first is the judicial hearing officers, while  
10 they are fully remote, they are not full time. They  
11 have an hourly cap of 1,000 hours per year. Many of  
12 them you know, they do different things. Some of  
13 them may have their own practice. Some of them may  
14 adjudicate in other forums. Some of them may decide  
15 that this is all they want to do but it's only 1,000  
16 hours a year so we have to take into consideration  
17 that as well with respect to how resources are  
18 allocated.

19 I recently held a town hall with our hearing  
20 officers. Like I said, they are a vital part of the  
21 OATH family. So, in January, we invited all of them  
22 to come to a virtual town hall. Everyone was allowed  
23 to submit questions. We received over two dozen  
24 questions. Some of them covered this issue. Some of  
25 them covered the topic of brakes. Some of them cover  
the topic of you know what's the future of the

1           hearings, the vision at OATH and we had about 50  
2           hearing officers attend. I was really happy with the  
3           participation and the feedback I got afterwards was  
4           that the town hall was helpful. So, we take many  
5           steps to engage with our hearing officer family  
6           members but again, there are certain things that are  
7           going to be subject to their contracts, just as there  
8           are with all of our other employees who are  
9           represented by unions.  
10

11           CHAIRPERSON RESTLER: I'm just not familiar with  
12           any other employee in city government that has a full  
13           time - that has a required remote component and I  
14           don't see how it's not the city's obligation to  
15           provide the supplies or resources for them to be able  
16           to their job. It just doesn't make sense to me and  
17           so, my understanding is this issue has been going on  
18           for years. We still don't have a resolution. We've  
19           heard from many angry judicial hearing officers. I  
20           appreciate you engaging with them as their manager  
21           and giving them a chance to ask questions and engage  
22           constructively. It's the role of every Commissioner  
23           across the city to do that on a consistent basis but  
24           I hope in your capacity as a leader in the agency,  
25           you could encourage OLR to be reasonable that these

1 judicial hearing officers deserve some basic support  
2 for the supplies they're required to do to provide an  
3 essential job in city government. So, hopefully we  
4 will see this resolved and resolved soon. My basic  
5 understanding is that they get lost in a world that  
6 there's a million teachers and so when things get  
7 bargained, there are much bigger fish. The biggest  
8 fish in the city, right? Sorry, not a million  
9 teachers, 100,000 teachers. I expanded our workforce  
10 slightly but we got 100,000 teachers. It's a lot of  
11 people and how many judicial hearing officers are  
12 there?  
13

14 ASIM REHMAN: There's a roster of about 390.

15 CHAIRPERSON RESTLER: Okay, so we've got 100,000  
16 teachers and 300 and something thousands of these  
17 guys. They get lost in the sauce and but it's  
18 important and they deserve it and I hope that you can  
19 encourage OLR to do the right thing by this important  
20 component of your workforce.

21 ASIM REHMAN: Thank you.

22 CHAIRPERSON RESTLER: With that, thank you very  
23 much for joining us today. It was a thoughtful  
24 conversation. We appreciate your hard work and the  
25 hard work of everybody at OATH.

3 ASIM REHMAN: Thank you to the Council for your  
4 support and engagement. We appreciate it. Have a  
5 good afternoon.

6 CHAIRPERSON RESTLER: Have a great day and now,  
7 we'll hear from the Law Department. [02:38:26]-  
8 [02:39:44]. Let me just apologize Corporation  
9 Counsel for keeping you waiting and we knew DCAS was  
10 going to go long. There's just too much there but we  
11 tried to keep both short so that we could get to the  
12 Law Department. So, we appreciate you and your team  
13 being with us today. I'd like to welcome our Corp  
14 Counsel Muriel Goode-Trufant, the head of the Law  
15 Department to testify before our Committee.

16 The Law Departments Fiscal Year 2026 Preliminary  
17 Budget totals \$259 million, including \$180.8 million  
18 in personal services funding to support 1,510 full  
19 time positions and 78.2 million for Other Than  
20 Personnel Services expenses. The Law Department  
21 serves as legal counsel for the city, the Mayor,  
22 various elected officials, and numerous city  
23 agencies.

24 In the Preliminary Plan, the Law Departments  
25 Fiscal Year 2026 Preliminary Budget is \$4.4 million  
greater than its Fiscal Year '25 Adopted Budget. The

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3 Preliminary Plan included additional baselined  
4 funding for 25 new positions to litigate and provide  
5 legal support related to the new cannabis laws to  
6 address a cap in personnel services funding for  
7 existing agency headcount and for outreach and public  
8 events related to the 2024 and 2025 Charter Revision  
9 Commissions appointed by the Mayor.

10 Today, we look forward to discussing the Law  
11 Departments operations, their new needs and other  
12 adjustments in the preliminary plan, staffing at the  
13 department and the metrics reported in the FY25 PMMR.

14 The Corp Counsel serves as the lawyer not for the  
15 Mayor but for the entire city. For decades, that was  
16 true more on paper than in reality but since the  
17 Corporation Counsel has become subject to advise and  
18 consent, we've seen a meaningful shift. Under your  
19 leadership and the leadership of your predecessors,  
20 Georgia Pastana and Judge Hiens Raddicks(SP?), the  
21 Law Department has treated the City Council as a  
22 partner in city government and has worked diligently  
23 to provide us with confidential guidance and support.  
24 This orientation allows us to do our jobs more  
25 effectively to the benefit of all New Yorkers and for  
that, I truly am grateful.

2 The Law Department continues to operate with 400  
3 fewer personnel than prior to the pandemic and Mayor  
4 Adams has cut 341 positions from the budgeted  
5 headcount.

6 I remain concerned about the impact that this  
7 reduction in capacity has on Law Department  
8 operations. As we face growing legal threats from  
9 the federal government, it is critical that we fully  
10 staff the Law Department to ensure we are prepared to  
11 defend our city. I have a great deal of admiration  
12 for the many impressive lawyers I've had the  
13 privilege to work with and learn from at the Law  
14 Department, including Sheryl, Eric, and others. It  
15 is a beautiful thing to see one of the most  
16 impressive attorneys at the Law Department work their  
17 way up over a 30 year career to become Corporation  
18 Counsel.

19 The City Council was proud to enthusiastically  
20 endorse, confirm your nomination last year. The Law  
21 Department has a vast portfolio and I enjoyed reading  
22 the breath of your work in the 2024 annual report. I  
23 also like had a new understanding of the divisions  
24 after reading that report that I had never really had  
25 before. So, I appreciated it.

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3 I'm grateful to all of the hardworking employees  
4 at the Law Department and have particularly  
5 appreciated the advise and support from the Law  
6 Department on critical projects in District 33,  
7 especially of late from Tasha McKnight and Chris Reo.  
8 Corporation Counsel, thank you for being with us  
9 today. We look forward to your testimony and with  
10 that, I'd like to ask Committee Counsel to administer  
11 the oath and swear in the testifying representatives.

12 COMMITTEE COUNSEL: Good afternoon. Would you  
13 please raise your right hands? Do you swear to tell  
14 the truth, the whole truth and nothing but the truth  
15 in your testimony before this Committee and respond  
16 honestly to Council Member questions?

17 PANEL: I do.

18 COMMITTEE COUNSEL: Thank you. You can begin.

19 MURIEL GOODE-TRUFANT: Thank you. Good afternoon  
20 Chair Restler and Council Member Brewer and  
21 distinguished members of the Government Operations  
22 Committee. It is a pleasure to come before you to  
23 discuss the Law Department's fiscal year 2026  
24 Preliminary Budget. I'm joined by First Assistant  
25 Corporation Counsel Sheryl Neufeld, Managing Attorney

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3 Eric Eichenholtz, and Chief of Administration Jennie  
4 Nagle-Yndigoyen.

5 The Law Department represents the city, the  
6 Mayor, the City Council, other elected officials and  
7 the city's agencies in all affirmative and defensive  
8 civil litigation. As a prosecuting agency, the  
9 department brings proceedings in Family Court  
10 alleging violations of criminal laws and represents  
11 the People of the State of New York in proceedings  
12 filed in Criminal Court to enforce the City's  
13 Administrative Code. Law Department attorney's draft  
14 and review local and state legislation, real estate  
15 leases, procurement contracts and financial  
16 instruments for the sale and municipal bonds. The  
17 Law Department also provides legal counsel to city  
18 officials on a wide range of issues such as civil  
19 rights, education, intellectual property, land use  
20 and environmental policy. The Department's work  
21 embraces all city entities and operations; our impact  
22 is tremendous.

23 The Department currently has approximately 770  
24 assistant corporation counsels and 685 legal support  
25 professionals. We are proud to be a leader in the  
legal profession with approximately 29 percent of our

3 lawyers being ethnically diverse and 57 percent  
4 women.

5 The Law Department plays an important role in  
6 enhancing the City's fiscal strength, providing  
7 internal support to agencies and elected officials to  
8 ensure legal and ethical compliance in advocating for  
9 the public good. This fiscal year, our Municipal  
10 Finance Division has closed nearly \$18 billion in  
11 bond deals bringing needed financial resources to the  
12 city. Through the work of our Affirmative Litigation  
13 Division, in the first half of the fiscal year, we  
14 recovered over \$30 million for the city and city  
15 entities. This includes monetary recoveries for  
16 property damage, breach of contract, anti-youth  
17 vaping and opioid settlement payments among other  
18 things. In addition, Collections law firms  
19 supervised by the Law Department recovered another  
20 \$12.8 million.

21 We also anticipate saving the city over \$100  
22 million this Fiscal Year in payouts from the Judgment  
23 and Claims fund through our continuing activity to  
24 compel insurance companies to defend and indemnify  
25 the city. In these cases, we are enforcing coverage  
for lawsuits arising out of the work performed by

3 private contractors and permittees. Every case that  
4 the insurance company steps up to defend is a case  
5 that does not have to be defended by city attorneys,  
6 thus saving enormous legal resources. Settlements  
7 and judgements paid out by insurers in cases falling  
8 within the policy coverage also save the city  
9 substantial sums. As of January 2025, the  
10 Affirmative Litigation Division has saved more than  
11 \$3 billion since the start of this program in the  
12 late 1990's.

13 A further example is our Commercial and Real  
14 Estate Litigation Division, which defends the city in  
15 a wide range of contractual disputes. In FY24, the  
16 Division saved the city \$60 million by resolving \$90  
17 million worth of claims for \$28 million. Similarly,  
18 our Tax and Bankruptcy Division's defense of real  
19 property tax assessments protected \$76 million in  
20 property tax receipts in FY254 and almost \$51 million  
21 during the first half of FY25.

22 A large focus of our work this fiscal year has  
23 been addressing ongoing challenges in our city, as  
24 well as advising on asylum seekers, including the  
25 evolving landscape of federal policy and enforcement  
and potential challenges to grant funding the city

1 receives. Led by our executive team, a multi-  
2 disciplinary group of attorneys from across several  
3 law department divisions continue to provide critical  
4 and timely legal advice to the Mayor, city agencies,  
5 and independently elected officials. For example,  
6 the Law Department recently brought a lawsuit seeking  
7 to recover \$80 million in grant funds that were in  
8 properly clawed back by the federal government.  
9 These efforts by the Law Department support the city  
10 as it faces existing and new challenges while  
11 ensuring compliance with federal, state, and local  
12 laws and rules.

14 As you are aware, our office works side by side  
15 with Council staff on crafting legislation. We also  
16 represent the Council when Local Laws are challenged.  
17 We were pleased to represent the City Council's  
18 interest in the noncitizen voting law case, including  
19 before the states highest court. The Law Department  
20 represents the city and its employees in litigation  
21 in more than 70,000 cases annually. We have  
22 experienced an increase in pending cases particularly  
23 in our largest Division Tort. Where there are now  
24 more than 31,000 pending cases including a large  
25

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3 number of adult survivor act and child victims act  
4 cases.

5 The Tort caseload remained steady this year due  
6 to our ongoing efforts to efficiently address case  
7 backlog. For example, the Universal Legal Search  
8 Tool discussed last year continues to help  
9 significantly reduce the backlog of discovery  
10 motions, including motions to strike the city's  
11 answer in cases in which the city otherwise has a  
12 meritorious defense.

13 Additionally, within this fiscal year, we have  
14 made advances in rebuilding following the  
15 unprecedented level of attrition we have talked about  
16 in past years. Nonetheless, growth of new and  
17 challenging cases remain a concern as our mitigation  
18 efforts continue. Notably, we continue to address  
19 the influx of hundreds of cases against the city  
20 pursuant to the Child Victims Act, the Adult  
21 Survivors Act and the Gender Motivated Violence Act.  
22 Look back periods reviving time-barred claims for  
23 these three Acts have resulted in claims with an  
24 estimated value of more than \$1 billion. The Family  
25 Court Division is the second largest Division in the  
Law Department with our largest prosecutorial

3 practice. Its mission is twofold. Through Juvenile  
4 Justice and Interstate Child Support. We are the  
5 presentment agency for all Juvenile Justice  
6 Adolescent Offender and Interstate Child Support  
7 Cases, referred to the New York City Family Courts.  
8 Under the rehabilitative mandate of the Family Court  
9 Act, the Family Court Division must work to achieve  
10 outcomes that serve the needs of each individual  
11 youth brought before the court, while at the same  
12 time, protecting the interest of crime victims and  
13 ensuring the safety of the community at large. Our  
14 Family Court Attorneys work in approximately 30  
15 locations, 365 days and nights a year including  
16 nights, weekends, and holiday operations.

17 The number of serious matters handled by the  
18 Family Court Division continues to rise. In 2024,  
19 Juvenile Justice case referred increased by 20  
20 percent, 70 percent of the referrals represent felony  
21 charges. This is in addition to the 52 percent in  
22 case referrals in 2023. New York City continues to  
23 experience a high volume of cases surrounding  
24 violence and the possession of firearms. In 2024,  
25 there were 411 firearm cases referred to the  
Division. Mirroring a national trend, child support

1 case referrals after a recent increase decreased this  
2 year by approximately eight percent.  
3

4 My testimony today provides a limited survey of  
5 the very broad and varied legal work performed by the  
6 Law Department. By keeping the interest of all New  
7 Yorkers at the center of our work, we can do what is  
8 right and reinforce the trust in government and that  
9 is our core commitment.

10 I thank you for your support of the Law  
11 Department and look forward to our continued  
12 collaborations. I and my colleagues would be happy  
13 to answer any questions you may have.

14 CHAIRPERSON RESTLER: Thank you so much. If I do  
15 Court Counsel, is that a good way to -

16 MURIEL GOODE-TRUFANT: That is fine, thank you.

17 CHAIRPERSON RESTLER: Great, wonderful. Thank  
18 you for that thoughtful testimony and that thorough  
19 testimony. I'd like to just start with staffing.

20 The preliminary plan included 1,454 full time  
21 positions budgeted for FY25 and 1,510 for FY26.

22 As of January, the Law Departments actual  
23 headcount was 1,373, which leaves 81 vacant positions  
24 for the current fiscal year, a five percent vacancy  
25 rate. But if we factor in the 341 positions that

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3 Mayor Adams cut from the Law Departments budgeted  
4 headcount, the real vacancy rate is more like 24  
5 percent. Prior to the pandemic, the Law Department  
6 had 1,774 staff members onboard. You're now  
7 operating with 400 fewer people. Nearly a quarter of  
8 the agency.

9 Could you provide an update on how many  
10 attorney's and support professionals you currently  
11 have on staff?

12 MURIEL GOODE-TRUFANT: We have approximately 770  
13 attorneys on staff and 685 legal support  
14 professionals.

15 CHAIRPERSON RESTLER: So we saw a one percent  
16 increase in the number of attorneys since a year ago  
17 and a two percent increase in the number of three  
18 percent and maybe an increase in the legal support  
19 professionals. Considering how far down we are from  
20 the prepandemic peak. I continue to be very  
21 concerned. Which units have been most impacted by  
22 the decrease in staffing over this five year period?

23 MURIEL GOODE-TRUFANT: In particular our Tort  
24 Division has been most impacted.

25 CHAIRPERSON RESTLER: Could you share with us,  
not today obviously but in writing a list of the

1  
2 number of assistant court counsels per unit and how  
3 that compares I think to the prepandemic peak, if you  
4 have that?

5 ERIC EICHENHOLTZ: Yes, we can get that for you.

6 CHAIRPERSON RESTLER: Thanks, just don't forget  
7 to turn the mic on when you can. Is the Law  
8 Department currently subject to the two for one  
9 hiring policy?

10 MURIEL GOODE-TRUFANT: For certain positions, yes.

11 CHAIRPERSON RESTLER: Could you give me a sense  
12 of scale? Like for most positions?

13 MURIEL GOODE-TRUFANT: For most positions, yes.

14 CHAIRPERSON RESTLER: For all but a small - you  
15 know is the Department overwhelmingly subject to a  
16 two for one policy?

17 MURIEL GOODE-TRUFANT: I will refer that question  
18 to my colleague Jen Nagle-Yndigoyen.

19 JENNIE NAGLE-YNDIGOYEN: Good afternoon.

20 CHAIRPERSON RESTLER: Good afternoon.

21 JENNIE NAGLE-YNDIGOYEN: In general we are  
22 subject to the two for one. The exceptions would be  
23 new needs were recently given so for example,  
24 cannabis.  
25

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3 CHAIRPERSON RESTLER: Got it so with the  
4 exception of cannabis, the agency is subject to two  
5 for one?

6 JENNIE NAGLE-YNDIGOYEN: And Child Victims Act.

7 CHAIRPERSON RESTLER: And Child Victims Act. So,  
8 with those two exceptions, which are a very small  
9 portion of the total agency's work. Overwhelmingly  
10 the agency is subject to a two for one.

11 JENNIE NAGLE-YNDIGOYEN: Everything else is two  
12 for one, yeah.

13 CHAIRPERSON RESTLER: It's just you know 400  
14 fewer staff right from just five years ago. The  
15 reason I get so upset about this is because when you  
16 all are not properly staffed, it slows down the  
17 functioning of everything else in city government. I  
18 mean when I worked on the other side of City Hall, I  
19 was always shocked by how much had to go through  
20 Sheryl's desk or Eric's desk or Amaretti's desk and  
21 when you don't have the staff there it just means  
22 that the build up of things that you have to process  
23 is going to take longer and longer and longer and so,  
24 every other agency can't do their basic jobs. They  
25 can't enforce effectively without guidance on how to  
do it or they can't address labor policies without

3 the guidance on how to do it. I realize your  
4 portfolios are bigger now. I just, previously.

5 So, are you in conversations with OMB about  
6 lifting the two for one restriction?

7 MURIEL GOODE-TRUFANT: We are always in  
8 conversation with OMB on a number of topics.

9 CHAIRPERSON RESTLER: That was heartfully said.  
10 Okay uhm, have you just conducted any sort of  
11 analysis on how the decrease in headcount has  
12 impacted the Law Departments ability to operate  
13 efficiently? Is there anything that you've looked at  
14 that you can share with us or that you've shared with  
15 OMB to help make the case for why two for one should  
16 be lifted and why we need significantly new  
17 headcount?

18 MURIEL GOODE-TRUFANT: Our discussions have not  
19 squarely been around two for one per say, but about  
20 where increased resources are needed to meet the  
21 needs of the agency. So, for example, if you look at  
22 cannabis for which we have new heads. There was a  
23 review done as to what work would be needed and what  
24 types of staff are needed to do that work. And so,  
25 those are the types of conversations we have with  
OMB. They are around the work.

2 CHAIRPERSON RESTLER: Right, I just okay, I mean  
3 I think that we just have to - I understand that it's  
4 easy to make an argument to the public and to the  
5 budget director when we don't have enough staff to  
6 process food stamps applications or public assistance  
7 applications and that it's slowing up, people  
8 accessing critical benefits and you can make that  
9 direct correlation a lot more easily. But when we  
10 don't have people in the environmental division  
11 reviewing things, it gums up the works of city  
12 government in all kinds of critical ways. It can be  
13 a little bit harder to neatly synthesize and I just  
14 wonder if what kind of analysis you've done of how  
15 the staffing impacts over a period of time or just  
16 the agency shrunk so much, how we can better make  
17 that argument together to the Budget Office that for  
18 the resources we need.

19 MURIEL GOODE- TRUFANT: We continue to speak with  
20 OMB about all of our staffing needs.

21 CHAIRPERSON RESTLER: Fair. If we can help,  
22 please let us know. I think it's important and we  
23 just we want to be good partners to the Law  
24 Department so that you have the support that you  
25 need.

3 I'd just like to ask about the new staffing  
4 needs. So, the Preliminary Plan included \$5.5  
5 million in city funding for FY25 and baselined that  
6 funding of \$4.5 - baselined \$4.5 of that funding  
7 starting in FY26 for staffing costs. No additional  
8 headcount was included with this adjustment. Does it  
9 relate to new or existing headcount and if existing,  
10 how many positions does it relate to?

11 MURIEL GOODE-TRUFANT: Our Chief of  
12 Administration will take that question.

13 JENNIE NAGLE-YNDIGOYEN: Hello again. So, as we  
14 move through the year, OMB recognized that some  
15 attrition assumptions, I think that had been baked  
16 into their analysis just were not coming true. Our  
17 attrition rates are way down, which is great.

18 CHAIRPERSON RESTLER: That is great. That had  
19 been an issue earlier in this Administration right  
20 and Judge Heins Raddicks I believe had made that big  
21 priority and we seen improvement there.

22 JENNIE NAGLE-YNDIGOYEN: Right.

23 CHAIRPERSON RESTLER: Great, why?

24 JENNIE NAGLE-YNDIGOYEN: I think so uhm -  
25

3 CHAIRPERSON RESTLER: Sorry, I didn't give a  
4 chance to answer the question before I - you peaked  
5 my interest.

6 ERIC EICHENHOLTZ: I think and I think when we  
7 were here with Judge Heins Raddick, she actually  
8 waited out. We did a review and enhancements to the  
9 attorney salary structure. Uhm, I think we've seen  
10 flexible work obviously be something that both have  
11 which really benefitted our agency and when those two  
12 things were implemented, sort of in rapid fire one  
13 right after the other at the Law Department. I think  
14 you saw a lot more people choosing to stay. I think  
15 it also coincided, somewhat coincidentally with the  
16 managerial retroactive pay increase, right?

17 So, all of those things happened in very short  
18 order and the result of that was that we are - our  
19 attrition dropped dramatically which of course  
20 thrilled us.

21 CHAIRPERSON RESTLER: Great and was there more  
22 that you were going to add?

23 JENNIE NAGLE-YNDIGOYEN: Slightly. So, when OMB  
24 recognized that they basically moved to fill the gap.

25 CHAIRPERSON RESTLER: Okay, uh I know - I'll  
shift to Council Member Brewer after this topic. I

3 just want to you know we are facing I think totally  
4 unprecedented threats from the Trump Administration.  
5 Budgetary impacts, undermining our policies that are  
6 undermining our local laws, our ability to protect  
7 the most vulnerable New Yorkers, our water, our air,  
8 everything we stand for feels like it's at risk. The  
9 Law Department of course is our critical backstop in  
10 fighting back against federal overreach and conflict  
11 and policies that are in conflict with our values.

12 So, has the Law Department taken any proactive  
13 steps to review potential legal threats that the city  
14 is facing from the Trump Administration? Are you  
15 expanding staff capacity to litigate and protect New  
16 Yorkers against the kind of chaos coming out of  
17 Washington?

18 MURIEL GOODE-TRUFANT: We most definitely have  
19 taken proactive steps. As I mentioned in my  
20 testimony, we have a multidivisional team that looks  
21 at various questions that's in addition to items that  
22 are examined within our particular division, such as  
23 but not limited to, our affirmative litigation and  
24 environmental law divisions.

25 We have a number of partners throughout the  
country with whom we share information and strategy.

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3 CHAIRPERSON RESTLER: At states, municipalities,  
4 both?

5 MURIEL GOODE-TRUFANT: Both.

6 CHAIRPERSON RESTLER: Okay.

7 MURIEL GOODE-TRUFANT: And other entities and so  
8 we are closely reading, we're closely monitoring.  
9 There are places where we are participating as a  
10 party. Places where we are an amicus. Instances  
11 where we might be part of a common interest agreement  
12 with partners in order to watch a topic and when the  
13 time is right, to take the next step.

14 CHAIRPERSON RESTLER: Do you need signoff from  
15 the Mayor to engage with partners in pushing back on  
16 issues - to you need signoff from the Mayor from City  
17 Hall when exploring ways to push back against federal  
18 overreach or to work with partners on this type of  
19 litigation?

20 MURIEL GOODE-TRUFANT: Not necessarily. There  
21 are certain questions that I do discuss with the  
22 Mayor because if there's something that's going to be  
23 in the paper the next day, he should hear from me  
24 first.

25 CHAIRPERSON RESTLER: Totally bear minimum.

2 MURIEL GOODE-TRUFANT: So, there are some things  
3 that are discussed but we have 70,000 matters overall  
4 and so, every thing that we do can't possibly be  
5 discussed.

6 CHAIRPERSON RESTLER: Is he conflicted out from  
7 dealing with any issues relating to the federal  
8 government, the justice department, as a result of  
9 his situation?

10 MURIEL GOODE-TRUFANT: I would like to not answer  
11 any questions about his personal situation because we  
12 represent only the city and we make certain that we  
13 keep that line very bright.

14 CHAIRPERSON RESTLER: Totally understood and I'm  
15 not asking about his case. I'm asking if the  
16 existence of the case poses a conflict of interest  
17 that limits his ability to provide guidance or policy  
18 direction on matters that effect the city's dealings  
19 with the federal government.

20 MURIEL GOODE-TRUFANT: We are very mindful of our  
21 ethical obligations and the Law Department makes sure  
22 that we follow our ethical obligations.

23 CHAIRPERSON RESTLER: Good, thank you for that  
24 answer. I was relieved that the city decided to file  
25 a lawsuit regarding the \$80 million in migrant funds

1 that was stolen from the city's bank accounts. Could  
2 you provide an update on the status of that lawsuit?  
3 Do you have sufficient resources to fight that out?

4 MURIEL GOODE-TRUFANT: Uhm, it is still in the  
5 very early stages. We saw emergency relief, which  
6 was not granted, and part of the reason it was not  
7 granted, is that we were seeking money and typically  
8 money is not given on an emergency basis in any type  
9 of court proceeding. We will continue to vigorously  
10 fight the matter though and we cover our funds.

11 CHAIRPERSON RESTLER: Great. Do you anticipate  
12 any new needs in this budget process to ensure that  
13 you have adequate staff for the looming range of  
14 federal challenges that we're facing? If they decide  
15 to resend more funds, they seek to tie funding to  
16 values that are anathema to the people of New York  
17 City, Sanctuary City status etc., efforts to  
18 undermine the LGBTQ communities in New York. Do you  
19 have the staffing resources you need to fight back?

20 MURIEL GOODE-TRUFANT: We have been in  
21 conversation frequently with OMB on our needs,  
22 particularly with respect to the changing landscape.  
23 If more is needed, we will definitely request more.  
24

2 CHAIRPERSON RESTLER: And I've been - I found the  
3 Trump Administrations attacks on private law firms to  
4 be chilling and I was really saddened by how Paul  
5 Weiss folded this week and I think agreed to \$40  
6 million worth of pro bono services at the Trump  
7 Administrations behest.

8 We rely a lot on pro bono partners in New York  
9 City. Do you believe that we'll be able to access  
10 support from pro bono attorney's and the law firms of  
11 New York on federal cases or will that - is that  
12 landscape now muddled?

13 MURIEL GOODE-TRUFANT: It depends on the  
14 particular partners. I have for matters that I can't  
15 discuss here but I have talked to people who are at  
16 mid-size or smaller firms who are glad to be of  
17 assistance.

18 CHAIRPERSON RESTLER: Great. That's good to  
19 hear. We should recognize folks who are willing to  
20 step up. I have - I will pause here and Council  
21 Member Brewer would like to jump in.

22 COUNCIL MEMBER BREWER: Thank you. First of all,  
23 thank you for all your response to our many letters.  
24 You are prompt and I appreciate it very much and I  
25 write a lot of letters and I appreciate the response.

2 A couple things you mentioned I think when you  
3 were speaking that you hire firms to do collections  
4 and you collected quite a bit. So, why wouldn't you  
5 expand that unit because there are so many unpaid  
6 fines and fees.

7 The reason why I'm interested in this, I'm always  
8 contacting IBO to get the list of unpaid fines and  
9 fees and it's always pretty high. Much of it of  
10 course is finance but you do your own. So, I just  
11 was wondering why you wouldn't hire more to do more  
12 collection?

13 MURIEL GOODE-TRUFANT: There are three or four  
14 firms and they basically get paid based on how  
15 productive they are and the work comes out of  
16 Department of Finance and other agencies for whom we  
17 collect unpaid debt. If we get to the point that  
18 bringing on another firm would be of a financial  
19 benefit-

20 COUNCIL MEMBER BREWER: A cost benefit.

21 MURIEL GOODE-TRUFANT: Yeah, to a firm, we  
22 certainly will do that.

23 COUNCIL MEMBER BREWER: Okay but it does seem to  
24 me that last time I checked it was about three, two,

1 three years ago and it was like \$2.1 billion total.  
2  
3 That's a lot of money.

4 Second, cannabis, my favorite topic. So, I think  
5 the plan says that you spent \$1.4 in Fiscal '25 and  
6 \$2.8 baselined in '26 for 25 cannabis enforcement  
7 positions. So, I just wanted to know what the role  
8 of the Law Department is as it relates to the laws  
9 and enforcement. It's a funny - it's a fluid  
10 situation I think because you have I think a lot of  
11 responsibility and glee from closing with the Sheriff  
12 a lot of the illegals. And I'm pleased that there  
13 are some new legals but there's a lot in there with  
14 the - just sort of the breakdown of the new  
15 positions. Some of the funding issues and what do  
16 you think will be the future? How is the anticipated  
17 revenue compared to our expenditures? Like, how much  
18 are we spending and is it you know worth it?

19 MURIEL GOODE-TRUFANT: I will introduce a  
20 response and then yield to my very lernick colleagues  
21 for follow up.

22 COUNCIL MEMBER BREWER: The cannabis experts.

23 MURIEL GOODE-TRUFANT: Yes, the cannabis experts.  
24 The need for staffing is in multiple divisions  
25 because there are a variety of ways that we assist in

3 the work. There's work from our legal counsel  
4 division that provides a lot of counseling on  
5 detailed policy matters as to how things are rolled  
6 out. Our administrative law and regulatory  
7 litigation division assist with practical  
8 implementation of those laws and as well as the  
9 various Article 78's and other proceedings that are  
10 brought as a result of closures. We anticipate there  
11 will be false arrests claims brought in state and  
12 federal court and so there are lines there for Tort  
13 and special federal litigation. There's also a line  
14 for appeals because we anticipate a number of appeals  
15 to escalate to that point of litigation. And I will  
16 now have Sheryl Neufeld who is an expert in cannabis  
17 to share more.

18 SHERYL NEUFELD: Well thank you Corporation  
19 Counsel. I do believe you covered most of it. I can  
20 say the work that I have been involved with sort of  
21 at the executive level is coordinating as Corporation  
22 Counsel said, on the various regulatory policies. We  
23 implemented a number of rules the Administrative Law  
24 Division has somewhere between 70 and 100, Article  
25 78's that they've done so far. A number of them have  
been orders to show cause with very quick return

3 dates and applications for temporary restraining  
4 orders. They have not been successful in all but  
5 have been successful on a majority as well as our  
6 colleagues in the appeals division who has had to go  
7 in on very quick appeals on cases where judges might  
8 not have agreed with the city's position.

9 COUNCIL MEMBER BREWER: Wow, that's a lot.

10 SHERYL NEUFELD: It has been a busy time.

11 COUNCIL MEMBER BREWER: Do you have some sense of  
12 what the revenue will be going forward and then how  
13 much are you just spending on enforcement so far,  
14 just generally?

15 SHERYL NEUFELD: Those are questions better  
16 answered by our colleagues at our partner agencies,  
17 the Sheriff's Office, the Police Department. We  
18 aren't involved in the issuance of the summonses or  
19 the collection efforts there to but I am confident  
20 they have that information.

21 COUNCIL MEMBER BREWER: Okay. Next question is  
22 just Charter Revision. There are two Charters as you  
23 know competing or complimentary, it's not clear and  
24 so I go testify under all of them, having no idea  
25 what will end up on the ballot but I think there is  
money associated with your agency and their

3 existence. So, I just want to know how the funding  
4 amounts were determined. Are you working on both or  
5 just the Mayor's Charter? And what's your role in  
6 Charter Revision Commissions? It's a little strange  
7 at this moment.

8 MURIEL GOODE-TRUFANT: I will start and then I  
9 will yield to our Chief of Administration for more  
10 information. Historically money has been put in the  
11 Law Departments budget for Charter Revision  
12 Commissions. I think mostly because it's a  
13 convenient place to put it and so a Charter Revision  
14 Commission may decide that they need to hire a firm  
15 to do an information campaign for the electorate.  
16 That firm would be paid by the Law Department, even  
17 though the Law Department would not have any actual  
18 connection to retaining that firm but we are holding  
19 the money. And so that is why you see funds in our  
20 budget for Charter Revision. Separate from that, our  
21 legal counsel division provides a wealth of  
22 counseling to Charter Revision Commissions on how  
23 mechanically to carry out their task. And I will ask  
24 Jenn if I have missed any detail.

25 JENNIE NAGLE-YNDIGOYEN: The only detail I think  
that I could provide additionally is the way the

3 amounts are determined for the 2024 Charter  
4 Commission funding, Charter Revision Commission  
5 funding. That was just the amount that was still  
6 owed. I think that was primarily for the advertising  
7 campaign surrounding the election in November and  
8 that was a current fiscal year cost, so they didn't  
9 fund that before. As far as the other one that is  
10 the 2025 Charter Revision Commission amounts, that  
11 was just the estimate is subject to revision later.

12 COUNCIL MEMBER BREWER: Okay, so you don't have  
13 anything to say about which ballot proposals end up  
14 on the ballots? Which is what's going to be the real  
15 issue.

16 JENNIE NAGLE-YNDIGOYEN: No, we do not.

17 COUNCIL MEMBER BREWER: Okay, alright, thank you.

18 CHAIRPERSON RESTLER: But you'll consult on the  
19 language of the ballet questions?

20 JENNIE NAGLE-YNDIGOYEN: Only if someone asks us  
21 a question.

22 MURIEL GOODE-TRUFANT: Only if someone asks us a  
23 question. We are support.

24 CHAIRPERSON RESTLER: Right, when I was on the  
25 other side, every - we went back and forth with  
Spencer and others on others on the wording of every

3 sentence very, very carefully. But one more just  
4 cannabis follow up to Council Member Brewer. Ms.  
5 Neufeld, are there any - I realize it's the agencies  
6 that are doing the enforcement day to day but are  
7 there any limitations that you've seen in state law  
8 or others where there's a need for greater  
9 flexibility or things that you would highlight for us  
10 to ensure that we can consistently shutdown illegal  
11 cannabis operators? Are there any roadblocks that  
12 we're encountering on a consistent or you know a  
13 recurring basis?

14 SHERYL NEUFELD: I will say what I can say  
15 publicly which is there is a current decision which  
16 you might be aware of regarding enforcement of places  
17 that sell hemp and how the city can or can't enforce  
18 in those locations. That's a public decision. There  
19 are further legal avenues that we're going to be  
20 exploring but the courts on that but that is a  
21 current subject that we're thinking about.

22 CHAIRPERSON RESTLER: Okay and in addition to  
23 hemp, there isn't any - you feel like we have been  
24 empowered appropriately as a city to enforce against  
25 the illegal cannabis shops.

2 SHERYL NEUFELD: So, some of those touch on areas  
3 that are covered by privileged discussions but it's  
4 always something that we're thinking about to make  
5 sure we're using the law the best way that we can and  
6 advising the agencies in that way.

7 CHAIRPERSON RESTLER: Okay, if there are changes  
8 that you think we should be pursuing, I think it's  
9 primarily state law that we should be advocating for,  
10 I know this is a great - that Council Member Brewer  
11 is a great passionate advocate on this issue but I  
12 think many members of the Council would similarly  
13 want to help push and so if you have any advice or  
14 counsel you'd like to share with us on ways in which  
15 we can be helpful in helping to amend decisions that  
16 have been made in Albany, please let us know.

17 SHERYL NEUFELD: Thank you very much.

18 CHAIRPERSON RESTLER: I'd like to shift to  
19 Rikers. So, the Mayor rather oddly stated on  
20 television over a month ago, that there would be an  
21 executive order to allow ICE back onto Rikers. Has  
22 the Law Department been involved to date in the  
23 drafting of this Executive Order?

24

25

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3 MURIEL GOODE-TRUFANT: To the extent that we  
4 provided any advice on such a subject, I cannot  
5 share.

6 CHAIRPERSON RESTLER: So, when we asked - so  
7 you're the third person I've asked about this through  
8 the Preliminary Budget process so far. So, I'll  
9 share with you what others have said to see if that  
10 can help us get to any more clarity. The Mayor's  
11 Office of Immigrant Affairs and the Asylum Seeking  
12 Office, I don't know what Molly's office is  
13 officially called. Said they had not been consulted  
14 whatsoever and had no information or insight or  
15 information at all about this Executive Order. When  
16 we asked the Department of Corrections, they said  
17 that they had been involved in the drafting of the  
18 Executive Order but they had only been consulted by  
19 the Council to the Mayor and they were not aware that  
20 the Law Department had been involved to date. That  
21 was a week ago today. Are you able to offer - I  
22 presume that any final Executive Order would require  
23 the review of the Law Department, is that right?  
24 Maybe require is the wrong word. It would typically  
25 receive the review and input from the Law Department.

MURIEL GOODE-TRUFANT: It may.

3 CHAIRPERSON RESTLER: And today you're not in a  
4 position to speak to whether you have - your team has  
5 provided input on the drafting of that Executive  
6 Order?

7 MURIEL GOODE-TRUFANT: That's correct.

8 CHAIRPERSON RESTLER: Okay. I don't know of  
9 another way to ask the question. If I did, I would  
10 try a third one. So we all have jobs to play. So,  
11 shifting to uhm - ICE in New York City. It was  
12 reported in January that Mayor Adams advised to the  
13 agencies, including schools, shelters, etc., that  
14 they could let ICE agents in if they were - they  
15 could allow ICE agents looking for immigrants onto  
16 city property without warrants if city personnel  
17 "felt reasonably threatened by their presence. Did  
18 the Law Department advise the Mayor's Office on this  
19 guidance?

20 MURIEL GOODE-TRUFANT: We have partnered with the  
21 Mayor's Office as well as MOIA on guidance and we  
22 participated in a clarifying guidance to all city  
23 agencies at the beginning of February that made clear  
24 that any nonlocal law enforcement officer who comes  
25 to a city facility looking for an individual must

3 comply with the fourth amendment and that is have a  
4 judicial warrant.

5 CHAIRPERSON RESTLER: Good. So, that was the  
6 cleanup essentially to what had been confusing  
7 guidance around feeling reasonably threatened and in  
8 those circumstances allowing ICE agents onto city  
9 property?

10 MURIEL GOODE-TRUFANT: I think that there was  
11 always a requirement of fourth amendment compliance.  
12 When people began to ask follow up questions, what if  
13 this happens? What if that happens? For some, the  
14 message got muddled and in order to unmuddle it, we  
15 did a very clean I think flow chart. If a, then b  
16 period.

17 CHAIRPERSON RESTLER: Right, okay and has your  
18 team been proactively working with agencies to ensure  
19 that all city employees or that key city employees  
20 understand the city's - sanctuary city laws and the  
21 criticality of compliance with the fourth amendment?

22 MURIEL GOODE-TRUFANT: Yes but I'll note that our  
23 work is primarily with the general counsels of each  
24 agency. We are not tasked with actually -

25 CHAIRPERSON RESTLER: Sure, that's fair.

MURIEL GOODE-TRUFANT: Doing the training.

2 CHAIRPERSON RESTLER: And has the Mayor's Office  
3 sought to interfere in any way with the Law  
4 Departments guidance to city agencies about the  
5 fourth amendment and the requirement of a judicial  
6 warrant to enter city property in search of  
7 individuals?

8 MURIEL GOODE-TRUFANT: No.

9 CHAIRPERSON RESTLER: Good. I think that my  
10 colleague has officially covered cannabis. So I just  
11 - I'd like to shift to representation decisions.  
12 Particularly some of the representation decisions  
13 that your predecessor had been tasked with making,  
14 uhm, I've been concerned about some of Law  
15 Departments representation decisions for city  
16 employees and both the resources and the cost impact  
17 that this has on the already strained Law Department.  
18 Can you explain for us the process by which the Law  
19 Department determines whether or not to represent an  
20 employee accused of sexual harassment?

21 MURIEL GOODE-TRUFANT: Yes. I'm going to start  
22 and then I'm going to toss it to Eric Eichenholtz.  
23 The start is that we follow a general municipal law,  
24 50K and it requires that if an employee is acting in  
25 the scope of their employment and is not in violation

3 of an agency rule or regulation that they are  
4 entitled to representation. And so now, I'll pass it  
5 to Eric.

6 ERIC EICHENHOLTZ: I think that covers the  
7 basics. If you have any specific questions.

8 CHAIRPERSON RESTLER: Well, I guess I'm  
9 interested - no, I agree, I think that covers the  
10 basics well. After you became Court Counsel, did you  
11 do a review of the existing employees represented by  
12 the Law Department and a review to ensure that those  
13 cases met that standard?

14 MURIEL GOODE-TRUFANT: We have 70,000 cases and  
15 so what happens in our matters and let me hasten to  
16 add before I finish the sentence that the 70,000 is  
17 not the number of defendants that we are  
18 representing. There are cases where we represent  
19 multiple defendants in each case. So, we may  
20 represent you know more than one million people in  
21 various iterations throughout the various cases.

22 As a case progresses, there are always  
23 opportunities to review whether the representation  
24 protocols have still been met. The easiest example  
25 of such a review is if we are representing someone  
who after the case started was charged by their

3 agency with misconduct in connection with the case  
4 and that matter was adjudicated at an agency level  
5 and now there is indeed a finding of a violation of  
6 agency rules and regulations. We would move to  
7 withdraw from representation of that individual.

8 CHAIRPERSON RESTLER: That's all very helpful. I  
9 guess to be direct, there have been a number of very  
10 high profile senior officials in the Adam's  
11 Administration who you know, apparently, have been in  
12 violation of rules and regulations of their agency  
13 and yet have received public representation, either  
14 by the Law Department or an outside attorney. And it  
15 was reported widely in the press you know that this  
16 was one of the major sources of conflict that led to  
17 Judge Heins Raddicks's decision to part ways with the  
18 administration.

19 And so, I just wondered if any of those senior  
20 officials that were directly reporting to the Mayor,  
21 that have I think largely now been separated from the  
22 Administration. Has there been any notable updates  
23 on any of those cases? I'm particularly concerned  
24 about the Tim Pearson case, which just appeared  
25 particularly egregious to me as an observer.

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3 MURIEL GOODE-TRUFANT: Are you speaking about  
4 sexual harassment case?

5 CHAIRPERSON RESTLER: Well, there are a number of  
6 different allegations against Mr. Pearson, so I could  
7 pick my - I guess I have a series of choices but in  
8 totality, I am concerned about the decision to  
9 represent him and the ways in which he has been in  
10 many, many respects over a period of time in his  
11 tenure in the Administration flouting the rules and  
12 regulations of Mayor's Office, EDC, the Police  
13 Department, and just wondered if there has been any  
14 decision to revisit his - the provision of free  
15 counsel on his behalf?

16 MURIEL GOODE-TRUFANT: Eric Eichenholtz is going  
17 to speak further on this matter.

18 ERIC EICHENHOLTZ: Okay, so I think we've spoken  
19 previously about -

20 CHAIRPERSON RESTLER: In this room.

21 ERIC EICHENHOLTZ: In this very room.

22 CHAIRPERSON RESTLER: Similar seats.

23 ERIC EICHENHOLTZ: Yes, this is as it was then,  
24 it is now challenging for me to sort of - I think at  
25 a high level, when we take out privilege, work  
product etc., from the discussion, there hasn't

3 really been a change. We are still representing him  
4 in a series of cases in which we are providing  
5 representation and I believe there is one case  
6 unrelated to those series of sexual harassment cases  
7 where he has not been served and therefore, he has  
8 not requested nor have we provided him  
9 representation.

10 Uhm, we are - we have obviously as I said then  
11 and I'll say it again now, we continue to review  
12 everything we learn about Mr. Pearson as information  
13 comes to us through discovery in those cases through  
14 other sources. And we continue to discuss internally  
15 whether it's representation, whether it's the city's  
16 posture in a case, how that might affect the case,  
17 but obviously those discussions are internal.  
18 They're work product at this point and so I think  
19 while you know I will say on the surface level,  
20 nothing has changed. Obviously we continue to  
21 discuss internally the best ways to proceed moving  
22 forward and if there are developments obviously, we  
23 will, you know we notice the litigation but uh you  
24 know they will occur. But uh -

25 CHAIRPERSON RESTLER: I appreciate look, these  
are difficult questions for you all to answer and I

1 appreciate you trying to answer them in good faith  
2 within the restrictions that you have to abide by.  
3 So, I appreciate that. I do - I guess it's no  
4 surprise. I think it's - I just think it's really  
5 problematic that with all of the many, many, many  
6 allegations of sexual harassment against him across  
7 many members of his team, across the nickname crumbs,  
8 across the different ethical and across the different  
9 ethical violations that he is allegedly responsible  
10 for, it's just really hard for me to understand why  
11 it would be in our interest as a city to represent  
12 him. But at the end of the day, you all have to do  
13 that due diligence. You know facts that I do not  
14 have but appreciate your ongoing analysis and  
15 assessment of the case.  
16

17 Uhm, I'm going to try and not keep you here all  
18 day, so let me do three more topics. Juvenile  
19 justice, which I appreciate you referencing Madam  
20 Court Counsel in your testimony. I'm very concerned  
21 about the reality that we've seen the number of youth  
22 in detention, you know number of kids in jail  
23 increase from 119 to 270 since FY21 and it just keeps  
24 going up and up and up under the Adam's  
25 Administration. Kids are sleeping in classrooms

1 instead of - kids are sleeping in classrooms, which  
2 is just wrong and you know instead of - and we've  
3 seen the Department of Probation in particular slash  
4 the diversion programs, evidence based diversion  
5 programs that could have provided better  
6 opportunities for those young people. I know the Law  
7 Department has a limited role here but you do have a  
8 role and I'm hopeful the Law Department can help us  
9 do more to keep kids out of jail.  
10

11 So, the Law Department is the prosecutor in these  
12 cases, many of these cases that potentially lead to  
13 kids getting placed in jail. I'd like to focus on  
14 the prosecutorial discretion and what is a result of  
15 deliberate policy choices by the Adams  
16 Administration?

17 So, the PMMR showed that the youth arrests for  
18 major felonies increased another 16 percent during  
19 the first four months of this year. It's on track to  
20 be more than double the number of arrests since FY21.  
21 Meanwhile the percent of youth successfully referred  
22 to diversion programs dropped again this year down to  
23 77 percent. It used to be close to 90 percent  
24 prepandemic. A lot of data there but the percent of  
25 cases referred to the Law Department that were

1 prosecuted increased to 38 percent, up from 24  
2 percent in the PMMR last year. What drove that  
3 increase and does the lack of available diversion  
4 programs have an impact in your ability to have  
5 judges you know place people in specific credible  
6 alternative approaches in specific credible  
7 alternative programs?  
8

9 MURIEL GOODE-TRUFANT: There are a number of  
10 things that are driving referrals. We unfortunately  
11 don't get to pick or direct what comes to us. We did  
12 speak briefly about the increase unfortunately of  
13 violence and for a few years there have been more  
14 crimes occurring with firearms and so those are  
15 definitely impacting the work that is flowing to the  
16 Law Department.

17 I'd also like to also just note very quickly  
18 since you spoke about placements and the 270 some  
19 youth that have been placed. Less than ten or  
20 approximately ten are those whose cases came through  
21 the Law Department. So, most of the youth who are  
22 placed are not the work of the Law Department.

23 CHAIRPERSON RESTLER: Okay that's helpful to  
24 hear. I've never heard that statistic before. I  
25 just - I will note because you know there's been a

1 lot of attention around the gun cases. Last year,  
2 the Law Department shared data with our office that  
3 there was only an eight percent increase in firearm  
4 cases from 384 to 415 but a 52 percent increase in  
5 juvenile case referrals.  
6

7 So, we're interested in understanding the  
8 analysis of the 6,000 plus cases to see where the  
9 increase were and that aren't just firearms because  
10 the firearm is such a small percentage and I take  
11 that - I mean we all take gun cases very seriously.  
12 We know there needs to be accountability and we need  
13 to get guns off of our streets but it seems like  
14 there's a lot more that's driving the data. So, you  
15 know I'm happy to hear that only 10 of the 270 kids  
16 who are currently in jail tonight have a result of  
17 Law Department action but I'm just wondering is your  
18 team participating in any inner agency workgroups  
19 with the other relevant agencies, ACS, DOP etc., to  
20 try and help reduce the population of youth in  
21 detention?

22 MURIEL GOODE-TRUFANT: Absolutely we participate  
23 in a number of partnerships across the various  
24 agencies and with the courts and we are also  
25 proactively in the community trying to direct youth

3 on better paths so that they don't encounter us in a  
4 courtroom, They encounter us in a classroom.

5 CHAIRPERSON RESTLER: Yeah, no it's one of the  
6 things that has you know we've seen substantial cuts  
7 from the Department of Correction and the Department  
8 of Probation Budget focused on reentry programming  
9 and diversion programming and ATI's and ATD's, all  
10 investments that keep our young people and keep  
11 people as a whole out of incarceration and that are  
12 evidence based and work.

13 And so, you know the particular cuts at the  
14 Department of Probation that serve young adults the  
15 Argis program, the Next Steps program, I mean these  
16 are highly effective programs with great providers  
17 and Commissioner Holmes has insisted on just cutting  
18 them and I, I still, I mean I ask her at every  
19 hearing and I still don't have a clue why. So, I  
20 just - I hope that we can all work together to find  
21 ways to push to make sure that those options are  
22 available to our young people because they are much  
23 better solutions than jail.

24 Increases in judgements and claims, which I'm  
25 sure you already forwarded today because the numbers  
are quite notable. According to the PMMR, payouts

3 made for judgements and claims against the city in  
4 state and federal court increased by four percent  
5 during the first four months of FY - for in the first  
6 four months of Fiscal Year '25 when compared to the  
7 same period last year.

8 In Fiscal Year '24, payments had hit a recent  
9 high of \$1.52 billion, up from \$1.21 billion in FY23  
10 and up from just \$794 million in FY22. So, we're  
11 looking at double since FY22. What drove this  
12 increase in payouts since FY- what's driven this  
13 increase in payouts? Is it primarily the Child  
14 Victims Act?

15 MURIEL GOODE-TRUFANT: Those particular increase  
16 are the result of two categories. One, large class  
17 action settlements and second, reverse conviction  
18 settlements.

19 CHAIRPERSON RESTLER: Okay.

20 MURIEL GOODE-TRUFANT: And so, within those  
21 categories for example, in the previous fiscal year  
22 FY24, there was a very large class action entitled  
23 Lynch that resolved that was approximately \$170  
24 million and that is a significant component of the  
25 judgement of claims. There were also a number of  
reverse conviction cases where payouts to individuals

3 were more than \$10 million each. So, if you have  
4 five such payouts and a large class action, you can  
5 see quite readily how you can have a spike in a  
6 particular year.

7 CHAIRPERSON RESTLER: Fair, it's just that we've  
8 seen a steady increase over a number of years and to  
9 go from \$700 plus million to \$1.5 is you know, those  
10 are big swings and I get that a few key cases can  
11 have an outsized impact but is the Law Department  
12 taking steps to reduce the judgment and claims  
13 expenditures? Is there anything that you all can do  
14 to try and rain in this expense?

15 MURIEL GOODE-TRUFANT: There are a number of  
16 things that we do. We have a risk management  
17 division that works both in the department and with  
18 agencies at risk mitigation efforts and particular  
19 look at matters that have caused the city to be  
20 liable on a class basis for particular activities and  
21 get agencies to change behavior such that so those  
22 things don't happen again.

23 CHAIRPERSON RESTLER: I wanted to ask about PD  
24 payouts in particular. An analysis by Legal Aid  
25 found that the city paid \$205 million in police  
misconduct lawsuits in 2024. It's almost double the

1 \$114 million we paid in 2023 and since 2018, these  
2 lawsuits have cost the city three quarters of a  
3 billion dollars. I will tell you; I think the most  
4 shocking testimony I have received in the last two  
5 weeks of budget hearings was from the CCRB. The CCRB  
6 has a 62 percent increase in police misconduct  
7 complaints over the last two years, largely driven by  
8 excessive force complaints by the NYPD. They have  
9 seen such a dramatic reduction in their staffing that  
10 for 23.5 percent of cases, they don't investigate at  
11 all, they just close them out automatically if  
12 there's SIR tissues, you know illegal seizure of  
13 properties, discourtesy etc..

14  
15 So, we're seeing this major increase in PD  
16 payouts and we're seeing a major increase in  
17 complaints against the CCRB, complaints in the CCRB  
18 for police misconduct. I recognize you don't control  
19 the Police Department but what can we do to stem the  
20 increase in these cases? Are you flagging these  
21 issues for Commissioner Tisch, for City Hall, to note  
22 that we've clearly got a trend that's moving in the  
23 wrong direction?

24

25

2 MURIEL GOODE-TRUFANT: We meet regularly with the  
3 Police Department. They're one of our clients and we  
4 discuss both trends as well as particular cases.

5 CHAIRPERSON RESTLER: Do you think that there are  
6 any strategies being developed to reduce these  
7 payouts?

8 MURIEL GOODE-TRUFANT: Well, I would say that  
9 there certainly is training that is occurring  
10 throughout the Police Department in order to make  
11 certain that activity is compliant with applicable  
12 law.

13 CHAIRPERSON RESTLER: Okay, I mean I, I'm very  
14 pleased about Commissioner Tisch's appointment. I  
15 think that we're seeing a degree of accountability  
16 and integrity and competence return to the leadership  
17 in 1PP that had been lacking. With that being said,  
18 I'm just very concerned about the long term impacts  
19 this has on police community relations when we're  
20 seeing such a large spike in complaints against  
21 police officers for excessive force and its  
22 manifesting itself in terms of increased payouts that  
23 we're having to fork over every year and people  
24 deserve them. I'm not even angry at it but this  
25 shouldn't be happening in the first place. And so, I

3 appreciate that it's on your radar that you're having  
4 these conversations. I hope that with her new  
5 leadership that she really makes an effort to rain  
6 this in and we start to see things move in a  
7 different direction.

8 I'm going to do one more topic that is just  
9 something that I've been very interested in. My  
10 Chief of Staff, Molly and I often talk about the  
11 increase in emergency executive orders under this  
12 Administration. As you know, State Law gives the  
13 Mayor the power to issue emergency executive orders  
14 to "protect life and property" or to bring an  
15 emergency situation under control.

16 Mayor Adams has issued an emergency executive  
17 order every five days for the past 895 days on the  
18 asylum seeker crisis, and the entire time, the Mayor  
19 has been in office, he has issued continued emergency  
20 executive orders relating the Nunez Consent Decree on  
21 Rikers. Do you think this use of executive orders is  
22 consistent with what you've experienced from previous  
23 administrations and is this use of executive orders  
24 for years on end and end around of our city laws that  
25 you know we should be concerned about?

3 MURIEL GOODE-TRUFANT: First, with respect to the  
4 asylum seeker crisis, we were forced to absorb  
5 hundred of thousands of people without the  
6 opportunity to properly prepare for them in advance  
7 and while many people have moved on to their next  
8 destination, we are still grappling with caring for  
9 people who find themselves to be residents of New  
10 York City. And so, there still is an emergency that  
11 was not of our making and so, it is appropriate to  
12 continue to resign that order every five days.

13 With respect to Rikers, I am going to turn to my  
14 colleague Sheryl Neufeld.

15 SHERYL NEUFELD: So, with respect to Rikers, we  
16 have to look at it all in the context of the ongoing  
17 Nunez case, in which there is a consent judgement  
18 pending before Judge Swayne in the Southern District  
19 that has requirements that monitor appointed by the  
20 court and who reports to the court has to review many  
21 areas of the Department of Corrections practice.  
22 Many areas of this Department of Corrections  
23 practice, some of which are or most of which are  
24 actually also covered by Local Laws and rules and so,  
25 in situations where they can't be harmonized, we're  
in a position where it is appropriate to take actions

3 to ensure that we're not in a situation of not  
4 complying with rules while we are at the same time  
5 having the monitor undergo the analysis to figure out  
6 what can be done safely.

7 CHAIRPERSON RESTLER: Do you - you all have a  
8 healthy wealth of experience at the Law Department.  
9 Do you think that the use of Executive Orders,  
10 emergency executive orders in this Administration has  
11 been consistent with previous administrations?

12 MURIEL GOODE-TRUFANT: I don't know and it may be  
13 because I was in a different role during other -

14 CHAIRPERSON RESTLER: It's a somewhat impossible  
15 question to answer but my impression is that it is  
16 different and I'm concerned about it. I recognize  
17 every situation is different and that you know I  
18 can't argue that the incredible challenges that we  
19 faced in welcoming hundreds of thousands of migrants  
20 into New York City and providing resources and care  
21 and housing for them was a major strain on city  
22 resources and to do so we had to utilize emergency  
23 powers to be able to make that work. But you know  
24 when we're using emergency executive orders for years  
25 on end, there's a question of do we need to have a  
conversation between the Mayor and the Council to

3 adjust our laws to reconsider certain policies and  
4 I'm not aware of any of those conversations taking  
5 place. And so, I just wish that we could you know  
6 recognize we could work collaboratively to make  
7 adjustments where they're needed rather than just use  
8 emergency executive orders to work around local laws.  
9 But I am - I know that I asked some tough questions  
10 and questions that - but I am grateful for your  
11 forthright answers and far more grateful for your  
12 thoughtful leadership in the Law Department and  
13 representing the best interest of New Yorkers day in  
14 and day out. So, thank you each for your service and  
15 thank you to everyone at the Law Department for their  
16 hard work.

17 MURIEL GOODE-TRUFANT: Thank you.

18 CHAIRPERSON RESTLER: I hope you all have a  
19 wonderful afternoon.

20 MURIEL GOODE-TRUFANT: You too.

21 CHAIRPERSON RESTLER: It's 1:54. Let's start at  
22 2:00 with BOE, just so people can go to the bathroom.

23 [03:49:40]- [03:57:46]. Alright, let's get this  
24 show on the road. Fourth on the list today but  
25 certainly not least is the Board of Elections. I'd  
like to welcome Executive Director of the BOE Mike

3 Ryan, Deputy Executive Director Vinny Ignizio and  
4 thank them for their testimony today at our  
5 Preliminary Budget hearing.

6 The BOE's Fiscal Year 2026 Preliminary Budget  
7 totals \$146.7 million, including \$69.9 million in  
8 personnel services funding to support 712 actual full  
9 time positions and \$76.9 billion in Other Than  
10 Personnel Services expenses. The BOE is responsible  
11 for conducting all federal, state and local elections  
12 in the City of New York. In the Preliminary Plan,  
13 BOE's fiscal year 2026 Preliminary Budget is just  
14 \$1.1 million greater than its Fiscal Year 2025  
15 Adopted Budget with no net changes to funding  
16 included in the Prelim plan.

17 Today, we look forward to discussing BOE's  
18 operations, budgeting practices, staffing, and the  
19 metrics reported in the Fiscal 2025 Preliminary  
20 Mayor's Management Report. Ensuring the integrity of  
21 our local elections are critical for upholding our  
22 democracy. We hope to learn more about the BOE's  
23 preparedness for the June 2025 primaries to ensure  
24 that every eligible New Yorker is able to make their  
25 voice heard at the ballot box.

3 We will also dedicate time at this hearing to the  
4 recent DOI report about the Board of Elections to  
5 ensure the right policies and procedures and  
6 necessary resources are in place to protect the  
7 wellbeing of all BOE employees.

8 I'd like to thank Mr. Ryan and Mr. Ignizio for  
9 joining us today. Now, I'd like to ask Committee  
10 Counsel to administer the oath and swear in the  
11 testifying representatives.

12 COMMITTEE COUNSEL: Thank you. Good afternoon.  
13 Could you please raise your right hands? Do you  
14 swear to tell the truth, the whole truth and nothing  
15 but the truth before this Committee and respond  
16 honestly to Council Member questions.

17 PANEL: Yes.

18 COMMITTEE COUNSEL: Thank you. You can go ahead.

19 MICHAEL RYAN: Yes Chair Restler and the members  
20 of the of the Committee on Governmental Operations  
21 and State and Federal Legislation, we are happy to be  
22 here today to offer testimony for the preliminary  
23 budget and we certainly would be prepared to waive the  
24 reading of our formal testimony as submitted and  
25 proceed to the question and answer period if that's  
acceptable to the Committee.

3 CHAIRPERSON RESTLER: I'd suggest just doing the  
4 very topline highlights if you don't mind.

5 So, top line highlights are that we are expecting  
6 to conduct two elections next year, whether that  
7 remains what it is, we never can tell with the  
8 special elections. We are in an active election  
9 presently for the 44<sup>th</sup> Council District in Brooklyn  
10 and we expect to do at least one more special  
11 election before June and perhaps a third depending on  
12 the outcome of the election that we're presently in.

13 So, we are always hit with surprises and we work very  
14 closely with the Administration to deal with those  
15 since we couldn't possibly plan for them in advance.

16 There's always a difference between the boards  
17 projection of funds. We're projecting that we'll  
18 need approximately \$260 million for the next fiscal  
19 year but we work closely with the Administration to  
20 put a benchmark in at the early part of the fiscal  
21 year since our agency essentially runs you know  
22 seasonally split between two major elections. One in  
23 the fall and the other one at the end of June. So,  
24 while there may appear to be a wide gap between what  
25 we project and what the Mayor's Office is projected  
in the Executive, that has not been a problem I would

2 say in the last ten years. This is the way that  
3 we've been dealing with it and its worked well and we  
4 try to ensure that we deal with city funding in as  
5 fiscally a prudent manner as we can.

6 CHAIRPERSON RESTLER: So, just to that, you know  
7 the preliminary plan lists 517 full time positions  
8 budgeted for FY25 and FY26 but the actual headcount  
9 as of January was 712. This is - our information is  
10 based on data the Council receives from OMB regarding  
11 full time staff only. Is 712 the current headcount?  
12 Do you have additional part time staff? But more  
13 importantly, why not adjust the budgeted headcount  
14 with OMB to more closely align with your needs?

15 MICHAEL RYAN: So, the short answer to that  
16 question is I don't know. I have been the Executive  
17 Director for almost 12 years and the headcount  
18 between the budgeted headcount and our actual  
19 headcount has never matched. That's the best answer  
20 I could possibly give you.

21 CHAIRPERSON RESTLER: Why not just tell OMB what  
22 it should be and what you're actual headcount is and  
23 they'll reflect it in the budget documents?

24 MICHAEL RYAN: Well, we worked closely with them  
25 to adjust the number of temporary employees that we

2 have or employees in temporary titles downward, which  
3 we did. We still have over 200 employees in  
4 temporary titles and our actual headcount as of  
5 today, which is always a fluid number, is 931.

6 CHAIRPERSON RESTLER: That includes full and part  
7 time?

8 MICHAEL RYAN: Well, we don't have any part time  
9 employees, so we have all full time employees but  
10 some of the employees are in temporary titles. It  
11 used to be about 50/50. If you remember back to when  
12 we had September primaries, we worked a little bit  
13 differently then. We would bring in temporary  
14 employees over the summer and they would essentially  
15 work from say July-ish to you know after the  
16 certification of the election in November.

17 That has not been the case for quite a number of  
18 years now with the number of special elections that  
19 we have to conduct every year, plus a change in the  
20 way business is done having a primary election be in  
21 June and the general election in November. So, we're  
22 happy to work with OMB to adjust that number. It has  
23 never been adjusted. Our numbers are always  
24 available through OPA Phizer. They've been pretty  
25 steading in the 920's to 9 you know 930's you know

3 for the last number of years. I don't know why that  
4 hasn't been adjusted but we're certainly happy to  
5 assist.

6 VINCENT IGNIZIO: Mr. Chairman, one thing we  
7 should probably do is post budget, sit down with OMB  
8 and try to rectify the number. I think some of it  
9 could be due to and as you are aware, in the agency,  
10 city agency mode, the OMB approves each increase of  
11 headcount, ORFTE's. We don't have that same system  
12 because of being a noncity agency so potentially  
13 that's where the diversion -

14 CHAIRPERSON RESTLER: Totally, it's just been  
15 this way for a decade plus. It doesn't make any  
16 sense.

17 VINCENT IGNIZIO: I think it's a post budget  
18 conversation.

19 CHAIRPERSON RESTLER: It's just dumb but we  
20 should fix it and appreciate your willingness to sit  
21 down with OMB and rectify it. If we can be of  
22 assistance, please let us know. Early voting, we had  
23 a really successful early voting period this past  
24 November. I was impressed by the operations across  
25 the city. I believe over on million New Yorkers  
voted early and I hope we continue to see that same

3 level of enthusiastic early voting turnout in June.

4 You shared with us that you had 155 early voting  
5 sites in November. How many early voting sites do  
6 you plan to have for June?

7 MICHAEL RYAN: If we have primaries in all of the  
8 locations, we will have 155 sites again, so.

9 CHAIRPERSON RESTLER: If you don't have a counsel  
10 primary but there's a mayoral primary, you wouldn't -

11 MICHAEL RYAN: Oh yeah, you're right. I'm sorry,  
12 I apologize. We have three citywide elected  
13 officials so yes; we'll have the 155 for - and that  
14 will be the standard number moving forward. I don't  
15 anticipate it getting less than that. It would only  
16 grow from here.

17 CHAIRPERSON RESTLER: Great, I'm a strong  
18 proponent and I believe my colleague is as well of  
19 cultural institutions, libraries, colleges,  
20 government buildings, as great locations for early  
21 voting. I'm concerned about the use of secondary  
22 schools because when we're in a cafeteria or you know  
23 another key space in the building, we're displacing  
24 kids for a week at a time and if you have three  
25 elections in a year, it's a real negative impact on

2 the school. So, how many of the 155 early voting  
3 sites are within elementary, middle, or high schools?

4 MICHAEL RYAN: Very few in elementary schools.  
5 Most of them are in high schools. We can get you the  
6 exact numbers but we do have a few where we are  
7 forced by what I'll call a desert of no other  
8 available locations, suitable locations to use. Some  
9 schools that we would otherwise not want to use.

10 VINCENT IGNIZIO: I think it's about one-third  
11 but we'll -

12 CHAIRPERSON RESTLER: Confer to the schools.

13 MICHAEL RYAN: Yeah, I believe so or somewhere in  
14 that neighborhood. Please don't hold me to that  
15 number but we have always said and we speak to Gale,  
16 I'm sorry Council Member Brewer often.

17 COUNCIL MEMBER BREWER: I like Gale.

18 CHAIRPERSON RESTLER: I just want to be clear;  
19 everybody speaks to Council Member Brewer often.

20 MICHAEL RYAN: Yes but we are absolutely open to  
21 speaking to Council Members who know their districts  
22 best to say, can you look at this site? Can you look  
23 at alternatives and we always will and we always  
24 have.

2 CHAIRPERSON RESTLER: I know that you're always  
3 responsive but I think that for this issue, we  
4 actually need you to be proactive and I think that if  
5 we're talking about 50 odd sites across the city,  
6 where we're in schools, it's worth flagging for every  
7 Council Member the schools in their district to see  
8 if they can identify alternatives that could work.  
9 You know, I mean we have had - not for early voting  
10 but you know I can remember like private businesses  
11 that are ADA accessible that have worked at polling  
12 sites and so, we can help identify quirky spots that  
13 you know, it's impossible. I mean, you guys know  
14 Staten Island but it's impossible for you to know  
15 every corner of the city with that same level of  
16 expertise.

17 And so, but we do right because it's our  
18 community. So, I would just strongly encourage and  
19 we'd be happy to help on this if you could draft a  
20 memo for us that breaks down the 55 odd sites by  
21 Council District, we can follow up with each member  
22 and make sure that they're looking hard.

23 MICHAEL RYAN: Yeah, it would be very helpful to  
24 have the Council Members input and what he or she  
25 seeks for their district as well.

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3 CHAIRPERSON RESTLER: If you could give me a  
4 breakdown of the sites by district, I'd follow up  
5 with each member myself.

6 MICHAEL RYAN: Great.

7 CHAIRPERSON RESTLER: Staffing and recruitment.  
8 So, there was uh a disturbing article in the Times  
9 today. I know the BOE has done I think an impressive  
10 job of increasing recruitment of co-workers and  
11 you've taken on more and more of the responsibility  
12 away from the political parties, which I have  
13 complimented you on at multiple hearings in a row and  
14 I will compliment you on today.

15 My recollection is that you testified that in the  
16 general, the presidential that 37 of the 46,000 poll  
17 workers were recruited by the BOE. Do I have that  
18 number right?

19 MICHAEL RYAN: Yeah, I mean it's an average of -  
20 well, I'm sorry, if I testified to that number, it's  
21 the right number. Where I'm confusing myself is I  
22 pulled the numbers today from the entire pool of poll  
23 workers that we have, which is right now about  
24 active, about active about 85,000. So of the 85,000,  
25 that's the number that's fresh in my head, 35 percent

3 of the 85,000 are nonparty - are party. 65 percent  
4 are nonparty.

5 CHAIRPERSON RESTLER: Right but if the numbers  
6 you testified to are accurate from the general, you  
7 did 80 percent, not 65.

8 MICHAEL RYAN: Yes, well that will fluctuate  
9 right from because we have - we're only using 37,000  
10 to 40,000 poll workers for an election and we have a  
11 pool of available poll workers of 85,000. So,  
12 depending on an election event, it may be a little  
13 bit higher or a little bit lower, you know it depends  
14 on who is going to work.

15 VINCENT IGNIZIO: We had an enormous recruitment  
16 drive though we did publicly last year where we got  
17 tons of people from across the city who said, yes,  
18 I'd like to be a poll worker and plugged them in  
19 accordingly. So, people do want to serve and people  
20 are serving in record numbers who are affiliated or  
21 aren't affiliated.

22 MICHAEL RYAN: And it's kind of strange because  
23 we have kind of two categories of poll workers more  
24 or less. One is the long time poll workers that love  
25 doing it, that wouldn't miss an election and get  
really you know upset when they have to miss an

1 election and then the others are the first timers.

2 The retention of first timers is always a challenge.

3 I think the increase in pay has helped with that.

4 There's some conversation in Albany about increasing  
5 pay further and mandating that in the state statute.

6 I don't know what, I know there's a bill proposed. I  
7 don't know what legs it has, whether there's a same  
8 as or not but they're talking about another \$100  
9 increase for poll workers.

10  
11 CHAIRPERSON RESTLER: Look, I welcome increase  
12 compensation for poll workers. If Albany is going to  
13 act, they need to take the local parties out of the  
14 process. That's where the problem is. I mean that's  
15 a bit part of the problem. I was deeply troubled by  
16 the article I read in the Times this morning  
17 reporting that poll workers were pressured by the  
18 Bronx Republican party to donate to the party in  
19 exchange for poll worker jobs. Right, you give them  
20 \$150 and you get a \$1,500 pay for a week of work,  
21 nine days of work. I understand that BOE was  
22 contacted by investigators over the summer about one  
23 employee in particular, it was Nicole Torres. Did  
24 the BOE conduct a larger review of poll worker  
25

3 practices and party and alleged party corruption to  
4 determine the extent of this issue?

5 MICHAEL RYAN: So, we have an ongoing review of  
6 all of our internal practices. What we were waiting  
7 for with respect to the one particular borough was a  
8 conclusion of the investigation and the processes to  
9 see you know where this was ultimately going to land.  
10 So, we have our eye on it. We understand that that  
11 particular matter may be coming to a conclusion.  
12 When it comes to a conclusion, we hope to see where  
13 the dust settles and you know specifically if there's  
14 anyone else that's involved; we hope not but it also  
15 was an issue that came to our attention last June and  
16 was first reported in August of last year, as when  
17 her indictment was first filed. So, what we have  
18 here now is like the tail end story that the matter  
19 seems to be coming to a conclusion.

20 CHAIRPERSON RESTLER: I guess, look, I understand  
21 investigations have to run their course but I don't  
22 understand why you would need to wait to make sure  
23 that we don't have a broader corruption issue with  
24 the workers that are getting these jobs.

25 You have made clear in your previous testimony  
before our committee that there is state statute that

2 requires you to take referrals from the parties and I  
3 think you've made an effort to increase outreach over  
4 the last five to seven years so that we are less  
5 dependent on those parties. Has an external party  
6 done a review of these hiring practices by  
7 particularly the Bronx Republican organization or any  
8 other - or the county parties as a whole so that we  
9 can have confidence that people aren't having to pay  
10 a bribe to get a coworker job?

11 MICHAEL RYAN: So, the short answer to that  
12 question isn't no. However, that wasn't without  
13 thought. We knew that there was an ongoing  
14 investigation. If we were confident that the  
15 investigation was terminated with the identification  
16 of this one individual, we would have taken more  
17 proactive steps and now that this is coming to end,  
18 that is exactly what we will do.

19 CHAIRPERSON RESTLER: And who has been leading  
20 this investigation?

21 MICHAEL RYAN: Well, the only investigating  
22 entity that we were aware of - we were contacted. I  
23 believe my memory serves me that it was last June by  
24 the Department of Investigation but this is a federal  
25 indictment.

3 CHAIRPERSON RESTLER: And -

4 MICHAEL RYAN: And so, by the way when I  
5 contacted the federal prosecutors in the southern  
6 district about this when it first came to light, I  
7 got a call back later that day and said that they  
8 could offer me no more information with respect to  
9 that matter and that was back last August.

10 So, we thought that the best thing to do in the  
11 moment was take a little bit of a hands off approach  
12 so that we were not interfering with a Law  
13 Enforcement investigation.

14 CHAIRPERSON RESTLER: But when was the indictment  
15 filed?

16 MICHAEL RYAN: August.

17 CHAIRPERSON RESTLER: So, I just need to say, we  
18 are seven months later and you haven't looked into  
19 whether this is a broader issue that we need to worry  
20 about because you're I guess waiting for this to more  
21 fully run its course. I just don't understand that  
22 decision.

23 MICHAEL RYAN: So, I would say this. If the  
24 individual employee was someone that I would consider  
25 to be the top of a food chain, I might not have been  
as redescent to dive in but she's a relatively - she

3 was definitely a low level employee as far as we're  
4 concerned and my prior experience in my Law  
5 Enforcement background tells me that if an  
6 investigation is starting and the public commentary  
7 is with respect to somebody at a lower level, that  
8 there might be somebody higher up the food chain  
9 involved. And so -

10 CHAIRPERSON RESTLER: Yeah, I understand. I hear  
11 you on all of that. I guess what I worry about is  
12 the here and now of poll workers operating an  
13 elections and having to pay bribes to get those jobs  
14 and that happening in real time and us waiting for  
15 years before we do anything.

16 MICHAEL RYAN: Well, under those circumstances,  
17 we felt it was best to rely on those individuals that  
18 get paid to do those investigations. The Department  
19 of Investigation and the federal prosecutor's office  
20 and I suppose -

21 CHAIRPERSON RESTLER: I hear you're not going to  
22 do an investigation yourself to that scale, but  
23 there's no change in internal policy or practice or  
24 procedure to try and ensure the integrity of the  
25 operation. I just - I don't understand - it just feels  
like we're sitting on our hands.

2 MICHAEL RYAN: To be clear, we do have our Chiefs  
3 and Deputies aware of any type of situation that  
4 occurred. They were made aware of such. Obviously  
5 it was reported in the press to -

6 CHAIRPERSON RESTLER: And it sounds like no  
7 change in policy.

8 MICHAEL RYAN: To stay on it. We are privileged  
9 to have as many people who want to serve and 99  
10 percent of them are doing a great job for those that  
11 go the wrong way. Like in any agency of New York,  
12 they are referred by us sometimes to DOI. They  
13 receive calls to DOI and the feds about improper  
14 behavior so much like every other agency, when we  
15 hear of things that are going wrong, we will refer  
16 that out to our Law Enforcement partners to conduct  
17 investigations and take corrective measures.  
18 Similarly to all other city agencies. So, we were  
19 made aware of this. The question on scale is one  
20 that we frankly do not see.

21 CHAIRPERSON RESTLER: Okay, I'm going to shift  
22 gears to the DOI report and Council Member Brewer,  
23 please let us know if you'd like to jump in at all.  
24 Oh she does. Do you want to go first? Sure.

2 COUNCIL MEMBER BREWER: On voting machines, I  
3 know this is an ongoing topic going back again many  
4 years but I understand they're coming to their  
5 natural end particularly with those who have  
6 disabilities, so I just wanted to know what's the  
7 next step? Obviously you know the ballet marking  
8 devices. What's the plan for replacing the scanners?  
9 Are there certified machines that would be  
10 appropriate etc.. and what's the cost of all that?

11 MICHAEL RYAN: So, it's a little bit of a  
12 misnomer to say that the voting machines are coming  
13 to the end of their useful life. We received  
14 insurance from the vendor that as long as we're using  
15 the DS 200's that being the scanner machines that  
16 they will continue to service them and to continue to  
17 have them operational.

18 On the voting machines themselves, there have  
19 been some new machines that are out there in the  
20 market place shall we say and certified by the State  
21 Board of Elections. We have had internal  
22 conversations and the challenge for us always is the  
23 schedule and given the size of the City of New York,  
24 it is not recommended to introduce a new voting  
25 system certainly not during the presidential election

1 year and then we follow that right up with the  
2 Mayoral election and then right after that with the  
3 governor's race after that. So, the target for that  
4 conversation would be to do some form of public  
5 demonstration and have a target of 2027 if machines  
6 were going to be replaced. Acknowledging that that  
7 will be a large expense if we were going to replace  
8 the entire fleet. The ballet marking device is a  
9 separate matter. They are still serving us but they  
10 are past the end of life especially if there's any  
11 changes to language requirements. So, there is no  
12 other certified device that we can replace these  
13 devices with. So, we're stuck on those for the time  
14 being. We understand that there are presentations  
15 being readied to submit to the State Board of  
16 Elections but nothing as far as I understand it.  
17 Vinney, you can correct me if I'm Vincent, you can  
18 correct me if I'm wrong. There's nothing before the  
19 State Board of Elections for consideration presently.

20  
21 COUNCIL MEMBER BREWER: Okay, alright.

22 VINCENT IGNIZIO: Without which you know we're  
23 dead in the water. We just simply are not -

24 COUNCIL MEMBER BREWER: I mean do you have to  
25 keep replacing parts and so on?

2 VINCENT IGNIZIO: Yes, our vendors have said that  
3 they will continue to keep us in operational form for  
4 the foreseeable future.

5 MICHAEL RYAN: And the main problem with the  
6 current machines other than the fact that they are  
7 old technology for the accessibility community, which  
8 is probably first and foremost. But the technical  
9 problem is there is no way to expand the memory of  
10 the current machines, and that's the problem. So,  
11 they can accept what they can accept and there's no  
12 way to do it. We talked with the vendor about can  
13 this be - can we add like an external memory to it.  
14 They said no, it's a hard wired motherboard on old  
15 technology and it's kind of where it is.

16 VINCENT IGNIZIO: And if I can for the Committee  
17 identification, it's 34 schools out of 155 early  
18 voting sites. I just wanted to FYI for the record.

19 COUNCIL MEMBER BREWER: Okay, we could both work  
20 on that. That's okay with the Chair because we were  
21 successful on the upper west side, so I appreciate  
22 that in terms of going to a cultural institution.

23 Rikers Island, I have written about this to you  
24 and you have responded. I guess I'm still focused on  
25 it because I think, I don't know last time there were

2 I think 400 something that Legal Aid and others were  
3 able to get to vote but it's hard because you have to  
4 go person by person by person and then as you know,  
5 it's a process with paper.

6 So, I guess my question is, there is some notion  
7 that what you do with the nursing homes could be  
8 something that you do at Rikers. I want to know if  
9 there has been any other thought about what we can do  
10 to improve the rates at which absentee ballots are  
11 cast? Those are very slow processes you know.

12 MICHAEL RYAN: So, with respect to the notion  
13 that we could replicate the nursing home process in  
14 the jail facility, those two things just don't  
15 process in the jail facility. Those two things just  
16 don't merry up.

17 COUNCIL MEMBER BREWER: Alright, okay.

18 MICHAEL RYAN: But that having been said, our  
19 operations manager George Consimenis(SP?) has really  
20 taken the bull by the horns. In the past, we  
21 understood that it was the Corrections Departments  
22 City Charter responsibility to this process and we  
23 were kind of along for the ride. We are much more  
24 steeped in the process now than we had been in the  
25

2 past and we're getting praise from the Legal Aid  
3 Society for our efforts.

4 And so, we no longer rely on the statistical data  
5 provided by the Department of Corrections as you know  
6 the measure of success or failure.

7 VINCENT IGNIZIO: And we've been an active  
8 participant in their monthly meetings as well, so  
9 it's been a much better relationship thanks to our  
10 ops team, who has done a great job. And Mike, I  
11 don't know if you want to read off the -

12 MICHAEL RYAN: Sure, and when we were discussing  
13 this earlier amongst ourselves, we're going to give  
14 you numbers that there's no basis for comparison for  
15 because we didn't participate in keeping statistics  
16 like this in the past. So, if this establishes a  
17 baseline.

18 COUNCIL MEMBER BREWER: Okay.

19 MICHAEL RYAN: Then that will be something that  
20 we can discuss again in the future. But we had 1,080  
21 applications received and of those applications  
22 received, we issued -

23 COUNCIL MEMBER BREWER: Is this for November or  
24 last -

2 MICHAEL RYAN: Yeah, for last November. From the  
3 general election, I apologize and we can send this to  
4 you you know in writing as well but we had 1080  
5 received. 103 were rejected as Code 4. What that  
6 would mean that they had addresses outside of the  
7 city or state and/or we're not registered at all,  
8 which happens from time to time.

9 We issued 977 ballots, 546 were received and  
10 counted. Of the ones that were not received and  
11 counted, 375 were never received back by us or by the  
12 board and then the rest of it is all double digit  
13 numbers. 12 were returned by the post office, 33, an  
14 additional 33 were not counted Code 4, 8 were not  
15 counted due to no matching signature, 2 had no signed  
16 envelope and 1 had no ballot in the envelope.

17 VINCENT IGNIZIO: And to be clear, Code 4 is  
18 felony conviction, so ineligible at the time of -

19 MICHAEL RYAN: Right because that will happen to  
20 from time to time. Somebody will be in Rikers  
21 Island. Their case will conclude and then they  
22 become ineligible by virtue of a subsequent  
23 conviction.

24 COUNCIL MEMBER BREWER: Okay, so I'm still going  
25 back to how can we have onsite voting at Rikers?

3 MICHAEL RYAN: So, we have conferred with the  
4 State Board of Elections. It was our initial opinion  
5 and we conferred with the State Board of Elections on  
6 numerous occasions regarding this matter. We do not  
7 believe it's legal under the present law to do an  
8 onsite voting process and that the manner in which  
9 someone should vote is by absentee ballot.

10 In New York State Statute and we ran that by the  
11 State Board of Elections and they agreed and said  
12 that that's the correct interpretation of the law.  
13 And it's been a long term interpretation and it was  
14 also I think laid out in the letter that I provided  
15 to you. As a positive note, we were getting letters  
16 basically every year from the Legal Aid Society for  
17 several years in a row and we haven't received  
18 another such letter since last February. So, I take  
19 that as a sign of progress. You know sometimes if  
20 the complaining stops, you know it means that there's  
21 maybe some success.

22 COUNCIL MEMBER BREWER: I think they're calling  
23 me to call you. Okay, so we have to continue that  
24 conversation because it used to be they were like, I  
25 don't know 3,500 at Rikers, now it's over 6,000. So,  
there's a lot of voters there, so we continue the

1 conversation. It's good to have 1,000 people  
2 applying but that's nothing close to say 5,000.  
3  
4 Number two is just last - the motor voter law and new  
5 registration and so on. I didn't know maybe people  
6 are - I don't know if people are interested in  
7 government or politics or voting or not. I have no -  
8 out on the street, they're just upset about  
9 everything.

10 So, my question is, are you getting - how are you  
11 getting new registrants? Is it through the motor  
12 voter law? Are they coming in? Are the new numbers  
13 etc. Just what's the number look like?

14 VINCENT IGNIZIO: Well, we're very proud of our  
15 online voter portal, which is doing great and we see  
16 many of the new registrants online these days. We  
17 obviously still have paper for those who seek that  
18 because sometimes we get that request but the online  
19 voter system our own is one that has been replicated  
20 throughout the state and it works very well. It's  
21 very efficient and now with the early mail ballet,  
22 we're getting a lot of people who seek to receive a  
23 mail ballet through our online portal system as well.  
24 So, there is a lot of people like if I can go back to  
25 what we just said about Rikers. I don't want to

1  
2 snatch defeat from the jaws of victory. We are  
3 moving significantly in the right step over the last  
4 year and a half working with our partners both in  
5 government and from the Legal Aid and I think they  
6 would admit that such. So, people put a lot of work  
7 in it and I think it's only going to continue to get  
8 better. We want everybody who is eligible to vote to  
9 be able to vote in this state and you know I'm going  
10 to always defend the agency and the hardworking  
11 people that do it every day.

12 COUNCIL MEMBER BREWER: I agree.

13 MICHEAL RYAN: And when they make progress, I  
14 want to be able to tell you all this is - there's  
15 been progress here and we're proud of it.

16 COUNCIL MEMBER BREWER: So, how many more people  
17 do you think are registered from versus last year?  
18 Do you have those numbers?

19 MICHAEL RYAN: I probably do here but

20 VINCENT IGNIZIO: We could get you that number  
21 because it's a fluid process.

22 COUNCIL MEMBER BREWER: No, I understand that.  
23 People move, they blah, blah, blah.

24 VINCENT IGNIZIO: And what happens is, we do our  
25 voter rolls clean-up around this time of year and

2 then the number drops and then it goes back up. So,  
3 it fluctuates but I will say this, I think we're at  
4 \$5.3 million active and in-actives but I can, 100  
5 percent ensure that number -

6 MICHAEL RYAN: Yeah and it was a little bit lower  
7 last week but irrespective, one of the things that is  
8 much better than it had been in the past is the state  
9 a number of years ago, signed the consent agreement  
10 with the Department of Justice, which has now  
11 stitched together if you will all of the counties in  
12 New York State. So, we share information much better  
13 amongst the individual counties than we did in the  
14 past. So, you're seeing a lot less instances of you  
15 know John Doe being registered in New York City and  
16 also registered in Albany or pick a jurisdiction and  
17 we're communicating much more effectively in that  
18 regard and we're eliminating duplicates.

19 COUNCIL MEMBER BREWER: Just when people die, how  
20 do you - because how do you determine that and get  
21 them off the role? So, sometimes in New York City,  
22 there's nobody to tell you in terms of family.

23 MICHAEL RYAN: Right, so the way the law works is  
24 the City Department of Health, forwards the  
25 information to the State Department of Health. The

3 State Department of Health forwards the information  
4 to the State Board of Elections and then the State  
5 Board of Elections forwards the information to the  
6 jurisdictions that they think the voter comes from  
7 and then we have to process those debts off of the  
8 list that we receive from the State Board of  
9 Elections. Now, that having been said, I do my own  
10 little check on the system.

11 COUNCIL MEMBER BREWER: Yeah, it doesn't always  
12 work.

13 MICHAEL RYAN: It doesn't always work. Somebody  
14 moves out of the state and they die elsewhere, we're  
15 always going to have a problem but when I do my own  
16 check on the people that I know that happen to pass  
17 away and pass away in the jurisdiction and I after a  
18 month or so, I check, I keep a note and I check and  
19 it's - the turnaround time for the people that die in  
20 New York City, that live in New York City is about  
21 three weeks.

22 COUNCIL MEMBER BREWER: Okay, take Duane Player  
23 off the list. He was one of my foster care kids. I  
24 can't get him off. I've written you several letters  
25 so he's dead, Duane Player. Thank you.

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2 MICHAEL RYAN: Alright so if we can get more - in  
3 situations like this if I can get more specific  
4 information -

5 COUNCIL MEMBER BREWER: I will. I will.

6 MICHAEL RYAN: We have the ability to directly  
7 request confirmation from the Department of Health.

8 COUNCIL MEMBER BREWER: Alright, thank you.

9 CHAIRPERSON RESTLER: I just wanted to come back  
10 to the Rikers issues. You mentioned 977 ballets, I  
11 think 546 you said counted but there had been 1,422  
12 individuals detained on Rikers that had completed  
13 registration forms or absentee applications. So,  
14 we're talking about one-third of folks basically, I  
15 don't know, you know 35, 37 percent of folks.

16 MICHAEL RYAN: We have absentee applications  
17 received, 1,080.

18 CHAIRPERSON RESTLER: 1080? Not 1422?

19 MICHAEL RYAN: Correct.

20 VINCENT IGNIZIO: No that might have been a  
21 combined number of the registrations plus the  
22 absentee applications.

23 CHAIRPERSON RESTLER: But even still, absentee  
24 applications of 1,080 to 546 votes, that's a big  
25

1 discrepancy. Half the people are getting their votes  
2 counted.

3  
4 MICHAEL RYAN: But it is a big discrepancy for  
5 all absentee ballots. This is not individual to  
6 Rikers Island.

7 VINCENT IGNIZIO: For respectfully Mr. Chairman,  
8 375 didn't send them back, so that's the lion share  
9 of it and 33 were ineligible to cast votes.

10 CHAIRPERSON RESTLER: Right, I just think that  
11 we're talking about - Gale said the population -  
12 Council Member Brewer mentioned the population 6,000  
13 it's actually 7,000 now. We've seen a tremendous  
14 spike, 30 percent increase during Eric Adams  
15 Administration and the number of people who are  
16 incarcerated and we're talking about eight percent of  
17 that population is voting, right? 90 plus percent of  
18 it is a pretrial population but only 8 percent of the  
19 population on the island is voting.

20 MICHEAL RYAN: And I'm embarrassed to say that  
21 roughly mirrors what the public is doing outside of  
22 the confines of Rikers Island.

23 CHAIRPERSON RESTLER: But not in the November  
24 election for president.

25 MICHAEL RYAN: I think it was -

2 CHAIRPERSON RESTLER: I mean we had some of the  
3 worst turnout.

4 MICHAEL RYAN: Yeah, over 60 percent.

5 CHAIRPERSON RESTLER: 3 million people voted so I  
6 mean, it depends what the common denominator is.

7 MICHAEL RYAN: You know 2.9, you know that's what  
8 uh -

9 CHAIRPERSON RESTLER: I been but if you take out  
10 people under 18 out of your 8.5 million people,  
11 you're probably talking about half of the voting age  
12 population is voting. You're talking about 8 percent  
13 of a Rikers population voting. Those are radically  
14 different numbers. Just to be consistent.

15 MICHAEL RYAN: What we're charged with is  
16 ensuring that anybody who is eligible to vote has the  
17 ability to vote. Whether they actually vote is -

18 CHAIRPERSON RESTLER: I understand that it's just  
19 we had a significant number of more people who  
20 completed registration forms or requested absentee  
21 ballots. The 1,422 number I gave was a combination  
22 of the two and a small subset of those people who  
23 expressed interest actually voted, I'm sure because  
24 of the operational challenges. Look, Rikers is a  
25 total hell hole. They miss tens of thousands of

3 healthcare appointments every year that people  
4 request and register. So, it's hard to get anything  
5 accomplished there. I'm not saying that it's easy  
6 but we have a lot more interest than is actually  
7 manifesting itself in votes and we want to make sure  
8 that people have the opportunity to vote wherever  
9 they are even if they're in jail.

10 MICHAEL RYAN: Mr. Chairman, there's a lot more  
11 work to do but we're proud of the progress we've made  
12 and we're happy to work with you and this Committee  
13 and ensuring that people more are eligible.

14 VINCENT IGNIZIO: And just to one last point on  
15 that. The differentiation between absentee ballots  
16 issued and absentee ballots returned between Rikers  
17 Island and the general public population it's not  
18 that far different. I mean even during COVID, we had  
19 close to 800,000 absentee ballot packages sent out  
20 and we got 455,000 or 465,000 returned. So, we  
21 always see a drop off. People request them. They  
22 don't always return them.

23 CHAIRPERSON RESTLER: I am disappointed by the  
24 analysis that we can't do a proper voting site,  
25 replicating as Council Member Brewer noted, the  
successful model you all have in nursing homes, I do

3 think that there a many ways that we could make  
4 voting more accessible to the people who are there  
5 and we'd like to continue - we appreciate you  
6 engaging with Legal Aid and other advocates on this  
7 but there's a lot more that we can do.

8 So, I want to just shift gears to this troubling  
9 DOI report from earlier this year. On January 8<sup>th</sup>,  
10 the Department of Investigation released a report on  
11 a month long investigation into allegations of  
12 workplace harassment by Mr. Ryan. DOI's report  
13 conclude as follows: "Ryan's conduct constituted  
14 harassment and created a hostile work environment."  
15 DOI found the conduct to be so problematic that they  
16 took the unusual step of recommending to the Board  
17 the termination or resignation in lieu of termination  
18 was warranted.

19 DOI also found "significant deficiencies in BOE's  
20 policies, procedures, and protocols for addressing  
21 complaints of harassment, sexual harassment and  
22 hostile work environment and other EEO issues."

23 DOI made six recommendations regarding the BOE's  
24 policies and procedures. First, in light of DOI's  
25 conclusion on your conduct Mr. Ryan, do you  
acknowledge that your conduct was highly

3 inappropriate and may have caused lasting harm for  
4 BOE employees?

5 MICHAEL RYAN: What I can say to you in that  
6 regard is that there is potential litigation  
7 involving one of the employees and I can repeat what  
8 I have said publicly in this matter, is that I accept  
9 the discipline that the Commissioners handed down and  
10 I'm in the process of this is a little bit new but  
11 I'm in the process of finishing all of the training  
12 that they have said to do and I certainly would  
13 demand of myself that no such circumstances are  
14 replicated in the future.

15 CHAIRPERSON RESTLER: It was - I read the report  
16 of course as I'm sure my colleagues have as well and  
17 it was a very troubling report and it's critical that  
18 the people that are in the executive positions and  
19 the top management roles in any agency and any  
20 workplace, set a different - set a culture of respect  
21 that I just, I think was lacking and I was really  
22 troubled by the report.

23 I'd like to shift to the recommendations that DOI  
24 made regarding BOE policies and practices. Has BOE  
25 implemented these policies yet? Is there a qualified  
EEO officer in place and who is that individual?

2 MICHAEL RYAN: There is and there always was. As  
3 sanctioned by the EEO male group if you will. I  
4 don't know if I'm saying that word right but we have  
5 our director of personnel was then and is now the EEO  
6 officer. His name is Frank Tossie, Mr. Tossie, I  
7 believe his first name.

8 CHAIRPERSON RESTLER: Okay and do you agree with  
9 the recommendations around that DOI made around  
10 improving and strengthening BOE's policies and  
11 practices?

12 MICHAEL RYAN: With respect to the  
13 recommendations that they made for trainings, we do  
14 go through -

15 CHAIRPERSON RESTLER: Non personnel related. I  
16 mean I think that piece has been resolved. I just  
17 meant the policies and practices. Yes, sorry.

18 MICHAEL RYAN: No, I mean our policies and  
19 procedures continue to be updated. They will  
20 continue to do so but rest assured that the agency  
21 and its 931 employees are aware of the EEO policies.  
22 How to report, they go through training, we go  
23 through training and our staff is well aware on the  
24 reporting requirements for any EEO issue or any issue  
25 for that manner. We want our - we need to send a

3 very strong message to everyone of our employees and  
4 anyone out there, if you come across any issue  
5 relating to that you believe should be filed with  
6 DOI, and/or kicked up the chain that somebody will be  
7 listening and we will absolutely ensure that those  
8 are followed up from internally and externally the  
9 agency.

10 CHAIRPERSON RESTLER: I appreciate you saying  
11 that. Just to plainly ask I think it's a yes or no  
12 question. Has the Board of Elections implemented the  
13 no personnel related recommendations that were in the  
14 report?

15 MICHAEL RYAN: We either have had them in place  
16 already and/or are - all the six off the top of my  
17 head, I can't tell you what they are but in terms of  
18 having an EEO officer, we have policies and  
19 procedures that folks are made aware of, we do so.  
20 The fact that we have trainings you were speaking to,  
21 that is ongoing in the same, consistent with what all  
22 city employees go through. So, I'm very confident  
23 that we have made strides and continue to make  
24 strides to ensure the safety of all of our employees.

25 CHAIRPERSON RESTLER: So, just is there an  
independent EEO office that independently evaluates

3 complaints and conducts investigations or is it just  
4 the director of personnel because I don't think that  
5 it's a best practice to have your director of  
6 personnel serve as your EEO officer.

7 MICHAEL RYAN: That too is currently our EEO  
8 officer. It has been for some time.

9 CHAIRPERSON RESTLER: Well, the report went back  
10 and forth on that topic but when - the report  
11 indicated that when the BOE's Director of Personnel  
12 receives an EEO complaint, he refers the matter to  
13 executive management. Is that the practice? Is that  
14 practice still in effect? Is that -

15 MICHAEL RYAN: To my understanding that the EEO  
16 officer evaluates and makes recommendations to the -  
17 reports to executive management and which ultimately  
18 reports to the Board of Commissioners.

19 CHAIRPERSON RESTLER: Okay, I mean I think it  
20 would be helpful and we can go through this in  
21 greater detail. I'm not going to go through every  
22 recommendation in this moment, but I think it would  
23 be very helpful for us to get an understanding of  
24 progress on implementation of the recommendations  
25 that were made. It sounds like you're not  
disagreeing with the policy and practice

2 recommendations that were included in the report.

3 You think some of them are already implemented but we  
4 would very much appreciate if we could get responses  
5 in writing to a status update on the implementation  
6 of each of the recommendations.

7 MICHAEL RYAN: Sure.

8 CHAIRPERSON RESTLER: Okay, last question for me  
9 is on the general counsel position. I understand you  
10 got a funky hiring process at the BOE but is there a  
11 job positing? Is there any kind of search? Is there  
12 any update on the hiring for the role?

13 MICHAEL RYAN: So, yes March the 10<sup>th</sup> Grace  
14 Pion(SP?) started as the general counsel.

15 CHAIRPERSON RESTLER: Could you tell us about his  
16 or her background?

17 MICHAEL RYAN: Her background - she's most  
18 recently in private practice but before that, the  
19 majority of her resume was in Department of Justice  
20 positions. I don't have it memorized but -

21 VINCENT IGNIZIO: I also think she was counsel to  
22 the Charter Revision Commission.

23 MICHAEL RYAN: Yes, yes.

24 CHAIRPERSON RESTLER: Which one?

25 MICHAEL RYAN: The recent one.

2 VINCENT IGNIZIO: As Gale would say - there's one  
3 I believe two years ago.

4 MICHAEL RYAN: Yeah, one of the recent ones.

5 VINCENT IGNIZIO: Not this past one prior.

6 CHAIRPERSON RESTLER: The fake one last year.

7 COUNCIL MEMBER BREWER: The good one that Gale  
8 and Tisch did.

9 CHAIRPERSON RESTLER: No, that wasn't two years  
10 ago.

11 VINCENT IGNIZIO: I will find out which one it  
12 is. I just-

13 MICHAEL RYAN: Well report back to you  
14 specifically but yes, it was one of the more recent  
15 Charter Revision Commissions and she was working on  
16 that as well.

17 VINCENT IGNIZIO: I think it was when Diana  
18 Savino was the uh -

19 CHAIRPERSON RESTLER: That was the one I referred  
20 to as the fake one. I don't mean to get you in  
21 trouble with your Staten Island counterparts.

22 Alright, I have more questions but I think we've  
23 covered enough. So, with that, gentleman, I hope you  
24 have a good afternoon. We appreciate you coming in  
25

3 today and answering our questions. Thank you very  
4 much.

5 MICHAEL RYAN: Thank you very much.

6 VINCENT IGNIZIO: Thank you Mr. Chairman.

7 CHAIRPERSON RESTLER: We're going to shift to  
8 public testimony so just give us a second to get  
9 organized and then we'll call up the next panel.

[04:44:28]- [04:45:56]

10 Okay, we've got some friendly faces in person,  
11 some more online. Before we begin public testimony,  
12 I remind all members of the public that this is a  
13 formal government proceeding and that decorum shall  
14 be observed at all times. As such, members of the  
15 public shall remain silent at all times. The witness  
16 table is reserved for people who wish to testify. No  
17 video recording or photography is allowed from the  
18 witness table. Further, members of the public may  
19 not represent audio or video recordings as testimony  
20 but may submit transcripts of such recordings to the  
21 Sergeant of Arms for inclusion in the hearing record.

22 If you wish to speak at today's hearing, please  
23 fill out an appearance card with the Sergeant of Arms  
24 and wait to be recognized. When recognized, you will  
25 have three minutes to speak on today's hearing

1 topics. If you have a written statement or  
2 additional written testimony you wish to submit for  
3 the record, please provide a copy of that testimony  
4 to the Sergeant of Arms. You may also email written  
5 testimony at [testimony@council.nyc.gov](mailto:testimony@council.nyc.gov) within 72  
6 hours of this hearing. Audio and video recordings  
7 will not be accepted.  
8

9 I will now call up the first panel. With that, I  
10 will start with some District Managers and then we'll  
11 do a hybrid panel. So, Susan Stetzer from Manhattan  
12 CB3, Celeste Leon from Brooklyn CB4, Shawn Campbell  
13 from Brooklyn CB14, and Jesus Perez from Manhattan  
14 CB6.

15 CHAIRPERSON RESTLER: Gale is insisting that we  
16 not allow for Mr. Diller to have to wait another  
17 moment. He is going to be added to the first panel  
18 at our beloved former Borough Presidents request Mark  
19 Diller from Community Board 2 in Manhattan.

20 With that, you all go in whatever order you are  
21 so moved.

22 SHAWN CAMPBELL: Thank you. I will begin. First  
23 of all good afternoon Mr. Chair and members of the  
24 Committee. My name is Shawn Campbell. I am the  
25 District Manager of Brooklyn Community Board 14 and

2 I'm here to offer a historical context for the need  
3 for resources and support for Community Boards  
4 citywide.

5 I appreciate the opportunity to testify today  
6 despite the fact that we were not on the agenda thank  
7 you for this time. My colleagues will follow me with  
8 specific examples of the impacts that inadequate  
9 resources and support are having on our ability to  
10 meet our responsibilities. But know first that  
11 Community Boards are independent city agencies that  
12 have not had a significant budget increase in over 20  
13 years. Annual budget changes that range from an  
14 increase of 5 plus percent to decreases of 7.3  
15 percent. And the average from 2002 to 2022 was 1.5  
16 percent increase per year. Note at the same time,  
17 inflation was average to about 2.55 percent. We are  
18 not keeping up.

19 Inarguably, we have far more to do than Community  
20 Boards did in 2002. Yet we have fewer staff with  
21 which to meet those responsibilities. In 2002, we  
22 had 159 full time staff. We now have about 148.  
23 Compare that to another small city agency, Department  
24 of Cultural Affairs, which went from 31 to 49 in that  
25 same period or to an agency that supports us, OTI

2 that went from 285, a headcount of 285 in 2002 to a  
3 whopping 1,539 and yet still only one tech support  
4 staffer for all 59 community boards. Or look at the  
5 Mayor's Office, which went from 859 to 1,100 plus  
6 full time staffers.

7 So, not only do we need this baseline budget  
8 increase and the adjustment to keep up with our  
9 growing populations, our growing responsibilities and  
10 the economy itself, but it must be stabilized, tying  
11 to either a funding formula or a parity with another  
12 service providing agency or even a percentage of a  
13 percentage of the full city budget.

14 My colleagues will continue with specific  
15 examples of how serving our communities and meeting  
16 New York City Charter mandates are challenged by the  
17 lack of support and baseline budget resources. Thank  
18 you for your time and consideration.

19 CHAIRPERSON RESTLER: Thank you so much Shawn.

20 SUSAN STETZER: Hello, my name is Susan Stetzer,  
21 District Manager of Manhattan CB3, which covers lower  
22 east side and Chinatown. I'm here to testify in the  
23 need for increased baseline funding for Community  
24 Boards. This is particularly needed for staff to  
25 cover increased workload and new technology needs.

3 Community Boards are independent city agencies.

4 We serve as a vehicle for communities to have input  
5 and decision making and participation and planning  
6 for their communities. So many of you have served on  
7 Community Boards before pursuing elected offices.

8 Yet our annual place for responsible increase to our  
9 baseline budget goes unheard. Policies are adopted  
10 that create unfunded mandates but our budgets are not  
11 adjusted to reflect the new responsibilities.

12 Because of the increase in work without the  
13 increase in funding for additional staff, we are  
14 faced with less time working with and serving  
15 particularly our most vulnerable communities.

16 Because our costs have increased, better budget has  
17 not. Our staffs remain stagnant because of our  
18 inability to reward merit or recruit new staff  
19 without adequate salaries.

20 Some CB's, such as CB3, have seen our work  
21 increase dramatically. For instance, we formerly had  
22 20 to 30 SLA applications per month. With outdoor  
23 dining, we are now processing over 70 applications  
24 per month for just one committee. This takes staff  
25 time away from responsibilities such as constituent

3 services and outreach, necessitating hiring of part  
4 time and freelance staff.

5 When OCM application window opens again, we will  
6 have an additional burst of applications. We don't  
7 just process paperwork. There's a lot of education  
8 necessary to work with the applicants and the  
9 community. Since COVID, our technology needs and  
10 required expertise has increased. We contract to  
11 provide equipment and staff to create hybrid  
12 meetings. We have subscriptions for software. We  
13 hire a technician to set up and maintain Zoom  
14 equipment and create Zoom meetings. The need for  
15 more funding is clear and obvious and right now we  
16 are working with organizations and the community to  
17 outreach for Know Your Right trainings, trainings for  
18 small businesses and how to protect their workers.  
19 This is no time to save money at the expense of  
20 Community Boards.

21 JESUS PEREZ: Good afternoon. Thank you for the  
22 opportunity to testify before you today. My name is  
23 Jesus Perez and I am the District Manager of  
24 Manhattan Community Board 6. You've heard from some  
25 of my colleagues and you will hear from more  
regarding the underinvestment in our city's 59

3 community boards. In the interest of time, I will  
4 not repeat their points but I enthusiastically echo  
5 their testimonies.

6 I'd like to address you today on an unexciting  
7 but important matter. The fact that Community Boards  
8 across the city are struggling with their office  
9 spaces and meeting venues. Some Community Boards  
10 report offices that are too small for their needs, in  
11 disrepair or are not ADA compliant. Some Community  
12 Boards struggle to find suitable venues for their  
13 meetings. In many districts, venues that previously  
14 welcome Community Boards before the pandemic have now  
15 closed their doors to them or have instituted  
16 significant fees for renting meeting space.

17 Some boards rely on the generosity of one or two  
18 free meeting venues but would be at a loss for where  
19 to go should that generosity come to an end. And  
20 while always appreciated, spaces we don't control  
21 often come with drawbacks, like unreliable AV  
22 equipment or Wi-Fi, which are essential for making  
23 Community Board meetings as transparent and  
24 accessible to the public as possible.  
25

3 For many boards, simply undertaking our most  
4 fundamental function holding monthly public meetings  
5 is an exercise in frustration and precarity.

6 Manhattan Community Board 6's official position  
7 is that Community Boards being city agencies which  
8 are charter mandated to hold monthly public meetings  
9 must have adequate facilities that they control that  
10 would accommodate district office space, meeting  
11 space for Committee's and larger spaces for full  
12 board meetings.

13 We ask you to work with us to address this  
14 important and long neglected need and to bear it in  
15 mind in your budget deliberations. Thank you.

16 CELESTINA LEON: Good afternoon. My name is  
17 Celestina Leon and I am the District Manager of  
18 Brooklyn Community Board 4, which serves Bushwick as  
19 well as the facilitator of the future of Community  
20 Boards Working Group, which includes district  
21 managers and assigned staff from all five boroughs.  
22 I join my colleagues to highlight the unique  
23 challenges we face as the smallest, independent city  
24 agencies that have a volunteer based leadership and  
25 the opportunities to further address them.

3 While both board members and the district office  
4 have been tasked with additional responsibilities in  
5 the absence of consistent guidance and resources, my  
6 testimony will focus specifically on District Office  
7 operations.

8 For context, as you know various mayoral agencies  
9 and offices are tasked with supporting Community  
10 Board operations such as the Office of Technology and  
11 Innovation, Office of Management and Budget and the  
12 Mayor's Community Affairs Unit. The Borough  
13 Presidents facilitate human resources administration,  
14 there is no overall centralization or standard  
15 oversight beyond this forum. And I will further  
16 elaborate on Office of Technology and Innovation  
17 challenges. One liaison for all 59 community boards  
18 as was raised by a colleague, when they are out of  
19 the office, there isn't a designated point person to  
20 address issues. Board operations are potentially  
21 disrupted until that liaison returns. There's a lack  
22 of communication and clear staff structure. The  
23 agency has failed to provide notice to the boards in  
24 advance of implementing a transition of community  
25 board data to a different platform. If the liaison  
is not responsible for that notice, then OTI needs to

1 identify the most appropriate staff and a recent  
2 example of no notice provided when remote access  
3 portal is down and changes are made, all boards rely  
4 on that portal to access city time, FMS and the  
5 Street Activity Permit Office. There's an  
6 opportunity here for OTI to build a more  
7 collaborative informed relationship with the boards  
8 by providing advanced notice for supporting changes.  
9 The Office of Management and Budget, a decrease in  
10 personnel, collaboration and transparency with the  
11 boards has led to a variety of concerns including  
12 access to reliable budget information. Various  
13 colleagues have situations that they may share in  
14 further detail. Various colleagues have situations  
15 that they may share in further detail.

17 Historically the OMB Community Board budget team  
18 has supported the boards in understanding the  
19 district office budget by providing easy to  
20 understand breakdowns. Not a crystal report and  
21 sought to resolve matters in a collaborative manner.  
22 And I will skip ahead to other opportunities for  
23 Community Board support. We know that there's  
24 legislative action and potential charter form to  
25 increase our baseline funding. We hope that this

3 includes planners for community boards, which is an  
4 unfulfilled need already in the Charter and we  
5 welcome the opportunity to testify as agencies in the  
6 form. Thank you.

7 CHAIRPERSON RESTLER: Thank you.

8 MARK DILLER: Good afternoon. Thank you for the  
9 opportunity to join my colleagues. My name is Mark  
10 Diller, I am the current District Manager of  
11 Community Board 2 in Manhattan which serves the  
12 Greenwich Village, SoHo, NYU, Nolita, etc.. I am  
13 also the former Chair, for term chair of Community  
14 Board 7 on the upper west side of Manhattan. In  
15 part, thanks to Council Member Brewer's appointment.  
16 And so, I've seen this budget issue on both sides of  
17 the service that Community Boards render and we've  
18 had to do more with less for 20 years or more. To  
19 amplify one of the aspects, outdoor dining, we  
20 receive about 20 to 25 applications every week  
21 including Passover, Christmas and New Years. We  
22 struggle to keep up. Our Committee meets three to  
23 four times a month.

24 This is - and this is not as my colleague  
25 mentioned, not just paperwork. We're making sure  
that applications are available online in redacted

3 form in order to encourage community engagement on  
4 these issues.

5 The part that I'd like to focus in on is the  
6 hybrid meeting portion of our responsibilities.  
7 Since COVID, the public expects to be able to come to  
8 our meetings from any location that they happen to  
9 find themselves and as people committed to public  
10 engagement, we think this is a good thing. The issue  
11 of course is that there's a blessing and curse that  
12 comes with Zoom. It's easy to hold a meeting in  
13 person. It's easy to hold a meeting on Zoom, we all  
14 learned that during COVID but it still is a huge  
15 effort to do both at the same time and have everyone  
16 be able to hear each other.

17 That is exacerbated by a confusing provision,  
18 Section 2800H of the City Charter and Code that makes  
19 Community Boards responsible for making their  
20 meetings available for broadcast. Words that no one  
21 seems to know how to interpret but that the  
22 Comptrollers office faults us for not doing.

23 There are as noted fewer venues that can  
24 accommodate us, I'll leave that to my colleague and  
25 then just observe that I'm not a DJ. So, we don't  
have the staff to hire professionals to produce a

1 reliable meeting, hybrid meeting. I was lucky that I  
2 had a budget gap because I was shortfall in hiring.  
3 A budget gap that I use to buy a bunch of equipment  
4 that I now shift all over the west village in an  
5 attempt to have folks hear us both in the room and at  
6 home with mixed results. Ask any of your colleagues  
7 who have come to our meetings and they'll tell you  
8 that there are some frustrations involved, including  
9 one time in which an elected official was talking on  
10 Zoom and another was talking in the room at the same  
11 time and they didn't know it. That's not good public  
12 engagement and the cost of doing this professionally  
13 is beyond the means of a Community Board. So, if  
14 we're really serious about democracy, Community  
15 Boards are where it's at. We ask you to fund us  
16 accordingly. Thank you.

18 CHAIRPERSON RESTLER: Thank you. As District  
19 Managers, how long have you each respectively served  
20 in these roles?

21 JESUS PEREZ: I've been District Manager of  
22 Manhattan Community Board 6 since March 2016.

23 SUSAN STETZER: I'm 20 years and I was on the  
24 Board before that.

25 CELESTINA LEON: Since August of 2011.

2 SHAWN CAMPBELL: Eight years as of yesterday.

3 MARK DILLER: I'm the new guy, two years.

4 CHAIRPERSON RESTLER: Well, I just want to thank  
5 you each for your service and your advocacy and I  
6 know that you all have been organizing together for  
7 some time to try to build awareness around both the  
8 lack of funding but also I think some real outdated  
9 policies in our City Charter that need to be  
10 revisited to ensure that Community Boards are  
11 resourced appropriately and properly supported to be  
12 able to do your jobs. It's very challenging to have  
13 a staff of two or three people and be responsible for  
14 a half a dozen meetings or more every single month,  
15 50 different community members and get the word out  
16 to 150,000 people is a lot going on and as you take  
17 on hybrid functions and there are additional  
18 responsibilities that we put at your doorstep, it's  
19 important that you're all properly supported.

20 So, it is on our agenda to have a proper hearing  
21 on Community Boards later this year. We're working  
22 on a legislative package, most closely with Borough  
23 President Reynoso to have ready for the time of that  
24 hearing. We'll give you all as much notice as we can  
25 so that we can prepare accordingly but we're

3 committed to doing that this calendar year. Well,  
4 for at least some months longer, I Chair Government  
5 Ops.

6 COUNCIL MEMBER BREWER: Thank you very much Mr.  
7 Chair. Thank you all for your service as the  
8 understatement. My question though is, you got in  
9 the past some increase I think but it was only very  
10 limited on what it could be used for and so, it's  
11 good to have a hearing in the future but that doesn't  
12 help you with the budget. So, my question would be  
13 just are you talking about one more staff member?  
14 Just give me a sense of what it would look like.  
15 Again, people may have different needs, I understand  
16 that but you do need to have a unified approach. I  
17 will certainly fight for you for more money from the  
18 budget as I have in the past.

19 SHAWN CAMPBELL: It's complicated. I think the  
20 baseline budget increase doesn't address the fact  
21 that we have so many different types of needs and it  
22 gives us the flexibility to fulfill that because yes,  
23 we got the \$42,000 in 2019, 2018-2019 and that helped  
24 in those years but we couldn't do any long term  
25 planning or any PS adjustment. So, we've done some  
calculations a few different ways. One was, what if

1 we had a full compliment of staff? We had a DM, ADM,  
2 Community Coordinator, etc.. I think that that sort  
3 of ratcheted up in the last fiscal year, added about  
4 200,000 per. There was also an idea that we  
5 [INAUDIBLE 05:04:11] about but I don't want to sound  
6 like I'm a proponent for this because we don't have a  
7 lot of - we don't full agreement from District  
8 Managers but we did play with numbers that brought  
9 community board budgets in parity with borough hall  
10 budgets and that curiously had about the same budget  
11 increase as this full complement of staff. And when  
12 I looked at the percent - when I talked about a  
13 percentage over percentage, that would have been, if  
14 we had gotten \$200,000 each in addition to our  
15 baselines now, we would have had .06 percent of the  
16 citywide budget in the last fiscal year. But it's  
17 hard for us to even know what our baseline budgets  
18 are with our difficulties with OMB.  
19

20 COUNCIL MEMBER BREWER: You're going to have to  
21 come up with something though so we can advocate for  
22 it. I'm just saying.

23 SHAWN CAMPBELL: It would be really helpful if  
24 OMB could give us broken down budgets as we used to  
25 get prior to 2019 but could no longer get. So, we

3 don't even know if we're getting the same amount as  
4 we used to.

5 MARK DILLER: If I could jump in on that as well.  
6 Having a fixed number like 200,000 does make a world  
7 of sense because there are different needs across  
8 different boards. One of the ways in which I think  
9 about this is compartmentalizing in effect what is  
10 spent inside our office and that will be personnel as  
11 well as some equipment and some supplies and so  
12 forth. And then what is spent on consultants and so  
13 forth but different boards may have different needs  
14 or different ways in which to allocate those needs.

15 I for example would relish the opportunity to  
16 hire someone who knows what they are doing with audio  
17 visual equipment but that may not be everybody's  
18 need. So, a collective amount that could be spent in  
19 a free form way so that we're not limited by the OMB,  
20 make up as you go limitations on how we can transfer  
21 money within our own budget, that would be enormously  
22 helpful so that each board can decide for itself in  
23 consultation with its leadership and with the  
24 community we serve as to what is important for us.  
25 That would be, I think, a real way to advance this  
need.

1 COMMITTEE ON GOVERNMENTAL OPERATIONS, STATE &  
2 FEDERAL LEGISLATION

260

3 COUNCIL MEMBER BREWER: So, not encumbered by  
4 OTPS versus PS etc..

5 MARK DILLER: Exactly right.

6 COUNCIL MEMBER BREWER: Alright, let me see what  
7 we can do. I appreciate that. It's good to have a  
8 number. I'm going to go with the \$200,000 and see  
9 what we can do. Thank you.

10 JESUS PEREZ: Some of it may need like policy  
11 adjustments, perhaps flexibility with OMB and with  
12 DCAS regarding Community Board office spaces and  
13 meeting spaces. I mean, you know if there's a space  
14 that's not available. If there is equipment that  
15 people don't know how to use because you know they  
16 have to lug it around everywhere or every single  
17 venue is different, that is inefficient and it leads  
18 to a suboptimal experience for the public, which is  
19 why the Community Boards are here. We're community  
20 boards, we're here for the community and it's  
21 disrespectful to the community to have amateurish  
22 meetings when what they're coming to do is listen and  
23 hear and learn about the issues that are impacting  
24 their communities.

25 So, right now, we're often very limited by OMB  
and DCAS rules that limit Community Boards to very,

1 very small spaces. Often times not in great places.  
2  
3 We hear of Community Boards that are having struggles  
4 with their landlords. They may even fix basic leaks  
5 and things like that. I myself, our board had a  
6 horrible, horrible experience where we were evicted  
7 from our space and bounced around for about three  
8 years. Had a space that was ADA noncompliant and  
9 finally we were able to struggle and get a decent  
10 office space but we should have spaces that we can  
11 have access to that can accommodate different size  
12 meetings because that's what the public expect. They  
13 don't want to come to a meeting and see that the mics  
14 are not working, see that the Wi-Fi doesn't work, see  
15 that all of these things that the biggest city in the  
16 world and one of the biggest city's in the country,  
17 the biggest city in the world, in 2025 should not be  
18 having to deal with anymore.

19 CHAIRPERSON RESTLER: Yeah, no look we really  
20 appreciate your all testimony today. We appreciate  
21 your hard work on behalf of our community boards.  
22 I'm a former Community Board member myself. You know  
23 I think that there a range of issues.

24 COUNCIL MEMBER BREWER: Me too.  
25

3 CHAIRPERSON RESTLER: You know that we have to  
4 address around technology, around space, around  
5 budget responsiveness and transparency, planning  
6 support that all need to be considered and I know you  
7 all have put a lot of thoughtful work into that. You  
8 know look I think that my colleague is right to  
9 encourage you to make crisp asks in the budget  
10 process. I will be somewhat sanguine and saying that  
11 Mayor Adams has not demonstrated a whole lot of  
12 interest in supporting just about anything budget  
13 related in three plus years but he's got one budget  
14 left and I think that you know we should look at, I  
15 think we have a more likely chance of winning on some  
16 substantive policy in legislative changes over the  
17 course of this year. So, in a world of limited time  
18 and resources where you guys all have far too much on  
19 your plate, my personal recommendation to you would  
20 be to focus on what we can do legislatively this year  
21 and hope that there will be somebody more cooperative  
22 on the other side of City Hall in the future who will  
23 care about Community Boards. But that's just my  
24 advice for what it may be worth.

25 With that, I'd like to thank this panel. We  
appreciate you all being with us today and hope you

3 have a good weekend and we will now shift to the  
4 final panel of the day. We're going to hear from  
5 four folks online and one person in person. Ms.  
6 Sharon Brown, thank you for being with us as always  
7 and online we have Tanisha Grant, Gary Giordano(SP?),  
8 Jeremy Loffer(SP?) and Melinda Perkins. We will  
9 begin with Ms. Brown in person and then we will shift  
10 to the Zoom witnesses. So, Ms. Brown, with that, good  
11 to see you and thank you for being here.

12 SHARON BROWN: Good to see you also. But before  
13 I begin, remember Israel, release the hostages, let  
14 Yawas people go. Defend Israel.

15 Okay, the Community Board, they should try to  
16 coordinate with churches and synagogues and see if  
17 they can find a way to get in there and do some kind  
18 of meetings there. It would be convenient. A lot of  
19 people meet there. They also have the sound system  
20 set up until they can get themselves their own space  
21 and they can also try to see if they can do that  
22 anyway. Once they do get their own spaces, they can  
23 still coordinate with the church and synagogues to  
24 have meetings there every so often. That way they'll  
25 get a good crowd and they can in certain areas that  
they want people to come together.

3 Okay, we need to hire veterans. In a situation  
4 where there are a lot of technical things going on,  
5 the Community Board and just in general, the veterans  
6 are well versed in technology and so many things.  
7 The veterans are not treated according to what  
8 they've learned in the military. Many of them have a  
9 technological background. They can be hired. The  
10 homeless, military homeless vets, they are capable  
11 and able to get back into the workforce or ownership  
12 force. They can have their own companies or whatever  
13 and assist community boards and whoever needs it. We  
14 need to increase government staff, not decrease.  
15 They need to be funded. We need to have increase in  
16 the different departments. We need to have the Law  
17 Department constantly litigating on behalf of the  
18 needs of the city. They should have someone in every  
19 meeting looking to see what's going on in the  
20 different situations and what they need to file  
21 lawsuits about. I'm filing lawsuits about many  
22 different things that arise in the city and around  
23 the nation and they should outpace me in the things  
24 that I'm doing.

25 Rikers Island needs to be defunded. We have  
someone on the Council whose brother is in Rikers

2 Island and he was cut two times. This should not be.  
3 This should be closed now. We need to yank the  
4 funding. The City Council needs to go up to Rikers,  
5 stand outside of Rikers, get up there and get that  
6 place closed. It shouldn't happen to anyone but it  
7 definitely shouldn't happen to a City Council member.  
8 And it's just showing you that it's so close to home.  
9 It's letting you know it is very much time for Rikers  
10 to close. Even before the 2027 deadline. There can  
11 be no more excuses why it can't close. The last  
12 report they said it can't close in 2027 because they  
13 won't be ready to build the other jails. That excuse  
14 does not wash. We need it closed now. We have to do  
15 everything we can to close Rikers Island. Yank the  
16 funding. Thank you.

17 CHAIRPERSON RESTLER: Thank you very much for  
18 that thoughtful testimony Ms. Brown. We always  
19 appreciate having you here at Gov Ops and every other  
20 Committee too.

21 With that, we'll pass it over to Ms. Perkins  
22 online.

23 SERGEANT AT ARMS: Time starts now.

24 MELINDA PERKINS: Good afternoon and greetings  
25 Chairperson Restler, esteemed Committee Members,

3 members of the Council and City Agency Reps in  
4 attendance. My name is Melinda Perkins and I am  
5 honored to serve as the District Manager for Brooklyn  
6 Community Board 5 and to your earlier question, I've  
7 been here for eight years and a Board Member prior.

8 Our board represents over 190,000 residents  
9 across the neighborhoods of east New York, New Lots,  
10 Spring Creek, Cypress Hill, City Line and portions of  
11 Broadway Junction, and Highland Park. I stand here  
12 today to testify in solidarity with Community Board  
13 District Offices across the city to underscore three  
14 critical needs. One, an increase in baseline budgets  
15 for New York City community boards for reasons that  
16 my colleagues condensed today successfully. The  
17 implementation of comprehensive training at education  
18 programs for onboarding new community board members  
19 and consistency in how the Office of Management and  
20 Budget manages Community Board budgets.

21 While all community boards operate with the same  
22 baseline budgets, excluding rent, we continue to  
23 observe discrepancies and budget management that  
24 remain unexplained by OMB. Operating budget funds  
25 have been transferred without prior knowledge or  
input from district offices, merit base salary

3 increases are not reviewed or approved consistently,  
4 even when boards adhere to guidance provided by their  
5 bylaws. Fiscal mandates are implemented without  
6 adequate reasoning or legal explanation and our  
7 district offices are tasked with managing  
8 increasingly complex responsibilities often with  
9 minimal staff and constrained resources.

10 So, the emphasis is on OMB being much more  
11 transparent and inclusive of District managers to  
12 make sure that our budgets are operating properly.  
13 At a minimum, we request that greater transparency,  
14 uniformity and support in our budgets are handled and  
15 sustained. This appeal is not merely about financial  
16 allocation, it is about ensuring that Community  
17 Boards can effectively serve as the vital link  
18 between residents and city government. Empowering  
19 boards with the resources, training and equitable  
20 budget oversight they need is an investment in the  
21 communities we represent. Thank you for your  
22 attention to this matter and I urge the Council to  
23 take these concerns into account and advocate for the  
24 changes needed to support community boards citywide.

25 CHAIRPERSON RESTLER: Thank you Ms. Perkins.  
Always good to have east New York at the Government

3 Ops Committee. Next up, we'll hear from Mr.  
4 Giordano.

5 SERGEANT AT ARMS: Time starts now.

6 GARY GIORDANO: Hi, am I unmuted properly? Can  
7 you hear me?

8 COMMITTEE COUNSEL: Yes.

9 CHAIRPERSON RESTLER: Yeah, you're good.

10 GARY GIORDANO: Alright, thank you. I'm Gary  
11 Giordano. That's the Italian way to say it Giordano.  
12 I've been the District Manager of Community Board 5  
13 in Queens, it will be 36 years in June or July, I'm  
14 not sure. Before that, I was a board member for more  
15 than eight years. I Chaired the Youth Committee and  
16 the Health Committee. I thank you for giving us the  
17 opportunity to speak to you today and if I could  
18 start by being a little bit - uh having a little bit  
19 of levity or being a bit corny, I think it would be  
20 wonderful if a competent Restler was a Chairperson or  
21 in charge of a federal agency like the Department of  
22 Education. I hope they don't dismantle it or how  
23 about Health and Human Services?

24 So, thank you for those of you who support the  
25 Community Boards and I know Councilwoman Brewer for a  
long time has been a supporter of the Community

3 Boards and thank you for those of you who have been  
4 Community Board members before you got into your  
5 current position.

6 So, yes, we have been constrained for many years,  
7 maybe it is 20 where we haven't had a budget increase  
8 other than the managerial and the union increase for  
9 staff and we're expected to broadcast our meetings is  
10 costing us about \$4,000 a year to do that, maybe a  
11 little bit less than that. We consistently need  
12 better technology as far as computers and printers  
13 go.

14 A lot of the community boards, as they've told  
15 you are inundated with liquor license applications  
16 and now cannabis applications and outdoor dining  
17 applications. So, in many ways it's getting tougher  
18 and tougher and don't forget how many different city  
19 agencies that we have to advocate with to work with,  
20 to lobby with everywhere from you know police, fire,  
21 sanitation to parks and almost any agency that you  
22 can think of. I know our computers need to be  
23 replaced because they're going to be outdated and  
24 they're not going to meet the requirements to hook up  
25 with Microsoft for instance. And I thank all the  
district managers. A lot of them work a lot of

2 overtime just like a lot of Council Members do. A  
3 lot of unpaid overtime and they're very, very  
4 dedicated individuals and we even have staff members  
5 who put in extra time that they're not getting paid  
6 for. So, if you could be supportive of community  
7 boards for budget increases on an ongoing basis, that  
8 would be greatly appreciated.

9 CHAIRPERSON RESTLER: Thank you very much for  
10 your testimony Mr. Giordano and I will now bring it  
11 back to Brooklyn for Mr. Loffer.

12 SERGEANT AT ARMS: Time starts now.

13 JEREMY LOFFER: Thank you and good afternoon.  
14 First, let me associate myself with every comment  
15 that my colleagues have made today. Mr. Giordano  
16 just proved to me I am not the longest serving  
17 district manager in the city. I was not sure of that  
18 but I am currently the longest serving in Brooklyn.  
19 When I started, so I started in August of 2000, which  
20 as you know spans two [INAUDIBLE 05:19:57] now.

21 When I started, we had no computers in my office.  
22 We relied on a mimeograph machine. We relied on  
23 typewriters and pink forms and carbon copies and  
24 cassette recorders. We finally got rid of the  
25 cassette recorder in 2019. In that time, we have

1 barely had any budget increases beyond cost of living  
2 adjustments as has been mentioned but we've had a  
3 variety of new responsibilities heaped upon us. I  
4 learned one day I am now my agencies privacy officer  
5 with responsibilities to report several times a year  
6 on various aspects of how we share information,  
7 personal information with city agencies and others.  
8 We've had additional responsibilities when it comes  
9 to spending our money, our budget at the FMS system.  
10 All my staff and I had to go through training to do  
11 things that the Borough Presidents office used to do  
12 but now me and my staff, me and two other people, are  
13 now responsible for. Some of our boards only have  
14 two employees but you need three people to sign off  
15 on your budget forms, so I don't know how they manage  
16 to that. How they manage to spend money.

18 Back in - oh, I just also want to bring up in  
19 that time, we've had to manage our own websites.  
20 Some of our colleagues have designed their own  
21 websites, paid for it out of their budgets. We  
22 mentioned hybrid meetings and we're paying now for  
23 communications platforms that we did not have 25  
24 years ago. All of this we've had to sell fund out of  
25 a budget that doesn't increase.

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3 The Council in 2019 was generous and gave  
4 Community Boards \$43,000 as a one shot for various  
5 needs. What my board did was we invested that in  
6 technology. We got monitors for our board office, we  
7 got a camera, we got additional and better lighting.  
8 We got a modern sound system. What that one time  
9 budget allocation did not do is help us pay for  
10 repairs. So, when my monitor went down, I had to  
11 wait a fiscal year in order to be able to repair that  
12 monitor because it had to come out of my budget and I  
13 had not budgeted for it because my budget is not  
14 flexible.

14 SERGEANT AT ARMS: Time expired. Thank you.

15 JEREMY LOFFER: Thank you.

16 CHAIRPERSON RESTLER: And last but not least Mr.  
17 Christopher Leon Johnson.

18 SERGEANT AT ARMS: Time starts now.

19 CHRISTOPHER LEON JOHNSON: Hey, hey, what's up?  
20 Hello. Thank you Chair Restler. My name is  
21 Christopher Leon Johnson. Thank you for having us  
22 here. I'm currently covering a CSW Vet from a person  
23 I'm working with. I'm going to get in trouble for  
24 doing this but I will say right I got two minutes.

25

3 Alright, so let's talk about this right now.

4 DCAS, the DCAS cops need to start opening the  
5 bathroom. I don't know why the DCAS cops always have  
6 to open the bathroom for us when we want to use the  
7 bathroom and that's not right. That's wrong. I want  
8 to talk about this. I think that they need to put  
9 deliverista stations, let the deliveristas use the  
10 bathroom inside all city owned buildings. They need  
11 to let street vendors sell their stuff right outside  
12 city owned buildings to. Why do they only allow  
13 these rip off phone companies like these so-called  
14 like fake free phone companies sell outside HRA  
15 buildings, the Section 8 buildings while a person  
16 that wants to sell mangos can't. They always get  
17 harassed. The people that sell mangos always get  
18 harassed. Why they can't sell things but people that  
19 sell those scam phones, people selling scam stuff  
20 from the energy outside HRA and Section 8 officers  
21 can do it.

22 They need to stop Lincoln and one more thing like  
23 I said, deliveristas need to be able to use the  
24 bathrooms inside DCAS buildings. Why they can't use  
25 the bathrooms? It's ridiculous. A city owned  
building. These deliveristas get funding from the

1 city like Workers Justice Project. They need to get  
2 funding; they need to be able to start using the  
3 bathrooms more. So, like I said, we need to preserve  
4 the funding for the Workers Justice Project and  
5 Street Vendors Project, both of them need; make sure  
6 they get over \$1 million in government fundings and  
7 at the same time, like I said Lincoln, we need to  
8 start cracking down on these DCAS cops won't allow  
9 you to use the bathroom without opening the door for  
10 us. Why is that? We need to start cracking down on  
11 that Mr. Restler and one more thing, protect our  
12 deliveristas, protect our street vendors. They  
13 should be able to sell stuff outside the buildings,  
14 the HRA buildings and government owned buildings  
15 instead of just - why are they only going outside  
16 City Hall and City Hall Park but they can't sell  
17 outside of an HRA building? They always get harassed  
18 but the cellphone scammers do it. It's crazy. I  
19 don't know but it's ridiculous. Like I said, Mr.  
20 Restler, like I said, we need to stop this crap with  
21 the bathrooms. DCAS officers, they only allow  
22 deliversitas in the bathroom when they want us to use  
23 it. It's ridiculous. When you got to go, you got to  
24 go especially for a woman. Women matter. It's a big  
25

1 movement right now and this shouldn't be a movement  
2 it should be common sense where if you're a pregnant  
3 woman, you should be prioritized. You should be able  
4 to be escorted to use the bathroom when you're a  
5 pregnant woman inside DCAS buildings and 140 street  
6 and Citrus Street.  
7

8 So, Mr. Restler, you need to start cracking down  
9 on that. You need to have a hearing and invite out  
10 the Commissioner again, Mr. Louis Molina and ask him  
11 why do you have to be escorted to use the bathroom.  
12 And it's ridiculous, you know what I'm saying?

13 CHAIRPERSON RESTLER: Yes.

14 SERGEANT AT ARMS: Time expired. Thank you.

15 CHAIRPERSON RESTLER: Thank you very much for  
16 your testimony today Mr. Leon Johnson and I want you  
17 to be able to use the bathroom whenever you want to  
18 use the bathroom.

19 With that, I want to just thank the staff again  
20 for their hard work and their patience. This five  
21 and a half hour Gov Operations hearing is now  
22 concluded. [GAVEL]

23 Thank you. Hope you guys have a great weekend.  
24  
25

C E R T I F I C A T E

World Wide 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 27, 2025