

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON GOVERNMENTAL
OPERATIONS

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March 22, 2022
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HELD AT: Remote Hearing - virtual Room 1

B E F O R E: Sandra Ung
Chairperson

COUNCIL MEMBERS:
Gale Brewer
Shahana K. Hanif
Lincoln Restler
Lynn C. Schulman

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

Dawn Pinnock
DCAS Commissioner

Carmine Rivetti
DCAS Chief of Staff

Barbara Dannenberg
DCAS Deputy Commissioner of Human Capital

Jerry Torres
DCAS Deputy Commissioner of Facilities
Management

Laura Ringelheim
DCAS Deputy Commissioner of Real Estate Services

Shameka Boyer Overton
DCAS Deputy Commissioner of Administration

Adam Buchanan
DCAS Deputy Commissioner of Citywide Procurement

Anthony Fiore
DCAS Deputy Commissioner of Energy Management

Joseph Wagner
DCAS Assistant Commissioner of Construction and
Technical Services

Keith Kerman
DCAS Deputy Commissioner of Fleet Management

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

Richard Thom

DCAS Deputy Commissioner of Fiscal and Budget
Management

Sanford Cohen

DCAS Deputy Commissioner of Office of General
Counsel

Silvia Montalban

DCAS Chief Equity Officer of Citywide Equity and
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Nitin Patel

DCAS Deputy Commission of Information Technology

Sylvia Hinds-Radix

Law Department Corporation Counsel

Steven Stein Cushman

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Muriel Goode Trufant

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Jennie Nagle

Law Department Deputy Chief of Administration

Michael Ryan

Board of Elections Executive Director

Vincent Ignizio

Board of Elections Deputy Executive Director

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

Wilma Brown Phillips
Administrative Manager at Board of Elections

Georgea Kontzamanis
Operations Manager at Board of Elections

Gerald Sullivan
Director of Finance at Board of Elections

John Castelli
OATH Deputy Commissioner for Legislative Affairs

Marisa L. Senigo
OATH Deputy Commissioner for Public Affairs and
Communications

Maria Marchiano
OATH Deputy Commissioner and Chief Clerk

Brian Connell
OATH Assistant Commissioner for Financial
Services

Felice Robertson
Chapter Chair of New York DCAS

Towaki Komatsu

Glen Bolofsky
Representing 504 Democratic Club

Lena Cohen
United Neighborhood Houses

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

Ahmed Butt

Asian American Federation

Chai Jindasurat

Nonprofit New York

Wennie Chin

New York Immigration Coalition

Donna Romo

Floyd Feng

Coalition of Asian-American Children and
Families

Helen Ahn

Korean Community Services of Metropolitan New
York

Sean Lally

Medical Freedom Alliance

2 UNIDENTIFIED: Good morning and welcome
3 to today's remote New York City Council Fiscal 2023
4 Preliminary Budget Hearing of the Committee on
5 Governmental Operations. At this time, would Council
6 staff please turn on their video? Please place
7 electronic devices on vibrate or silent. If you wish
8 to submit testimony you may do so at
9 testimony@council.nyc.gov. That is
10 testimony@council.nyc.gov. Thank you. Chair, we are
11 ready to begin.

12 CHAIRPERSON UNG: Thank you. [gavel]
13 Good morning everyone. Welcome to the City Council's
14 Governmental Operations Committee hearing on the
15 Fiscal 2023 Preliminary Budget. My name is Sandra
16 Ung, the Chair of this committee. Today, we will hear
17 testimony from the Department of Citywide
18 Administrative Services, the Law Department, the
19 Board of Elections, and the Office of Administrative
20 Trials and Hearings regarding their Fiscal 2022 and
21 Fiscal 2023 budgets. The agencies testifying today
22 carry out many of the most important functions that
23 keep the City running, including managing the City's
24 vehicle fleet, defending us from lawsuits, conducting
25 our elections, and collecting administrative fines.

As members of the Committee on Governmental Operations, it is our job to work with these agencies to ensure that all this critical work is done as effective and as efficient as possible. In order to do so, we look forward to hearing more detail regarding the agency's budget and whether or not this funding is being used in the best possible way. I would like to thank the committee staff, Senior Financial Analyst [inaudible] and the Committee Counsel Christopher Murray [sp?] for their work on preparing this hearing. In addition, I'd like to acknowledge we've been joined by my colleagues, City Council Member Hanif, City Council Member Yeger, and City Council Member Brewer, and I will acknowledge them, more City Council Members as they join the meeting. Now, I'd like to welcome Dawn Pinnock, the Commissioner of the Commissioner of the Department of Citywide Administrative Services to testify before this Committee. Thank you for coming, Commissioner. DCAS Fiscal 2023 Preliminary Budget totals \$1.3 billion, including to \$270.6 million in personnel services funding to support the 2,408 budgeted fulltime positions. \$760.8 million, or 56 percent of DCAS overall budget, is allocated for the citywide

heat, light, and power bill. This is the City's utility bill which DCAS manages and pays for all other city agencies through its Energy Management position. Today, we look forward to discussing many aspects of DCAS operations, including the state of the citywide electric vehicle fleet, a review of its Fiscal 2022 Preliminary Mayor's Management Report, the Agency's work in the response to ongoing COVID-19 pandemic, the anticipated impact of Russian invasion of Ukraine would have on heat, light, and power bills, among any other important topics. I'd like to ask the Committee Counsel to administer the Oath and swear in the testifying representatives.

COMMITTEE COUNSEL: Thank you, Chair. I'm C.J. Murray, Counsel to the Committee on Governmental Operations. Before we begin testimony, I want to remind everyone that you will be on mute until you are called on to testify, at which point you will be unmuted by the host. I will be calling on panelists to testify, so please listen for your names to be called. Given the time constraints of today's hearing, we'll be asking members of the Administration to please keep your opening statements brief to allow for sufficient time for questions.

During the hearing, if a Council Member would like to ask questions, please use the Zoom raise hand function, and I will call on you in order. We will be limiting Council Member questions to three minutes, which includes the time it takes the panelist to answer your questions. Please note that for ease of this virtual hearing, there will not be a second round of questioning outside of questions from the Committee Chair. All hearing participants who wish to submit written testimony may submit it to testimony@council.nyc.gov. Before we begin testimony I will administer the Oath to all representations from DCAS who will be providing testimony or available for questions. Please raise your right hand. I will read the Oath once and then call on each of you individually for a response. Do you affirm to tell the truth, the whole truth and nothing but the truth before this committee and to respond honestly to Council Member questions? Commissioner Dawn Pinnock?

COMMISSIONER PINNOCK: I do.

COMMITTEE COUNSEL: Chief of Staff Carmine Rivetti? Do we have Chief of Staff Carmine

Rivetti on? Deputy Commissioner of Human Capital,
Barbara Dannenberg?

DEPUTY COMMISSIONER DANNENBERG: I do.

COMMITTEE COUNSEL: Deputy Commissioner
of Facilities Management, Jerry Torres?

DEPUTY COMMISSIONER TORRES: I do.

COMMITTEE COUNSEL: Deputy Commissioner
of Real Estate Services, Laura Ringelheim?

DEPUTY COMMISSIONER RINGELHEIM: I do.

COMMITTEE COUNSEL: Deputy Commissioner
of Administration Shameka Boyer Overton?

DEPUTY COMMISSIONER OVERTON: I do.

COMMITTEE COUNSEL: Deputy Commissioner
of Citywide Procurement, Adam Buchanan?

DEPUTY COMMISSIONER BUCHANAN: I do.

COMMITTEE COUNSEL: Deputy Commissioner
of Energy Management, Anthony Fiore?

DEPUTY COMMISSIONER FIORE: Good morning.
I do.

COMMITTEE COUNSEL: Assistant Commissioner
of Construction and Technical Services, Joseph
Wagner? Mr. Wagner, you may need to accept our
request to unmute you. We can come back if Mr.
Wagner-- he gets to answer our question.

1 COMMITTEE ON GOVERNMENTAL OPERATIONS 12
2 ASSISTANT COMMISSIONER WAGNER: Good
3 morning.
4 COMMITTEE COUNSEL: Great. Commissioner
5 Wagner?
6 ASSISTANT COMMISSIONER WAGNER: Yes, I'm
7 here.
8 COMMITTEE COUNSEL: Great. Thank you.
9 Deputy Commissioner of Fleet Management, Keith
10 Kerman?
11 DEPUTY COMMISSIONER KERMAN: Yes.
12 COMMITTEE COUNSEL: Deputy Commissioner
13 of Fiscal and Budget Management Richard Thom?
14 DEPUTY COMMISSIONER THOM: I do. I will.
15 COMMITTEE COUNSEL: Deputy Commissioner
16 of the Office of General Counsel, Sanford Cohen?
17 DEPUTY COMMISSIONER COHEN: I do.
18 COMMITTEE COUNSEL: Chief Equity Officer
19 of Citywide Equity and Inclusion, Silvia Montalban?
20 CHIEF EQUITY OFFICER MONTALBAN: I do.
21 COMMITTEE COUNSEL: Deputy Commissioner of
22 IT, Nitin Patel?
23 DEPUTY COMMISSIONER PATEL: I do.
24 COMMITTEE COUNSEL: Thank you.
25 Commissioner Pinnock, you may begin your testimony.

2 COMMISSIONER PINNOCK: Thank you and Good
3 morning. Good morning, Chair Ung and other members
4 of the Committee on Governmental Operations. I'm Dawn
5 Pinnock and I proudly serve as the Commissioner of
6 the Department of Citywide Administrative Services,
7 more commonly known as DCAS. This morning I am
8 joined by members of the DCAS leadership team. At
9 DCAS, our mission is to make city government work for
10 all New Yorkers. We approach our work with a
11 commitment to our three core values: equity,
12 effectiveness, and sustainability. When we talk
13 about equity, we mean providing services that help
14 city government uplift and empower all New Yorkers.
15 Our commitment to effectiveness means ensuring that
16 city government agencies have the resources and
17 support needed to succeed. Our dedication to
18 sustainability means delivering city government
19 services in a way that protects the health of our
20 planet for future generations. DCAS is unique
21 amongst city agencies because we touch all aspects of
22 city government and provide services to every other
23 city agency. When a city agency has a job to do, it
24 counts on DCAS. I'm extremely proud of how the DCAS
25 team continues to rise to the challenge of helping

every agency meet its mission. As I mentioned, sustainability is one of our agency's three core values. Our commitment to sustainability is important because DCAS oversees the reduction of greenhouse gas emissions across all city property. As part of this work, in December 2022, DCAS published the Local Law 97 Implementation Action Plan which provides a roadmap for reducing annual emissions from government operations by 40 percent by 2025 and 50 percent by 2030. Guided by the Action Plan, DCAS continues to partner with all city agencies to implement projects to reduce greenhouse gas emissions as much as possible, as quickly as possible. Another key initiative I mentioned is the city's transition to an all-electric vehicle fleet by 2035. DCAS received \$25 million in our expense budget in Fiscal Year 2022 to purchase nearly 1,000 electric vehicle in the current fiscal year. These are all on order now. We also received capital funding of over \$69 million allocated across Fiscal Years 22 and 23 to advance fleet electrification. This program includes the purchase of 346 all-electric cargo vans to replace gas and diesel units citywide, 275 additional fast electric vehicle

chargers, 69 additional solar charging carports, 120 mobile charging stations, and retrofitting 125 city fleet trucks to run on electric. DCAS completed our first 100 electric vehicle fast chargers in December, and as we ramp up the replacement of fossil fuel vehicles with electric vehicles, having the charging infrastructure in place to support the fleet will be crucial. We are aggressively laying out the foundation for the charging infrastructure needed to sustain our current electric vehicle fleet and electric vehicle fleet of the future. We appreciate your continued support for this work. Next up, I'd like to quickly explain and provide an overview of our budget. It's important to understand that the majority of DCAS's expenses cover utility costs for city agencies. Currently, out of our 1.4 billion budget for Fiscal Year 2023, \$760 million is budgeted for heat, light, and power. These are fixed costs based on forecasted energy usage and utility rates. The good news is that DCAS is working every day with agencies through multiple programs to reduce energy use. The City has avoided more than \$90 million in energy costs through the work performed to-date that started in Fiscal Year 2014. The second largest

expense is the salaries of our 2,400 employees.

DCAS's work spans an array of different

responsibilities so we employ everyone from

carpenters to procurement professionals to architects

and everyone in between. In addition to these

expenses, DCAS is tasked multiple duties to ensure

the safety of the city employees and members of the

public who use our building. This includes clearing

snow, performing maintenance, addressing fire safety,

and providing custodial services. Our agency

received expense funds in Fiscal Years 22 and 23 for

life and safety initiative. The funding includes

\$17.6 million for façade projects in Fiscal Years 22

and 23, roof and interior repairs at \$9 million in

the current Fiscal Year, and repair of the rotunda at

52 Chambers Street which is projected to cost \$2

million over two fiscal years. That is how we use

our budget in a nutshell. The budget for the

upcoming Fiscal Year also includes new targets for

cost savings and revenue generation. DCAS, like every

other city agency, has identified budget reduction

initiative to help eliminate the budget gap caused by

the COVID-19 pandemic. These initiatives include the

elimination of 140 vacant positions. This headcount

reduction is projected to save \$9.7 million. DCAS will implement and manage this reduction to have the least possible impact, and to allow us to continue to deliver high-quality services to our sister agencies and the public. OTPS savings totaling \$800,000 dollars starting next fiscal year, year reductions in purchasing supplies of contractual services. And increased revenue from the sale of used fleet vehicles, we project an additional one million in proceeds for [inaudible] this Fiscal Year due to the high market value of used vehicles. In terms of generating revenue, the Fiscal Year 23 revenue budget is \$53.3 million, primarily due to three areas. Our projected \$33.6 million in private rentals of city-owned properties, DCAS's largest source of recurring revenue, \$7.9 million, the sale of surplus vehicles, and other city-owned equipment, and \$3.8 million from applicant filing fees or civil service exams. For our Capital Plan, the Preliminary Budget reflects an updated four-year plan of \$2.5 billion from fiscal years 23 through 26. This plan includes maintenance and enhancement to DCAS facilities, renovation of lease spaces, and continuing our energy conservation work. The Preliminary Budget for Fiscal Year 23 is

\$489 million and it will allow us to address two core areas: DCAS' Capital Construction Program for city-owned offices, and court buildings totals \$226.5 million in Fiscal Year 23. While this includes the routine operations and maintenance of our building, it's also part of a broader focus in helping agents more efficiently use office space in our municipal building. And the Capital Plan for Fiscal Year 23 includes \$206 million for energy conservation and green energy projects. This includes lighting retrofit, HVAC upgrades, steam distribution improvement, and a variety of other clean energy projects. In conclusion, I'd like to thank the Council for their partnership and for providing us the opportunity to testify today. I'm looking forward to working each of you in my role as Commissioner, and I would be happy to answer any questions. Thank you.

COMMITTEE COUNSEL: Thank you. Next we'll hear questions from Chair Ung. Chair, please begin.

CHAIRPERSON UNG: Thank you, Commissioner, for joining us today. DCAS current year's budget approximately \$191 million higher than

Fiscal 2022 Adopted Budget, partly due to increases in the federal funding to cover the costs associated with COVID-19. Can you provide the Committee with information what the current stockpile of COVID-19 equipment like masks, test kits that the City currently has?

COMMISSIONER PINNOCK: Thank you for the question. So, in terms of the current medical stockpile, when we were creating that during the height of the pandemic, the spend was approximately \$400 million which contributed to necessary medical-grade personal protective equipment, vents, and other medical supplies. Where we currently stand between the medical stockpile and inventory in-house at our Middle Village [sic] location in Queens is approximately 20-- excuse me, \$95 million that's left on-hand. And so I will at this time turn it over to provide more specifics as it relates to the medical stockpile to our Acting Deputy Commissioner for Procurement, Adam Buchanan.

DEPUTY COMMISSIONER BUCHANAN: Thank you, Commissioner Pinnock, and thank you Chair Ung for the question. So, it's important to note that DCAS doesn't actually manage the medical stockpile.

That's managed by the contract for the medical stockpile itself is held by the New York City Emergency Management, NYCEM, and they monitor the levels at the stockpile in conjunction with DOHMH and Health + Hospitals Corporation. So, as Commissioner Pinnock mentioned, we originally did approximately \$400 million dollars' worth of procurements for the medical stockpile. That included various PPE, masks, gowns, face shields, gloves. We also procured ventilators for the stockpile, lots of hand sanitizer, and so in terms of specific questions regarding the medical stockpile, those should be directed to NYCEM and to DOHMH. Just a slight clarification on-- so NYCEM will be able to tell you exactly what's on hand at the medical stockpile. They usually look to have between 30 and 90-day supply at the highest burn rate that happened during COVID-19, which would have been around April/May of 2020. DCAS itself, which we run the City central storehouse, and we also run-- we have contracted for a second location. We have approximately \$95 million dollars' worth of items on-hand. Those items are strictly for City personnel to support City operations totally separate and apart from the

1 medical stockpile. We have things, similar items,
2 protective apparel, lots of hand sanitizer, masks,
3 and we currently have-- we have distributed
4 approximately 440,000 rapid test kits, and we have
5 approximately 760,000 rapid test kits on-hand. So, I
6 think we are, you know, well-positioned moving
7 forward to handle any spikes due to any variants that
8 may come along. You know, we've-- had to learn to
9 expect the unexpected.

11 CHAIRPERSON UNG: Thank you. That is
12 good to know. Hope there'll be no future spikes, but
13 you never know. But DCAS 2023 citywide heat, light,
14 and power budget, that totals \$760.8 million. Right
15 now, I think we all know the Russian invasion in
16 Ukraine has sent the global energy prices
17 skyrocketing. Is there any analysis on how this
18 impact will have on the citywide heat and light power
19 budget for the current and the following year?

20 COMMISSIONER PINNOCK: Thank you very
21 much for the question. And so we are currently in
22 the process of conducting that analysis, because we
23 do expect to see price escalation, because while we
24 can certainly control energy use across citywide
25 operations, there are other costs associated with our

commodities that we can't control. We can't control the delivery costs. We can't control certain escalations in price, and so we are expecting that. And we can certainly circle back to the Committee once our analysis has been complete, but we do expect to have price escalation.

CHAIRPERSON UNG: Great. Thank you. Do you know when that will be done, the budget for it?

COMMISSIONER PINNOCK: And so I will ask our Chief Financial Officer Rich Thom to provide greater clarification. Rich?

DEPUTY COMMISSIONER THOM: Yes, hi. Good morning, Commissioner. Thank you. Good morning Chair Ung. We are now working on the analysis based upon more bills that have come in in February to see what the prices are, and we will do the projection to see where we end up landing this current Fiscal Year and also for the next Fiscal Year, too.

CHAIRPERSON UNG: Great. I just-- is there like a time estimate of what that projection will be done?

DEPUTY COMMISSIONER THOM: We will have a projection by, I would say, the first week of April, I would say.

CHAIRPERSON UNG: Okay, so that's quite soon, okay. Thank you. I'm just looking around to see does any of my colleagues have any questions. I also want to say I'm joined, I believe, with my colleagues City Council Member Ariola and Schulman, and Restler. So, okay. If none of my questions have more questions, I'll just continue with mine. DCAS miscellaneous revenue streams have steadily declined from \$79.6 million in 2018 to \$53.3 million that's budgeted for the Fiscal 2023 budget, and the primary cause of decrease is decline in commercial rent revenue. Can you provide information to why the commercial rent has declined since 2018?

COMMISSIONER PINNOCK: I will turn that question over to Laura Ringelheim who serves as our head of the Real Estate Service Division.

DEPUTY COMMISSIONER RINGELHEIM: Morning, Chair Ung and Council Members. So, that-- the revenue that we generate from leasing depends on a number of factors, but mostly including leases that expire. So that number usually rises and falls each year, and I would refer the question to our Deputy Commissioner Thom. I believe it's the Grand Hyatt lease which the City will no longer be getting

revenue from that lease. That was the major lease change, although we do have about 400 leases, so a variety of them will come and go. Sometimes, you know, it's going to go up if we add new ones, but this was a big difference from previous fiscal years because of that revenue loss.

DEPUTY COMMISSIONER THOM: Yeah, so it was converted from a rental payment to pilot payments starting in FY21. So that was the big reason for that drop.

CHAIRPERSON UNG: So, do you anticipate that the rent revenue projections will continue to decline in the next couple of fiscal years?

DEPUTY COMMISSIONER RINGELHEIM: I don't think it will continue to decline at that rate. That was a big fall. So where a pilot being that DCAS would have the revenue come directly to it, and that would go to the general fund pilot. It's no longer coming to DCAS. So there's still a tax rate that the City's getting on that property. However, we don't see any major leases that are expiring, our loss of revenue, in the near future. You know, some of the properties that you see that might fluctuate would be situations where the property is in litigation, and

we're trying to work out what the rent would be with that particular tenant, and when those are resolved we'll be entitled to back rent, but at this time that may account for some of those fluctuations.

CHAIRPERSON UNG: Thank you. Let's see if any other Council Members have any other questions. So I will continue on. The Department will generate a savings of \$23.4 million across Fiscal 2022 and 23 through the reductions of 140 vacant positions across the agency. That generates a savings of \$6.7 million Fiscal 2022 and \$9.7 million in Fiscal 2023. Can you provide information of which of the department divisions have the most vacancy reduction as far as the savings initiative?

COMMISSIONER PINNOCK: So, thank you so much for the question. As you can imagine, we are a citywide service deliverer. Losing 140 vacancies and it's a big-- I'm sorry, my lights just shut off. The energy conservation at its best here. So, thank you. Lights just came back on, alright. So, using 140 vacancies, 140 vacant positions is significant. And so as mentioned, it amounts to a savings of \$9.7 million in Fiscal Year 23. What we decided to do given the fact that all of areas provide citywide

service, we decided to take a really thoughtful look across the entire organization. So we looked at age [sic] vacancies by every service area. We also looked at opportunities for automation, consolidation, and then as a result, we came up with a cross-section of vacancies to contribute to the reduction. So, our list of vacant positions, it includes some managerial positions, some clerical titles, but when you look at the full number and break that down, the largest number of vacancies came from our facilities management service area, because that particular group serves as over half of the organization's headcount. So, but there was a cross-section of vacancies taken from all of our service areas.

CHAIRPERSON UNG: Thank you. And will this have any impact on the facilities management?

COMMISSIONER PINNOCK: So, certainly in the short term we don't foresee there being any impact to core services, and that is the reason why we decided to look across the Agency and to identify opportunities for consolidation and streamlining. And if we do encounter any issues relating to our

provision of services, we will certainly work directly with OMB to address any shortfalls there.

CHAIRPERSON UNG: Thank you. And did OMB have any discussion with you about further savings to be imposed on the Executive Budget?

COMMISSIONER PINNOCK: As it stands right now, those conversations have really been preliminary. Our reductions that were submitted were fully approved by OMB, and so we did agree to continue to work together very closely to backfill those vacancies that we do still have, and then circle back in the event that we have any concerns about service shortfalls.

CHAIRPERSON UNG: Thank you. I have a few more questions, but I see my other colleagues have questions. I'm going to let them go first.

COUNCIL MEMBER RESTLER: Thank you so much, Chair Ung, it is good to be with you always. I'm really happy that you're chairing our Government Operations Committee, and it's wonderful to be with the DCAS team. I want to formally congratulate my friend Dawn Pinnock on being the Commissioner. Dawn is one of the, like, superstars in city government. So it's great to see you not just in the Acting role,

but in the permanent role. It was a really wise choice by the Mayor and he deserves a great deal of credit. I want to just say hello to many friends at DCAS. I see Laura. I see Sandy [sic], Keith, many people who I have a lot of respect for many, many years. So, it's fun to get the whole DCAS team in one place. Just a few questions I'd love to ask. I'll start with our fleet wizard, Keith, if it's okay. I recall the outgoing Mayor made a commitment to a fully electric fleet by 2030. Are we on pace for that? Can we move any faster? And secondly, why can't we just eliminate all SUVs from the fleet, period?

DEPUTY COMMISSIONER KERMAN: Okay, so first, so the commitment was to go to-- for all light-duty vehicles by 2030 to electric, and we're moving fast towards that. We currently operate the largest electric fleet in New York City with 3,100 total plug-in vehicles. We do have the largest order of electric vehicles we've ever made, 1,300 vehicles that we're-- 1,350 actually in Fiscal Year 22. One of the big pieces of that, and that goes to your second question as well, we are introducing nearly 200 Ford Mach-E Mustangs, actually a crossover

vehicle, not an SUV, into law enforcement. So, you know, our biggest fleet of any type is policing and law enforcement, and that's where most of the SUVs are, right? So, you know, we are implementing the hybrid interceptor. It is a hybrid SUV. So that is a really big transition for us, and we're hoping to see those vehicles very soon, and we need to make sure they work for the Police Department. They have to go through a lot vetting, a lot of testing, lights and sirens. There's a lot of technical and operational work, but that would be a huge transformation for us, and that would get to the majority of your second question. So, making a lot of progress on electric fleet. It's light-duty 2030, light-duty and medium and non-emergency trucks by 2035, and then an extra five years to deal with what will be the most difficult, right, the fire trucks, the specialized emergency services units, some of these specialized units like snow melters [sic], and we have a lot of interesting stuff.

COUNCIL MEMBER RESTLER: [interposing]

And--

DEPUTY COMMISSIONER KERMAN: [interposing]

And then on the SUVs, again, NYPD, if we can get this

electric vehicle program, which is really a crossover, that takes care of about 60/70 percent of the SUVs. Then we are working in solutions, but you know, Sanitation has-- a big piece of the rest of the SUVs are Sanitation response, and that is tricky because they do need the 4x4 functionality in the winter storms. So we are going to hybrid electric there, but that's-- that's one of the challenges--

SERGEANT AT ARMS: [interposing] Time expired.

DEPUTY COMMISSIONER KERMAN: [inaudible] operational needs.

COUNCIL MEMBER RESTLER: Even Bill de Blasio switched out from an SUV to a minivan. We should be able to do it across the board, and these are gas-guzzlers at a time when we just can't afford to have them, and I appreciate all of the very good and creative work you're doing, but we need to shrink the fleet. And I know you're focused on it, and I'm impressed always every time I hear from you about everything that you're doing to make that happen, but all of the growth that we saw during the fleet in the de Blasio Administration, we need to see it reduced twice as fast in the Adams' Administration. And I'm

going to push with everything I can on the Council side. We want to be a creative partner in helping and advocating for whatever solutions we can. I realize that for some of our uniformed agencies these are harder solutions, but we have non-uniform agencies that are using SUVs as well, and there's just no reason. And I'm excited to hear about the pilot that you're pursuing. The Mach-E sounds interesting. Anything we can do to help on the Council side, please let us know, because it's just of utmost importance and there's no excuse in my opinion for the proliferation of SUVs that we have from City agencies, and really appreciate your leadership in trying to make that-- to reverse that. I'll defer back to the Chair, but I'll jump back in whenever you let me, in case you wanted to-- if you had more questions, Chair.

CHAIRPERSON UNG: I do actually have a follow up question on the SUV. Just to clarify, how many SUVs are in the fleet today?

DEPUTY COMMISSIONER KERMAN: There are-- I don't want to guess the number, so I'm going to check on that number for you. The majority of our SUVs are in policing and in-- then over at

Sanitation. Let me-- and I can get you the exact number in just one second. One of the benefits of doing it online is you can look something up. So there are 4,385 total SUVs in the fleet, 2,859 of those are at the Police Department. Then, 555 at Sanitation. So, those are the numbers, and we have been reducing. We did 100 vehicle reduction in the last year of SUVs. So we are trying to reduce them, and again, you know, we need a solution to really get to the SUVs and scale. We need that Police Department program to work, and that's launching as we speak. So that ultimately-- NYPD is the majority of these SUVs. We have a plan to switch that vehicle to all electric and smaller vehicle, and that's launching now.

CHAIRPERSON UNG: Okay, thank you. I believe that Council Member Restler has another question regarding-- probably regarding this.

COUNCIL MEMBER RESTLER: That's okay. I actually was hoping to ask Commissioner Pinnock and the team about renewable energy and I recall there was again a kind of big Executive Order and commitment to get us 100 percent renewable energy in our city operations. What's the time line in your

understanding to achieve those goals, firstly, and then secondly, Local Law 97 compliance? And I know that for our old city building this is no easy thing to accomplish. How can we help DCAS and support your efforts to comply with Local Law 97 and reach our energy production goals as in City buildings as quickly as possible?

COMMISSIONER PINNOCK: Thank you so much for that question, Councilman Restler. Congratulations to you as well.

COUNCIL MEMBER RESTLER: Thank you.

COMMISSIONER PINNOCK: And so I will start off talking a bit about the importance of compliance with Local Law 97, and then I'll turn it over to our Chief [inaudible] Officer Anthony Fiore. So, as you know, in support of Local Law 97 we came up with a very comprehensive implementation plan which really sets out a road map of all city agencies. We are for the first time in the City's history, we've attached carbon emission reduction goals by agency, and so most notably the two overarching mandates would be tied into a 40 percent reduction, you know, in our carbon emissions as a city by 2025 and 50 percent by 2030. So, under

Anthony's leadership we've taken a multipronged approach. In addition to signing a contract they really support that well and through the [inaudible] 100 percent renewable energy. So I will turn that over to Anthony to walk you through our process and how you can help.

COUNCIL MEMBER RESTLER: Thank you.

COMMISSIONER PINNOCK: Thank you.

DEPUTY COMMISSIONER FIORE: Thanks--

COUNCIL MEMBER RESTLER: [interposing]
[inaudible] help her.

DEPUTY COMMISSIONER FIORE: Thank you, Commissioner. Thank you, Council Member, for the question. Thank you, Chair, and the rest on the committee. Appreciate you all and the work that you do. I just want to start by saying DCAS really takes a comprehensive and holistic approach to energy management. We offer eight major types of support including data analysis, technical guidance, strategic planning, energy management, professional support, training outreach and education, contracting support, enhanced O&M [sic] practices, and then investments in energy efficiency technologies, including emerging technologies, and clean energy

generation. To your question on the supply, as Commissioner Pinnock mentioned, we did sign a contract with the state to purchase enough renewable energy to meet 100 percent of our consumption of electric. That contract has been signed. It has been registered. We expect the commercial operation date or the first project to supply that energy to start by the end of 2025. With regard to efficiency and buildings, you hit the nail on the head. You know, two-thirds of our emissions come from buildings--

SERGEANT AT ARMS: [interposing] Time expired.

DEPUTY COMMISSIONER FIORE: If you'd like I can continue, or? Okay. Two-thirds of our emissions come from buildings. Ninety percent of buildings that exist today will be here in 2050, so that's where the primary work has to occur. We did produce an implementation action plan that not only looked at the mandates of Local Law 97, but tried to weave together other commitments the City has made including the 100 percent renewable energy, the 100 [inaudible] blocks [sic] of solar, 20 percent reduction in energy consumption among other

commitments. The plan really considered policy compliance with practical and technical feasibility as well as cost, and it focused on buildings, but it also looked government-wide, so at other sectors like fleet and energy supply. What we did is we broke all the buildings down into typologies. We identified emission reduction opportunities that could be applied for those typologies, and then we determined the amount of emission reductions required for buildings after taking consideration actions in those other sectors. And then we applied these to each agency's portfolio, and from the first time ever have come up with agency-specific emission-reduction opportunities. So that agency heads have a clearer transparency and expectation of what's required from their agencies. The report also recommended a number of implementation support initiatives. Five key areas: accountability infrastructure, human capital, project implementation support, integrated capital planning, and optimized building operations. So, I'm talking through this fast. I'm happy to answer any follow-up questions, but I also offer that this implementation action plan is posted on our website, and I think as far as how Council can help us.

Taking a look at that, and if you have any thoughts or ideas, we would love to sit down with you and discuss those in further detail.

COUNCIL MEMBER RESTLER: And maybe shame some of the agencies that aren't cooperating.

DEPUTY COMMISSIONER FIORE: Yes. Yes.

COUNCIL MEMBER RESTLER: Or nicely encourage them to do what they're supposed to do, one or the other, but that--

DEPUTY COMMISSIONER FIORE: [interposing] Yeah, and not all agency is created equal, right? So and I'm happy to discuss that in detail whenever you like.

COUNCIL MEMBER RESTLER: We would love-- I'd love to work with you on that. So I'll take a look at that report and definitely be in touch with you. Thank you, Chair Ung, for the extended time.

COMMITTEE COUNSEL: Chair, I believe you're on mute.

CHAIRPERSON UNG: Oh, I'm sorry, apologies. I just meant-- I am good with DCAS. Thank you. I-- yes. I am done with all my questions.

2 COMMISSIONER PINNOCK: Thank you so much
3 for the opportunity to testify before you today. We
4 look forward to working with you and the committee.

5 COMMITTEE COUNSEL: Chair, I see Council
6 Member Restler has his hand raised. Council Member
7 Restler?

8 COUNCIL MEMBER RESTLER: Thank you. Just
9 very briefly. I'm sorry, Chair Ung. I just wanted
10 to ask about a topic that I know Commissioner
11 Pinnock, you have a lot of experience in and Deputy
12 Commissioner Dannenberg as well. Sexual harassment
13 in New York City, and could you speak to how-- the
14 work that DCAS is doing to convene HR professionals
15 around the City and how we're ensuring really-- how
16 we're doing our best to encourage positive workplace
17 climates and ensuring accountability and oversight
18 and proper and thorough investigations when there are
19 issues that of course will occur in a 400,000-person
20 workforce, to make sure that New York City workers
21 are protected.

22 COMMISSIONER PINNOCK: Thank you so much
23 for that question. So we've really taken a
24 multipronged approach. So, in addition to developing
25 a computer-based training for sexual harassment

prevention that is required for all city employees.

Every year after we finish a training cycle, we go

back and we enhance that training. So, recently--

we're in cycle four now of the training, and so we've

beefed up areas relating to the role of an upstander

[sic] and a bystander. We've given more directives

and direction to managers. We've also added other

components around reporting. Really all the goal of

making the process around sexual harassment complaint

reporting even more transparent. So every year we

really take pride in being better. To-date, we've

trained close to 100,000 employees in terms of sexual

harassment. Our cycle ends at the end of September.

So we are well on our way to having all employees

trained and to be fully compliant with the Local Law.

In addition to that, we do have a team of

investigations and compliance professionals, and even

throughout the height of the pandemic we continue to

fully investigate any sexual harassment complaints

that were reaching the highest levels of every city

organization, and so that team continues to work with

agency heads, in some cases City Hall to best advise

them and provide them with recommendations on how to

remedy issues that we're seeing. In addition, we

beefed up our reporting in our database which, you know, we're actually working to try to enhance now. Really, going through all of that data with all of EEO professionals so they can understand what trends we're seeing and then having conversations about how to once again improve behaviors in the work place, because in some cases things may not rise to a complaint, but certainly if there are concerns about how people are talking to each other, how people are engaging and meeting publicly, privately. We want to make sure that we're providing agencies with that information. And then lastly, what we continue to do is meet with our HR and EEO professionals, in some cases, because during the pandemic we were meeting weekly to talk about different policies and changes, but also to have them understand the overlaps between their jobs and the connections that they have to improving workplace culture. So we are extremely proud of the work that we've been doing, and certainly we're open to figuring out how we can best improve the work going forward. So thank you for the question.

COUNCIL MEMBER RESTLER: Thank you for your response, and I'm sorry Chair Ung, I promise to be less annoying the rest of the day. Thank you.

CHAIRPERSON UNG: Thank you. I believe Councilwoman Brewer has a question, too.

COUNCIL MEMBER BREWER: Thank you very much, Madam Chair. I'm at another meeting, so I hope I'm not asking what has already been asked. First of all, thank you Carmine. Thank you, Keith. These are people I've known for 30 years, and I have great respect for them and I thank them, and if you haven't been there for 30 years, I apologize. I'm not saying-- good things about you, but I've been around 40 or 50 years. My question is, and Carmine knows this, is about food purchase. You know, I'm big on local food purchase. I think you do seniors to a certain extent, certainly Correction, HRA, and I have to work on the other agencies. So, this has been something that I've been working on for many years. But how do we get more local purchase? How do we purchase the onions from New York State, the apples, the-- and on a regular basis? The state under Commissioner Ball [sic] who's head of Agriculture has been doing this for a while. So I'm-- we have a

report that you're supposed to put out on a regular basis. It's not quite up to date. So, I just was wondering if I could hear a little bit about local food purchase from the state farms in New York. And thank you.

COMMISSIONER PINNOCK: Thank you so much, Council Member Brewer. I'll turn it over to our Acting Deputy Commissioner for Procurement Adam Buchanan to talk about how we try to purchase more locally.

COUNCIL MEMBER BREWER: It's the law, just in case, you know. At least best effort. I wish I could mandate it. Go ahead.

DEPUTY COMMISSIONER BUCHANAN: So, thank you for the question Council Member Brewer. I'm going to have to get used to calling you Council Member and now Borough President Brewer--

COUNCIL MEMBER BREWER: [interposing] You can call me Gale. Gale is fine. Go ahead.

DEPUTY COMMISSIONER BUCHANAN: So, you know, before the pandemic I thought we had what was a really productive meeting with your office regarding this issue, and I'm really happy to report that, you know, in FY21 we were at 11 percent of our food

purchases from New York vendors, and already just in the first two quarters of FY22 we're up to 33 percent. So we have started to mandated. As you well know, there are a couple different ways that we can incentivize procurement from New York producers. You have the 10 percent price preference which we've implemented in all of our food procurements. That doesn't always get the New York producers over the finish line. But what we also did, and thanks in large part to your guidance and your advocacy in this area, is we took a look at our portfolio and we saw that we could also just start mandating things to come from New York State. So we've looked through our entire food portfolio and we've determined where we're not even going to accept any bids from any vendors who are outside of New York State. So, you know, I'm happy to say that in a couple different areas we have processed fresh and frozen foods. We have Halal and Kosher meals. We have fresh fruits and vegetables, meats and poultry and baking products all coming from New York State right now, and so really proud of what we've been able to accomplish there, thanks in large part to your pushing on this issue.

COUNCIL MEMBER BREWER: Okay, I thank you. Thank you very much. I hope we can meet and maybe figure out how to even push it up, and I'd love to get some details. But thank you very much, 11 to 33 percent is a big start. Thank you.

DEPUTY COMMISSIONER BUCHANAN: We'd love to do that.

COMMITTEE COUNSEL: Chair, I don't see any other hands raised, so if you'd like to move on to the next portion of the hearing.

CHAIRPERSON UNG: [interposing]
[inaudible] Sorry. I know it's a long day for everybody, just the beginning of the day. So, next I'd like to Corporation Counsel Sylvia Hinds-Radix, the Head of the Law Department, to testify before this committee. Thank you for testifying before today's hearing. The Law Department's Fiscal 2023 Preliminary Budget totals \$239 million, including \$163.2 million in personnel services funding to support 1,698 budgeted fulltime positions. Today, we look forward to discussing the many aspects of the Law Department's operation, including a citywide savings program. It reviews Fiscal 2022 Preliminary Mayor's Management Report among other topics. I

would now like the Committee Counsel to administer the Oath and swear-in the testifying representatives.

COMMITTEE COUNSEL: Thank you, Chair. To all the representatives from the Law Department who will be providing testimony or available for questions, please raise your right hand. I will read the Oath once, and then call on each of you individually for a response. Do you affirm to tell the truth, the whole truth, and nothing but the truth before this committee and to respond honestly to Council Member questions? Corporation Counsel Sylvia Hinds-Radix?

CORPORATION COUNSEL HINDS-RADIX: I do.

COMMITTEE COUNSEL: First Assistant Corporation Counsel Steven Stein Cushman?

FIRST ASSISTANT COUNSEL CUSHMAN: I do.

COMMITTEE COUNSEL: Managing Attorney Muriel Goode-Trufant?

MANAGING ATTORNEY GOODE-TRUFANT: I do.

COMMITTEE COUNSEL: And Deputy Chief of Administration Jennie Nagle?

DEPUTY CHIEF NAGLE: I do.

2 COMMITTEE COUNSEL: Thank you,
3 Corporation Counsel Hinds-Radix. You may begin your
4 testimony.

5 CORPORATION COUNSEL HINDS-RADIX: Good
6 morning, Chair Ung and distinguished Members of the
7 Government Operations Committee. Thank you for your
8 continued commitment to the Law Department, and thank
9 you for all of the hard work that you do every day
10 for the people of the City of New York, the city that
11 we love. It is a pleasure of mine to have the
12 opportunity to discuss the Law Department's Fiscal
13 Year 2023 Preliminary Budget with you today. I am
14 joined by First Assistant Corporation Counsel Steven
15 Stein Cushman, Managing Attorney Muriel Goode-
16 Trufant, and Deputy Chief of Administration Jennie
17 Nagle. The Law Department represents the City, the
18 Mayor, the City Council, other elected officials,
19 City agencies, and all affirmative and defensive
20 civil litigation. As a prosecuting agency, the
21 Department brings proceedings in Family Court
22 alleging violations of criminal law and represents
23 the people of the State of New York in proceedings
24 filed in Criminal Court to enforce the City's
25 Administrative Code. Law Department attorneys draft

and review local and state legislation, real estate leases, procurement contracts and financial instruments for the sale of municipal bonds. The Department also provides legal counsel to City officials on a wide range of issues such as civil rights, education, intellectual property, land use and environmental policy. The Department's work embraces all City entities and operations; our impact is tremendous. The Department currently has on board approximately 800 assistant corporation counsels and some 660 legal support professionals. We are proud to be a diversity, equity and inclusion leader in the legal profession. Approximately 30 percent of our lawyers are ethnically diverse and 59 percent are women. The Law Department plays an important role in enhancing the City's fiscal strength and advocating for the public good. For example, through the work of our Affirmative Litigation Division, in this fiscal year already we have recovered \$15 million dollars for the City and City entities, and we anticipate recovering approximately \$23 million more by the end of the Fiscal Year. This includes monetary recoveries for unpaid cigarette taxes, property damage, social services overpayments,

judgment collection activities, and for breach of contract, trademark infringement, and design and construction litigation, among other things. Over and above these recoveries, we have been rec-- we have received several large settlements reached in the litigation against manufacturers and distributors of opioids. As you may be aware, the City, and thousands of other cities throughout the US, brought claims against the manufacturers, distributors, and marketers of prescription opioid products. The City, in connection with the State and other localities in New York, will receive funds from settlements with three big opioid distributors and manufact-- and two manufacturers. In addition to these financial recoveries, during this Fiscal Year, our Affirmative Litigation Division continues to pursue civil enforcement actions to protect city residents. There are ongoing court actions brought to compel compliance with code requirements in order to protect tenants and the public. We were able to settle the first suit brought to enforce the City's unlawful Eviction Law with the property owners agreeing to forfeit the two million dollar property, which will be converted into affordable housing. We also worked

with the Department of Consumer and Worker Protection to bring the first lawsuit to enforce the City's "Freelance Free Act" against L'Officiel, USA, the American subsidiary of the French-owned global media company. The city law provides timeframes for payments to these freelancers. We also anticipate saving the City between \$150 and \$200 million this Fiscal Year in payouts from judgment and claims fund through our continuing activity to compel insurance companies to defend and indemnify the City. In these cases, our Tort and Affirmative Litigation Divisions are enforcing coverage for lawsuits arising out of the work performed by private contractors and permittees. Every case that the insurance company steps up to defend is a case that does not have to be defended by city attorneys, thus saving enormous legal resources. Settlements and judgments paid by the insurers in cases falling within the policy coverage also save the City substantial sums. Since the start of this project in the late 1990s, we have saved the City over two billion dollars. Another example of Law Department efforts, which result in cost savings in the work of the Tort Division-- is the work of the Tort Division's Risk Management Unit.

They work with all City agencies to mitigate or eliminate risks to City residents; short-term by identifying dangerous conditions that can be remediated quickly and long-term by identifying agency operations or practices that are often the subject of litigation, as well as discussing ways to make meaningful changes. The Risk Management Unit meets regularly with City agencies to discuss matters that are frequently the subject of litigation to strategize about possible operational changes to mitigate risk. Our Commercial and Real Estate Litigation Division defends the City in a wide range of contractual disputes. These disputes include three categories of agreements: contracts with private companies to build or repair the City's infrastructure; leases of important public properties; and contracts for all types of goods and services. These claims are largely based upon negotiated terms of pre-existing agreements and typically involve significant exposure to the City. In Fiscal Year of 2021, the Division resolved \$385 million in claims for \$120 million, resulting in a \$265 thousand dollar-- million dollar savings. Similarly, our Tax and Bankruptcy Division's defense

of real property tax assessments protected \$57 million in property tax receipts in Fiscal Year 2021 and \$41.5 million during the first half of Fiscal Year 2022. While the pandemic slowed some aspects of our work in the courts, others intensified, including defending emergency applications seeking injunctions to halt various requirements related to masks, vaccines, and other COVID precautionary measures. As we emerge from the pandemic, we have seen an increase in workload, a growing return to in-person court appearances and trials, and they decrease in the resources at our disposal to craft our responses. As you may be aware, our office works side by side with Council attorneys crafting local laws and then defending those laws if and when they are challenged. To name just a few, over the last year, we've collaborated in our defense of local laws providing relief and protections to commercial and residential tenants who became vulnerable as a result of the COVID-19 pandemic; capping the fees that may be charged to restaurants by delivery service apps; requiring hotel owners to pay severance to employees who were laid off due to hotel closures; and prohibiting employers from terminating or refusing to

hire employees based on their sexual or reproductive health choices. In addition, our collaborations regarding these laws, the Law Department also had great success defending critical public health orders regarding masking and vaccinations. Given the urgent nature of the pandemic, many of these challenges were brought on emergency applications that caused the Department to work more expeditiously to prepare its response. Our Labor and Employment Law, Administrative Law and Regulatory Litigation and General Litigation Division attorneys were often given a short hour to review papers, speak with stakeholders, including the Council with respect to local laws, and prepare a response to these emergency challenges. In some cases, our attorneys were asked to work through the night to be prepared to defend these laws and policies the next day. We are grateful to those attorneys, as well as the staff at City agencies and at the Council, for supporting our successful defense of these laws and policies. These successful efforts were highly resource-intensive and retaining adequate staffing is critical to maintenance of the Law Department's ability to preserve the high standard of responsiveness moving

forward. This was in addition to our efforts to defend the City and its employees in litigation in more than 62,000 cases. During the pandemic, we experienced an increase in pending cases, particularly in our largest division, Tort. In Tort, there are now more than 26,000 cases, 2,000 more than a year ago. Included in this number are newly filed COVID-19-related cases, newly filed Child Victims Act cases, as well as long-standing cases, for which trial dates in hundreds of cases in State Court have been delayed because of the pandemic. In addition to growing case numbers in State Court, our office has an active and challenging federal practice marked by our participation in in-person Federal Court trials since October of 2020. Despite obstacles and staffing concerns, we are pursuing innovative strategies to manage the workload across all our divisions in the face of a tight labor market and budget constraints. We are in constant communication with Office of Management and Budget to address our current issues. Finally, I'd like to share some information on our Family Court Division. All the work of our Family Court Division is geared toward strengthening families and communities. Its mission

is two-fold through Juvenile Justice and Interstate Child Support. We are the presentment agency in all juvenile justice and adolescent offender cases referred to the City's Family Courts. Under the rehabilitative mandate of the Family Court Act, the Family Court Division must work to achieve outcomes that serve the needs of each individual youth brought before the court while at the same time protecting the interests of crime victims and ensuring the safety of the community at large. Our Family Court Attorneys work in approximately 30 locations including nights and weekends, and holiday court operations. The introduction of older youth through Raise the Age legislation has resulted in increased charge severity and individual needs of youth in Family Court. As is the case across New York City, we have continued to experience an increase in firearms cases. In 2021, there were 337 firearms cases referred citywide. This surplus-- this surpasses the number in 2020 when there were 283 firearms referrals and in 2019 when there were 128 firearms referrals. The goal for youth in juvenile justice is to identify strengths as well as resources and opportunities to foster success in the community.

To do so, our staff members are dedicated to outreach across the five boroughs, by attending events in schools and communities in order to meet and support all those who may need our assistance. In juvenile justice proceedings, the law requires a determination that balances the needs of the youth and the community's safety. More than 85 percent of the cases in the Division result in community-based outcomes including diversion and restorative justice despite the continued difficulties presented by the pandemic and the number of diversions-- the number of diversions have continued to grow. Throughout all matters, we look forward to matching youth, families and impacted community members with appropriate services and opportunities geared toward preventing system involvement; providing rehabilitation; securing restorative services, and promoting enhanced outcomes. My testimony today provides a limited analysis of the very broad and varied docket. By keeping the interests of all New Yorkers at the center of our work, we can do what is right and reinforce trust in government and in the rule of law. This is our core commitment. I thank you for your support to the Law Department and look forward to

your continued collaboration. We would be happy to answer any questions that you may have.

CHAIRPERSON UNG: Thank you. Thank you, Corporation Counsel Hinds-Radix, for your testimony, and thank you so much Law Department for all your hard work. I have a couple of questions. The Department's Fiscal 2023 budget is 50.8 million less than its Fiscal 2023 Adopted Budget due to its reduction on contract budget. Can you provide information of why the Department's contract budget for Fiscal 2023 is approximately 46 million less than Fiscal 2022 Adopted Budget?

CORPORATION COUNSEL HINDS-RADIX: The decrease is due to the drop in the Law Department's other than personnel services. Overall, the budget for the Fiscal Year 2022 is 1.23-- 123.5 million, and it drops to 75.9 million in the Fiscal Year 2022. The reduction is due to the fact that we are funding on a year-by-year basis for things like monitorships, special masters, and other major case expenses whose needs fluctuate from year to year. We are currently in discussion with OMB about our needs for the next Fiscal Year and how best to deal with and with what

we have already done. This takes into consideration three percent cut that's been required.

CHAIRPERSON UNG: Great, thank you.

Also, the Department will generate savings of 5.5 million in Fiscal 2022 and 7.1 million in Fiscal 2023 through the reduction of 97 vacant positions across the agency. Can you provide information as to which of the Department divisions has the most vacancy reduction?

CORPORATION COUNSEL HINDS-RADIX: I'd like to refer that question to Muriel Goode-Trufant.

MANAGING ATTORNEY GOODE-TRUFANT: Good morning. The cuts throughout the Law Department have been done on a proportionate basis, and so the divisions that are most affected are Tort and Family Court, as they are our largest divisions.

CHAIRPERSON UNG: Okay, what impact would this have on both Department's operations, in Tort and Family Court?

MANAGING ATTORNEY GOODE-TRUFANT: Throughout the Department we are working diligently to meet need all of our needs, the needs of litigation, the needs in our transactional work, and

we continue to be in discussion with OMB as to make certain that we meet all of our obligations.

CHAIRPERSON UNG: Thank you. While speaking of Family Court, there was a report released by the New York Bar Association [inaudible] courts that was reported NBC New York on February 4th, 2022 highlighting the failures of Family Court in New York City. It reports a backlog of cases associated with custody, visitation, adoption, child support, among others. What has the Department done to decrease the backlog of these cases in Family Court?

CORPORATION COUNSEL HINDS-RADIX: These reports concern improving access to Family Court for litigants. Our Family Court Division is one of those litigants. Our Department does not control the Family Court system. This is under the Office of Court Administration who is responsible for our Family Court. We are continuing to do the work that we do in the Family Court and get access to the court as it becomes much more operational.

CHAIRPERSON UNG: Thank you. Talking about monitors, you know, there's an article post-- an article on New York Post that says the City has spent 111 million on monitors and special masters

overseeing agencies, the failures, including living conditions in public housing and alleged racist practice in the City jail amongst many other issues. Can you walk us through the process of how a monitor gets appointed to a city agency?

CORPORATION COUNSEL HINDS-RADIX: The monitors are under control of the city agencies, and the appointments of monitors are usually done by the courts. The court appoints the monitor and agencies are supposed to become compliant with the court's order in order to comply with the monitorship [sic]. So, we work closely with the agencies to give them the information and the assistance that they require in order to be in compliance with the court's order.

CHAIRPERSON UNG: I'm sorry, maybe you were not-- but does the Law Department, is the Law Department involved in any way in terms of the allocation of the funding to monitors or the budget to the monitors?

CORPORATION COUNSEL HINDS-RADIX: The Law Department pays several of the monitors, and there is an Assistant Corporation Counsel assigned to each of the monitors who go over the receipts that are submitted by the monitors to ensure that we are

properly billed or to have any discussion with them about any of-- anything that is seen on the receipt that's submitted to us that has to be corrected. But we don't make a determination as to what is received by the monitors. That is-- that is set by the court's order.

CHAIRPERSON UNG: I see. But we do play a role in-- is there-- do we play a role in the budgeting of those monitors?

CORPORATION COUNSEL HINDS-RADIX: I misunderstand your question, Council Member.

CHAIRPERSON UNG: So, how-- so, like, do the Law-- sorry. Does the Law Department play a role in the-- you said the receipt, right, how the receipts are billed?

CORPORATION COUNSEL HINDS-RADIX: No, we play a role in how they're paid. They submit to us. We are the-- the bills from the monitors are sent to us--

CHAIRPERSON UNG: [interposing] Okay.

CORPORATION COUNSEL HINDS-RADIX: to the Law Department, and some of these bills-- and I have listed some of the monitors. We have monitorships on the Floyd case, on the two Gilliana [sic] case, the

Nunez, and in my report there are lists of the monitorships and the numbers that we pay.

CHAIRPERSON UNG: Right. So do we just pay the bill as presented to us? Like, how do we assess? Like, you know, do we assess that the bills are reasonable?

CORPORATION COUNSEL HINDS-RADIX: Yes, that's-- and I thought I had explained. Maybe I didn't do that clearly enough, Council Member, and I'm sorry. The bills are-- there is an Assistant Corporation Counsel that gets these bills, who is assigned to the monitorship [sic] who gets the bills. We go over the bills and make any recommendation to the monitors with reference to any inadequacies or anything that is incorrect on the bill to ensure that the City does not overpay for anything that is requested by the monitor.

CHAIRPERSON UNG: Okay, understood. Is there a general-- I mean, I know this is really specific. Maybe we could follow-- we could follow [inaudible] you know, not in the hearing. But just in general, how do they do that? How do they make those assessments?

2 CORPORATION COUNSEL HINDS-RADIX: Are you
3 talking about the Corporate-- our Assistant--

4 CHAIRPERSON UNG: [interposing] Yes,
5 [inaudible].

6 CORPORATION COUNSEL HINDS-RADIX:
7 Corporation Counsel?

8 CHAIRPERSON UNG: Counsel, yes, yes.

9 CORPORATION COUNSEL HINDS-RADIX: There
10 are things that are listed by the monitor that are
11 done, hourly rates, any of the reports that they are
12 making that they're billing for. Our-- because our
13 Assistant Corporation Counsel have been working with
14 them, they're familiar with the case and know the
15 issues that should be raised with records to what is
16 submitted to us.

17 CHAIRPERSON UNG: Thank you. And if you--
18 [inaudible] provide more information to the Committee
19 with that, that would be great. And also, can you
20 provide the Committee with a list of the current
21 monitors right now that's assigned to City agencies?

22 CORPORATION COUNSEL HINDS-RADIX: Yes, I
23 have it. I have that, and I can-- that can be
24 provided.

CHAIRPERSON UNG: Thank you. Thank you.

I appreciate that. I'm just looking to see if anybody has any questions. No, okay. So I'll just ask one last question about workers' compensation. Under state law, people who are entitled to workers' compensation payments from a city has the right to receive those payments via direct deposit. Does the Law Department Worker's Comp Division currently have the ability to make those deposits, albeit direct deposits? Sorry-- the payment to be a direct deposit.

CORPORATION COUNSEL HINDS-RADIX: Thank you, Council Member. Our Office has worked with the Comptroller's Office in order to send out payments electronically to recipients of workers' compensation.

CHAIRPERSON UNG: Great, that's good. So, how does the Worker's Compensation Division notify individuals of their right to wrote and direct deposit?

CORPORATION COUNSEL HINDS-RADIX: I believe they're in monthly communication with them, because certainly people who have regular payments due from Workers' Compensation would receive regular

communications from them. I will follow up and we can provide you with the information as to exactly how individuals are notified that they can enroll in direct deposit.

CHAIRPERSON UNG: Thank you. And just one last question. How long have the worker's comp have this ability to do-- to make the direct deposits?

CORPORATION COUNSEL HINDS-RADIX: The work started during the pandemic. I don't recall the exact date that the switch-over was made, but during the pandemic we worked very closely with the Comptroller's Office for this capability.

CHAIRPERSON UNG: Great, thank you so much. And I believe Council Member Restler has his hand up.

COUNCIL MEMBER RESTLER: Thank you, Counsel, and thank you Chair Ung. [inaudible] Radix, congratulations on your confirmation and your leader for the Law Department. I am going to take the liberty of raising with you the same two things that I said to you when I had a chance to speak to you before your confirmation. One, you were so lucky to have Steve Stein-Cushman to your right. He is good.

Truly, I've got a list of my ten favorite people in City Government, and Steve might just be at the top of it. He is superb on every complex question.

There is no smarter, more creative person with better institutional memory on Land Use, on procurement, on everything, like-- oh, my gosh, I just-- when I worked in City Government it was just a pleasure and a joy to get to call Steve and ask for advice. So, it's good to see Steve, and it's nice to see you.

CORPORATION COUNSEL HINDS-RADIX: Council Member, that's why I brought him along.

COUNCIL MEMBER RESTLER: There you go. I mean, seriously. It's just-- he's a good egg.

FIRST ASSISTANT COUNSEL CUSHMAN: Really kind, but it's good to see you.

COUNCIL MEMBER RESTLER: Truly, truly, truly. I mean it from the bottom of my heart. The question I have for you, Judge Hinds-Radix, is I'm really interested in the Affirmative Lit Unit at Law, and how we can beef that up and really make that a place where we are proactively addressing the needs of New Yorkers. And I just-- I know that I heard the Mayor in frank speak to this a little bit as well. I was just wondering if you could-- I know you're just

a little bit in, but if you could speak to your vision for the Affirmative Litigation Unit and how we could do more there to protect the interest of vulnerable New Yorkers.

CORPORATION COUNSEL HINDS-RADIX: Well, you know, Council Member, I got here, and you'll see from a-- a major part of my report that Affirmative Lit has done significant work, and we have-- we collectively met with the Department Litigation Unit. We've expressed to them your concerns from the Council's concerns and interest, your concerns, the Mayor's concerns, and we are-- if you would look, I guess. We recently had an additional posting for affirmative litigation because we are very, very happy that you are-- you have that interest. I told you we will reach out to you and ask you for anything that you think that we should be looking at. We consider affirmative litigation an important part of the work that we do for the City, and we-- I'm telling you, we are really sitting and taking a very good look at it and just see how can enhance it and to make sure that all of the interests that you have are met.

COUNCIL MEMBER RESTLER: wonderful. I really appreciate that. We'd love to further that conversation. I really think there are opportunities to use the army of smart, great, experienced people of the Law Department to hold that actor accountable in New York City, and it's not just about-- you know, and doing that proactively. So, I have some ideas I'd love to share. Don't need to bother you at this oversight hearing, but-- or this budget hearing, but really do welcome the opportunity to partner with you and engage to think about ways that we can-- that the Law Department can just protect our communities more effectively. So thank you very much, and thank you Chair Ung for the opportunity.

CORPORATION COUNSEL HINDS-RADIX: Thank you, Council Member.

COUNCIL MEMBER RESTLER: Thanks.

CHAIRPERSON UNG: Thank you, Council Member Restler. If nobody else has any more questions, I'm asking Steve [sic] we could have a five minute break before our next testimony. If everyone's good with that, let's go for the five minute break.

2 CORPORATION COUNSEL HINDS-RADIX: And we
3 thank you, Council Member, very much for permitting
4 us to testify here before you and thank you for your
5 continued support.

6 CHAIRPERSON UNG: Thank you. Thank you
7 for coming today.

8 [break]

9 COMMITTEE COUNSEL: Chair, if you're
10 ready to start, we can go ahead into the BOE portion.

11 CHAIRPERSON UNG: Thank you. Now, I'd
12 like to welcome Executive Director of the BOE Michael
13 Ryan to testify before this Committee. Thank you for
14 testifying before today's hearing. The BOE's Fiscal
15 2023 Preliminary Budget totals 132.9 million,
16 including 61.1 million in personnel services funding
17 to support the 570 budgeted fulltime positions. The
18 BOE is responsible for conducting all elections in
19 the City's Federal and State and Local. Today, we
20 look forward to discussing many aspects of BOE's
21 operations, including review on any lessons learned
22 from the citywide elections in November 2021, its
23 funding necessary to carry out early voting, rank
24 choice voting, state budget proposals, along other
25 important topics. With that, I'd like to ask the

Committee Counsel to administer the oath and swear in to testifying representatives.

COMMITTEE COUNSEL: Thank you, Chair. To all representatives from the Board of Elections who will be providing testimony or available for questions, please raise your right hand now. I will read the oath once and then call on each of you individually for a response. Do you affirm to tell the truth, the whole truth and nothing but the truth before this committee and to respond honestly to Council Member questions? Executive Director Michael Ryan?

EXECUTIVE DIRECTOR RYAN: Yes.

COMMITTEE COUNSEL: Deputy Executive Director Vincent Ignizio?

DEPUTY EXECUTIVE DIRECTOR IGNIZIO: Yes.

COMMITTEE COUNSEL: Operations Manager Georgea Kontzamanis.

EXECUTIVE DIRECTOR RYAN: She will not be offering testimony.

COMMITTEE COUNSEL: Great. Thank you. Administrative Manager Wilma Brown Phillips?

EXECUTIVE DIRECTOR RYAN: It's not planned for her to [inaudible] testimony.

COMMITTEE COUNSEL: Okay. Finance Officer Jared Sullivan, or is that it?

EXECUTIVE DIRECTOR RYAN: The same.

COMMITTEE COUNSEL: Okay. Thank you--

EXECUTIVE DIRECTOR RYAN: [interposing] [inaudible] It'll be myself and Mr. Ignizio.

COMMITTEE COUNSEL: Great. You may begin your testimony.

EXECUTIVE DIRECTOR RYAN: Thank you, Chair Ung and members of the New York City Council Committee on Governmental Operations and Finance. I am Michael Ryan. I'm the Executive Director of the Board of Elections in the City of New York. Joining me here today at this hearing are Deputy Executive Director Vincent Ignizio who is a recent addition to the board and a former member of the City Council. So,--

DEPUTY EXECUTIVE DIRECTOR IGNIZIO: [interposing] I don't have my pin on me.

EXECUTIVE DIRECTOR RYAN: He has that distinction. We also have Administrative Manager Wilma Brown Phillips, Operations Manager Georgea Kontzamanis, and Director of Finance Gerald Sullivan. Before discussing the Mayor's Executive Budget of

2023, I want to thank the City Council and the Mayor's Office for providing the necessary funding to operate the Board in Fiscal Year 2022. That funding has met-- allowed the Board to meet its constitutional and statutory mandates, as well as the needs of the voters of the City of New York. And I extend a very special thank you during these very difficult times that have been challenging for everyone. In the interest of time, we have submitted written testimony, and if the Chair so desires, we can dispense with the reading of the written testimony, rely on its submission, and open it up to questions. Otherwise, I can proceed. Your choice.

CHAIRPERSON UNG: Thank you. I appreciate that, actually. So, let's get to the question part of the hearing today. So, in the November General Election that occurred last year, we see the City's largest transfer of power since 2013. What lessons have BOE learned from the election to help prepare for its next citywide General Election in 2023?

EXECUTIVE DIRECTOR RYAN: So, Madam Chair, as we do with each election, after the election is concluded, we do a comprehensive meeting

1 with all of our vendor partners, particularly our
2 voting machine vendors, and now we have the added
3 vendor of Poll Pads [sic] which we started using in
4 2019. While there are no drastic changes from the
5 Board's operation, we are in a constant state of
6 adjusting processes based on new statutory
7 requirements, and we've been-- that has been ongoing
8 in my tenure in earnest since 2019, and we're
9 constantly tweaking. There are no major overhauls.
10 The last major overhaul that we did was in 2019 when
11 we were one of the jurisdictions in New York State
12 that fully implemented electronic poll books for
13 elections, which have performed well, have been well-
14 received by the poll workers and the voters, and
15 certainly help us with post-election tasks such as
16 the voter history tabulation to ensure a timely
17 certification.

18
19 CHAIRPERSON UNG: Okay, thank you. So
20 there was no major takeaways from the November
21 election that would be good going forward for 2023?

22 EXECUTIVE DIRECTOR RYAN: Nothing major,
23 but as I indicated, Madam Chair, we're always looking
24 at the process, and we're always looking for a better
25 way to run the railroad, so to speak. So, we have

undergone some major issues as I said, reflecting back to 2019 with the electronic poll books. In 2020 we were necessitated by circumstance to bring online the online voter absentee ballot application portal, which we did. What was added to that process most recently was the absentee ballot tracker. We also added into the process of technology, a way to track how busy a particular poll site is, especially during earl voting to give voters the opportunity to have more choice so that they can go on to our website and see if the poll site was seemingly busy at a particular time of day. They could elect to-- no pun intended-- to go and participate at a different time. So we've undergone some major changes in the elections process over the last several years, and we're constantly working. We just met with the one of the vendors yesterday to continue to refine some of these large scale changes that occurred over the last several years.

CHAIRPERSON UNG: Thank you. Do you [inaudible] anticipate elections yet to take place in the current fiscal year?

EXECUTIVE DIRECTOR RYAN: So, we have-- we have fully conducted three elections this Fiscal

Year since January 1st, and the dates are detailed in my testimony. We are presently conducting one, and as a matter of fact, Election Day for that election is now. So, we have taken a break from conducting elections to come join you folks because money for next year is important. So, and then there is a possibility that we may have a fifth if we get a proclamation from the Governor depending on Assembly Member Perry's-- it is Assembly Member, correct? Yes, we just wanted to make sure it wasn't senator. Assembly Member Perry has been extended the honor of becoming an Ambassador for Jamaica, and depending on when his resignation is complete, a special election may be implicated in that district as well.

CHAIRPERSON UNG: Thank you. And do you believe right now the current year's budget is sufficient to carry out all these--

EXECUTIVE DIRECTOR RYAN: [interposing]
No.

CHAIRPERSON UNG: No?

EXECUTIVE DIRECTOR RYAN: But as is stated in my testimony, we have over the course of quite a number of years now developed a very solid, firm working relationship with the Office of

Management and Budget. They understand the unique needs of the Board of Elections, and we are working very closely with them to get the appropriate funding to have the board "be made whole" by the end of the year. And the reason that we specifically leave out - there's a couple of reasons why we leave out funding for special elections in a budget. One is you don't know specifically when those issues may arise. Secondly, it really doesn't make sense to budget for an event that is either not known or not anticipated, because you would be unnecessarily encumbering funds, City funds that might have other uses, for an event that doesn't occur. So, we think it's a-- we think it's a prudent and fiscally conservative way of handling that business, and the Office of Management and Budget I think both appreciates that from a planning perspective and from a mutual needs perspective.

CHAIRPERSON UNG: Thank you. And when do you anticipate receiving funding associated with early voting for Fiscal 2023?

EXECUTIVE DIRECTOR RYAN: so there is no separate funding for early voting for the election cycle. It's embedded in the budget, and as we are

conducting early voting over a period of several years now, we're doing our best to continue to adjust the baseline needs of the budget in partnership with OMB based on our most recent past experience.

CHAIRPERSON UNG: Thank you. So, in the last election, how many of the early voting sites were public versus private locations?

EXECUTIVE DIRECTOR RYAN: I don't have that split with an exact figure, but I can tell you out of the-- now are you talking about for Election Day or for early voting?

CHAIRPERSON UNG: Early voting, for early voting.

EXECUTIVE DIRECTOR RYAN: Early voting, it was approximately half, and for Election Day it's typically around 700 out of 1,200, and early voting runs to a similar number, but we'll get that, those specific numbers to you in writing.

CHAIRPERSON UNG: Thank you. And then, if you could also get to me and the Committee the total cost of the leases for the private voting, early voting, that'll be great.

EXECUTIVE DIRECTOR RYAN: And so-- and just-- when we started the early voting process, we

attempted to get a formula from state legislature regarding how we should break out costs, and they referred us back to the existing election law which does not provide a formula, but indicates certain categories of reimbursement that could occur, and so there is no strict formula for that, and we have done the very best that we can considering the diverse needs of all of the communities that we have to serve throughout the City, and also with respect to the more onerous and somewhat adverse impact that conducting early voting in school facilities has particularly during the pandemic-- the pandemic created some significant challenges, and keeping members of the public away from children was certainly something-- a goal that we did not fully meet, but we certainly tried to achieve.

CHAIRPERSON UNG: Of course. So you said it was-- it was half/half [sic] right now private and public for early voting. Is there a plan to decrease the number of private locations? I do understand all you said about the considerations that must be used during those times, but is there a general, a plan, to think about decreasing the number of private locations for early voting?

EXECUTIVE DIRECTOR RYAN: So, in general, there is a push-pull with respect to utilizing schools for any election. It always is going to have some impact on the school, and that is the primary-- according to the election law-- the primary type of facility that we should use, and they have a tendency to be more centrally located in the various neighborhoods. But when you add early voting into the mix, you're adding nine days of early voting-- sometimes that school may also be an Election Day site, which means that the 10th day is a day before at least for equipment delivery, and then a day after at least for equipment taking. So, at a bare minimum you're talking about a two-week impingement on a school facility and that would be at a minimum twice a year. And as we've now seen with some of the recent changes on the state side with respect to special elections. Some districts, we had back to back or simultaneous special elections in Brooklyn in February. That means potentially facilities in that in those areas could have had an additional two weeks on top of that. So--

DEPUTY EXECUTIVE DIRECTOR IGNIZIO:

[interposing] Madam Chair, it's worthy to note that

there isn't many elected officials throughout the City that are seeking to get out of schools and to get into private sites, and are trying to encourage us to look at multiple sites that they have throughout the five boroughs.

EXECUTIVE DIRECTOR RYAN: So, it's a tension. I don't mean that in the colloquial sense, but in the operational sense, right? There's a tension between the additional funding expended to be in private sites, versus the impact on the schools. But I would also like to point out that schools are not the only governmental sites that could be made available for elections. And we have in the past requested of state legislators during formal testimony and in this body, during formal testimony as well as private conversations, if there are other locations, government-owned locations that are available, then we are certainly willing to evaluate those locations for suitability for the use of an elections both demographically or conveniently located within the demographic of a particular area and accessibility pursuant to the Americans with Disabilities Act, because go figure, not all public

buildings comply with the Americans with Disabilities Act.

CHAIRPERSON UNG: Thank you for pointing out. So, go through-- just wrap up the answer to the question. Is there the-- is there a plan to look at, you know, all the considerations, the public versus the private sites, or is this going to remain status quo, the way it is right now?

EXECUTIVE DIRECTOR RYAN: It's an as-needed basis, and there is going to be added pressure on the early voting process, because not only has the New York State Legislature not scaled back the nine days of early voting, they have actually recently passed legislation that require expanded hours for early voting.

CHAIRPERSON UNG: Right.

EXECUTIVE DIRECTOR RYAN: And also, reduced the ratio of voters per site, which is going to increase our responsibility in terms of early voting locations, and I alluded to that in my testimony. When you see we started out several years ago with 61 sites. We now most recently used 106 sites, and we're going to be pressing up, you know, approximately to 130 sites throughout the City. So,

that pressure is not going to decrease any time soon. Actually it's going to increase.

CHAIRPERSON UNG: No, I appreciate all that BOE has done in terms of early voting. It's certainly, just going forward, something just to, you know, think about. You know, if it's private or public to think about more sites, right? That needs to be thought about for the voting process. So, next, the Municipal Voting Law, I think we all know that last year the City Council enacted a law that gave certain non-citizens a right to vote in the municipal elections in 2023. What does the BOE anticipate the cost of this municipal elections to be?

EXECUTIVE DIRECTOR RYAN: We have not-- we have not finalized the budget for that. We're going to have to do some set-up work, some changes to the technology and the background work performed by the voter registration system, but in large measures, you'll have your one-year set-up, let's call it that, right? But then moving forward, the costs associated, the increase cost associated with conducting municipal elections as it were is going to be in large measured dependent upon the number of

1 individuals that actually register. So we'll have
2 the cost associated with printing the voter
3 registration forms, and once it's-- all of that is in
4 place, moving forward we'll have to see how many
5 people actually registered because we may have
6 increased ballot costs associated with printing
7 separate ballots during those elections when there's
8 non-municipal contests on the ballot at the same
9 time. You'll see that fairly regularly with the
10 District Attorney's races, but you know, it's a
11 misnomer to believe that in the off-year elections
12 that City primaries and other office primaries don't
13 cross over, and when they do we're going to have to
14 separate out those ballots.

16 CHAIRPERSON UNG: So, knowing all that,
17 have BOE taken steps to prepare itself for all these
18 issues that-- all these logistics that you just
19 mentioned?

20 EXECUTIVE DIRECTOR RYAN: This process
21 started several years ago when I was called upon to
22 testify at the hearings associated with formulating
23 the resolution that led to municipal voting. So we
24 have been positing and planning since that time, and
25 we've had-- I won't say separate conversations, but

we build it into our ongoing elections planning. Certainly, the Board is in a seemingly perpetual state of conducting elections. So we're in constant communication with our internal folks and our external vendors. The voting equipment that we presently utilizes recognizes an oval on a piece of paper. So that really doesn't have an impact to the voter in terms of the voter experience. It does have an impact on the back end for us, the election planning phase where we have to, you know, test a different number of ballots in the lead-up. But considering that this will only, you know, primarily affect the primaries, you know, that's-- it's not going to have an insurmountable impact on us. Where I do think, you know, there's a spot that folks have to consider, particularly the local parties, is the-- this Intro. 1867 permits non-citizen voters through signed petitions, and that may very well have an impact on the local parities in terms of preparing their previously omnibus petitions [sic], and may now have to separate out the petitions for city contests in order to ensure that municipal voters do not, for lack of a better term, spoil an omnibus petition by

signing a document that they are not eligible to sign.

CHAIRPERSON UNG: Thank you for pointing that out. So, in terms of the budget, when do you anticipate the budget to be finalized?

EXECUTIVE DIRECTOR RYAN: So, where-- like I said, I'm not anticipating that it will be an insurmountable budgetary cost. We are-- we have been in conversation with OMB and we expect that, if anything, to be a new need in the January plan for next year. It's not something that yes, it's going to happen in Fiscal Year 2023. From a budgetary perspective, it is not a house on fire emergency to deal with right this minute, and while we're still in the process of finalizing the plan that needs to be submitted July the 1st, we wouldn't want to, you know, shoot for the moon and then scale back. It's better to ask for a specific dollar amount later from a budgetary planning perspective than it is to ask for more money than you need now. I think that would have more of an adverse effect on the City budget.

CHAIRPERSON UNG: And the BOE is on track to submit its plan for July 1st?

EXECUTIVE DIRECTOR RYAN: Yes.

2 CHAIRPERSON UNG: Okay, thank you. And
3 we're here joined by Council Member Borelli who also
4 I believe has his hand up, too.

5 COUNCIL MEMBER BORELLI: Thank you very
6 much. Since Mr. Ryan has brought up and was asked
7 about non-citizen voting, I just want to ask you if
8 in your knowledge this is in fact the state election
9 law: Section 5-102, qualifications of voter's age and
10 residence. "No person shall be qualified to register
11 for and vote at any election unless he is a citizen
12 of the United States and is or will be on the day of
13 such election 18 years of age or over, and a resident
14 of this state and of the county, city, or village for
15 a minimum of 30 days preceding such election." Is
16 that your understanding of the State Election Law
17 Section 5-102?

18 EXECUTIVE DIRECTOR RYAN: I am certainly
19 aware of the provisions of the election.

20 COUNCIL MEMBER BORELLI: Does this
21 statute require citizenship for registering for
22 voting in any election of city, town, county, or
23 village elections?

24 EXECUTIVE DIRECTOR RYAN: As I said, I'm
25 aware of the provisions of the election law, and

respectfully, this matter is presently being litigated where-in the Board of Elections is a defendant in two separate actions, one involving this specific question, another involving a different constitutional question where-- and we are a-- the Board I should say is a defendant in that action, and we have not had the opportunity to have the benefit of counsel just yet. The outside counsel issue has been now resolved, and we have not had the benefit of consulting with outside counsel and have a-- the Commissioners determine ultimately what the public and/or litigation position of the Board.

COUNCIL MEMBER BORELLI: Has your agency taken any steps to implement the procedural requirements of Intro. 1867?

EXECUTIVE DIRECTOR RYAN: We have until July 1st to submit that report, and we certainly will be on track to do that, unless a court of competent jurisdiction directs us that one or both of the lawsuits reaches a different constitutional conclusion than Intro. 1867.

COUNCIL MEMBER BORELLI: What is the penalty for an election-- what is the charge level of

an election official who willfully ignores State Election Law?

EXECUTIVE DIRECTOR RYAN: I think it can be at least a misdemeanor and potentially a felony depending on what the individual transgression may be alleged.

COUNCIL MEMBER BORELLI: So, is it clear that your agency will take no action on implementing Intro. 1867 until the court determines the legality of the issue?

EXECUTIVE DIRECTOR RYAN: We will continue to do the planning necessary. Do we lose everybody?

COUNCIL MEMBER BORELLI: No.

EXECUTIVE DIRECTOR RYAN: Oh, okay, because I lost your picture. Our screen went blank. Okay. We'll continue--

COUNCIL MEMBER BORELLI: [interposing] I'm as handsome as ever, Mike.

EXECUTIVE DIRECTOR RYAN: Right. Matter of fact, I was just about to turn my-- this question and answer over to Deputy Executive Director Ignizio. No, I'm teasing. We will--

DEPUTY EXECUTIVE DIRECTOR IGNIZIO:

[interposing] Why is that, Mike?

EXECUTIVE DIRECTOR RYAN: We will do what we can preliminary and what we think is necessary in order to submit the plan, and then from-- moving forward we have six months beyond the submission data of the plan to worry about actual implementation. So,--

COUNCIL MEMBER BORELLI: [interposing] So just to sum, you will not be taking any action because the question of whether this is legal or not has not been settled, and Commissioners and officials are under potential penalty of felony if they do this before it's settled in court.

EXECUTIVE DIRECTOR RYAN: So, I don't think it's quite that clear. I'm going to-- no pun intended here, split a hair on this, but we have not had the benefit of counsel to direct us what we should be doing in light of our litigation because when we initially addressed this matter with the Law Department, the Law Department's legitimate concern was that there was a possibility that-- not a probability, but a possibility that the Board's decision might run perpendicular to the City-- the

Mayor's position and the City Council's position, and because that possibility existed and because the Law Department had certain reductions in their staff, they could not guarantee that they could firewall off our concerns in a separate unit, and that's why we had to go forward to seek outside counsel. But we have not--

COUNCIL MEMBER BORELLI: [interposing] Are there--

EXECUTIVE DIRECTOR RYAN: had those conversations yet with the outside counsel. We just signed the documents yesterday.

COUNCIL MEMBER BORELLI: Are there any other examples where your agency violated the plain English reading of a State Election Law?

EXECUTIVE DIRECTOR RYAN: Well, as I said, that-- the issues that you're seeking to address here, and I understand why you're doing them, and they're legitimate issues to discuss, but those matters, what you-- the conclusions that you're reaching are presently the subject of litigation wherein the Board of Elections is a defendant, and I would be loathe under any circumstances and particularly under these circumstances to step into

the middle of a court case before the matter is even heard by a judge.

COUNCIL MEMBER BORELLI: No, no, and thank you, and that's my final question. I'm not-- I'm not trying to reach any conclusion. I'm just reading the plain English reading of the statute, "No person shall be registered and qualified to register and vote unless he is a citizen of the United States." I mean, that's the plain English of the State statute, and with that, I have no more questions. Thank you.

EXECUTIVE DIRECTOR RYAN: And Council Member Borelli, I would just like to say, I was not intending to be [inaudible]. I was just acknowledging that we have pending litigation and we are a defendant in that litigation.

COUNCIL MEMBER BORELLI: Oh, of course, and I think you should be careful with words for that very reason. I appreciate it. Thank you.

EXECUTIVE DIRECTOR RYAN: Thank you very much.

CHAIRPERSON UNG: Thank you. I believe Councilman Yeger, did you have your hand up before, and do you have a question to ask now?

COUNCIL MEMBER YEGER: I did. The leader actually hit on most of the topics, so I don't really have to be the one who repeats it. But just Mr. Director, from the perspective of myself and myself only, I think you're going to hear a lot of elected officials in the City telling you you must, you must, you must do this, do this, do this, and banging on the table, and I just want you to know that there are members of this Council, those are here now in this session and those here in the last session who voted against this bill for a very clear understanding of the State Constitution and State Election Law. So, in my estimation, your agency is prohibited by state law from doing anything to allow people to vote illegally in this city. and so to the extent that you get letters and phone calls and rallies and super woke fest urging you to immediately enact this and start doing it immediately, otherwise you're breaking democracy, I just want to know that there are at least some representatives of the people of this city duly elected and duly sworn who stand by the law of the state that says that the Board of Elections cannot allow people to vote illegally if they're not here-- if they are not citizens of this country. I

just want you to know that, you know, I'm not going to-- like the leader said before, I'm not going to put words in your mouth, and I'm not going to try to get you to say something that you're not comfortable saying, and certainly as a defendant in litigation you should maintain that posture right now. But I will say this, don't be bullied when elected officials come pounding on the doors of the Board of elections telling you that, you know, you're breaking the will of the people if somehow you don't comply with an unconstitutional law.

EXECUTIVE DIRECTOR RYAN: Council Member, I have always and will continue to appreciate your candor, your forthrightness, and your support, and I will just echo what I have previously said to Minority Leader Borelli, that we have not had the benefit of Council to evaluate all of the circumstances, and I'm certain that this matter is on full litigation during the month of April, and I know-- I think we all know the judge that it may be assigned to, and if it is, that judge is definitely a no-nonsense judge that keeps litigants on a short leash. I don't anticipate it being an attenuated process to get to a conclusion, and then once it gets

to that conclusion, the court of competent jurisdiction will have spoken one way or the other, and we will anticipate that it likely won't end there whoever merges triumphant, if you will, from that litigation and probably go up to the next several levels. But we'll keep our eyes and ears attuned to it, and we'll continue to communicate with our attorneys and do the best that we can once the court has spoken.

COUNCIL MEMBER YEGER: Thank you--

SERGEANT AT ARMS: [interposing] Time expired.

CHAIRPERSON UNG: Thank you, Executive Director Ryan. I certainly do not see you as someone who's to be bullied into any positions [inaudible]. So, moving on from--

EXECUTIVE DIRECTOR RYAN: [interposing] AS I have said, you know, Madam Chair, does this look like a face that hasn't been punched?

CHAIRPERSON UNG: No [inaudible]. Confident you'll be doing okay. So, moving on from the municipal voter law, right now I want to talk about the language. What is-- what language is the

BOE is current translating for voter education, voter registration, and Election Day material?

EXECUTIVE DIRECTOR RYAN: So, we do-- English, obviously, does not need to be translated-- Spanish, Chinese, Korean, and Bengali presently for election-related materials, and then there are certain other matters that we have to translate into Russian on our website, and there is an open question with respect to the present census data of what the next steps will be, and it's as yet unresolved, but we're anticipating another language coming our way, and I don't want to say it out loud because it's as yet unresolved, and then I don't want to create the-- you know, the belief that it's actually going to happen and then it might go in a different direction.

CHAIRPERSON UNG: No, okay, I appreciate that.

EXECUTIVE DIRECTOR RYAN: [inaudible] language, but--

CHAIRPERSON UNG: [interposing] Okay, so that's based on--

EXECUTIVE DIRECTOR RYAN: not settled on what language that will be. So, I'll stick to one that's already-- we're already doing, Bengali. That

was the subject of quite a bit of debate, and the federal Court decision was that we had to add an Asian-Indian language, and after much discussion and those folks that are familiar with that portion of the globe, there are numerous languages that could broadly fall under the Asian-Indian definition, and it was then ultimately settled on Bengali. So, while those conversations are still going on, I would prefer to keep our powder dry in that regard and wait 'til we have a firm answer.

CHAIRPERSON UNG: Understood, but I'll be surely anticipating one more language.

EXECUTIVE DIRECTOR RYAN: Yes, one more for now.

CHAIRPERSON UNG: Okay. Understood. And what about the BOE's capability to translate and interpret the polling sites? What languages are those? Are those the same that you just said?

EXECUTIVE DIRECTOR RYAN: So, we engage in a pretty robust, you know, translator recruitment process, and generally speaking we have sufficient translators for the various locations that we're required to serve. In the past we had some difficulties getting Korean translators. However,

we've adjusted some of the efforts in that regard and done some more targeted outreach, and that has boosted our Korean interpreter numbers to a sufficient level. We're also-- we also work very closely separate from the languages that we deal with, with the CEC and make the locations and all sites available where it is that the CEC determines the additional languages that they service are necessary for each election.

CHAIRPERSON UNG: Thank you. But, to be clear, it's still the languages that [inaudible] discussed before. Obviously, English, Spanish, Chinese, Korean, Bengali, and [inaudible] Russian.

EXECUTIVE DIRECTOR RYAN: Correct, and for the languages with the exception of Russian, we employ fulltime staff to conduct translation for us and phone interpretation when needed. You know, they respond to phone calls, but for all of the paper that we have to produce, ballots and such-- if we send out mailings into the districts that require that interpretation, all of that material has to be translated. And so we have translators on staff that do that translation for us to make sure that our materials are accurate, and with the languages that

rely on symbolic interpretation we also make sure that we're using interpretations that make not just literal sense, but phonetic sense so that the voters are properly served.

CHAIRPERSON UNG: Thank you. And just a quick follow-up, why is Russian-- you were saying before, Russian might not be included in these languages?

EXECUTIVE DIRECTOR RYAN: There's-- I'm not remembering it off the top of my head, but there's a state statute that required that some of the information that we post be provided in Russian, but it stopped short of mandating ballot interpretation and poll site interpretation. The State Legislature passed a statute and they went as far as they wanted to, and so we follow what they say to do.

CHAIRPERSON UNG: So, it's a-- I got it, it's a state statute. Thank you. And about the--

EXECUTIVE DIRECTOR RYAN: [interposing] That was Russian, Madam Chair, that was Russian not Bengali.

CHAIRPERSON UNG: Right, right. In terms of-- does BOE have a media [inaudible] with the

English press outlets about its work, about voter registration?

EXECUTIVE DIRECTOR RYAN: We do voter outreach typically in and around election time. Last year, we did some more substantial outreach to publicly educate the voters with respect to Rank Choice Voting because that was a substantial change.

CHAIRPERSON UNG: Right.

EXECUTIVE DIRECTOR RYAN: We leverage the various digital media including the City kiosks process that we've utilized. So, yes, the short answer to that question is yes, and then if you're going to ask me, well, how much, it really depends. If it's a regular election year with no large-scale changes anticipated, we'll do the annual information notice. We'll do some media buys up to and including Election Day. We also have legal advertisements that we're required to purchase in the various print media, but the last couple of years we had, you know, COVID education that needed to be done in 2020 and 2021. We had Rank Choice voting last year, and we anticipate doing some additional voter education with respect to the change in the absentee ballot canvas process which is no longer going to allow the second

bite at the apple and by that I mean if you apply for and return an absentee ballot, you're no longer going to be able to vote at the poll site on Election Day. That's a significant c-change [sic] from what had been done in the past. We've taken a preliminary look at those numbers. It doesn't seem like there's a significant number of voters that-- statistically significant number of voters that request an absentee ballot and then go ahead and vote at the poll site. However, statistical significance is not the yard stick by which the Board of Elections is measured. We're measured by our service to the individual voters. So we need to make sure we get that message out there so that people don't show up at the poll site expecting that they can vote when they've already requested and voted an absentee ballot. That's a change in the law.

CHAIRPERSON UNG: Okay.

EXECUTIVE DIRECTOR RYAN: We're going to follow it, and we're going to do our best to get that information out.

CHAIRPERSON UNG: Good to know about the change in the law. I actually didn't know that. So, there has been media buy-ins. Do you-- and I

understand right now you don't have the numbers? Do you know in general are there ethnic media buys for the same exact information that's being disseminated to the public?

EXECUTIVE DIRECTOR RYAN: I'm sorry, I didn't catch the word that you said--

CHAIRPERSON UNG: [interposing] Sure.

EXECUTIVE DIRECTOR RYAN: the media--

CHAIRPERSON UNG: So, you said before that, you know, you definitely have been using English press outlets, right, to get the information out?

EXECUTIVE DIRECTOR RYAN: Yes.

CHAIRPERSON UNG: Okay, great. And I know you don't have the exact numbers--

EXECUTIVE DIRECTOR RYAN: [interposing] Did you say ethnic media buys, is that what you--

CHAIRPERSON UNG: [interposing] Right. I want to ask-- right. So other than English press outlets, has there been investment in the ethnic media outlets?

EXECUTIVE DIRECTOR RYAN: Yes. So, the answer to that question is absolutely 100 percent yes, and if Mayor Adams did not steal our public

relations director to become a Deputy Commissioner, I would have that information at my fingertips today because she was-- she did a tremendous outreach which is how we were able to boost up the Korean translator and Korean poll workers as well to make certain that we're doing the best we can in that. What we-- what we were able to learn from that process was in some of the ethnic communities, they have specific areas where they go for their information which is different than the English-speaking communities, and we've had some pretty good success. There was a specific group that we'd been working with, the name of which is escaping me, but it is targeted towards Asian languages in particular.

CHAIRPERSON UNG: Thank you. That'd be great if you could follow up with the committee and just give us the breakdown, the numbers for the different media buy-ins.

EXECUTIVE DIRECTOR RYAN: Yep. One thing I know that we've kept is the number of impressions. As I was educated-- I'm a little bit older, but you know, apparently the number of impressions is a big deal when you're talking about digital access, and so

that gives us an understanding of how many people actually look at what we've put out.

CHAIRPERSON UNG: Thank you. I believe City Council Member Restler has a question.

COUNCIL MEMBER RESTLER: Great, thank you. I was unmuted. Well, it is great to be with BOE. I'm a little worried that we're going to have to start calling it like the Staten Island Board of Elections now--

DEPUTY EXECUTIVE DIRECTOR IGNIZIO: What do you mean worried?

COUNCIL MEMBER RESTLER: Worried, worried, now I'm like worried. But we found two good Staten Islanders. My long-held and deeply felt criticisms of the Board of Elections are not personal. They're structural, and I appreciate Vinny, your recent appointment and I'm excited for your leadership, and Mike, I know you work your tuchus [sic] off and you try hard, and as do many of the folks at Board of Elections, and you guys have an impossible job. You're one of the most-- you're one of the most probably most-used punching bags in New York City, and you know, I do, like I started with, strongly believe in top to bottom reform at the BOE,

but I also think that it's important to recognize good work that happens. And you know, I was speaking to your General Counsel yesterday who is terrific, Hemalee Patel, and we're really lucky to have her there. You know, what you're able to do on a dime with redistricting was very impressive, right? And you know, how we've expanded early voting so dramatically and electronic poll books, it's been-- there are lots good operational achievements that you deserve credit for, and so I just want to say that. You don't get enough people saying nice things to you, so I thought I would just be the exception once.

EXECUTIVE DIRECTOR RYAN: Can we stick with those?

COUNCIL MEMBER RESTLER: Yeah, should I shut up now.

DEPUTY EXECUTIVE DIRECTOR IGNIZIO: You just cut out, Council Member. We can't hear you.

EXECUTIVE DIRECTOR RYAN: I think we lost our signal.

COUNCIL MEMBER RESTLER: Alright. Before Chair Ung kicks me off hearing, there were a couple things I wanted to ask about. One is, I'm very invested in making sure that our pre-trial detainees

on Rikers Island are able to vote. And I wanted to hear from you, what's the best way that we can make that happen? It strikes me that making sure that every person who is detained at Rikers has access to an absentee ballot is helpful, but there's of course a cut-off between the date that they have submit-- send in their absentees. And Election Day, is getting an Election Day poll site onto the island or any facility, is that feasible? What can we do to really make sure that these New Yorkers who, you know, have not been convicted overwhelmingly, have the access to vote?

EXECUTIVE DIRECTOR RYAN: So, the direct responsibility lies with the Campaign Finance. However, we always seems to have an added responsibility that's not directly given to us by the construct, and we're certainly happy to do it. Under past DOC Commissioners there have been an alternating emphasis and de-emphasis of this matter that you've brought to our attention, you know, as an important matter by DOC. As someone who used to oversee the DOC, I still think and remain committed to the notion that the social workers that have direct interface with the inmates are still the best place to effect

this change that you're seeking to change.

Certainly, you can do it from the upper level umbrella, but you gotta [sic] get to where the rubber meets the road, and while there are other concerns that the Department of Corrections has to deal with lately and on an ongoing basis, certainly getting this information directly to the inmates-- you have social worker system in place in the various facilities throughout the City and Rikers Island as well, and those social workers, if it is prioritized from the top down and the Department of Corrections, that it should be a City priority, then they will follow the direction of the chain of command structure within the Department of Corrections. And we will certainly provide the materials necessary to assist in that regard.

COUNCIL MEMBER RESTLER: Chair Ung, could I have the liberty of just one more question? Is that okay? Yeah, thank you. I appreciate that. I just think--

CHAIRPERSON UNG: [interposing] Sure, absolutely.

COUNCIL MEMBER RESTLER: Thank you, I appreciate it. I could see you were saying yes, I'm

1 sorry. Thank you. I appreciate that response. I do
2 think that's with regard to getting an absentee
3 ballot out to everybody. There are folks who of
4 course are going to come in between the absentee
5 deadline and Election Day that we want to make sure
6 have the right to vote, and that would require more
7 cooperation and coordination with the BOE directly.
8 And I hear you that it's not your-- you're going to--
9 what I'm hoping to hear from you is that you're going
10 to be a ready, willing, and able partner to step up
11 if and when we get the DOC to do its job. The other
12 question I just wanted to ask is, I realize we've got
13 outstanding litigation on Our City Our Vote. It may
14 take place as soon as next year, take effect, which I
15 strongly support. Have you put together a budget of
16 needs operationally and otherwise to be able to
17 ensure implementation of Our City Our Vote should it
18 move forward in the 23 cycle?

19 EXECUTIVE DIRECTOR RYAN: So, the answer
20 is, we will be dove-tailing the initial planning
21 within our present process. This is not going out
22 and procuring anything brand new in order to get off
23 the ground, and then as we move forward, depending on
24 what the public response to this new voting
25

opportunity should the courts determine that it's okay to go ahead, public response will drive the ongoing costs, not necessarily anything that the Board will be able to plan.

COUNCIL MEMBER RESTLER: I just think that the-- you have a number of Council Members, obviously not every one of them, but a majority vote [inaudible] last year, and you have even more that are supportive of it now. We want to be helpful. We want to make sure that you all have the resources that you need to be able to implement it effectively and efficiently. If there are resource needs, and I could articulate some that I imagine, and they're not all BOE, some are CFB and otherwise, but if you could identify those resources now in the budget process and make the ask, that's I think a very worthy conversation for us to have by June 30th so that we can make sure you have what you need should this move forward in the 23 cycle.

EXECUTIVE DIRECTOR RYAN: We certainly appreciate that, and we will continue to work collaboratively with the Office of Management and Budget in that regard. I will say that our experience with OMB in the recent and current

circumstances is they have a good working understanding of our cadence, and we're able to plan effectively moving forward and adjust plans when necessary. And as I said I think earlier in my testimony, if we get to a point where we've kind of undershot our needs, we'll get to the January Plan which will land right at the moment where the rubber will start to meet the road with respect to municipal voters assuming that there's no alteration-- court alteration of that schedule. We'll get to that spot and we'll be able to adjust, you know, accordingly. And as I also stated, I like to be fiscally conservative while remaining responsible to the agency that I help to oversee and make sure that we're not asking for more money than we need, because that might further hamper the City's ability to budget plan for other things. So, if they set money aside for us that we end up not needing, then they have therefore deprived some other entity of perhaps needed funds. So I think we're striking a good balance there, and we also are mindful of the fact that we have a new City Council and some folks that are eager to get things done, and if it turns out that we're not getting the proper, you know, kind of

1 cooperation from OMB, which I do not anticipate at
2 all, but if that should happen, then we will
3 certainly lean on your good offices to assist in that
4 regard. We understand the mission. We understand
5 what you guys are looking for, and if the court says
6 it's okay to go forward, we'll execute the mission.

8 COUNCIL MEMBER RESTLER: Let's just stay
9 in close communication on this one, because it's of
10 utmost importance to many of us on the Council that
11 we provide legal permanent residents the opportunity
12 to vote in the next municipal election, and we want
13 to make sure that you're all prepared and well-
14 resourced if necessary to make that happen. And so
15 we-- it's our job in the Council to have the global
16 perspective on the needs of city agencies and funding
17 in the budgets. It's your job to be able to
18 implement what you're charged with, and we want to
19 make sure that this is done and done right. And so I
20 just-- if there are things that we should be doing
21 now and thinking through now in this budget process,
22 I just-- I don't want us to hold everything off to
23 resolve it in January and then be under the gun if
24 petitioning starts a month later, etcetera, etcetera.
25 So, I hear you--

EXECUTIVE DIRECTOR RYAN: [interposing]

Right, I don't anticipate that, but I certainly appreciate your concern, and I also appreciate how quickly you have pivoted from your pervious role to your current role.

COUNCIL MEMBER RESTLER: You mean from being a pain in the ass on one side to being a pain in the ass on the other.

[laughter]

COUNCIL MEMBER RESTLER: But it's good to see you. Thank you for having me, and thank you Chair Ung for the extend time. I greatly appreciate it.

EXECUTIVE DIRECTOR RYAN: Thank you.

CHAIRPERSON UNG: Thank you. And I believe City Council Member Brewer has a question.

COUNCIL MEMBER BREWER: Thank you very much, Madam Chair, and if this has been asked, you can tell me shut up, Gale, because I was at BNT, so I didn't hear everything. But my question is, in Manhattan, as you know, the problem is finding ADA-compliant locations, and so you end up having to walk a long way to vote because it's hard to find. So my question is, like Goddard Riverside Senior Center

1 being an example, Federal Department-- Federal
2 agencies say it's ADA-compliant, but it's not under
3 Board of Elections, and it goes on from there,
4 similar situation. So are you going to give us,
5 like, what a budget would be to make these places
6 compliant, because it seems to me that we have to
7 address these issues? So that's my question. And
8 there are lots of them all over the borough, and as a
9 result, you know, we cannot find places to vote.

11 EXECUTIVE DIRECTOR RYAN: We have been
12 doing that on a site-by-site basis, but I'll hit a
13 quick rewind to 2014 just as a point of reference. In
14 the spring of 2014 when 2nd Circuit [sic] Court of
15 Appeals told us what we had to do moving forward, we
16 spun up very quickly with the prior Administration a
17 taskforce. Bondalee Cunningham, [sp?] who's now
18 retired, was part of it from the Mayor's Office of
19 Operation. I say that as a name that you probably
20 recall. And we have worked diligently to do the
21 temporary measures necessary. So at that time we had
22 no vendors, no vendors doing temporary ramping. We
23 had some ramps that we owned. We worked with the
24 Department of Education. They had these ramps called
25 suitcase ramps. They literally were [inaudible]. We

now have 17 separate vendors that we have on-call and utilize during the elections to install temporary ramping, and approximately 660 of our 1,220 Election Day sites required some type of ADA remediation in order to be accessible, and what we stopped doing-- and in some respects, in part to yours and others urging, we stopped at that time moving poll sites because they weren't ADA accessible, and we engage in this process now that allow for temporary remediation. For our good and the good of the City in general, those investments in capital construction to make the sites accessible would fix the election's problem, and it would also bring those sites into compliance for whatever they use they have 365 days a year.

COUNCIL MEMBER BREWER: So, can you give us a list of what those sites are and then figuring out what-- if you don't figure out, maybe DCAS could, what it would cost to make them ADA compliant, because in some cases your temporary solution doesn't work in that location?

EXECUTIVE DIRECTOR RYAN: Right, well, you know, temporary solution is never the best

solution. It's a-- it's a bridge to get you over a gap, right? But we--

COUNCIL MEMBER BREWER: [interposing] I know, but sometimes-- sometimes, Mike, even that doesn't work, just FYI, as you know.

EXECUTIVE DIRECTOR RYAN: Right. No, I know, and some of these sites are very complicated, especially areas of Upper Manhattan which you're very familiar with.

COUNCIL MEMBER BREWER: Yes.

EXECUTIVE DIRECTOR RYAN: The topography there is very challenging and the entrance to these locations is very difficult.

COUNCIL MEMBER BREWER: Alright, I don't want to belabor the point, but we need to know at least in some areas where are the ones that are a challenge, and then we can all figure out how together, because we don't have a list of where we can fix them. Okay?

DEPUTY EXECUTIVE DIRECTOR IGNIZIO:

Hello, Council Member. How are you?

COUNCIL MEMBER BREWER: I'm well. Thank you.

DEPUTY EXECUTIVE DIRECTOR IGNIZIO: I was hoping that maybe you had sites or somebody has sites that they could advise us of, but this is where good government, good policy, and the Council can really play a great role, because as you know, from my former life, you can put money in an overall under the Speaker's Office as a capital item to start doing them citywide, changing sites throughout the City. We would love to be a part of that and love to have a conversation with you or anybody in the Council to effectuate that.

COUNCIL MEMBER BREWER: Alright, I'm glad to talk to you. I spend a lot of time looking for sites, and most-- nobody wants to do it. Museums don't want to do it. Public spaces don't. Nobody wants to be a voting site for nine days, nobody, nobody, nobody. I spend hours on it.

EXECUTIVE DIRECTOR RYAN: Yes.

COUNCIL MEMBER BREWER: So we got-- and then there are people who don't want to do it, but they're not ADA-compliant, so--

DEPUTY EXECUTIVE DIRECTOR IGNIZIO:
[interposing] We would love to be a part of that solution.

COUNCIL MEMBER BREWER: Alright, thank
you. Thank you, Madam Chair

EXECUTIVE DIRECTOR RYAN: And Council
Member, we have used over the course of time, we had
some HAVA grant money, Help America Vote Act money
that we used particularly in schools where we widened
doorways and fixed sidewalks using HAVA grant money
from the schools to help-- HAVA grant money from the
Feds using that money to fix the schools which help
us for elections, but also help school for its
ongoing programs. And I--

COUNCIL MEMBER BREWER: [interposing]
Okay.

EXECUTIVE DIRECTOR RYAN: Once we
establish those sites at least, you know,
preliminarily, it certainly won't be this positive
moving forward, we could always look to a restricted
budget code that allows that money to be set aside as
Deputy Executive Director Ignizio suggests, and the
tap into when needed and when the sites are ready to
proceed forward with the construction that-- in a
time that's convenient that doesn't interrupt their
other operations.

COUNCIL MEMBER BREWER: Alright, alright.
Thank you.

CHAIRPERSON UNG: Thank you. I just have one more question left. It's about the 44,000 residents in the five boroughs that received a notice in March that their voter registration status was in jeopardy. They didn't verify their home address. Since knowing about that, what has BOE done to rectify this issue?

EXECUTIVE DIRECTOR RYAN: So, first and foremost, I understand the alarm when people hear that, but I do want to underscore that the system in terms of voter notification worked. When we get a piece of returned mail back from the post office that says that an individual may no longer live at a particular location, we under the NVRA, the National Voter Rights Act, have to engage in a reasonable list maintenance process which includes mailing a notice to a voter and making them enact. We mail the notice to the voters. The voters raise their hand and say, "I'm still here. Don't take me off the rolls." We started to get some calls and what put us on to this initially was voters were saying, "Wait, we recently voted." So, those folks should not have received--

there's no doubt about it, they should not have received a notice because they had recently voted, and then that-- there was a pressing [sic]. So, as of March the 4th, in the late hours of Friday, March the 4th, all 44,595 voters were restored back to the active rolls with a special notice in the data that says that they were removed from the voter rolls in error and retroactively restored to the voter rolls on a date certain in the past. So, what happened? There was a lot of things going on this particular election. The driving force of all of our efforts showed that we could have elections to conduct were redistricting over-- or re-apportioning over 5,000 election districts. That process usually took between six and seven weeks. The city-- the State Legislature asked us to do it in three, and we did it. And by the way, proudly, the New York City Board of Elections being the largest jurisdiction in the state, and the only one that operates five counties at a time, was the first jurisdiction in the state to submit its reapportioned maps to the State Legislature so that we could actually have districts to vote on in the June primary. All of that was going on, so there was an adjustment made to our

prior process. Keep in mind, that's a once in a 10-year event. It only happens after the census data is complete and the state completes its redistricting. So, ordinarily there are a system of internal and external checks that get made to ensure that the data that is going to be processed for the mailing is correct, and in this particular case, the vendor that does that work for us missed a critical step for some voters and did not do a check on voter history. Although, the mail check was correct, the voter history piece was missing, and those notices went out. But as I said, this was an unprecedented time for the Board. All that data was being processed simultaneously. We were under significant time crunch to get the reapportionment maps done-- pardon? And it was corrected, by the way, from the date that we put the notices together and then the final phone call came. That was Friday, March the 4th. It was done within hours. Myself and Mr. Ignizio were on the phone with staff later in the day after close-- after our close of business, not theirs, and that was taken care of, and no voters were affected in terms of the voting places [sic]. But like I said from the beginning, the process worked, because sometimes

the post office might make an error. Sometimes the Board of Elections might make an error, and it's important to send out those notices and to have-- A, it's a compliance with the law, but then the follow-up from the voter is also important. No system is going to work perfectly, and so it's important to get that feedback from the voter, and it was the feedback from the voter, and then toward the end of the week, the press inquiry that made us aware that we had to double check it. We had received several complaints of, "I voted." That was a red flag for us once they said that they actually participated in the [inaudible].

DEPUTY EXECUTIVE DIRECTOR IGNIZIO: And to add, an enhanced auditing on both, on the vendor's side and on the internal side being put in place to currently to avoid this from ever happening again 10 years--

CHAIRPERSON UNG: So, thank you. So, [inaudible] next question I was going to ask. What are the, you know, mechanisms in place to prevent this from happening? Only-- I ask this question, and then I'm done with questions. Just to point out, as you were-- you know, as I was asking my language

access question, that a lot of voters, especially in my district, they're not-- English is not their first language. So you must imagine, I mean, not that this happened in my district, but you must imagine there is such a mishap like that, you know, they get really nervous, and that might really just make them not think that they're going to have the ability or the right to vote. So, it's just, you know, important, you know, in terms of the Board of Elections always just making sure, you know, those-- those voters will have the right to vote, don't receive those notices. So, from-- so I'm done with my question. I think we're still on schedule. So, does any other City Council Members have any more questions? No? Great. So, thank you to Executive Director Ryan and also to the rest of the BOE staff for your hard work, and calling [sic] what Council Member Restler says, it is not easy, recognizing that. And I'm sure, you know, would look forward to further conversations, especially when the news about law becomes more clear, what's going to happen next.

EXECUTIVE DIRECTOR RYAN: Thank you very much, Madam Chair.

CHAIRPERSON UNG: Okay, since we're doing so well on time, I don't think OATH is here yet. So [inaudible] time to maybe take another five minute break.

[break]

COMMITTEE COUNSEL: John Castelli, would you like to do a mic check?

DEPUTY COMMISSIONER CASTELLI: Can you hear us?

COMMITTEE COUNSEL: Yes, we can hear you. Also, who is the other persons in the room with you?

DEPUTY COMMISSIONER CASTELLI: Okay, we have Deputy Commissioner for Public Affairs and Communications, Marisa L. Senigo [sp?]. We also have Assistant-- I'm sorry, Deputy Commissioner and Chief Clerk Maria Marchiano, and we have Assistant Commissioner for Financial Services Brian Connell.

COMMITTEE COUNSEL: Thank you. Chair, I believe we have OATH on, so we're ready to begin when you are.

CHAIRPERSON UNG: Thank you. Now, I'd like to welcome Deputy Commissioner for Public Affairs and Communications Marisa Senigo and Assistant Commissioner for Financial Services Brian

Connell to testify before this committee, and thank you for testifying before today's hearing. The Office of Administrative Trials and Hearings Fiscal 2023 Preliminary Budget totals \$67.8 million, including \$47.3 million in personnel services funding to support the \$391 budgeted fulltime positions. OATH is the City's central independent administrative law court conducting hearings for city agencies, commissions and boards. Today, we look forward to discussing many aspects of OATH's operations, including the management of summons received from city agency, a citywide savings program, and review of its Fiscal 2022 Preliminary Mayor's Management Report among other important topics. With that, I would like to ask Committee Counsel to administer the OATH and swear in the testifying representatives.

COMMITTEE COUNSEL: Thank you, Chair. To all representatives from the Office of Administrative Trials and Hearings who will be providing testimony or available for questions, please raise your right hand. I will read the oath once and then call on each of you individually for a response. Do you affirm to tell the truth, the whole truth, and nothing but the truth before this committee and to respond honestly

1 COMMITTEE ON GOVERNMENTAL OPERATIONS 123
2 to Council Member questions? Deputy Commissioner for
3 Public Affairs and communications, Marisa Senigo?
4 DEPUTY COMMISSIONER SENIGO: I do.
5 COMMITTEE COUNSEL: Assistant
6 Commissioner for Financial Services, Brian Connell?
7 ASSISTANT COMMISSIONER CONNELL: Yep, I
8 do.
9 COMMITTEE COUNSEL: Deputy Commissioner
10 and Chief Clerk Maria Marchiano?
11 DEPUTY COMMISSIONER MARCHIANO: I do.
12 COMMITTEE COUNSEL: And Deputy
13 Commissioner for Legislative Affairs John Castelli?
14 DEPUTY COMMISSIONER CASTELLI: I do.
15 COMMITTEE COUNSEL: Thank you. You may
16 begin your testimony.
17 DEPUTY COMMISSIONER CASTELLI: Thank you.
18 Thank you, Council Member Ung. It's a pleasure to
19 see you again, and we want to thank you for having
20 this hearing today. I want to thank-- I'm going to
21 read the testimony into the record. I want to thank,
22 again, thank Chair Ung and the members of the
23 Committee on Governmental Operations concerning the
24 Fiscal Year 2023 Preliminary Budget. This statement
25 will first describe the continuing successful efforts

of the Office of Administrative Trials during the challenges presented by the pandemic over the past year, and ensuing the continued availability due process to New Yorkers, all New Yorkers, and will then address the budget projection for this coming year. Since our last budget hearing, NYC Government has changed in many significant ways. There is a new Mayor, a new City Council Speaker, and many new Council Members. We're also still navigating the recovery from COVID and trying to understand what our Administrative Court will look like in the future given the success of remote hearings. During the pandemic, OATH made extra-ordinary efforts to remain fully functioning throughout the COVID crisis. When the City shut down, we did not. We immediately transitioned to remote hearings, and I'm proud to report that we have managed to hold over 250,000 hearings, remote hearings, in our Hearings division since the pandemic began. We also held thousands of remote trials and conferences in our Trials Division. In sum, OATH heard more cases in real-time with all parties appearing remotely than any other municipal or state court in the country. OATH's top priority is to provide New Yorkers with access to justice.

1 It's stated mission is to provide a fair and
2 impartial place where New Yorkers go to have their
3 day in court. Over the last two years, we learned
4 that fulfilling this vitally important mission does
5 not require a physical space. OATH can provide New
6 Yorkers with access to justice outcomes on city-
7 issued summonses while also providing convenience in
8 a healthy and safe way of New Yorkers to appear.
9 While the vast majority of respondents continue to
10 opt for the convenience that a hearing by phone
11 providers, including a call-back function that
12 eliminates a respondent's wait time since last
13 September. OATH has also provided the option for
14 respondents to appear in-person. Whatever the future
15 holds, we will be preparing. Over the past year, as
16 the second year of the pandemic continued to
17 challenge our city, the Trials Division Management
18 effective transition to conducting proceedings by
19 video. The OATH Trials Division adjudicates a wide
20 range of issues that can be referred by any city
21 agency, board or commission. Its caseload includes
22 employee discipline and disability hearings for civil
23 servants as well as cases dealing with the Conflicts
24 of Interest Law, the retention of police-seized
25

vehicles prior to forfeiture proceedings, city-issued license suspensions and revocations, the Loft [sic] Law, city vendor contract disputes, violations of consumer and worker protection laws, and violations under the City Human Rights Law. This past year we saw additional staff added to OATH's Trials Division to adjudicate employee disciplinary matters brought by the City's Department of Corrections. Trials are conducted by Administrative Law judges who are appointed to five-year terms, and that's one year longer than the Mayor. The Trials Division continued use of video proceedings has allowed parties to participate safely and effectively, view video and other evidence simultaneously, receive interpretation in their language of preference, and communicate clearly with the ALJ. We are incredibly proud of how many trials and conferences the Trials Division has been able to conduct remotely during the pandemic. From July 1st of 2021 through January 2022, which is the most recent date for which data is currently available, OATH ALJ has resolved 1,315 cases, including 794 resolved by a settlement competes [sic] both of which represent increases compared to the same period last year. OATH ALJ has also held 214

trials, and that's 96 percent-- and I want to put the emphasis on 96 percent of the ALJ's recommendations-- have been upheld by the city agencies in their final determinations. Similarly, the OATH's Hearings Division continues to conduct proceedings telephonically. The OATH Hearings Division conducts hearings on summonses issued by over 20 different city enforcement agencies for alleged violations of law or city rules. These summonses are issued by the Department of Buildings, the Department of Sanitation, the Department of Environmental Protection, the Fire Department, the Parks Department, the Department of Consumer and Worker Protection, the Department of Health and Mental Hygiene, and the Taxi and Limousine Commission among others. We are continuing the use of telephonic hearings in the Hearings Division to meet the challenges presented by the pandemic. Telephonic hearings are safe, easy, and very convenient. Respondents, their representatives, and city agency attorneys and inspectors do not have to travel to our offices and appear in person, and hearings can be scheduled by email. There is also a call back option for respondents to use once they check in to the

hearing by phone. This adds convenience by eliminating the wait times, and I am proud to report that we have now adjudicated over 167,000 summonses, 167,000 summonses via telephonic hearings in the last 12 months. Our telephonic hearings have been so successful that we will be continuing this method of hearings as an option for the foreseeable future. I'm excited to also describe the launch of OATH's Special Education Hearings Division. Special Education Hearing Officers assigned to this division will adjudicate cases where parents can either challenge the Department of Education decision relating to the adequacy of the Special Education services offered to their child, or seek tuition reimbursement for the cost of a private education that provides their child with necessary services. This division, which is being launched based on Mayoral Executive Order 91 of 2021 and a Memorandum of Agreement executed in December by OATH, the DOE and the State Education Department, will help address challenges in prompt adjudication of these cases. OATH is stepping in to establish an effective and standardized process in this area and will apply our well-established principles of juris prudence-- I'm

decisions, we can't easily make those written PDF decisions accessible through an open-source web-based system, but through our Open Data Portals and our online summons finder we make the hearing outcome in the current status available for anyone to see. In addition to ensuring our hearings and trials are open to the public, our average FOIL response time is approximately eight days. Everyone has access to free translation services for held sessions, trials, hearings, community service, and mediations. And OATH makes all forms and applications and orders available in the top 10 languages and has also made non-essential documents such as outreach fliers, informational fact sheets, and handouts available in the top 10 languages. OATH maintains a very robust help center with 25 employees that supports respondents who receive summonses and are unrepresented before OATH [sic]. Help Center sessions are one-on-one meetings with a procedural justice coordinator which are currently being offered remotely due to the pandemic. The session can be done in a respondent's language of preference. Since last March, our Help Center-- and I'm proud to say that our Help Center has conducted over 64,000 remote

help sessions. Building on the specialized resources offered by Small Business Help and Veterans Helps Units in the Help Center, OATH recently launched Senior Help, a dedicated Help Center Unit designed to help seniors prepare for their hearings and appeals and to make referrals to the Department for the Aging when necessary. We have more than a dozen fact sheets translated into the top 10 languages regarding interagency processes and the hearings process, and these include the following factions: DOB Certificates of Correction, DOB stipulations, DCWP settlements, helpful information for hair cutters, hair salons and barber shops, summonses where your property was taken away to name just a few. In addition, since 2021, the OATH Help Center has expanded its services to provide assistance to unrepresented respondents in certain Trials Division cases including TLC licensed drivers facing license suspension or revocation, and vehicle owners seeking to recover their cars after NYPD seizure during the arrest-- an arrest. As indicated on our website, self-represented respondents can email or call the Help Center or can simply text OATH help to 917-451-8829. The Communications and Public Affairs and

Legislative Affairs Divisions have remained active in performing OATH's public education services about how New Yorkers in New York City businesses can resolve their civil violations, even through the pandemic.

Over the course of the past year, OATH conducted approximately 67 public-facing educational events in collaboration with elected officials, business associations, community groups and more. These educational events also include trainings about OATH for Council Member's District Office staff working in the area of constituent services since most of your constituents will have a summons-related issue at one time or another. One of the things we are most proud of is our work partnering with the Council through the years to provide assistance for the residents of this city. We look forward to working with the Council to continue to get stuff done. Prior to the advent of the pandemic, OATH working to accomplish greater access to justice for all New Yorkers and in partnership with the Council introduced the first in the nation continuous neighborhood pop-up course.

Unable to continue the live hearings on location in offices of participating Council Members, OATH created Remote, or the Remote Neighborhood Pop-up

Court Option, and made it available through participating Council Member, Borough President, Assembly Member, and State Senate offices. In the past year, OATH partnered with five elected official offices to provide the first-ever in the nation remote option to their communities. OATH continues to maintain a social media presence at its monthly Bench Notes e-newsletter to keep respondents and practitioners updated. OATH also houses the Center for Creative Conflict Resolution which provides mediation and restorative justice support to city government agencies, businesses, and the general public. Over the past five years, the Center has offered a number of workplace conflict services for city agencies, including mediations, conflict coaching, group facilitation, restorative practices, dispute system design services, education, and training. During the past year the Center handled close to 314 mediations, consultations, career coaching, trainings, and group facilitations. A text message reminder system is available to all OATH respondents to help ensure that people never miss a hearing and get real-time updates about the status of their case. Since the inception of the text message

reminder system in September 2020, more than 8,000 respondents have registered for these reminders. As mentioned above, the text message system can also be utilized to initiate contact with our Help Center, and OATH understands that people feel comfortable communicating different types of ways. This past year, OATH added a call-back option for the Hearings Division remote hearing system, allowing respondents to avoid waiting on hold and instead request a call-back when their hearing is ready to go forward. since this option was launched, around 80 percent of respondents have taken advantage of it, and for outreach materials, email signatures for our public-facing and Help Center staff and other correspondences, OATH creates its own QR code which takes users to a specific page on the OATH website call, "You received a summonses, now what?" and enumerates all the options available for someone who has just received a summons, including links to other webpages and online forms such as reschedule forms, payment websites, hearing request forms, and other pertinent information. Agency headcount increased to 391 in the Fiscal Year of 2023 Preliminary Budget. This does not include the 358 per diem hearing

officers in the Hearings Division. \$146.1 million is expected in collected civil penalties for Fiscal Year 2023 from payment of fines prior to a summons being docketed or falling into collection status. OATH's total Preliminary Budget for Fiscal Year 2023 is \$67.8 million dollars which represents an increase of \$15.7 million dollars from the Fiscal Year 2022.

Adopted Budget had an increase of \$10.1 million dollars from the Fiscal Year 2022 current modified budget due to additional funding in the November Plan to support the transfer of the Special Education Hearings Division from the Department of Education. The Preliminary Budget also includes a vacancy reduction of 18 positions and \$989,000 dollars in Hearing Officer PS savings of \$1.1 million. Of the \$67.8 million, \$47.3 million is in personal services, and \$20.5 million is in other than personal services. Thank you, Council Members. Thank you so much, and we're here to help, take questions, do the best we can to answer them.

CHAIRPERSON UNG: Thank you. Thank you for your testimony. Thank you for the entire OATH. You guys have been great. Thank you for coming up to my district office. I really appreciate it. Just a

couple of questions. Can you provide the Committee, breakdown the numbers of the summons by the different city agencies?

DEPUTY COMMISSIONER CASTELLI: By the different city agencies, the numbers?

CHAIRPERSON UNG: Yeah.

DEPUTY COMMISSIONER CASTELLI: Well, we can give you-- we can give you a breakdown of those numbers, but it's going to-- we don't have the exact breakdown now with us, but we can get that to you, and we'll get that to you ASAP.

CHAIRPERSON UNG: Sure, thank you. But do you know off the top of your head which is the agency that issues the most summons?

DEPUTY COMMISSIONER CASTELLI: Yes, the Department of Sanitation has the highest issuance of-- the number of summonses. Well, the highest number of summons that are issued.

DEPUTY COMMISSIONER SENIGO: And just to add to what Mr. Castelli said, [inaudible] information is available on our website. We update it every month with the issuance per our agency. So, we have a PDF document so you can go in and see which agencies are issuing the most month-to-month, and

also it's available on our Open Data Portal. So, you can sort by zip code if you want, for instance, if you're interested in looking at your council district specifically, but the Open Data Portal is a great resource as well. But if you have any specific questions, of course, let us know and we'll get back to you expeditiously.

DEPUTY COMMISSIONER CASTELLI: We'll get to Alexander right away, Council Member.

CHAIRPERSON UNG: thank you. Thank you. Have you just-- off hand, have you seen an increase in the number of summons issued by DOB in the last few years?

DEPUTY COMMISSIONER CASTELLI: Sorry, Council Member, I couldn't--

CHAIRPERSON UNG: [interposing] sure. Have you seen, just like off-- you know, I know I could on the website, but have you seen an increase in the a number of summons issued by DOB in the last few years?

DEPUTY COMMISSIONER CASTELLI: What we've seen is overall-- I mean, the numbers that we have overall, we can produce those. We can produce those numbers now, but the numbers we have overall, we've

seen-- overall-- so overall the summonses have been increasing. Issuance has increased.

CHAIRPERSON UNG: Okay. That's good to know for general, too. So, okay. And then more for DOB, okay.

DEPUTY COMMISSIONER CASTELLI: Again, I want to point out, Council Member, that we get-- summonses get filed with us. So there's stuff that-- it depends on-- we get-- we only see things that are filed with us. So we won't necessarily see all the stuff that issued--

CHAIRPERSON UNG: Oh, I see.

DEPUTY COMMISSIONER CASTELLI: unless it's filed with us.

CHAIRPERSON UNG: Okay. So you're making the point that [inaudible] summonses being issued but not [inaudible]. You will end up seeing if it's paid for, right? You do not know-- that would not go back to you. Okay, so the OATH 2023 revenue projection, the Department will collect \$146 million revenue, and it projects that the Department will generate more revenue for the Department of Health and Mental Hygiene fines. Can you tell the Committee what's the structure of revenue collected from those fines?

DEPUTY COMMISSIONER CASTELLI: Well, it's-- again, I want to put emphasis on the fact that whenever we hear the word revenue, our focus at OATH is we are focused on providing fair and impartial hearings and due process. So, in terms of projections on revenue, the only thing-- we can't speak to essentially what our issuance-- increases in issuance and also what's behind that. We can't speak to the enforcement policies or the enforcement strategies behind that, which would-- you know, which those projections could be based on. I don't know, but again, it's something-- it's an area that we can't speak to.

CHAIRPERSON UNG: Okay, I understand. How about summons in default, is there any number of the percentage of summons that people just don't pay?

DEPUTY COMMISSIONER CASTELLI: Well, yeah. It's 40-- it's 45 percent of-- 45 percent of all summonses have gone into-- that are filed with OATH have gone into default, 45 percent overall.

CHAIRPERSON UNG: And is there any-- do you know what are the most common types of summonses that goes into default?

DEPUTY COMMISSIONER CASTELLI: The most common I would say that Sanitation summonses are the most common. Certain types of Sanitation summonses would be the most common at going to default. Again, with the advent of electronic issuance, more agencies are using electronic devices to issue summonses, so that number eventually-- it could go-- it could improve, not sure.

CHAIRPERSON UNG: Okay.

DEPUTY COMMISSIONER SENIGO: And I would also add that [inaudible] once the summons defaults, every respondent has an opportunity and receives a default decision from OATH with very clearly, plainly written language on how to reopen that default. So you do get notice that you've defaulted to say if you didn't ever receive the summons, and during the pandemic and up 'til today, in fact, we still have expanded the days in which we will automatically reopen a summons after a default decision is issued from 60 days to 75 days. So now respondents have even more time to request a hearing after they have found out that they've defaulted, and we will automatically grant that hearing, and that's if you default once. So, the second default, we don't

automatically grant that, but you know, if something were to happen on the first issuance where you were to miss your court date, we do send out a clearly written letter with instructions on how to submit that defense to us.

DEPUTY COMMISSIONER CASTELLI: Yes.

DEPUTY COMMISSIONER SENIGO: That request, rather, to us.

DEPUTY COMMISSIONER CASTELLI: And also, Council Member, what we've been doing with a lot of our outreach events is to educate communities working in conjunction with Council Members, educate, and also then Borough President Gale Brewer's office, now Council Member Gale Brewer. So, what we've done is we've gone out there and proactively worked on educating constituents in the communities and small business owners about how significant it is to answer the summons and what the consequences are if they don't answer the summons. A lot of people don't recognize those consequences. So we're out there and we're doing it with the Council, in partnership with the Council, with Council Members. We have our OATH Office, which we're going to be coming out to your office in the next few days, which we're meeting with

1 a number of constituents as we've done in the past,
2 we sit down with them and a lot of them don't
3 realize, "Hey, if I don't answer this summons, I
4 don't know what the consequence is going to be." So
5 we're out there to ensure that, and we're doing it
6 ourselves going out there personally to make sure
7 that that happens, but again, we have to attribute
8 any success to that through the partnership we have
9 with you, and that's one thing we want to put-- you
10 know, we always want to put emphasis on.

12 CHAIRPERSON UNG: No, thank you. Thank
13 you. Do you have any insights into why DSNY summons
14 have the highest amount of people?

15 DEPUTY COMMISSIONER CASTELLI: Well, I
16 mean, again, I don't know for sure what-- I couldn't
17 tell you. I mean, the DSNY has a jurisdiction, has a
18 huge jurisdiction over a lot of types of violations
19 and so forth. I'm not sure exactly. It's-- again,
20 we can't speak to issuance. We can only speak-- I
21 can tell you about the hearings process. I can tell
22 you about what happens after the summons is filed
23 with us, but I can't speak to why, what the
24 motivation is, what strategies, what the issuing
25 agencies do.

CHAIRPERSON UNG: Understood. And just one last question. Do you have any numbers-- and thank you for having so many different languages available of-- in OATH? Do you have any numbers in how many people that come to OATH use the language-- different language services?

DEPUTY COMMISSIONER CASTELLI: We're going to pull it up right now.

DEPUTY COMMISSIONER SENIGO: Sixty-three hundred in Fiscal 21.

CHAIRPERSON UNG: Oh, wow. And what is that number in relation to everyone, everybody else that came to OATH?

DEPUTY COMMISSIONER SENIGO: So, we don't know how many people come to OATH. There may be more people-- there may be someone that comes with 20 different summonses, so you know, we have the summons issuance, so what we receive in terms of summonses, but we don't have the number of respondents that come. But just to put it in perspective in Fiscal Year 20 when it was more normal before the pandemic, we did about 13,000 translation requests. So, and I would say that they went down during the pandemic because the enforcement agency they think we really

focusing on the more serious violations which tended to go to businesses and larger companies or property owners, and we're seeing an increase now. I know in our PMMR we're reporting that we've gotten a 75 percent increase in language interpretation requests just in the first four months.

CHAIRPERSON UNG: Oh, okay.

DEPUTY COMMISSIONER SENIGO: I think that's because the summonses issuance is going out to a wider variety of summonses. So we're seeing more of the regular mundane like Sanitation summonses being issued, and so those are like the everyday New Yorker, the property owners that are going to be getting those summonses. So, with a wider variety of summons type, because the wider variety of respondent appearing.

DEPUTY COMMISSIONER CASTELLI: Yes, and Council Member, to add to that too, part of the outreach stuff that we work on is to ensure that people know that these language-- that these languages-- that these resources that we have for language translation in so many different languages is-- that it's available. There are people that may not be aware of it, and we're out there making sure

that they do become aware of it and they understand that they don't-- they will have the language of their choice at OATH.

CHAIRPERSON UNG: Thank you, and I appreciate your efforts. Certainly, we've discussed this many times to doing that for the community. So I really do appreciate that. I am done with my questions. I'm wondering if any other City Council Members still on this call have any questions. Oh, look, great. Council Member Brewer?

DEPUTY COMMISSIONER CASTELLI: Hi, Council Member. I think you're muted.

COUNCIL MEMBER BREWER: Thank you. I'm a big OATH fan, as you know. So--

DEPUTY COMMISSIONER CASTELLI: [interposing] Thank you, Council Member.

COUNCIL MEMBER BREWER: I love doing the outreach event--

DEPUTY COMMISSIONER CASTELLI: [interposing] We're big fans of you. We're big fans of you. We're big fans.

COUNCIL MEMBER BREWER: We hope to-- would do more events with you, but the issue is-- remember we talked-- met about the Department of

Education's Special Ed. So I'm just wondering how that's going, and if you discussed it, I apologize, because I'm on another Zoom. I wanted to know how that is going and update on this issue of Special Ed at OATH.

DEPUTY COMMISSIONER CASTELLI: Okay, so the Special Education Hearings Division, we are in the process of getting it up and running. Right now, what we've done is we have required-- we committed to hiring 50 Special Education Hearing Officers, and right now we've offered-- 22 have accepted offers. Thirteen of the 22 that have accepted offers are already certified with the State Department of Education, and again, they have to be certified by the New York State Department of Education in order to adjudicate these cases. We are also going to be-- we're committed to hiring 30 administrative support staff. So at this point, some of the Special Education Hearing Officers that we hired were previously Hearing Officers, contracted Hearing Officers who did these cases and brought some of their cases over to OATH, and they're currently adjudicating those cases that they brought over. Keep in mind that we're still in the process of

promulgating our rules for this, our procedural rules for this new division. We're very excited about it. Our rules right now are being reviewed. The draft of our rules are being reviewed by the Law Department, and again we're working on space and we'll make sure that we have adequate space to house these Special Education Hearings Division, and we're hoping that all of this-- and one more thing is we're going to be working putting together a case-- a computerized case management system so these cases can be tracked. One of the great things about this is by tracking these cases we have-- we can see things. We can have more oversight into these types of cases. Again, and it's something that we hope to kick off by sometime during this spring or the summer.

COUNCIL MEMBER BREWER: Okay. Will the CMS system be apples to apples with DOE or it'll be different? How can you-- how will that work?

DEPUTY COMMISSIONER CASTELLI: Again, I'm not-- we're still in the preliminary stages of working on that, so I couldn't answer that question right now, but I will get-- I can get you that answer, Council Member, as soon as I get a clear update on that.

COUNCIL MEMBER BREWER: Okay. Okay.

Because I guess what we want to find out is how is this working hopefully better than what it is now, and we think it will, but that's the way you find out is the data. Okay, alright, and thank you. And I guess there isn't that 45 percent that the Chair asked about in terms of you can't get their money.

SERGEANT AT ARMS: Time expired.

COUNCIL MEMBER BREWER: There's not much we can do about that, right? I mean, it is hard once they default.

DEPUTY COMMISSIONER CASTELLI: We just had-- I mean, the am-- there was an amnesty program. The Department of Finance has an amnesty program, which--

COUNCIL MEMBER BREWER: [interposing]
Right.

DEPUTY COMMISSIONER CASTELLI: my understanding was successful in getting the number of people that were in default and it applied during the height of COVID, and it was successful in allowing people who couldn't for whatever reason respond to the summons due to the challenge-- maybe due to challenges presented by COVID. It allowed them to

work out a plan with the Department of Finance to remove those defaults. But I want to put great emphasis on the fact that we're moving-- we're doing everything we possibly can to make sure that those people-- and as my colleague, Deputy Commissioner Senigo, pointed out, we've extended the period of time that allows an individual to move to remove that default.

COUNCIL MEMBER BREWER: Right.

DEPUTY COMMISSIONER CASTELLI: So, that's important. And we-- and again, we are-- we're doing what we can. We're going out to make sure that people are aware that answering that summons is the most critical thing a person can do. Thank you, Council Member.

COUNCIL MEMBER BREWER: Right. Thank you for your help. Thank you very--

DEPUTY COMMISSIONER SENIGO: I was going to add that text message reminder system also serves to remind people about their hearing dates. You know, we are trying to advertise that as much as we can on our website and on our outreach material so that people sign up for that service. They have to opt in. Obviously, we don't want to be tracking

people or you know, and we don't have their cell phones numbers on the summons itself. But for those people who opt in, it is a very handy service for them to make sure that they do not miss their hearing.

COUNCIL MEMBER BREWER: Okay, the other thing that I should note is-- has always been an issue, the handwriting. But is everything electronic now, Sanitation, every agencies, or do you still have to read somebody's bad handwriting on the summons?

DEPUTY COMMISSIONER SENIGO: That's still-- it's still-- yeah. It's increased for sure, but it's-- the NYPD certainly is only handwritten. So,-- Chief Clerk Maria Marchiano can elaborate.

DEPUTY COMMISSIONER MARCHIANO: So we have-- electronic issuance has in fact expanded, but there are still some agencies that do handwriting summonses. So yeah, there is that bit of a struggle.

COUNCIL MEMBER BREWER: Okay. So is that something that we should work on. Maybe you could provide to the Chair the agencies that still can't figure out how to have electronics. That would be helpful.

DEPUTY COMMISSIONER MARCHIANO: Okay,
that's great.

DEPUTY COMMISSIONER SENIGO: Yeah, we can
give you a list of the agencies that don't and the
percentage, about the percentage of which-- you know,
because a lot of agencies will have different
enforcement, different enforcement departments within
in. So, like, the Health Department has a different
enforcement unit for Vector Control cases, which is
like mosquitos and things or pest control. So some
of those units, even within one agency, one will be
doing hand-written. Another will be doing electronic
issuance. So we can give you the breakdown.

COUNCIL MEMBER BREWER: That'd be great.

DEPUTY COMMISSIONER SENIGO: [inaudible]
that.

COUNCIL MEMBER BREWER: Okay, thank you
very much. Thank you, Madam Chair.

CHAIRPERSON UNG: Thank you. Does any
other City Council Member have any more questions?
So, I just want to thank you again for OATH for
coming today and I look forward to see you in the
City Council Office really soon.

DEPUTY COMMISSIONER CASTELLI: Thank you, Council Member. Thank you again. I see Council Member Yeger. Council Member Yeger, I just want to say thanks. Keep up the great work, and thank you for supporting and helping us going-- you know, through the years, and Council Member Brewer, I could spend two hours talking about how wonderful you are, so but I'll take-- and Council Member Ung, looking so-- we are so looking forward to working with you to make this city an even better place in getting things-- getting stuff done. Thank you. Thanks everybody.

COUNCIL MEMBER BREWER: Thank you.

COMMITTEE COUNSEL: Thank you. We'll now turn to public testimony. I'd like to remind everyone that unlike our in-person council hearings, we'll be calling on individuals one-by-one to testify. Each panelist will be given three minutes to speak. Please begin once the Sergeant has started the timer. Council Members who have questions for a particular panelists should use the Zoom raise hand function, and I will call on you after the panelist has completed their testimony. For panelists, once your name is called, a member of our staff will unmute

you, and the Sergeant at Arms will set the timer and give you the go-ahead to begin. Please wait for the Sergeant to announce that you may begin before delivering your testimony. I'd now like to welcome Felice Robertson to testify, followed by Towaki Komatsu and then Glen Bolofsky. Felice Robertson, you may begin when the Sergeant calls time.

SERGEANT AT ARMS: Starting time.

FELICE ROBERTSON: Thank you. Hello, Chair Sandra Ung, Governmental Operation and City Council Members. My name is Felice Robertson and I am the Chapter Chair of New York City Department of Administrative Services, DCAS, and the Office of Administrative Trials and Hearings, all employees of Local 1549. Under leadership of Eddie Rodriguez, President of Local 1549 and our 13,000 members, we would like to thank you and give us-- for giving us this opportunity to speak at this budget hearing. The employees of DCAS and OATH are recommending that the implementation of employees to obtain pay disparity other than passing exams. The employees of OATH are in need of departmental growth with human resources such as Human Resources, revenue procurement, and cashier training. DCAS and OATH

employees are strongly recommending promotional opportunities to all employees not just a selective few. Once a position in DCAS and OATH is open, staff should be made aware that an employee is leaving or retiring from the agency, by which the job should be posted on the billboard. Additionally, responsibility should not be added without compensation. DCAS and OATH employees' achievements should be recognized for their college degrees and certificates. For every additional level the employees achieve, they should be recognized and given the job opportunity, and/or monetary pay. Finally, DCAS and OATH employees stress the recommendation to be allowed to work from home during an inclement weather condition such as stormy snow storms and not expected for us to make every effort to come into work. In conclusion, we would like to-- we would like again to thank you for giving us this opportunity to offer our opinion and recommendation of this budget hearing. Thank you. If you have any questions, I'm open.

COMMITTEE COUNSEL: Thank you. I'd now like to welcome Towaki Komatsu to testify, followed by Glen Bolofsky and then Lena Cohen. Towaki

Komatsu, you may begin upon the Sergeant's announcement.

SERGEANT AT ARMS: Starting time.

TOWAKI KOMATSU: Hi. I'm Towaki Komatsu. I'm testifying in this public hearing I guess yet again. I filed a motion with the US Court of Appeals for the Second Circuit yesterday to ask the Second Circuit to immediately fire Joni Clutter [sp?]. She's a commissioner of OATH. I also ask the second circuit to immediately fire Benny Ringle [sp?]. There's a video recording of a public resource [inaudible] meeting that Bill de Blasio conducted on November 16th in Brooklyn where both Ms. Clutter and Mr. Ringle illegally violated my first amendment and 14th amendment right to talk to former Commissioner Steven Banks of HRA. So, the point is, with regards to New York City charter session 1116 that pertains to official misconduct [inaudible] procedure to have employees of the City of New York investigated and prosecuted and also terminated when they violate that section of the New York City Charter. And also with regards to submitting written testimony for today's hearing, if people submit written test-- say like a PDF file, how soon thereafter will that PDF file be

available from the New York City Council's website for the public to view? Chairwoman Ung, do you have an answer for that? Or Mr. Murray, do you have an answer for that? If people submit written documents for today's hearing, how soon thereafter will those documents be available? Okay, so I can't get an answer. Okay, so I guess this testimony is for the Second Circuit since I can't get answer to a straightforward question. Have a good day.

COMMITTEE COUNSEL: Mr. Komatsu we'll work on that. I see Council Member Yeger has a hand up.

TOWAKI KOMATSU: Mr. Yeger, do you have an answer? So, no one has an answer.

COUNCIL MEMBER YEGER: I was just going to let you know, that if you paid attention to the beginning part of the hearing or a few minutes ago, you would know that Commissioner Clutter [sp?] is no longer the Commissioner of OATH. So, I guess it's a matter of paying attention to some of the facts. Really, it was just five minutes ago that the new Commissioner was testifying. But more to the point, and since your time is about to run out, I'll help you out with that. If you have-- if you have

complaints about the performance of city employees,
you can go to the Department of Investigations and
you can file any complaint you want. This is an
oversight hearing on the budget, and in terms of the
oversight hearing on the budget, this is where-- this
is where we talk about the budget--

TOWAKI KOMATSU: [interposing] To your--
to your point, though, I've already contacted DOI.
DOI hasn't done anything about that.

COUNCIL MEMBER YEGER: If the moderator
could just hit mute, I'd appreciate that. Mr.
Komatsu, you come to the Council a number of times to
testify. I appreciate the circumstances that you've
gone through, and--

TOWAKI KOMATSU: [interposing] Mr. Ramos,
terminate this hearing. Thank you, by.

COUNCIL MEMBER YEGER: [inaudible] ways,
but there are resources and places for you to go and
clearly demonstrated your ability to be litigious,
and referring to the Department of Investigations to
make sure that that's the place that you know you can
file any complaint you want about any city employee.

TOWAKI KOMATSU: I've done that.

COUNCIL MEMBER YEGER: [inaudible]
budget.

SERGEANT AT ARMS: Time expired.

COMMITTEE COUNSEL: I'd now like to
welcome Glen Bolofsky to testify, followed by Lena
Cohen and then Ahmed Butt. Glen Bolofsky, you may
begin when the Sergeant calls time.

SERGEANT AT ARMS: Starting time.

GLEN BOLOFSKY: Good afternoon, everyone.
Thank you for your hard work. Nice to see everyone
today. Chairwoman Ung, nice to see you.
Councilwoman Brewer, Council Member Yeger, pleasure
to see you both. Thank OATH for all their great
work. I have basically comments about the budget and
OATH and how it relates to DOF PVB. OATH has been
conducting remote hearings very, very well, showing
that regulatory agencies can do that, and they should
be applauded for it. However, PVB, DOF is not. We
want to stress that PVB, Parking Violations Bureau,
is light-years behind OATH, light-years behind this
Council, and by doing so, PVB denies live hearings to
the public to appear in safety. In my role as
Political Director of the 504 Democratic Club,
representing the disability community, individuals

with disabilities have a very hard time getting to PVB for live hearings. So, we encourage this committee where possible to try to suggest or move the PVB to allow Zoom hearings and remote hearings. One request for OATH's improvement. They do speak about having telephone call-in hearings, and they do a great job with that, and it does take a very, very long time to wait on hold, and if you do request a call-back, OATH does not specify the time for the call-back. So respondents never know exactly when to expect that call, and if you miss the call, there's severe consequences. You can't call back. You are now in default with little or no way to remove that default, especially if it's a second hearing. So, there's opportunity for improvements with the call-back system. In terms of Department of Finance PVB, the stipulated fine [sic] program is pretty well-known for giving discounts on parking ticket fines to the biggest ticket offenders. I mean, there's room for abatement programs for small individuals, small individual businesses, and for the public at large, but why is it illegal to jump a turn style when DOF automatically reduces illegal double-parking ticket fines to half for the biggest ticket offenders

causing congestion and pollution? And now, with their recent announcement about a week ago, they're further reducing the fines for blocking bus lanes, encouraging people not to use mass transit.

SERGEANT AT ARMS: Time.

GLEN BOLOFSKY: So, these automatic discounts harm everyone, especially the disabled community as they are blocked from parking legally against the curb by these large units that are double-parked and also blocked from leaving a parking spot when these large units are blocking them. I really appreciate this committee's meeting today, and really thank you.

COMMITTEE COUNSEL: Thank you. I'd now like to welcome Lena Cohen to testify followed by Ahmed Butt, and then Chi Jindasurat. Lena Cohen, you may begin upon the Sergeant's announcement.

SERGEANT AT ARMS: Starting time.

LENA COHEN: Thank you, Chair Ung and members of the Government Operations Committee. My name is Lena Cohen. I'm a Senior Policy Analyst at United Neighborhood Houses. UNH is a policy and social change organization representing 45 settlement houses across the state and we're really happy to be

here today because UNH's-- we proudly co-lead the Our City Our Vote Coalition along with our friends at the New York Immigration Coalition, and we advocated for the City to restore municipal voting rights, which of course, has come up a few times today. And so, on December 9th, 2022 the law will go into effect and eligible non-citizens will be able to register to vote in city elections starting in 2023, as we already discussed pending the current litigation. But leading up to that date, regardless of that, it is crucial that the City does start to begin preparations for how this law will be implemented. As we learned with the 2020 census and with the implementation of Rank Choice voting in New York City, early voter education is very key to driving successful changes like this, and that's what I'm here to testify about. So, to effectively implement the municipal voting law, UNH recommends a \$25 million dollar City Council initiative to support community-based outreach to newly enfranchised voters. This funding would be distributed to community-based organizations to conduct things like citywide voter registration, non-partisan outreach, and mobilization leading up to any election date.

The initiative could be modeled after the incredible work that the City Council supported for the 2020 census. Just as an example, ideally we envision this initiative being allocated to smaller grassroots organizations who are not only embedded in the communities that they serve, but have strong ties to community leaders and their neighbors so that again, when we talk about spreading awareness about the municipal voting bill, we know that the messengers will be folks coming right from the community. additionally, we're very much looking at the other city agencies that will be playing a role in the implementation, and we'd like to see an increase for all of the budgets to those agencies which would include the Board of Elections, \$25 million dollar total cost for the Board of Elections is what we anticipate over the next year or two, and then the other few agencies that we're looking at would include a 10 percent increase of the Civic Engagement Commission, the Campaign Finance Board, and the Mayor's Office of Immigrant affairs, and then lastly a five percent increase to the Fiscal Year budget for--

SERGEANT AT ARMS: [interposing] Time expired.

LENA COHEN: Thank you. For Department-- for the Department of Youth and Community Development if we're able to again secure a funding initiative that DYCD could play a role in managing those contracts again nearing the 2020 census roll-out. So thank you so much for your consideration, and I look forward to answering any questions.

CHAIRPERSON UNG: Thank you. Thank you, Lena for your testimony. Just one quick [inaudible]. Are you submitting a written testimony today, too? So,--

LENA COHEN: Yes, I am. Thank you.

CHAIRPERSON UNG: Okay, great. Thank you.

COMMITTEE COUNSEL: I'd now like to welcome Ahmed Butt to testify followed by Chai Jindasurat, and then Moni Chen [sp?]. Ahmed Butt, you may begin upon the Sergeant's announcement.

SERGEANT AT ARMS: Starting time.

AHMED BUTT: Hello. I'd like to thank Committee Chair Ung, and the Council Members of the Committee on Governmental Operations for providing

Asian American Federation the chance to testify on this year's budget. I'm Ahmed Butt, the Civic Engagement Coordinator at AAF. We proudly represent the collective voice of more than 70 member nonprofits serving 1.5 million Asian New Yorkers. Amidst an ongoing pandemic, language barriers have revealed dramatic shortcomings in how our government connecting New Yorker with programs and facilities they need. From receiving alerts about severe weather conditions to updates about masking mandates, language barriers are a significant impediment to Asian Americans with life and death information. We appreciate initiatives set forth by the Mayor's Office of Immigrant Affairs, agencies like the Campaign Finance Board and [inaudible] Commission providing new ways to engage with LEP [sic] voters. However, language barriers are ranked high among Asian New Yorkers. Overall, 46 percent of the Asians have a limited English proficiency in New York City, compared to a citywide rate of 23 percent. Impact of these barriers on voter registration will be addressed [inaudible] policy but by competent implementation by ensuring that language resources are made adequately available and bilingual staff are

accessible LEP community members. To make voting more equitable in addition to improving language accessibility at city agencies, it is vital that culturally competent CBO's who are trusted in their communities are funded to conduct their own outreach in the communities they know best. By partnering with CBOs, including those belonging to those belonging to our AAVF [sic] Power Coalition, have collectively made almost two million contacts with Asian voters last year and we served eight different ethnic communities in four boroughs, our city can improve the way in which it serves LEP voters. Our coalition members must be a part of the process, engage with partners and [inaudible] experts. The following recommendations for this year's budget will help ensure that LEP community members aren't excluded from voter registration efforts due to a lack of adequate resources or training. Ensure that adequate and timely supply of translated voter registration forms and voter educational materials of citywide languages both in-person and on agency websites. Ensure adequate staffing of bilingual employees at city agencies are properly trained to register voters. Partner with CBOs, including those

1 belonging to our AAPF [sic] Power Coalition to
2 conduct culturally competent voter outreach. The
3 city must also increase investment in safety net
4 programs such as community health centers, clinics,
5 and food pantries. Asian New Yorkers have a greater
6 need for access to these programs in part due to the
7 continued after effects the previous presidential
8 administration's Public Charge [inaudible] to dis-
9 enrollment of public benefits [sic]. Specifically,
10 the City must fund an emergency network of
11 linguistically and culturally competent food service
12 programs, connect aging seniors and other vulnerable
13 populations to alternative food benefits in order to
14 begin to address the harm inflicted on the population
15 by the loss of access to traditional government
16 assistance programs. The City Council works on this
17 year's budget, Council Members must keep in mind
18 persistent inequalities in city contracting practices
19 and systemic barrier facing our CBO's seeking the
20 dollars the Council is allocating for this year. In
21 addition to increasing funding for AAPI Power-- AAPI
22 Community Support Initiative, we're also asking City
23 Council to fund the Communities of Color Nonprofit
24 Stabilization Fund at seven million dollars so our
25

nonprofits can invest in capacity building projects as demand for their work only increases.

SERGEANT AT ARMS: Time expired.

AHMED BUTT: I want to thank you for giving me the opportunity to speak today. The Asian community has been through so much over this past year and the budget is the best way for City Council to show they are a priority and our community is cared for as it deserves.

COMMITTEE COUNSEL: Thank you. I'd now like to welcome Chai Jindasurat to testify, followed by Wennie Chin and then Donna Romo. Chai Jindasurat, you may begin upon the Sergeant's announcement.

SERGEANT AT ARMS: Starting time.

CHAI JINDASURAT: Thank you. Good afternoon Chair Ung and members of the Government Operations Committee. My name is Chai Jindasurat, and I am providing testimony on behalf of Nonprofit New York, a membership based organization representing 1,000 501C3 nonprofit organizations in the greater New York City area. Nonprofit New York works to strengthen and unite the nonprofit sector. I'm testifying this afternoon in support of two campaigns relevant to Government Operations. The

first is A Place at the Table, and the second is implementation of Our City, Our vote. A Place at the Table seeks to increase nonprofit's ability to advocate by reforming the lobbying expenditure threshold. Nonprofits have a legal right to lobby, yet, fewer than three percent exercise this right. During a listening session that we held three years ago with nonprofit and legal practitioners the current 5,000 dollar expenditure required for nonprofits to have to register with the City Clerk as lobbyist was the most common barrier shared with us. In New York City and New York State, if an organization engages in up to \$5,000 dollars in lobbying, they must track their advocacy time, primary staff, supplies, and travel for legislative meetings, budget advocacy and other activities core to advocating for their community's missions, file eight reports per year, and pay an annual \$150 dollar fee. Many organizations that register are routinely penalized for missing deadlines or filing information incorrectly, and this can range from \$75 dollars to \$1,000 per fine. Many more organizations choose to have a no advocacy policy because they do not have the administrative capacity for the type of

compliance required of big lobbying firms. In the City's current policy effectively removes the voices and experience of local community-based organizations especially those who are most under-resourced from the policy-making process. New York City currently allows architects to spend up to \$10,000 dollars before registering or reporting as a lobbyist, and we seek the same standard for nonprofits. In the previous Council we were successful in getting a bill introduced through Gov. Ops, but it unfortunately did not pass the full Council. We're hopeful the new Council will again introduce legislation to raise the threshold and create a place at the table for grassroots and under-resourced organizations to make their voices heard. Next, onto Our City, Our Vote. So, Nonprofit New York is also a proud supporter of Our City, Our Vote. We recommend similar to Lena's testimony that the City allocate 25 million dollars to fund community-based organizations in voter education, registration, and Get Out the Vote efforts in relation to Our City, Our Vote; increase budget for city agencies that are going to be working on the implementation of Our City, Our Vote, including \$25

million for the Board of Education, a 10 percent increase in the--

SERGEANT AT ARMS: [interposing] Time expired.

CHAI JINDASURAT: Thank you.

CHAIRPERSON UNG: Chai, thank you. I just have a quick question. A Place at the Table, you said a bill was introduced before and it was not passed. What bill was that? What bill number was that?

COMMITTEE COUNSEL: We're sending an unmute request. You may need to accept it, Chai.

CHAI JINDASURAT: Okay, thank you. Sorry. I think I was-- yeah. I'll have to check the bill number. It's-- yeah, I'll have to check the bill number. It was introduced by Council Member Cabrera, and yes, but I can definitely get that and I can send that with written testimony if that would be helpful among the budget asks for Our City, Our Vote.

CHAIRPERSON UNG: Thank you. That would be really helpful. Thank you.

COMMITTEE COUNSEL: I'd now like to welcome Wennie Chin to testify followed by Donna Romo

and then Loyd Feng. Wennie Chin, you may begin upon the Sergeant's announcement.

SERGEANT AT ARMS: Starting time.

WENNIE CHIN: Hi, good afternoon. My name is Wennie Chin. I'm the Director of Civic Engagement at the New York Immigration Coalition. We are an umbrella policy and advocacy organization that works statewide with over 200 immigrant-serving organizations. I want start by thanking Chair Ung and the members of the Gov. Ops Committee for convening this very important hearing and allowing us the opportunity to testify-- to submit testimony and testify on behalf of the organizations budget and policy priorities for Fiscal Year 23. So, speaking to some of the things that my dear friends in this room have already previously shared. New York City's saw the passage of the historic legislation last December. Intro. 1867 was adopted into law this past January, and with this, over 800,000 New Yorkers with green cards and those with work authorization will become eligible to register to vote starting in this upcoming December, and those same individuals will also be available to vote depending when the first election is held as early as January 2023. So we are

incredible thrilled to see this true democracy really embed itself in our city. And really what we're proposing today is really supporting that vision with a budget that makes sense. I know that we have heard previously from the Board of Elections around their budgetary concerns and budgetary plans for municipal voting. I just want to quickly respond in that, wanted to elevate Council Member Restler's concerns about being proactive and not waiting until January of 2023 to revise any plans and build out a budget, because so much of this work needs to be happening in 2022, and whenever the opportunity to plan forward is presented to us, we should really take that opportunity and not wait 'til the 11th hour. So what we are advocating is for city agencies such as the Board of Elections to be funded. We're specifically asking for 25 million for the BOE to prepare itself in its year one of the legislation, especially I think some of Executive Director Mike Ryan's comment about year one being the most crucial year and really ensure that we have widespread education, that the voter registration forms are done properly, have been translated in languages and making sure that folks are ready to register in December of 2023 and not

having to wait and belabor that process. I also want to echo the need to create a \$25 million dollars fund to redistribute the CBO's, particularly the Our City, Our Vote Coalition so that we can reach the most deeply impacted communities that we are already having direct reach with them, and really conduct that citywide voter registration, voter education and Get Out the Vote efforts that we really want to see happen next year. And as an Asian-American woman, I just want to elevate that we by no means condone bullying of any sort. And thank you for your time. We will be submitting a written testimony so you can review some of our numbers and recommendations.

COMMITTEE COUNSEL: Thank you. I'd now like to welcome Donna Romo to testify followed by Loyd Feng, and then Helen Ahn. Donna Romo, you can begin when the Sergeant calls time.

SERGEANT AT ARMS: Starting time.

DONNA ROMO: Hi, my name is Donna Romo. Thank you so much for listening to me, and I hope you don't mind that you don't see me, but I have a screen that covers the camera part, too, because I'm electrically sensitive. So thank you very much. I'm here to urge members of the Committee to denounce

what I termed the new segregation and discrimination by co-sponsoring bill number Int. 001-20-22, otherwise known as dismissal of summonses alleging violations of Executive Orders in connection with COVID-19 along with the refund of any monetary penalties made in connection with such violations. These past actions that have been done to these people, including companies and small businesses are acts of harassment and violating a human being's protections and rights under the State and Federal Constitution, HIPAA, ADA, Civil Rights Act, and the Nuremberg Code of what the New York Constitution definitely recognizes. These violations can also be considered federal felonies under 18USC242, "Whoever under color of any law, statute, ordinance, regulation, or custom willfully subjects any person in any state, territory, commonwealth, position, or district to the deprivation of any rights, privileges or immunities secured by protection of the Constitution or laws of the United States." As well as Title 421983, 42 US code Civil Action for Deprivation of Rights, "Every person who under color of any statute, ordinance, regulation, custom usage of any state or territory or District of Columbia

subjects to causes to be subjected. Any citizen of the United States or other person with the jurisdiction thereof to the deprivation of any rights, privileges or immunities secured by the constitution and laws." So, as far as I'm concerned, that basically there is such discrimination that has been going on. So by continuing to allow what has been set up, which was never-- Executive Order which was never voted by any legislator and is not a law, and by not voting in line with this bill number Int. 001-20-2022, I feel that the members of the Committee that perhaps are-- could be violating the oath of office of which you solemnly swear to support and uphold the Constitution of the United States and the Constitution of the State of New York and the Charter of the City of New York. Personally, I have been discriminated against when I was in a-- give you one case. At the post office and because of a medical condition, not having a mask, I was talking to the person in front of me telling me this, and then we were right in front of line, and then the clerk said right away you have to wear a mask. I said I have a medical condition. You're discriminating. He says you have to wear a mask. Go to the back of the line.

SERGEANT AT ARMS: Time expired.

DONNA ROMO: Go to the back of the line.

And that's all I have to say. Thank you very much for listening to me and letting me express myself. Thank you.

COMMITTEE COUNSEL: Thank you. I'd now like to welcome Loyd Feng to testify, followed by Helen Ahn, and then Sean Lally. Loyd Feng, you may begin upon the Sergeants announcement.

SERGEANT AT ARMS: Starting time.

LOYD FENG: Thank you, and good to see you again, Chair Ung. Thank you to the Committee Members and committee hearing staff for giving me the chance to speak today. My name is Loyd Feng, and I'm a Policy Coordinator at the Coalition for Asian-American Children and Families, CACF. For 35 years, CACF has led the fight in New York City for improved and equitable policies, systems, and services to support those most marginalized in the Asian-American and Pacific Islander community. We're a member organization with over 60 API-led members and partners serving the AAPI community which is the fastest growing population in the City and rising up to 18 percent of the City's total population. Today,

I come before you amid budget oversight discussions and hearings to remind the Committee on Gov. Ops., in the interest of government efficiency, prioritize the revision of the City's existing laws that mandate demographic and linguistic data disaggregation across city agencies, Local Laws 126, 127, 128 from 2016.

As you may recall, at the last Gov Ops hearing,--and I know it's changed since then-- in November 2021 during which we discussed the Intro. 1937 that aimed to revise these Local Laws. CACF urged significant changes, and we'd like to reiterate the importance of revising such laws this year. Since we last, Governor Hochul also signed a historic New York State Law mandating data disaggregation for Asian-American and native Hawaiian Pacific Islander populations at state agencies, offices, commissions, and board already collecting demographic data. Many of today's agency testimonies, committee questions, and public testimonies highlighted the importance of agencies recognizing the diverse needs of different ethnic, immigrant, and linguistic populations in the City. As BOE Executive Director Ryan mentioned, thoughtful community-driven outreach and engagement with Korean-speaking populations made a considerable impact in

1 increasing voter education and participation last
2 year. Revising the data disag [sic] laws to
3 incentivize and compel implementation across agencies
4 will enable all agencies to collect more granular
5 better data that will ultimately aid them in their
6 individual mission and efforts to serve New Yorkers.
7 That said, it's imperative that the City Council
8 reintroduce a data disaggregation revision bill so
9 that we can take the necessary steps toward data
10 equity for not only the AAPI community, but also for
11 groups across the city like black, white Hispanic,
12 indigenous, LGBTQ+ and others. We strongly recommend
13 that any future considerations of oversight of city
14 agency operations include evaluating demographic and
15 linguistic data collected on communities and people
16 served by agency functions and agency's data
17 collection practices. After all, just as Mayor Adams
18 often quips that crime reduction or public safety is
19 a pre-requisite to prosperity and recovery, good data
20 collection underpins good governance, good policy,
21 and government efficiency. Thank you all so much for
22 your time today.

24 COMMITTEE COUNSEL: Thank you. I'd now
25 like to welcome Helen Ahn to testify, followed by

Sean Lally. Helen Ahn, you may begin when the Sergeant calls time.

SERGEANT AT ARMS: Starting time.

COMMITTEE COUNSEL: Helen Ahn, I believe you're still on mute. We have sent you an unmute request.

HELEN AHN: Oh, I'm sorry.

COMMITTEE COUNSEL: There you go.

HELEN AHN: Hi. My name is Helen Ahn. I'm the Director of Korean Community Services of Metropolitan New York. I am currently overseeing two older adult center [inaudible] senior centers and ethnic home-delivered meal in Queens. Today, I want to-- actually three things to-- especially, Chair of this Council-- that currently probably all the older adult centers are-- cannot launch the new program recently awarded by DFTA. But due to the, you know, budget cut to DFTA, about 10 million, I think DFTA is not requesting us to launch the newly awarded-- RFP awarded project. So, I really need your support and advocacy that DFTA can restore the lost budget. And second one is the home-delivered meal. Currently, all the home-delivered meal providers are experiencing really hard times to run the program.

Every meal we deliver and provide, you know, leaves [sic] budget deficit. Also, due to the high, you know, cost of vehicle and also the gas increase, and also all the homebound seniors most live very outdated senior housing where usually elevators don't work. So our meal delivery times by the New York State Compliance is three hours, but it is never complied. And we also need a new like-- implement and also like a new support for the homebound vehicles for all homebound meal providers. And also senior centers nowadays we see lots of seniors are experiencing food insecurity and also anti-Asian hate crimes, xenophobia. So, we also need your support to provide language specific and culturally sensitive services for them. And also, lastly, all the government offices like Social Security Office, Medicaid office, SNAP office, FDNY, they all have to resume to normal services. While all the senior centers-- all the seniors, you know, live normal life.

SERGEANT AT ARMS: Time expired.

HELEN AHN: Normal life. So, please support that. Thank you.

COMMITTEE COUNSEL: Thank you. I'd now like to welcome Sean Lally to testify, and I believe that will be the last panelist who we have on the Zoom who has registered to testify. So at this time, if your name has not been--

SERGEANT AT ARMS: Council Member,-- I'm sorry, Committee Counsel, I see that Borough President Reynoso has also joined.

COMMITTEE COUNSEL: Oh, I see. So, we'll hear from Sean Lally followed by Borough President Antonio Reynoso. Sean Lally, you may begin with the Sergeant calls time.

SERGEANT AT ARMS: Starting time.

SEAN LALLY: Chair Ung and Members of the Council, my name is Sean Lally and I'm here to represent an organization called Medical Freedom Alliance. I see many democrats using language of inclusivity such as delivering a fairer, safer, and brighter future for every New Yorker. This, in fact, is Eric Adams' motto posted on his Twitter page. So then I ask myself, why does Mr. Adams come up with reasons to bring us back to a society reminiscent of the bad old days when Jim Crow ruled? There was a time when if you were born with the wrong skin color

you were not permitted to patronize certain restaurants, walk down the street, purchase groceries or go to the park without being harassed. Is that the kind of society we are heading towards? I am taking this opportunity today to call on the members of the Committee to denounce what I term the new segregation by co-sponsoring bill number Int. 001-2022, otherwise known as Dismissal of Summonses alleging violations of Executive Orders in connection with COVID-19, along with the refund of any monetary policies-- penalties paid in connection with such violations. I believe the proposed law would ameliorate the economic burden placed on small business such as-- as such demands for compliance are fundamentally unjust. I am convinced that lifting such onerous mandates will provide business owners with a windfall of money that they so urgently need. I yield my time.

COMMITTEE COUNSEL: Thank you. I'd now like to welcome Brooklyn Borough President Antonio Reynoso to testify.

BROOKLYN BOROUGH PRESIDENT REYNOSO:
Thank you so much and good afternoon. Thank you to the Chair Sandra Ung. It's nice to see you. And as

I see Council Member Yeger from Brooklyn, and the Committee on Governmental Operations, thank you for allowing me to speak today. My testimony today will focus specifically on Community Board and their budgets, and I was disappointed to see that the Community Boards didn't make it to today's agenda, despite this committee having oversight. I wanted to go on record anyway with my comments. As Brooklyn Borough President, I oversee the borough's 18 Community Boards, and this is a responsibility I take very seriously. The Boards are a critical first point of contact between the public and City government. Yet, because of their extremely limited budgets, they are currently struggling to maintain their basic Charter-mandated functions. This is in addition to everything else that they have been called upon to do during the pandemic, ranging from pivoting quickly to virtual meetings, to literally feeding their communities in some cases. Community Boards have not had a significant baselined budget expansion since 2014, and I was extremely disappointed to see that the new administration has no plans for any budget increase for the boards in the next four years. You don't need to take my word

for it. Earlier this year, a group of District Managers released a report that outlined exactly what they need to do their jobs more effectively. The most critical things that the administration can help address now are the following: Physical spaces: DCAS helps Community Boards find office space, but the quality varies widely. District Managers reported a range of issues, from not having light switches in their office to doors on their bathrooms, to being located in non-ADA-compliant buildings, meaning constituents with disabilities can't physically come to their offices for assistance. I think we can and must do better. Additionally, having public meetings is one of the Boards' most important functions. Their hearings are an important opportunity for the public to connect with local government. Yet, board staff must coordinate space for these meetings with no support from DCAS, meaning they are forced to spend precious staff time finding and securing space that can accommodate a large number of people, is ADA accessible, and meets the standards of Open Meetings Law. This already a challenge before the pandemic. Now that Boards have been away from their previous meeting spaces for two years, they are once again

forced to go through this process, but with even fewer spaces available to meet their needs. For example, Community Board rooms in hospitals and schools may no longer accommodate public meetings. Other venues may have a vaccine screening mandate in place, which is our understanding it's a violation of Open Meetings Law. Still other spaces may be too small to accommodate social distancing. The Boards need support from the City to address this before the Governor's emergency order allowing virtual meetings expires, and from the State to allow hybrid meetings permanently. Which brings me to the technology and communications. During the pandemic, many Boards had to pivot to entirely online meetings. Yet, the technology available and the expertise required to use the technology varies from Board to Board. The City Charter requires Boards to make their meetings available for broadcast, but only some have the tech capability to livestream. The Boards' ability to comply with the Charter should not be dependent upon my discretionary budget. Along those lines, the 2018 Charter Revision required DOITT to assist the Boards with building functional websites, but right now the quality of these sites still depend on the Board

either having its own expertise or the financial means to contract the outside help. What's worse, DOITT had one staff member dedicated to helping all of the City's 59 Community Boards with their technology issues, but he recently left and has not been replaced, leaving the boards stranded at a particularly crucial time. One district manager reported recently waiting weeks for DOITT to create an email address for a new staffer, and it is simply unacceptable. Staffing: The boards' existing budgets only provide for a minimal number of staff lines, and leave little room to provide competitive salaries, making recruitment and retention of professional staff difficult. Inability to fill vacancies has a major impact on an office with only a handful of staff. Without baselined funding, district managers have difficulty planning for staff expansion long-term, not knowing if the lines will be renewed the next year. Baselining a budget line for a staff analyst or community coordinator would make a huge difference in the Boards' ability to function efficiently. It would allow them to connect more directly with their constituents and encourage engagement from more diverse populations, including

youth. I'll end with, thank you again for the opportunity to speak today, and I want to be a partner with the Council and the Administration to dramatically improve the experience of working for and serving on a Community Board. There is so much more to be done, including making sure Board membership reflects our city's diversity, creating and enforcing membership standards, providing consistent trainings and support for board members and staff, and creating a more productive working relationship between the Boards and the Administration. I hope we can start this year by providing them with some of the basic resources they need to function efficiently, and continue working together to address all of those issues over the next few years. Thank you again, Chair Sandra Ung, and to the Committee of Governmental Operations.

COMMITTEE COUNSEL: Thank you. I see Council Member Yeger has his hand raised. Council Member?

COUNCIL MEMBER YEGER: Thank you, Madam Chair. I just-- I wasn't going to speak, but I really want to lend my voice to the Borough President. President, as a member of Council when we served

together, you were a strong voice for Community Boards, and I'm very grateful. You know, honestly, I couldn't have said anything that you said better, and I think this is something that we've argued for, for the last four years as well. I am about 10 minutes late to go run to meet the District Manager of one of our Community Boards who's standing on a street corner trying to convince DOT to reverse traffic flow to provide safety for communities, and she's been working on this project for three, four, five, 10 years. She succeeded to previous District Managers. The work of Community Boards is really the front line of the challenges that we face as elected officials. It's easy for us to come in and, you know, be glorious in our work. They're the ones who are doing the hard work, and it really is needed that they get the extra resources. They're not getting it. One of the things that we saw in the last couple of years is the extra funds that get thrown at them as an add-on that they're not able to actually account for, so it's really hard for them to plan can they hire additional staff members. Can they actually acquire additional space? Can they give people raises that are due that they haven't gotten in a long time? So,

it's something that I really want to continue partnering with you, not just for our 18 Boards in Brooklyn, but for the 59 throughout the City. They need it, and they've worked hard, and I think I've said this many, many times. I was on a Community Board for 18 years before I joined the Council. I started on my Community Board when I was five, as you know, so that's how I got that longevity in there. But Mr. President, I really do appreciate your voice. It's strong, and it's important.

CHAIRPERSON UNG: Thank you. Thank you Brooklyn Borough President for coming on today. Maybe perhaps in the future we're going to have a hearing on the Community Boards, and see how that's working out. So--

BROOKLYN BOROUGH PRESIDENT REYNOSO:
[interposing] [inaudible]

CHAIRPERSON UNG: I think that's it for all the testimony for today. I want to thank everybody for participating today. I know it's been a very long, very long hearing since this morning. So, again, I want to thank the Committee Counsel C.J. Murray, and everybody--

COMMITTEE COUNSEL: Chair?

CHAIRPERSON UNG: Yes?

COMMITTEE COUNSEL: Sorry, before you finish, if we could just do a last call for testimony to make sure--

CHAIRPERSON UNG: [interposing] Sure, of course. Sure.

COMMITTEE COUNSEL: [inaudible] anyone else.

CHAIRPERSON UNG: Do the official-- do the official call.

COMMITTEE COUNSEL: At this time, if your name has not been called, could you please raise your hand using the Zoom raise hand function? And as a reminder, all hearing participants may submit written testimony up to 72 hours after the close of the hearing to testimony@council.nyc.gov. Chair, I don't see any hands raised. I'm sorry to interrupt you. Please continue.

CHAIRPERSON UNG: No, thank you. I just wanted to again thank everybody for staying on today. I look forward to, you know, continuing our communications in the future, and I think the rule is I hit something three times, right? Okay.

[gavel]

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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 May 15, 2022