

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON GOVERNMENTAL OPERATIONS

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November 29, 2021
Start: 10:13 A.M.
Recess: 1:53 P.M.

HELD AT: REMOTE HEARING (VIRTUAL ROOM 2)

B E F O R E: FERNANDO CABRERA, CHAIRPERSON

COUNCIL MEMBERS: DARMA V. DIAZ
BEN KALLOS
STEPHEN T. LEVIN
ALAN N. MAISEL
BILL PERKINS
KEITH POWERS
YDANIS A. RODRIGUEZ
KALMAN YEGER
DANIEL DROMM
I. DANEEK MILLER
HELEN ROSENTHAL
BRAD LANDER

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

LAURA NEGRON, Chief Privacy Officer

AARON FRIEDMAN, Principal Senior Counsel

BECKY DOLPH, Senior Counsel for
Legislative Affairs

FREDERICK SCHAFFER, New York City
Campaign Finance Board

AMY LOPREST, Campaign Finance Board
Executive Director

ERIC FRIEDMAN, Assistant Executive
Director for Public Affairs

DANIEL STEINBERG, Acting Director Mayor's
Office of Operations

GREGORY ANDERSON, Deputy Commissioner for
Policy and External Affairs

STEPHEN HARBIN, Deputy of Sanitation,
Chief of Cleaning Operations

MONTY DEAN, Deputy of Transportation,
Chief of Staff to the First Deputy
Commissioner

REBECCA ZACK, Assistant Commissioner for
Intergovernmental and Community Affairs

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

BENJAMIN SMITH, Director of Legislative Affairs

MIRANDA OUTQUEST, Assistant Director of Legislative Affairs

MARK FOCHT, Deputy of Parks and Recreation, Chief Operating Officer

MATT DRURY, Director of Government Relations

IAN VANDEWALKER, Senior Counsel with Democracy program at the Front End Center for Justice at NYU School of Law

TOM SPEAKER, Policy Analyst at Rand in Albany

SARAH GOFF, Deputy Director of Common Cause New York

BEN WEINBERG, Director of Public Policy at Citizen's Union

KATHLEEN COLLINS, Co-coordinator GOW State NY Adapt/co-coordinator for voter engagement working group

MONICA BARTLEY, Community Organizer for Center for Independence of the Disabled New York

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

CESAR RUIZ, Equal Justice Fellow working
with Latino Justice

NICOLE GORDON

LLOYD FENG, Policy Coordinator at the
Coalition for Asian American Children and
Families

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3 SGT. MARTINEZ: According to the PC all
4 set. Just checking the screen. On the live stream.
5 I still don't see the live stream. Can you hold on
6 for a second folks? Thank you.

7 CHAIRPERSON FERNANDO CABRERA: No
8 problem.

9 SGT. MARTINEZ: Could you stand by for a
10 -- for a few moments folks while we handle some
11 administrative issues. Thank you very much.

12 CHAIRPERSON FERNANDO CABRERA: Council
13 Member Diaz did you have a question?

14 DARMA DIAZ: More of a statement. I have
15 a 10:30 hearing that I have to Chair. I'm preparing
16 for it. I'm going to have to jump out. Do you know
17 how much longer?

18 SGT. MARTINEZ: It shouldn't be much
19 longer. We're just handling an administrative issue.
20 We should be up and moving pretty shortly.

21 DARMA DIAZ: Okay. Thank you.

22 SGT. MARTINEZ: Excellent folks. I see
23 the live stream, we're looking good. Cloud recording
24 underway.

25 SGT. PEREZ: Backup is rolling.

2 SGT. MARTINEZ: Good morning and welcome
3 to today's remote New York City Council of the [mic
4 feedback] Governmental Operations and pardon me as I
5 close off that stream so we don't hear that. Thank
6 you very much and as I was saying welcome to the
7 remote New York City Council Hearing of the Committee
8 on Governmental Operations. At this time would all
9 panelists please turn on their video? To minimize
10 disruption, please silence your electronic devices
11 and if you wish to submit testimony you may do so via
12 email at the following address
13 testimony@Council.NYC.gov, once again that's
14 testimony@council.NYC.gov. Thank you for your
15 cooperation. We are ready to begin.

16 CHAIRPERSON FERNANDO CABRERA: Thank you
17 so much Sargent at Arm. [gavel pounding] I am
18 gaveling in to this meeting. Good morning, I'm
19 Council Member Fernando Cabrera, Chair of the
20 Committee on Governmental Operations. I want to
21 start off by thanking the members of the Committee
22 who have joined us today, we have with us our Council
23 Members Darma Diaz, Council Member Dromm, Council
24 Member Kallos, Council Member Maisel, Council Member
25 Miller, Council Member Yeger and Council Member

2 Powers. Today, the Committee will be conducting an
3 oversight on Independent Expenditures in the New York
4 City, the Supreme Courts' Decisions like Citizens
5 United, Power 40, can spend limited sums of money on
6 political ads, as long as they do not coordinate
7 their expenditure with candidates. These so called
8 independent expenditures have come to play a large
9 role in American politics in New York City, in the
10 Independent Expenditures Rules known as super packed,
11 spent over \$36 million in 2021 primary election. The
12 New York City Charter imposes certain disclosures and
13 reporting requirements of the Super packed and other
14 outside spenders. These requirements are enforced by
15 the New York City Campaign Finance Board. Through
16 the Board's Follow the Money portal the New Yorkers
17 can find information about the individuals and
18 organizations that fund political advertisements.
19 This transparency is critical to ensuring that voters
20 can evaluate the political information they encounter
21 and can walk into the voting booth while informed.
22 Today's hearing we hope to learn more about the role
23 of Independent Expenditures playing in our local
24 elections, about the Campaign Finance Board's work in
25 enforcing the City's Independent Expenditure Laws.

2 In addition, the committee will be hearing seven
3 pieces of legislation, Introduction number 1901
4 sponsored by Council Member Brad Lander, will impose
5 certain disclosure requirements on those attempting
6 to influence local ballot initiative. Introduction
7 number 2453 also sponsored by Council Member Lander
8 will provide spending limit relief to certain
9 candidates facing high amounts of outside spending.
10 Introduction number 2429 sponsored by Council Member
11 Kalman Yeger will give the Mayor greater discretion
12 over the EFE proposed appropriation in the Executive
13 Budget. Introduction number 2438 sponsored by
14 Council Member Helen Rosenthal will require the use
15 of videos in a CFB aligned voter guide and will
16 ensure that such media is available in more language
17 including American Sign Language. Introduction 1937
18 sponsored by Council Member Daniel, Danny Dromm will
19 expend upon the Charter's requirement for city
20 agencies to collect certain demographic information.
21 Introduction 2459 sponsored by Council Member Oswald
22 Feliz will require the Mayor to establish an office
23 of information privacy and finally introduction
24 number 2409 sponsored by Council Member Daneek Miller
25 will allocate responsibility for cleaning and

2 maintaining certain outdoor areas and city property

3 and with that I want to thank Council Members Lander,

4 Yeger, Rosenthal, Dromm, Feliz and Miller for their

5 leadership on this bill. I also want to take a

6 moment taking some Chairman privilege here. This is

7 going to be my last oversight hearing on Governmental

8 Operations. I can tell you in the 12 years that I

9 have served the Council, and many of you know this

10 December I'll be out of the Council and the last four

11 years, I have to say serving in this Committee has

12 been truly a joy. I want to thank every single one

13 of the Committee Members, Council Member Darma Diaz,

14 Council Member Levin, Kallos, Maisel, Perkins,

15 Powers, Rodriguez and Yeger, you've been amazing.

16 You're a truly, you truly do care about what happens

17 in the City. Some of you, you're going to move to

18 the next chapter in your life and I truly wish you

19 the best because you truly deserve it and those who

20 will continue we also wish you the best as you are

21 going to be confronting some big challenges in the

22 upcoming years with the budget gaps that we're going

23 to have and still dealing with COVID. So, I also

24 want to thank, I call it the Dream Team, this staff

25 has been amazing, C.J., Murray, Sebastian, Vonchi are

2 still with us. You are troopers, you saw attention
3 to detail and position and to staff that just
4 recently us Elizabeth Cronk, Emily Forjone, what a
5 true joy working with them and my own staff,
6 Legislative Director Clark Penya thank you for always
7 been there and the Sergeant of Arms, I salute every
8 single one of you for the great work you are amazing.
9 And so with that I want to now welcome Council Member
10 Lander to give a statement on his bills.

11 C.J. MURRAY, COMMITTEE COUNSEL: Chair, I
12 don't think we have Council Member Lander yet so we
13 can move on to the next bill sponsor.

14 CHAIRPERSON FERNANDO CABRERA: Okay.
15 Thank you so much. With that will go will go to
16 Council Member Yeger to give an opening statement on
17 his bill.

18 KALMAN YEGER: Good morning Mr. Chairman,
19 thank you very much and thank you to the city
20 agencies who are here today. I'm going to speak on
21 several bills, first on the one I introduced
22 Introduction 2429 which is supported by more than
23 half of the Council. This is a very simple bill in
24 design because what it does is very simple, it brings
25 this Campaign Finance Board to the position that

2 every other City agency is. The currently submit
3 their budget request, which is not so much a request
4 as much as it is a demand to the mayor in March, thus
5 excluding itself from the preliminary budget process.
6 I see Finance Chair Dromm is here and anybody who's
7 paid attention to this Council over the last four
8 years has witnessed the hundreds of hours, not an
9 exaggeration that Chair Dromm has led the Preliminary
10 and Executive Budget hearings, never missing a single
11 one, never missing a single moment and the work of
12 this Council particularly over the last four years on
13 the budget has been rigorous, fierce and deliberate
14 but with the exception of one agency which excludes
15 itself from the preliminary budget process because by
16 design of the chart their budget requests are
17 submitted in March instead of February like every
18 other agency. So, what our bill does is requires the
19 Campaign Finance Board to submit its budget to the
20 Mayor in February, thus allowing Chair Dromm's
21 successor as Finance Chair to try to step into his
22 giant shoes next term and bring them in so that like
23 every other agency they can tell the Council what it
24 is they need and why, it's called transparency. It's
25 what the CFB claims that it stands for. And it's

2 what we're here on several other bills that I'll also
3 mention which I am co-sponsoring on, Council Member
4 Landers 1901 with respect to the greater disclosure
5 of the identity of contributors for independent
6 expenditures and particularly Introduction 2453,
7 sponsored by Council Member Lander and myself and
8 he's not here and I, you know, those who know me know
9 I will never pretend to speak for Council Member
10 Lander in this Council but I'll speak for myself. I
11 am supporting Council Member Lander's bills on this
12 topic. Because we've seen the result and the impact
13 of independent expenditures on elections in this
14 City. To be sure they are constitutionally
15 protected. It is free speech. It is allowed. It is
16 permissible. It is lawful. But that doesn't mean
17 that government can't react to constitutionally
18 protected speech. Government does it in many ways.
19 It does it for example for slander and liable suits.
20 In many ways, government reacts to free speech and
21 this is a way for government to react to free speech.
22 Right now, a candidate runs for something, agrees to
23 participate in Campaign Finance Program, agrees to a
24 cap on how much they're going to be able to expend on
25 their campaign and then along comes an independent

2 spender who floods the race with mail and with, you
3 know, sometimes negative against one particular
4 candidate. Sometimes positive against another
5 candidate but at the end of the day, doesn't really
6 do much for the public discourse because it is not
7 the candidate speaking to the voters, it's outside
8 interest speaking to the voters. What this bill does
9 is it simply releases the candidates from the
10 agreement that he or she made to abide by a
11 particular spending cap. It doesn't give the
12 candidate any more public funds. What it is does is
13 it says candidate you now have the ability to respond
14 to what's being said about you. That makes sense, so
15 what I would do particularly with Introduction 2453
16 which I know will have to be amended for various
17 technical reasons before it actually is passed by
18 this Council. I would actually set the trigger
19 lower. It shouldn't be that when a candidate spends
20 three times the spending limit it should be, I'm
21 sorry, when an IE spends three times its spending
22 limit. It should be as soon as an Independent
23 Expenditure Committee hits a threshold, small enough
24 but large enough to know that that IE is actually
25 spending in this race in a significant way. Perhaps

2 that number should be 50% of the spending limit but
3 it shouldn't be three times the spending limit
4 because that would mean for example in a Council race
5 that until the independent spender gets about
6 \$600,000 the candidate would not have the relief that
7 this bill is designed to give. I would reduce that
8 trigger to a point where the candidate is now armed
9 with the ability to go out and respond to what's
10 being said about them. Or to what's being said in
11 favor or an opponent of theirs by an IE. This is
12 again, good government at its core, allowing people
13 to respond, to talk to their voters and to get their
14 positions out without the undue influence of outside
15 spenders. Councilman Lander's Introduction 1901 is
16 again very basic transparency. It tells people who
17 is spending in these races. It gives New Yorkers a
18 chance to know what are the entities, what are the
19 interests that are out there that are spending and I
20 think that these are small bills. I know that there
21 are other bills but I will leave that to the chair
22 and the other members to speak about them. So I'll
23 turn this back over to Mr. Chair and I'm very
24 grateful for your time this morning. Thank you.

2 CHAIRPERSON FERNANDO CABRERA: Thank you
3 so much. And with that I would like to recognize we
4 are being joined by Council Member Rodriguez and it
5 was mentioned our Chair of Finance, Danny Dromm. And
6 Danny thank you for your friendship. Thank you for a
7 all the hearings that we did together during March
8 and May. You're a true leader. So, with that I'll
9 turn it over to you to give an opening statement on
10 your bill.

11 DANIEL DROMM: Thank you very much Chair
12 Cabrera. Thank you for your kind words. It's been a
13 pleasure to work with you as well over the last 12
14 years. We came in in the same class and I think
15 we've done a lot of good together for the City of New
16 York. So, thank you Chair Cabrera. Thank you all to
17 the Council Member Yeger for your kind words. I
18 appreciate it very much. Being Chair of the Finance
19 Committee has been the opportunity of a lifetime.
20 It's been such a please for me to be able to do that
21 and I really do agree with you on your legislation
22 that it is important that we have additional
23 oversighting and transparency and sunshine on the
24 operations of the Campaign Finance Board so I'm proud
25 to be co-sponsoring that legislation along with you.

2 And my legislation today is about data collection and
3 the arguments for collecting, analyzing and using
4 demographic data are myriad. The commercial sector
5 has long recognized the importance of data and new
6 technologies have only opened up greater
7 possibilities. It is time for New York City to
8 realize the same. In 2016, the Council passed a
9 package of legislation sponsored by Council Member
10 Chin and me which was subsequently enacted to improve
11 how the City deals with demographic data,
12 specifically by requiring the collection of
13 information on a host of ancestries and languages,
14 multi-racial identity and sexual orientation and
15 gender identity. Five years later, we now have a
16 very clear picture. Unfortunately none of the
17 communities we intended to learn about but of the
18 administration struggles to implement local laws 126,
19 127, and 128. The administrations tortuous
20 implementation of this Legislation has revealed
21 deeper concerns with the City's collection, analysis
22 and use of data. I would encourage the City to seize
23 the opportunity to re-think how it handles data.
24 There are so many benefits to New York City,
25 especially around optimizing the delivery of

2 services. Agencies that successfully handle data for
3 improvements in efficiencies, see improvements in
4 efficiencies and other operational metrics while
5 increasing public satisfaction. The benefits also
6 accrue to our non-profit sector. With better data,
7 organizations, especially those that serve our
8 immigrant and LGBTQIA plus communities are able not
9 only to improve their own outcomes but to also
10 present hard evidence of community needs to potential
11 donors. Intro 1937 aims to close some of the
12 loopholes in the original bills through expansion to
13 all city agencies and the mandatory inclusion of
14 questions on existing demographic forms unless
15 prohibited by law. Of course, constituent
16 participation would be voluntary. I look forward to
17 hearing from the administration and advocates on
18 other ideas on how to improve the system,
19 particularly around increasing response rates and
20 making the data that is collected more accessible.
21 Thank you Chair Cabrera, I look forward to hearing
22 from the administration on this legislation.

23 CHAIRPERSON FERNANDO CABRERA: Thank you
24 so much Council Member Dromm and I think you have a
25 fantastic bill there. So, with that let me turn it

2 over to Council Member Daneek Miller to give an
3 opening statement on his bill. Okay. I guess we
4 could come back. So, with that, let me, is Council
5 Member.

6 DANEEK MILLER: Can you hear me, Mr.
7 Chair?

8 CHAIRPERSON FERNANDO CABRERA: Yes. I
9 can hear you. Thank you.

10 DANEEK MILLER: Okay. Thank you and good
11 morning to you sir. It has been a pleasure to work
12 with you over the past 8 years and particularly this
13 committee, Governmental Operations, Civil Service and
14 Labor. We have done a lot of work together over the
15 past years and I'm so appreciative of this
16 partnership. Today, I want to talk about a bill that
17 we've introduced, 1901, in 1983 Deputy Mayor Nathan
18 Leventhal issued a memorandum dividing the
19 responsibility of claiming the responsibilities, to
20 claim and maintain certain city owed properties and
21 public right away between three agencies, Department
22 of Sanitation, Transportation and Parks and
23 Recreation and afford the occasion from Mayoral
24 Administration since then, Leventhal Memo has faded
25 from memory to most New Yorkers. To my knowledge,

2 the Leventhal Memo is not posted for posted and this
3 has caused much confusion in communities without a
4 clear set of guidelines for public to understand the
5 City's internal policy and respect to cleaning and
6 maintaining these properties, most medians and other
7 public spaces, yet the need for clarity and
8 accountability has never been more pressing. The
9 COVID 19 pandemic has highlighted the importance of
10 public spaces but unfortunately also their neglect.
11 Their kind of confusion and lack of transparency has
12 led to endless book passing and finger pointing while
13 littering and dumping has become more common. Truth
14 is, we've all experienced some version of this
15 endless bureaucratic feedback loophole. A highway
16 ramp, no one has yet to claim traffic medians and
17 islands overgrown with vegetation, underpass turned
18 dumping grounds that no one will claim responsibility
19 for. Out of desperation and frustration with the
20 City community members and groups are now rolling up
21 their sleeves on their own and shouldering the
22 burden. We must do better. New York City's tax
23 payers are entitled to clear and efficient services.
24 We, in the Council have made the first step and by
25 bringing forth the Leventhal Memo for Introduction

2 2409 for public discussion today. My understanding
3 is that representation from DSNY, DOT and the
4 Department of Parks are all prepared to speak to this
5 bill. I'm grateful for the administrations
6 partnership. As you know there is precious little
7 time left for all, most of here on this call, on this
8 hearing this morning so it is essential that we have
9 a frank conversation today and moving forward. It is
10 my expectation that we will be able to pass a bill
11 that will bring transparency and accountability to
12 our communities and will help to keep our public
13 space clean and well maintained. Let me reiterate my
14 thanks to Chair Cabrera and the committee for your
15 support in moving this bill forward and to the many
16 colleagues that have signed on. And we also just
17 mentioned that I have a great concern for Intro 2429,
18 2453 and the other CFD reforms that we'll be
19 discussing this morning so thank you again Chair for
20 your leadership, thank you colleagues for signing on.
21 I look forward to a minimal discourse around this
22 legislation.

23 CHAIRPERSON FERNANDO CABRERA: Thank you
24 so much Council Member for your leadership. This is
25 an issue that I deal with just even as early as this

2 year, earlier this year. It took me bringing the
3 media, dealing with a situation specifically to what
4 are you addressing. So thank you, thank you for
5 making a difference. It is really going to help our
6 constituents and our provisional services. So with
7 that let me turn to Council Member Rosenthal.

8 HELEN ROSENTHAL: Great. Thank you so
9 much CHAIRPERSON CABRERA, my name is Helen Rosenthal.
10 My pronouns are she and her. I really appreciate you
11 Chair Cabrera for holding this important hearing and
12 for including my bill Intro 2438 which will mandate
13 the creation of more inclusive video voter guide.
14 Intro 2438 2021 will require the New York City
15 Campaign Finance Board to release video guides for
16 voters with captions in English, American Sign
17 Language and the top 6 limited English proficiency
18 languages spoken by the population of New York City.
19 The guides will be produced for each candidate
20 participating in local elections. To ensure that
21 these inclusive steps are taken, my bill requires
22 candidates and local office to participate in the
23 video voter guides in order to receive matching
24 campaign funds through the New York City's Campaign
25 Finance Program. New York City has taken important

2 steps to ensure that City services and Civic Life are
3 more accessible. Unfortunately, as I'm sure many
4 people here can tell you today we still have a long
5 way to go. Information about candidates for office
6 is currently provided to voters in a 5 language
7 written guide. In requiring video voter guides, we
8 are doing several important things. We are expanding
9 the number of languages in which voters can receive
10 this vital information and we're making it accessible
11 to those with limited literacy availability. We are
12 also profoundly changing the way candidates engage
13 with voters by requiring them to communicate
14 visually. The videos will have sign language
15 translation along with captions for those of us who
16 are deaf, hard or hearing or just rely on captions
17 for a myriad of reasons. We will open the door for a
18 new community to be educated voters. Candidates will
19 also be encouraged to visually describe themselves
20 for people who are blind or low vision. My
21 legislation mandates the creation of inclusive videos
22 but it also makes accessible voting information an
23 ongoing priority. The Board of Elections will be
24 required to work with the Mayor's office for people
25 with disabilities to continue to meet the constantly

2 improving best practices in accessibility. Being a
3 fully informed voter is an essential part of civic
4 life. We cannot afford to exclude or alienate any
5 New Yorkers in a time where voting rights are
6 contested and barriers to voting are shamefully
7 increasing I am proud that with this bill, New York
8 City will be going in the opposite direction. We
9 have been fortunate to already have received
10 meaningful feedback from members of the disability
11 community, they have identified important potential
12 improvements for my Bill such as the need for guides
13 printed in braille. I want to thank Edward Freedman
14 and the Mayor's office for people with disabilities
15 for their assistance. I welcome your feedback and
16 encourage anyone who was unable to submit testimony
17 or appear today to please send written testimony to
18 testimony@council.NYC.gov. If you are unable to
19 email testimony but able to make phone calls, please
20 contact our EEO officers at 212-788-6936. Thank you
21 and I'll pass it back to CHAIR CABRERA.

22 CHAIRPERSON FERNANDO CABRERA: Thank you
23 so much Council Member. Thank you so much for such a
24 timely bill. It's much needed and you're advancing a
25 bill that, especially when it comes to American Sign

2 Language they often are disenfranchised. So thank
3 you for connecting all the dots here together. Much,
4 grateful. So, with that, let me turn it over to our
5 moderate, Committee Counsel C.J. Murray to go over
6 some procedural items.

7 C.J. MURRAY, COMMITTEE COUNSEL: Thank
8 you Chair. I am C.J. Murray Counsel to the Committee
9 on Governmental Operations. Today's hearing will
10 begin with four panels, panel number one will include
11 representatives from the Mayor's Office of
12 Information Privacy who will be testifying on
13 Introduction Number 2459. Panel number 2 will
14 include representative from the New York City
15 Campaign Finance Board who will be testifying on
16 today's oversight topic as well as Introductions
17 1901, 2453, 2429 and 2438. Panel number three will
18 include a representative from the Mayor's Office of
19 Operations who will be testifying on Introduction
20 number 1937 and panel number 4 will include
21 representatives from the Departments of Sanitation,
22 Transportation and Parks and Recreation who will be
23 testifying on Introduction number 2409. All members
24 of the public who have signed up to testify today
25 will be invited to testify after Panel number 4.

2 After each panel, they'll be time for Council Member
3 questions. During the hearing, if a Council Member
4 would like to ask a question, please use the Zoom
5 Raise Hand function and I will call on you in order.
6 We will be limiting Council Member Questions to 5
7 minutes which includes the time it takes the
8 panelists to answer your question. Please note that
9 for ease of this virtual hearing there will not be a
10 second round of questions outside of questions from
11 the bill sponsors and the Committee Chair. Before we
12 begin testimony I want to remind our panelists that
13 you will be on mute until you are called on to
14 testify at which point you'll be unmuted by a member
15 of our staff. All hearing participants may submit
16 written testimony to testimony@council.nyc.gov. We
17 will now hear from our first panel representing the
18 Mayor's Office of information privacy. Our panelists
19 will include Chief Privacy Officer, Laura Negrón,
20 Principal Senior Counsel Aaron Friedman and Senior
21 Counsel for Legislative Affairs, Becky Dolph. Before
22 we begin testimony I will administer the oath.
23 Panelists, please raise your right hand. I will read
24 the oath once and then call on each of you
25 individually for a response. Do you affirm to tell

2 the truth the while truth and nothing but the truth
3 before this committee and to respond honestly to
4 council member questions? Chief Privacy Officer
5 Negron?

6 LAURA NEGRON: Yes I do.

7 C.J. MURRAY, COMMITTEE COUNSEL:
8 Principal Senior Counsel Friedman?

9 AARON FRIEDMAN: Sure.

10 C.J. MURRAY, COMMITTEE COUNSEL: Senior
11 Council Dolph?

12 BECKY DOLPH: Yes I do.

13 C.J. MURRAY, COMMITTEE COUNSEL: Thank
14 you. You may begin your testimony.

15 LAURA NEGRON: Thank you. Good morning
16 Chair Cabrera and members of the Committee on
17 Governmental Operations. My name is Laura Negron, I
18 am the Chief Privacy Officer for the City of New York
19 and Head of the Mayor's Office of Information
20 Privacy. I am joined today by my colleagues,
21 Principal Senior Counsel, Aaron Friedman and Senior
22 Counsel for Legislative Affairs, Becky Dolph. We
23 greatly appreciate this opportunity to discuss
24 codifying our office within the New York City Charter
25 and the important role we provide in advising City

1 Agencies on Privacy Law and the best practices. I am
2 also excited to share more about the critical work
3 that we do every day to manage and implement the
4 City's Privacy Policies and Mandates and most
5 importantly to protect the privacy of New Yorker's
6 personal and sensitive information in their
7 interactions with City Government. As background,
8 the City Council established the Chief Privacy
9 Officer Role in 2017 by passing Local Law 245. A
10 companion law, Local Law 247 mandated the creation of
11 a comprehensive citywide privacy protection
12 framework. These Laws together gave the Chief
13 Privacy Officer the power and duty to develop and
14 implement the first set of citywide Privacy
15 Protection Policies and protocols and to advise City
16 agencies on Federal, State and local privacy law
17 among other duties and powers. In 2018, the Mayor
18 named me as the City's first Chief Privacy Officer
19 and pursuant to Executive Order 34 recognizing the
20 importance of this work established the Mayor's
21 Office of Information Privacy. Today, as a team of
22 six attorneys we report directly to the Mayor's
23 Council and serve as a centralized privacy resource
24 for City Agencies supporting a network of 175 agency
25

2 privacy officers. Safeguarding the privacy of
3 individuals' personal information that has been
4 entrusted to local government is essential to the
5 effective delivery of City services such as
6 healthcare, education, public safety, cash
7 assistance, legal services, housing and other
8 services. This is especially important for
9 vulnerable populations whose sensitive information in
10 the wrong hands can cause irreparable and in some
11 cases catastrophic personal and financial harm.
12 Privacy protection is also important driver of equity
13 considering the diverse populations who are so often
14 the applicants and recipients of city services.
15 Toward these goals our privacy team continues to
16 support and oversee citywide compliance with the
17 extensive set of standards and legal requirements
18 governing the protection of identifying information
19 by local government today. Then, as now, we also
20 remain committed to advancing important multi-agency
21 data sharing initiative with the goal of improving
22 the quality and coordination of services delivered to
23 all New Yorkers while ensuring vigilant data privacy
24 and securing practices. As examples, our team helped
25 to design and negotiate legal privacy strategies and

1 agreements to implement priority citywide initiatives
2 such as pre-K and 3-K programs, the 2020 Census and
3 citywide healthcare enrollment to name just a few.
4 And throughout the pandemic we helped to ensure,
5 working closely with our agency partners in City Hall
6 that emergency response and recovery efforts
7 involving New Yorker's personal information such as
8 contact tracking, emergency financial services to
9 immigrant populations ineligible for government
10 assistance and the vaccine rollout were designed and
11 implemented through the lens of privacy. Each of
12 these efforts has been in furtherance of the City's
13 goals of ensuring New Yorkers can faithfully receive
14 the right services and resources at the right time.
15 The work we do in protecting privacy extends to our
16 contracted providers in addition to privacy,
17 protections and contracts and subcontracts for human
18 services required by existing law, in 2021, as Chief
19 Privacy Officer, I designated certainly technology of
20 outreach contracts as requiring additional privacy
21 protections and issued new agency guidance and
22 resources to protect privacy and other contracts
23 involving sensitive identifying information. These
24 new requirements went into effect in July of this
25

2 year. As a key strategic advisor to city agencies
3 and the administration on complex legal privacy
4 issues our privacy team also serves an important in
5 advancing the administrations broader policy and
6 advocacy work on privacy protection. We draft and
7 comment on behalf of the City on proposed local,
8 state and federal legislation and regulations
9 relating to privacy and we also educate and train
10 city employees about privacy laws and best practices.
11 In the weeks ahead, we will be launching together
12 with the City's Department of Administrative
13 Services. The first ever baseline citywide privacy
14 training for all City employees. Importantly, as an
15 increasing number of health and human services and
16 commercial transactions, increasingly use digital
17 methods to collect and transmit individual's personal
18 information or even require it, the demands for even
19 more sophisticated forms of privacy protection have
20 grown exponentially. These electronic transactions
21 carry new risks especially given the proliferation of
22 sophisticated bad actors for whom New York City is an
23 attractive target. In this environment, we must as a
24 City be able to retain the confidence of New Yorkers
25 who trust that their information is being

2 appropriately handled both privately and securely in
3 the delivery of services and resources. As such, our
4 team works with City agencies and officials to
5 provide the privacy expertise needed in the face of
6 these challenges. In closing, I want to re-iterate
7 our commitment to both advancing privacy protection
8 and supporting the important interagency data sharing
9 work that can better serve New Yorkers,
10 institutionalizing our role and the critical partner
11 in solutioning some of today's most complex
12 information protection challenges as set forth in
13 introduction 2459 that will enable us to continue
14 serving in this capacity as a core function of City
15 Government. The City must continue to prioritizing
16 protecting the privacy and security of New Yorker's
17 personal data, particularly for our most vulnerable
18 populations as we grow, evolve and remain nimble yet
19 protective as a government. Thank you very much for
20 your time and consideration. We look forward to our
21 continued conversations on this important topic and
22 my colleagues and I are happy to answer any
23 questions.

24 CHAIRPERSON FERNANDO CABRERA: Well thank
25 you very much for your testimony. I just have a few

2 questions and then I'll turn it over to my colleagues
3 if they have any questions. Can you share with us
4 the office work involved in the future? How has the
5 COVID-19 pandemic impacted the work of the Mayor's
6 Office of the Information Privacy and are we going to
7 need additional resources to implement introduction
8 2459?

9 LAURA NEGRON: Those are fair questions.
10 No additional resources are being requested to
11 implement 2459. We have a team of six attorneys and
12 I do believe we have accomplished a significant
13 amount of centralized privacy, resource work in the
14 past 3+ years and we plan to continue surveying the
15 City and New Yorkers with the existing resources that
16 we have. With respect to the pandemic, I would say
17 the challenges you know obviously felt citywide were
18 that emergency services and responses were required
19 on an imminent basis and so there is a lot of
20 sensitive personal information on the move that was
21 necessary to be shared in order to implement and
22 delivery emergency services to, to New Yorkers. In
23 that regard, we were called to the table and we were
24 partnered at the table to ensure that as sensitive
25 information traveled among and in between agencies in

2 order to deliver these services such as for example,
3 the city's get food program, the city's get cool
4 program to deliver air conditions, contact tracing
5 programs, that as information traveled we were there
6 to advise on the applicable laws and regulations and
7 govern privacy and to figure out a creative solutions
8 but responsible and privacy compliance solutions to
9 ensure that the information traveled only in to
10 authorized users for the limited purpose that it was
11 necessary to deliver the services and to limit the
12 amount of information being shared in order to
13 deliver those services effectively. I know there
14 were questions there but was there a third question
15 that I, that you have?

16 CHAIRPERSON FERNANDO CABRERA: Yeah.
17 It's regarding to the office work to evolve in the
18 future. How do you see it, where do you see it
19 going? I think you mentioned something that you're
20 planning on already but is there anything else. How
21 do you see the office evolving?

22 LAURA NEGRON: Um, well we hope to do
23 more of the same and again as a core function of City
24 Government as I mentioned we are rolling out the
25 City's first baseline privacy training for all city

2 employees unless there is an exemption, um, that's
3 probably going to be a rare case. This is the
4 baseline training for all city employees and we look,
5 we are looking to develop a more advanced form of
6 privacy training for, for employees who handle
7 sensitive identifying information on a more frequent
8 basis such as attorneys and human resources,
9 professionals so we are planning to develop that in
10 the coming years ahead and I think just the
11 complexity of challenges the agencies face now in an
12 increasingly electronic space, we are going to
13 continue work with our partners at Cyber Command and
14 Do It, our Law Department, colleagues and City Hall
15 to ensure that we are there, we are ready, we are up
16 to date on changing laws and regulations and we can
17 be the best resource we can for, to support our City
18 Agencies and New Yorkers in protecting our
19 information.

20 CHAIRPERSON FERNANDO CABRERA: Well thank
21 you so much for what you do. My, my only concern
22 that I have to tell you that I have and it's not
23 directly related to your office but it is, it will
24 impact what you do is the, is when it comes to Cyber
25 security we are, we're not hiring, because of our low

2 paying salaries, I'm not talking about the entry
3 position in Cyber Security at the high end, I think
4 that we're making ourselves a bit vulnerable in the
5 future for sensitive information and I hope it
6 doesn't have to bite us one of these days. When I
7 talked to the different people in Cyber Security, the
8 private sector is way ahead of us and it's only going
9 to work for government because the higher end
10 positions they just don't pay so this is something
11 that we're definitely going to have to look at in the
12 future and hopefully the next Council and the next
13 Administration will give more attention. Again,
14 that's kind of us, but it does impact definitely what
15 you do, so with that let me turn it over to the
16 Committee Counsel for questions from my colleagues if
17 we have any. If not, we'll go to panel number two.

18 C.J. MURRAY, COMMITTEE COUNSEL: Thank
19 you Chair, I'm now calling Council Members in the
20 order they have used the Zoom Raise Hand Function.
21 Council Members if you'd like to ask a question and
22 you've not yet raised your hand, please do so now.
23 And Chair, I'm not seeing any hands raised. So,
24 unless you have any other questions we'll move on to
25 the next panel.

2 CHAIRPERSON FERNANDO CABRERA: No. No I
3 don't and Chief thank you, thank you for all you do.
4 Thank you for your team and for, and for all you do.
5 Much appreciated for your time.

6 LAURA NEGRON: Thank you so much.

7 CHAIRPERSON FERNANDO CABRERA: All right.
8 So with that we go to panel number two.

9 C.J. MURRAY, COMMITTEE COUNSEL: Thank
10 you Chair. We'll now hear from our second panel
11 representing the New York City Campaign Finance
12 Board. Our panelists will include, CFB Chair,
13 Frederick Schaffer, Executive Director, Amy Loprest,
14 and Assistant Executive Director for Public Affairs,
15 Eric Friedman. Before we begin, I will administer
16 the oath, panelists please raise your right hand. Do
17 you affirm to tell the truth, the whole truth and
18 nothing but the truth before this committee and to
19 respond honestly to council member questions, Chair
20 Schaffer?

21 FREDERICK SCHAFFER: Yes I do.

22 C.J. MURRAY, COMMITTEE COUNSEL:
23 Executive Director Loprest?

24 AMY LOPREST: I do.

2 C.J. MURRAY, COMMITTEE COUNSEL:
3 Assistant Executive Director Friedman?

4 ERIC FRIEDMAN: Yes I do.

5 C.J. MURRAY: Thank you. You may begin
6 your testimony.

7 FREDERICK SCHAFFER: Good morning. My
8 name is Frederick Schaffer. I am Chair of the New
9 York City Campaign Finance Board. With me today is
10 Executive Director, Amy Loprest and Assistant
11 Executive Director for Public Affairs, Eric Friedman.
12 Chair Cabrera, and members of the New York City
13 Council Committee on Governmental Operations, we
14 thank you for the opportunity to testify today on
15 four bills being considered by the Committee. Intro
16 number 1901 and Intro number 2453 sponsored by
17 Council Member Lander. Intro number 2438 sponsored
18 by Council Member Rosenthal and Intro number 2429
19 sponsored by Council Member Yeager. Ms. Loprest will
20 address the first three of these bills and I will
21 address the fourth. Ms. Loprest, would you take it
22 from here?

23 AMY LOPREST: Thank you Chair Cabrera,
24 thank you for Chair Cabrera I also want to thank you
25 for your great leadership on this Committee over the

2 past four years and wish you the best in your future
3 endeavors. It's been a pleasure working with you and
4 your staff. Um, on Intros 1901 and 2453 would
5 mitigate the impact of independent expenditures in
6 our elections and create more rigorous disclosure
7 requirements for spending on behalf of ballot
8 proposals. Since voters approved the 2010 ballot
9 measure to require disclosure of outside spending
10 into the elections, the council has frequently
11 revised the independent expenditure laws and as a
12 result, New York City is some of the strongest
13 requirements in the nation for disclosure of
14 contributors to independent spenders. While there
15 were fewer independent expenditures in City Council
16 races than in 2013, the Mayor's race saw nearly \$31.8
17 million in outside spending the most amount in City
18 history in the 2021 elections. Federal laws and the
19 Citizen's United Decision restrict the City's ability
20 to fully address the impact of independent
21 expenditures, however, public funds and particularly
22 the increased matching rates helped candidates to
23 even out the imbalances brought by independent
24 spenders and spread their messages directly to
25 voters. Intro 1901 is sponsored by Council Member

2 Lander would require entities that make independent
3 expenditures related to ballot proposals to disclose
4 the identities of their contributors and to display
5 paid for by notices on their materials. Both
6 requirements currently apply to independent spending
7 regarding candidates but not ballot proposals.
8 Independent spenders of ballot proposals are
9 currently only required to disclose their
10 contributors to the State Board of Elections. In
11 1901 would require spenders to disclose to the CFB as
12 well. Around \$1.4 million was spent supporting or
13 opposing ballot proposals in 2018 and 2019 and this
14 bill would provide transparency to voters at who is
15 ultimately funding those independent expenditures.
16 The CFB strongly supports required contributor
17 disclosure for indebted spending on ballot proposals.
18 Intro 2453 also sponsored by Council Member will
19 provide participating candidates facing independent
20 expenditures in their district with the ability to
21 spend additional private funds in response. This
22 will provide additional capacity for candidates to
23 response if they are being opposed by independent
24 groups and continue to encourage public matching fund
25 program participation. As you know, participants in

2 the Matching Funds Program must limit their spending.
3 As drafted, the Bill increases the spending right to
4 150% for all races, candidates in the race if
5 independent expenditures exceed 50% of the spending
6 limit or eliminates the spending limit if the
7 independent expenditures exceed 300% of the spending
8 limit. This mirrors current law which provides
9 expenditure limit relief to participating candidates
10 when they are opposed by high-spending non-
11 participants. Currently, candidates do not have the
12 ability to spend above the limit to counter an
13 independent spender. If a higher spending limit for
14 all candidates is the remedy it should be applied
15 under limited circumstances. Using the lower
16 threshold identified in the bill which grants relief
17 at 50% of the spending limit, 21 City Council
18 Districts would have had their spending limits
19 increased in 2021 and three Districts in the 2021
20 general election. Given that more than half of all
21 competitive Primary Election Council races would have
22 had a spending limit increase under this threshold,
23 the Council should consider raising the threshold to
24 ensure spending limit increases occur infrequently.
25 The upper threshold set in the bill is appropriate

2 and would be reached very rarely. The CFB supports
3 both measures to spread through our systems response
4 to independent expenditures. We look forward to
5 working with Council staff on specific improvements
6 to the language in both bills. Voter guide is
7 support of any measure that makes our democracy
8 access to a greater number of voters. Our own
9 announces have shown that neighborhoods with limited
10 English proficiency and a high number of residents
11 with disabilities often have lower voter
12 participation compared to other neighborhoods across
13 New York City. Non-partisan trustworthy voting
14 information is important, more important now than
15 ever before given the recent attacks on the
16 creditability of elections. Our government should do
17 everything it can to involve more New Yorkers in the
18 political process and we believe the Voter Guide
19 serves this purpose while providing voters the
20 information that they need to participate. Council
21 Member Rosenthal's bill would do several things to
22 expand access and standardize the voter guide.
23 First, it would expand access for multi-lingual
24 speakers by referring the CFB to provide video voter
25 guide content in the designated citywide languages.

2 The CFB has already made it standard practice to
3 include ASL interpretation for all video, voter guide
4 profiles and to translate each video voter guide into
5 federal voting right act languages which this bill
6 would also codify into law. We must make a sound
7 investment in language accessibility moving forward
8 and the CFB recommends this bill go farther and
9 require both the print and online voter guides to be
10 translated into designated citywide languages. To
11 ensure consistency the Law should match language
12 coverage between all voter guide formats translating
13 the various voter guide formats into six additional
14 language will require additional contracting and
15 staffing but the CFB believes it would be more than
16 worthwhile to provide access to more voters. Next,
17 the bill would also standardize production of the
18 voter guide in two media formats. Currently the
19 ongoing voter guide is produced for elections with
20 municipal, state or federal candidates on the ballot
21 but a printed voter guide is only produced for
22 elections with municipal candidates for ballot
23 proposals. This bill would require the production of
24 a printed and online guide for every primary and
25 general election including for state and federal

2 offices. A twice yearly production schedule would
3 necessitate greater spending on contracting inclusive
4 of design, formatting and producing as well as hiring
5 additional full time staff. We look forward to
6 working with counsel staff to implement these
7 changes. Intro number 2438 also required candidates
8 to participate in the video voter guide in order to
9 receive match funds. While it is essential that all
10 voters can learn about the candidates on their ballot
11 in multiple formats that are accessible we do have
12 concerns about adding an additional hurdle for
13 participating candidates. They is already a
14 consequence for not participating in the video and
15 print voter guide, candidates miss out on the
16 opportunity to reach voters at no cost to their
17 campaign. We believe this officially entices
18 candidates to provide voter guide profiles on time in
19 place of withholding public funds. The timeline of
20 public funds payments and voter guide date also poses
21 a problem. We begin making payments to candidates in
22 December of the year proceeding the election.
23 Typically we ask candidates to submit their profile
24 and scrip several months later which allows
25 candidates to make their statements relevant and

2 responsible to changing concerns in their District.
3 Keeping to this timeline would present complications
4 for candidates who receive matching funds but fail to
5 submit a voter guide profile and script by the
6 deadline. We applaud the Council's commitment to
7 expanding access to the voter guide and look forward
8 to further discussing how we can meet the spirit of
9 this bill by also ensuring it does not inadvertently
10 discourage participation in the public matching funds
11 program.

12 ERIC FRIEDMAN: Thank you. I'll pick it
13 up from here on the issue of the Budget Process. The
14 CFB opposed Intro number 2429 which would change the
15 agency's budget process. The CFBs budget process is
16 provided in the New York City Charter, insulates the
17 board from an external political pressure and has
18 allowed the board to exercise its responsibilities in
19 a non-partisan independent manner. The charter makes
20 it clear that the Mayor does not have authority to
21 make unilateral changes to the CFB budget. While the
22 state of rationale for this Legislation is to
23 increase transparency it is the existing budget
24 process in the Charter that ensures changes to the
25 CFB budget are implemented with the full cooperation

2 of the City Council in an open, transparent manner.
3 Currently, the CFB is required to submit its budget
4 estimate to the Mayor on March 10th. Section 1052c
5 of the Charter requires the Mayor to include the
6 CFB's Budget Estimates, unaltered in the Executive
7 Budget transmitted to the Council. If the Mayor
8 wishes to exercise influence over the CFBs Budget,
9 the charter provides an avenue to do so allowing the
10 Mayor to include any such recommendations as deemed
11 proper. Now the Charter only requires the CFB to
12 submit its proposed budget for inclusion in the
13 Executive Budget. In past years, the CFB has
14 provided information and testified at the Council's
15 Preliminary Budget Hearings. In the future, the
16 Board continues to be willing to participate at the
17 Council's request. The CFB has appeared every year
18 at the Council's Budget Hearings. At these hearings,
19 Council Members have an ample opportunity to question
20 the CFB about the Agency's Budget Estimate. Like
21 every other part of the Executive Budget, the Council
22 has the authority to adopt the CFB's Budget as
23 submitted or to amend it. These protections against
24 political influence were put on the ballot by the
25 1998 Charter Revision Commission and approved by City

1 voters and they should remain in place. The Council
2 may not intend to undermine the independence of the
3 Board with this Legislation; however, past experience
4 here and in other jurisdictions suggest that this
5 legislation may well be perceived an attack on the
6 Board's independence. In 1998 former Mayor Rudy
7 Giuliani attempted to interfere with the CFBs
8 operations, blocking payments to candidates and
9 trying to move the Agency to an office space
10 inadequate to the Agency's needs. These actions were
11 likely motivated by his opposition to implementing a
12 City Council Law increasing the public matching funds
13 program to a \$4 to \$1 matching ratio. A more recent
14 out of state example of political interference with
15 an independent non-partisan election and oversight
16 body is the dissolution of the Wisconsin Government
17 Accountability Board. After the Board conducted an
18 investigation into coordination between Governor
19 Scott Walker and outside groups during the 2012
20 recall election in Wisconsin. He signed a bill
21 passed by the Republican Control Legislature to disband
22 the GAB. The bill does not grant new powers to the
23 Council but gives the Mayor additional power to
24 dictate the CFBs Budget. While there may not be a
25

2 threat today or in a month or in a year, the budget
3 protections in the Charter may be needed 10 years
4 from now or 25 years from now. The lessons of
5 history suggest they will someday be necessary to
6 preserve the matching funds programs in the City's
7 non-partisan voter engagement work. New York City
8 has made a unique contribution to fostering and
9 supporting a healthy inclusive democracy at the local
10 level. It includes effort across multiple agencies
11 including ours to provide resources that help
12 candidates run for office and include under
13 representing voters more completely in our City's
14 civic light. City lawmakers have long valued this
15 mission as a priority and created protections for it
16 to ensure the candidates and voters will have
17 consistent access to resources and support regardless
18 of any change in the political landscape. While the
19 charter currently provides that projection it also
20 makes space for oversight from the Mayor and the
21 council. The Charter gives both bodies the tools
22 necessary to provide rigorous oversight which also
23 ensuing the CFB is not impacted by political
24 pressure. In conclusion, the CFB is grateful for the
25 opportunity to provide testimony on the four bills

2 being considered by this Committee today, increasing
3 transparency and disclosure of outside spending and
4 making elections information more accessible are
5 essential to encouraging strong civic participation
6 in New York City. The CFB is supportive of these
7 overriding principals in Intros 1901, 2453 and 2438.
8 We look forward to working with the Council Staff on
9 the language of these important pieces of
10 legislation. Thank you again for the opportunity to
11 testify, we are happy to answer any questions you
12 might have.

13 CHAIRPERSON FERNANDO CABRERA: Thank you
14 so much Chair Schaffer, Director Loprest, I first
15 want to take a moment to thank you all. And also
16 Eric Friedman for the many talks that we have had
17 during the last four years. Thank you for your
18 partnership it made during this termanship all the
19 more rewarding. And so with that actually, what I'm
20 going to do now instead of asking questions, I'm
21 going to turn it over to my colleagues and I'll come
22 my questions at the end since this is my last one.
23 Let me pass on the good will here and so, let me turn
24 it over to the Moderator and he will be calling out
25 my colleagues.

2 C.J. MURRAY, COMMITTEE COUNSEL: Thank
3 you Chair. First we'll hear from Council Member
4 Lander, followed by Council Member Rosenthal and then
5 Council Member Yeger. Council Member Lander?

6 BRAD LANDER: Thank you so much Chair
7 Cabrera. Thank you for that generous last meeting
8 offer. Thank you for your service as Chair of this
9 Committee. You've really have done a great job and
10 it's been an honor serving with you. I would also
11 say thank you to the CFB and their representatives.
12 You know, as I come to the end of my time in office I
13 am really proud of the work that we have done
14 together as stewards of the Campaign Finance System.
15 I've looked each time to your post-election reports.
16 Together we strained independent expenditure
17 disclosure, um, in a kind of first in class way that
18 I think has been a real difference in letting voters
19 know and I'll tell you that I actually heard there
20 was a couple of independent expenditures that
21 supported me and my recent election and after the
22 election was over the folks who did them complained
23 to me about the disclosure requirements to which my
24 answer was well, you didn't have to do the IEs at
25 all. That's what I really wanted. Let's get rid of

2 IEs all together but if we're going to have them we
3 at least first in class disclosure and I really
4 appreciate the work we've done together to achieve
5 that, you know, and I believe our systems really
6 improves our democracy and you can see that in the
7 next council. I'm so excited about this great,
8 diverse independent ideologically diverse,
9 demographically diverse city council coming in and I
10 know that when we do the post-election report here we
11 will really see the ways in which the system has
12 helped us have a better democracy. So I'll just say
13 that I'm on the record as an opponent of Intro 2429.
14 I do believe that in the independent budget process
15 as the Chair has outlined is critical for preserving
16 the independence of the board and it's ability even
17 though sometimes candidates find it a headache to
18 really secure a democracy full of integrity and
19 elections full of integrity so, um thank you for your
20 support of Intro 1901 and I want to note that I see
21 council member Daneek Miller on. He and I are proud
22 co-sponsors of expanding the disclosure requirement
23 to ballot propositions. We disagreed on the ballot
24 proposition of rank choice voting on which there were
25 IEs but we are strongly aligned that there needs to

2 be full disclosure of all spending so I'm proud that
3 you know across that difference on the ballot
4 proposition we agree with Intro 1901 and thank you
5 for your support. However, I have some questions
6 about my own bill. I appreciate your broad support
7 of 2453 but I had that bill drafted prior to seeing
8 the impacted of the expanded matching fund
9 requirements and I really have a lot of questions
10 about whether it'll achieve the goal of helping us
11 confront the challenges of independent expenditures
12 given that we're not allowed to simply eliminate them
13 under Federal law. So, I have a couple of questions
14 because I think it might be that this bill needs some
15 more refinement and I don't know that I think we can
16 get that done by the end of the year, so first, I
17 just want to make sure that I, uh, it's clear. The
18 bill as drafted and has required for constitutional
19 muster would raise the spending ceiling for all the
20 candidates in the race, those that benefited from
21 independent expenditure spending and those whom it
22 was spent against, correct?

23 AMY LOPREST: Yes, that's correct.

24 BRAD LANDER: So it's not exactly
25 comparable to what happens in the case where you're

2 facing a high spender, if your opponent busts the
3 limits and your limit is then raised, that's
4 essentially leveling the playing field. You'll get
5 closer to off-setting their funding but in this case
6 it wouldn't level the playing field, it just would
7 boost the limit for everyone, both the beneficiaries
8 and the opponents of the independent expenditures,
9 correct?

10 AMY LOPREST: What it would allow is
11 that, you know, the people who are participating in
12 the program spend more to, you know, to counter those
13 messages and get their message out.

14 BRAD LANDER: Because then the, the
15 candidates, you know, assuming the candidate who is
16 benefiting from the IE is participating in the system
17 they would also get more. This is just an everybody
18 gets more, correct?

19 AMY LOPREST: Yes.

20 BRAD LANDER: And then I'm al- I'm also
21 to clarify you wouldn't get matching funds above the
22 original ceiling up to the new higher ceiling,
23 correct?

24

25

2 AMY LOPREST: Yes, so the bill would not
3 provide any additional matching funds. That would
4 not survive constitutional muster.

5 BRAD LANDER: That's right. I mean, I
6 would be glad to do it but it's my sense that would
7 be viewed as constitutional relative to sort of, um,
8 as a, because it would be disadvantaging the IEs and
9 therefore we don't, there's no matching funds and you
10 would be allowed to go above the limit small dollar
11 but of course of without matching funds you
12 essentially have an incentive to raise in larger in
13 dollar amounts. You don't get the matching funds and
14 so you would imagine you are just thinking about the
15 incentives the candidate has if their ceiling is
16 raised. There certainly would not be an incentive
17 small dollar and you might even argue that there were
18 incentives to raise through large collar
19 contributions, correct?

20 AMY LOPREST: That's correct. All
21 thought, I mean, the Council did great work in, you
22 know, in lowering the contributational limits across
23 the board, you know, for this past election so the
24 contributational limits are relatively lower than they

2 were in the past and, you know, compared to other
3 jurisdictions.

4 BRAD LANDER: Now, and one research
5 question and this is part of why I think my hunch is
6 that we probably can't get this done in the time we
7 have remaining in this term. I would want to know
8 whether there was any correlation between candidates
9 who had independent expenditure spending on their
10 behalf and whether those candidates were more likely
11 to have higher dollar contribution averages. There's
12 no, we don't know for sure but you might guess that
13 people who had high spending outside interest wanting
14 to do IEs for them, might also have higher dollar
15 average contributions. Is there any research on the
16 contribution averages of candidates for whom there
17 was independent expenditure spending for and against?

18 AMY LOPREST: You know, as you said we've
19 only just started our work in the post-election
20 analysis but that is a very interesting question and
21 would probably require additional research to know.

22 BRAD LANDER: Because if it were the
23 case, the candidates that had IE spending on their
24 behalf, also had higher dollar contribution averages.
25 You might conclude that they would be benefiting more

2 from raising the ceiling because they could raise
3 more money faster with their higher dollar campaign
4 averages and certainly I would not, that would give
5 me cause as to whether this approach made sense. So,
6 um, I think it would be great to do that research so
7 I guess let me ask you as part of your post-election
8 research if you could conduct that research but
9 understanding that it probably can't be done on a
10 time scale that would make it possible to incorporate
11 that information into this bill. I'm going to sit
12 after this hearing with whether I think we can amend
13 this bill. I appreciate your suggestions of raising
14 the threshold which I think are good ones, but I have
15 to think about whether I think we can get this done
16 in a way that would really merit the whole scrutiny
17 and it might be that we need your post-election
18 report and the next Council has to pick this up and
19 figure out the best.

20 AMY LOPREST: I think that is a very
21 interesting question and that definitely is something
22 that we will add to our list of research questions
23 for the post-election report.

24 BRAD LANDER: Wonderful. Okay, uh, I
25 will leave there. Thank you very much for your time

2 Chair. Again, so much for deferring to us. I hope
3 everyone, you know, thank you for this last hearing
4 and all your leadership.

5 C.J. MURRAY, COMMITTEE COUNSEL: Thank
6 you Council Member. Next we'll hear from Council
7 Member Rosenthal, followed by Council Member Yeger,
8 and then Council Member Miller. Council Member
9 Rosenthal?

10 HELEN ROSENTHAL: Thank you so much. I'd
11 like to talk about the Video Voter Guide and I want
12 to start with just three quick points. Should this
13 bill pass, which I hope it does, these have to do
14 with rule making. First of all I just wanted to
15 confirm that CFB right now overlays the five I think
16 different languages, is that right?

17 AMY LOPREST: So the way, the video
18 appears in the translated script.

19 HELEN ROSENTHAL: Yes.

20 AMY LOPREST: Based on what language is
21 chosen appears underneath it.

22 HELEN ROSENTHAL: So it's give, right?
23 Five languages?

24 AMY LOPREST: Yes. It's five.

2 HELEN ROSENTHAL: Yes. Thank you. Um,
3 again this would be for rule making, would it be
4 possible to make sure that the same ASL interpreter
5 would be there each title or City Council District.
6 In other words, so we don't run into the problem of
7 different ASL interpreters doing their work perhaps
8 in different ways for different Mayoral candidates,
9 could you have the same interpreter for all Mayoral
10 candidates? The same, perhaps a different one but of
11 that different one the same for all public advocate
12 candidates? The same interpreter for all district 6
13 candidates, etcetera, is that possible?

14 AMY LOPREST: I think that's something
15 that definitely we can look in to. Do you have sense
16 of whether or not?

17 HELEN ROSENTHAL: And I mention it just
18 because it's a concern raised by the deaf and the
19 hard of hearing community and if we could un-, yeah,
20 thank you.

21 AMY LOPREST: So, we could definitely
22 look into that.

23 HELEN ROSENTHAL: Thank you. Okay. And
24 then lastly could you again in your rule making

2 encourage those who do not participate in the
3 matching program that they still do the video, right?

4 AMY LOPREST: Yes, I mean, so we do. We
5 definitely encourage everyone to participate in the
6 Voter Guide and the Video Voter Guide and we send out
7 numerous reminders and so yes, that's definitely
8 something that is important to have.

9 HELEN ROSENTHAL: So here are my two
10 questions, it sounds to me like CFB really has two
11 concerns. One is about the timeline which is that
12 the filming schedule doesn't fit the matching funds
13 schedule, the matching funds schedule comes first.
14 But couldn't you resolve that by simply requiring the
15 candidates to make a commitment or to send you a
16 draft, um, you know, speech that would be, you know,
17 totally made up that they could change 100% but send
18 in that draft speech prior to getting the first round
19 of CFB matching funds. In other words, you know, we
20 are releasing these funds with the understanding that
21 you are going to do a Video Voter Guide of some sort?
22 Yeah, would that be possible?

23 AMY LOPREST: Um, you know, again, yes,
24 of course, that would be possible. The question is

2 what happens when, if someone fails to submit and so
3 that, that is our concern and so.

4 HELEN ROSENTHAL: Sure.

5 AMY LOPREST: Is that we don't want to
6 suspend by giving them the funds and then have them
7 not meet the requirements.

8 HELEN ROSENTHAL: In other words, so I'm
9 suggesting if they promise to do the video and then
10 you give them the matching funds and they don't do
11 the video I'm suggesting could you then take back
12 those matching funds or not make the next
13 distribution of funds?

14 AMY LOPREST: Um, you know, certainly we
15 can attempt to take back the matching funds of course
16 you know once received people spend them so, they may
17 not be available to be refunded but certainly we
18 could not make the next, you know, any additional
19 payments.

20 HELEN ROSENTHAL: You could ask them to
21 sign on the dotted line, right?

22 AMY LOPREST: Yes. Um, but again we
23 don't want to, you know, it would be difficult to ask
24 people for money back it always is.

2 HELEN ROSENTHAL: Yeah. So, um, let me
3 ask you, you assert that the existence of the Video
4 Voter Guide is enough to incentivize candidates to
5 participate. How many candidates did you know did
6 not participate in the Video Voter Guides?

7 AMY LOPREST: So.

8 ERIC FRIEDMAN: I, I, I can ensure the
9 numbers if that's okay. So, for the 2021 primary, we
10 had about a 73% participation rate in the Video Voter
11 Guide, that's 274 out of 375 candidates on the
12 ballot. For the general election, roughly seeing a
13 little bit more than 70%, 99 out of 139 candidates
14 participated in the Video Voter Guide for the
15 general. The participation rates just for comparison
16 in the Pre-Voter Guide that is the written profiles
17 are a little bit higher, so for the 2021 primary we
18 had 89% participation, 332 candidates out of the 375
19 on the ballot give as written profiles. In the
20 general election it is 116 out of 179. Um, so the
21 platform that we are able to provide candidates is a
22 strong incentive for candidates to participate, you
23 know the print guide is in every mailbox with a home
24 with a registered voter. We had really great
25 visibility for those online profiles with the videos.

2 You know, about more than half a million views before
3 the primary a little less before the general. So,
4 it's broad platform candidates and again have a lot
5 of incentive to participate because we are providing
6 this platform for free and so participation has been
7 strong.

8 HELEN ROSENTHAL: So, I guess what my
9 fundamental question is, does Government think that
10 deaf people should participate in voting? And if the
11 answer is yes the question is, is government going to
12 ensure that every candidate have an AFL interpreter
13 and do a Video Voter Guide. You know, I, what I hear
14 and I'm very familiar with the 2019 pilot that CFB
15 did with ASL interpreters which was a great success
16 for those who participated but the real issue here is
17 funding and that OMB has said OMB which is a, simply
18 the budget arm for the Mayor's Office so it's not
19 like, in other words, they're reflecting a policy of
20 the current Mayor saying no funding or limited
21 funding for ASL interpreters. If that were not an
22 issue, if OMB was not saying you cannot have the
23 money or you only have limited money for AFL would
24 that change your testimony at all?

2 AMY LOPREST: So, I 2021 we did indeed
3 have ASL interpreters and we intend to continue to
4 include that as part of our budget request because we
5 do agree with you the importance of having the ASL
6 interpreters, you know, for the deaf community. So,
7 again that is, you do include that and do consider it
8 important and of course having that in legislation,
9 you know, codified in Legislation makes it even a
10 stronger, you know, commitment to the deaf community.

11 HELEN ROSENTHAL: Thank you. I
12 appreciate that because you don't want to have deaf
13 people only voting for people who have a Video Voter
14 Guide there might be somebody else who's perfect but
15 chose not to do a Video Voter Guide for some reason
16 and, right, so, you know where I am. Thank you for
17 that. I think that's it. Um, okay I think that's,
18 those are my questions. If you have any other
19 concerns I'd appreciate you letting me know but it
20 sounds the hurdles you've raised are easily overcome-
21 able and I look forward to hearing the testimony or
22 reading the testimony from the community. Thank you
23 so much. Unless you have anything else to add, I
24 didn't mean to cut you off.

2 AMY LOPREST: No. Thank you very much
3 and we look forward working with you.

4 HELEN ROSENTHAL: Thank you.

5 C.J. MURRAY, COMMITTEE COUNSEL: Thank
6 you Council Member. Next, we'll hear from Council
7 Member Yeger, followed by Council Member Miller.
8 Council Member Yeger?

9 KALMAN YEGER: Thank you very much.
10 Thank you Mr. Chairman. Since we're on the topic,
11 just very briefly on Council Member Rosenthal's
12 Introduction 2438 it would seem to me that, you know
13 if, if the hurdle is money and this would be
14 something that as it stands right now is completely
15 within the purview of the campaign finance board
16 because campaign finance board says what it needs to
17 spend and tells the Mayor this is what it's going to
18 spend and then the Mayor simply inserts the CFBs
19 Budget Demands not requests into the budget without
20 being changed. So, this, if anything A) raises a
21 question of whether the CFB prioritizes this as
22 Council Member Rosenthal has questioned and also it
23 may be another reason why introduction should pass so
24 that at the CFB comes before us during the
25 preliminary budget process and enterprise and Council

2 Member may want to question whether the CFB is
3 planning to spend a sufficient amount of money on the
4 translation. But what I will also point out which
5 may be counter intuitive because this would go
6 against, I guess the intent of this bill, as it
7 stands right now, a candidate wishes to participate
8 in the Voter Guide has to submit a script in advance
9 to the CFB and may not deviate from that script. The
10 script is subject to CFB staff editing, censorship if
11 you will and I say this, this is not a challengeable
12 statement because this happened to me four years ago,
13 I submitted my draft script, the circumstances of my
14 race as, is known as a public domain change, I
15 desired to change the statement that I was going to
16 video, I hadn't done it yet, and the CFB staff told
17 me no. I could not deviate from the script, not one
18 word and therefore I declined to participate in the
19 Video Voter Guide. Having gone through that
20 experience four years ago I chose this year to simply
21 take myself out of the mix of doing the Video Voting,
22 the Video Voter Guide because I didn't want submit
23 myself to the censorship of CFB staff and the
24 decisions that the staff would make about whether or
25 not I said was okay and if I decided to change what I

2 wanted to say. I'm a politician. Sometimes I decide
3 what I want to say on the fly, it gets me in trouble
4 sometimes. Sometimes people like it but that's the
5 way it works. We get to say what we want to say and
6 you folks shouldn't have the right to censor what we
7 want to say, um, so I think that, the entire process
8 by which CFB does the Video Voter Guide should
9 certainly be looked at but certainly I don't believe
10 that the CFB staff should have the right to review,
11 to edit, to change, to, uh, to suggest with regard to
12 what a candidate wishes to say in his or her video
13 statement. Um, Councilman Lander's Introduction 2453
14 which I spoke about in my opening remarks and I
15 support it, um, I just want to point out that as
16 currently drafted as I said earlier the trigger is
17 three times the amount of the spending by the
18 independent entity and in the Council race that would
19 amount to, that the candidate doesn't get relief
20 until the independent entity has spent \$753,000 and
21 in the Mayoral race it would not kick in until the
22 entity has spent \$22.8 million. I think those
23 thresholds are too high. I, you know, again I said
24 at the beginning I don't speak for Councilman Lander
25 but I do believe there are ways to make this better.

2 I think that, and there are constitutionally accepted
3 ways to make this better in keeping with decisions
4 that can circuit because I don't believe freeing
5 another candidate to, to, to be freeing them from the
6 campaign finance limits would be constitutionally
7 problematic issue because the, the circuit set was
8 okay. It was only the influx of public funds
9 triggered by someone else's spending that was
10 problematic and I agree with Councilman Lander that
11 this is not implicate any public whatsoever.
12 However, I do believe that we must, we must, we must
13 give candidates who are facing high spending non-
14 participating opinions including IEs the ability to
15 have the cap lifted so that they can run the campaign
16 and speak to the voters without all the noise created
17 by these high spending, non-participating entities
18 and in the past we have always considered a high-
19 spending non-participant to be a person running, I
20 think we have to expand that and it must include an
21 independent entity. So, if you have any comment on
22 that I'll pause.

23 AMY LOPREST: We agree with that, that,
24 you know, again that there should be, you know,
25 increase in the spending limit when there is high,

2 there are independent spenders. You know, we can
3 obviously spend some time doing research and discuss,
4 you know, what the appropriate thresholds are.

5 KALMAN YEGER: But can we agree Director
6 that as, just as a preliminary matter that at least
7 the three times is just too high. You know, I don't
8 want to bully you into anything, it's not your
9 position, it's not your position but I just want to
10 know you have any threshold number that you think is,
11 I mean is three times too high just, you're not ready
12 to say yet and that's okay if you're not ready say
13 yet.

14 AMY LOPREST: I mean we're not quite
15 ready to say, I mean, I guess if you look at the bill
16 as written has a two tier cap like two triggers like
17 that, two thresholds as we do for high-spending, non-
18 participating people and so again we think maybe the,
19 the, the threshold for the lower lifting is a little
20 too low and so, but, I think you know talking about
21 where, right where the threshold to be right, you
22 know, might be, you know somewhere in between, 50%
23 lifting and the 300%, you know it was probably
24 somewhere in between that would be the perfect spot
25 for lifting the spending limit all together.

2 KALMAN YEGER: I would just say that the
3 two-chair limit, the two-chair threshold as, as
4 currently operational for candidates and their
5 opponents who are candidates in my, in my particular
6 circumstances four years ago I was facing a non-
7 participating high-spender whose high-spending only
8 triggered the first piece of the relief which meant
9 that I was able to go out and raise another \$100,000
10 in the last several weeks before the election and
11 those are problematic first of all because at the end
12 of the campaign the high-spending non-participants
13 had still spent two to three time more than the
14 several hundred to thousands of dollars more.
15 Secondly, because by the time that the trigger was
16 enacted, we already knew that we were being outspent
17 but the actual trigger hadn't exceeded 150% and I was
18 still restricted in what I could spend on my own
19 campaign because of that and I think that those
20 triggers need to be looked at as well and the reason
21 is not nearly in my view at least, and again, I'm not
22 speaking for the bill sponsor, I'm only speaking for
23 myself but it's not merely to, to give a candidate
24 relief from, from a cap but it's also to, I hope
25 encourage those who want to bust a cap not to knowing

2 that a candidate will then be able to go out and
3 respond if they have the capacity to do so and I
4 think what we've seen is some of these independent
5 groups and also high, high-spending non-participants
6 going out there and spending knowing that they can
7 keep their opponents from being able to respond
8 because the cap is artificially low. And I think we
9 have to do something to, to literally level the
10 playing field so that high-spenders know there is a
11 result to their action and if they do go out and
12 spent this kind of money, whether candidate or
13 whether independent entity there will be a response
14 and they will be able to, to keep a candidate from
15 responding. So, I'm hopeful that that is taken under
16 consideration as well by the sponsor as this bill
17 moves and I hope it does move. I will now proceed o
18 the moment of the day, transparency. We are very
19 transparent, we like to be transparency. I know the
20 CFB prides itself on transparency. One of the things
21 the Chair testified to is that if only the Council
22 would ask you to come in a little earlier and talk
23 about your budget, you would, no problem. I find
24 that not, I won't say hard to believe because of
25 course I trust you Mr. Chair but what I find

2 incredible is the notion that we're going to create a
3 system where we will ask other to do stuff. Maybe
4 just asking me to file disclosures every couple of
5 weeks. Don't put it into law and if you ask me I'll
6 do it maybe, um, or maybe just ask me to, you know,
7 only spent campaign money on the things that are
8 proper. Don't put it in a law because if you ask me
9 I'll do it. The reason we have laws is because we
10 don't rely on asking, we rely on setting forth in the
11 laws of New York. What it is that we anticipate from
12 agencies and today as I sit here and as you sit here
13 the only agency that I know of that isn't an elected
14 legislature because the Council can do this is you
15 that can submit your Budget to the Mayor and have it
16 inserted into the Executive Budget untouched. We can
17 do that but, you know, and as somebody's who's voted
18 against the Council Budget for the last four years
19 and the only one who's done so because sometimes I
20 think that, you know, agencies do spend more than
21 they should including this city's Legislature. But
22 we were elected, we were elected and you weren't, and
23 so asking an agency to submit its budget and come
24 before the Mayor and the City Council, the 52 people
25 in New York City who were elected to manage the

2 City's Budget, I don't think is really a high ask,
3 um, the, you know, the Chair testified that this may
4 be perceived as some kind of, perceived as the "I
5 will modify that and say I think you perceived that
6 as kind of like a foot on the neck of the CFB almost,
7 like, you know, some kind of interference by the
8 political bodies of the City into the CFBs
9 independence and I think that the perception is yours
10 and yours alone. I don't believe that that
11 perception is, is something that, you know, the
12 average person on the streets of the City thinks that
13 somehow the Council is interfering in your spending.
14 There's no history in this Council of having done so.
15 Not in this session, not in the last session, I can't
16 remember in the session before that there was and the
17 only example that you can point to is that Rudy
18 Giuliani didn't like you folks and I see Ms. Gordon
19 is here and, you know, I'm sure she has great stories
20 and hopefully one day writes a book about it but
21 that's not now, that's not now and we don't, we don't
22 govern this City based on what Rudy Giuliani did in
23 1998. I don't think. I'll also just respond very
24 briefly that we're not a Republican Trump controlled
25 Legislation and we're not Wisconsin and I think the

2 idea that the comparisons that you were able to point
3 to are those are unfair to say the very least. And
4 you can respond if you want to but I'm just going to
5 ask a question if you don't mind. We talk about
6 transparency and when a private entity lobbies the
7 City Council or the Mayor, they are required to
8 register with the City Clerk, they are required to
9 disclose the target of their lobbying, they are
10 required to let the people know who is lobbying and
11 who is being lobbied and why and I think that's right
12 and I think that's reasonable, I think that's good
13 for government. The CFB lobbies and it doesn't, it
14 gets done in secret. So, my question is, so we're
15 here in public and you all have microphones can you
16 please state for the record which members of the
17 Council you have lobbied on this bill?

18 FREDERICK SCHAFFER: Well I can't answer
19 that question. I haven't lobbied anybody.

20 KALMAN YEGER: Okay.

21 FREDERICK SCHAFFER: But I'm, I'm not sure
22 what the relevance here is Council Member Yeger?

23 KALMAN YEGER: This is not trial Mr.
24 Chair, we're not subject to relevance.

2 FREDERICK SCHAFFER: Well, I know, I
3 know, but, but ...

4 KALMAN YEGER: Okay.

5 FREDERICK SCHAFFER: ... we're here to
6 discuss your bill and, and in response to your
7 comments I'd like to just make a short statement.
8 So, the bill does two things, and, I think the
9 discussion is mixing them up a little bit I hope it
10 would clarify it if we separate them out. One of the
11 things your bill would do would be to relieve the
12 Mayor of his obligation to transmit the Budget
13 estimate of the CFB as is in his Executive Budget to
14 the Council. Once that is done, of course the
15 Council has always had the power to not follow that
16 recommendation, to reduce the amount being requested
17 as on occasion it has done so. Most recently in
18 Fiscal Year 2021. That's the part to which I made
19 the reference about a perception that it would impact
20 the independence of this CFB. Because it's very
21 important that here we agree about the value of
22 transparency. It's very important that the CFB be
23 able to state publically and release its estimate and
24 if it's part of the normal executive budget function
25 where the Mayor gets to decide what he puts in the

2 Executive Budget, that process, and I'm, there's not
3 criticism intended, it's just the way the process
4 works. That process is not transparent and so the,
5 the, folks who proposed the Charter amendment of 1998
6 saw it important that the CFB estimate go as, it's
7 not a demand it's a request, go as is, it's an
8 estimate to the City Council. The City Council still
9 has the power to reduce it, we appear for the
10 hearings, we participate in that process, and so
11 that's the part that I was referring to and which we
12 most strenuously oppose. On the other hand, your bill
13 also addresses what you're speaking of in terms of
14 transparency and that is the fact that you have not
15 seen us participate in the preliminary budget process
16 at least in part perhaps because the Charter requires
17 us to submit our estimates to the Mayor on March 10th
18 and the preliminary budget process begins at an
19 earlier date and you would have us submit the, the
20 estimate in February instead. As a matter of
21 history, for the first 20 years or so of our
22 existence we did participate in the Preliminary
23 Budget Process and then starting in about 2011 the
24 City Council stopped asking us and so we weren't
25 there because we weren't asked. If, if we're asked,

2 we appear, we're happy to participate in the Budget
3 Process and if the Council would like preliminary
4 estimates before the, the Charter says March 10th is
5 the date we have to submit it to the Mayor, the
6 Council wants earlier estimates, we can provide them,
7 we have no objection to that and so it's for that
8 reason that you say it requires Legislation. It
9 doesn't require Legislation, we're an independent
10 non-partisan agency but we respond to the City
11 Council. If the City Council wants estimates as an
12 earlier date, we're happy to participate. We did in
13 the past and we are happy to do it in the future.
14 That, that's the issue of transparency that, which I
15 don't think we actually disagree.

16 KALMAN YEGER: Okay.

17 FREDERICK SCHAFFER: I just wanted to
18 clarify those two separate pieces.

19 KALMAN YEGER: And I appreciate that Mr.
20 Chair and so what I would say to that is first of all
21 the, the proposed bill not just requires February
22 versus March and I think February is a fair and more
23 reasonable date but it also has the Board sending its
24 estimates to the Mayor and the Council the words and
25 Council are being inserted into this Bill. It's not

2 currently in the statute, so the concern that, you
3 know, that you would be sending your estimate over to
4 the Mayor and then he would, you know, take his
5 eyeshades and, you know, his accountant pen and start
6 playing with your budget and then sending it over to
7 us. We will have seen what it is you're asking for
8 and it would be a robust discussion during the
9 preliminary budget process over A) what did the CFB
10 ask for? B) What does the Mayor think you need?
11 And C) what is the conclusion, you know, the
12 concluding conversations what does the Council
13 believe? But it's part of the process and that is
14 the process for every agency. Um, what I would also
15 ...

16 FREDERICK SCHAFFER: If I might Council
17 Member, let me just respond to that point because I
18 hear you but I think you are missing an important
19 point here and that is that we are not a Mayoral
20 agency, okay, we were not setup to be a Mayoral
21 agency, we are a non-partisan, independent agency for
22 good reason given our function and that point of our
23 submitting something to the Mayor that he must
24 include in the executive budget that he sends over to
25 the Council is so that we, unlike Mayoral agencies

2 are not engaged in the normal negotiation process
3 with the Mayor's staff and OMB about our budget.
4 Why? Because the Mayor is one of the people that we
5 have oversight over, in to the extent that he's
6 running or has run or will again run for re-election
7 and so the whole point in protecting our independence
8 is to isolate us from that process, that negotiation
9 process that other Mayoral agencies quite
10 appropriately have to participate in because they are
11 Mayoral agencies but we are an oversight agency that
12 has oversight over the Mayor as well and so I, I find
13 it a little bit striking that you as a Council Member
14 are proposing a Bill that doesn't actually increase
15 the Council Members, or the Council's oversight over
16 us but actually gives the Mayor more power. I don't
17 really, I'm not sure you thought about it in those
18 terms but that's the way it strikes, it strikes me.
19 And, and it's because we are not a Mayoral agency,
20 because we are an independent and non-partisan agency
21 that we are exempted from that process and that has
22 served us and the City and the people of New York
23 well for the last 40 years.

24 KALMAN YEGER: I appreciate that.

2 AMY LOPREST: I, I'll just add one, we,
3 uh, every year that we submit our budget to the Mayor
4 it is also submitted to the Council at the exact same
5 time so currently that process already exists so we
6 do submit it to both at the same time.

7 KALMAN YEGER: Okay. I, I appreciate
8 that. What I'll also point out along those lines is
9 that there are plenty of agencies that are
10 independent and that are also oversight agencies that
11 that do participate in our processes, whether it's
12 the Department of Investigation, the five District
13 Attorneys they send over what they want and we have
14 conversations about it and yes it's true that, that
15 in this particular version of the Bill, the Mayor is
16 gaining more authority that then Mayor currently has
17 under the Charter but the Mayor is not gaining more
18 authority that the Mayor currently has under the
19 Charter over any other agency. So, in other words,
20 it's simply equitizes and, and consistentizes the
21 treatment of the Campaign Finance Board for the
22 budget process as other, as every other agency. And
23 I know that we're not going to agree because you're
24 view of the CFB is that it ought not be treated as
25 every other agency with regard to the budget process

2 and that's something we will be in disagreement about
3 but the idea that we're giving the Mayor under this
4 bill is greater authority is only limited to that
5 he's having greater authority than he currently would
6 have, not greater authority that he has under any
7 other agency and at the same time it's an opportunity
8 for your request to be viewed holistically along the
9 entire financial struggles that a Mayor has to do
10 when the Mayor is deciding whether or not we have to,
11 we can afford to pick up the trash twice a week or
12 only once a week or whether we can get, uh, you know
13 another fire house funded or whether the Library
14 needs more money, yes the Campaign Finance Board is
15 important but it ought to be part of the bigger
16 package of what is it that we're deciding to do in
17 the City. And I would also point out since I brought
18 this part up that this does not affect Campaign
19 Finance Spending, not one bit, that's not touched.
20 The Campaign Finance Board still maintains its
21 authority to simply requisition from OMB the needed
22 amounts for the, for the Election Fund without worry
23 whatsoever. It is always adjusted later in the
24 Budget, you need more you get more, you need less,
25 we'll fix that later and that's never been in

2 contention whatsoever so this is really just for the
3 operations of the, of the CFB.

4 FREDERICK SCHAFFER: Let's, let's be
5 clear of what those operations consist of. They
6 consist of a non-partisan voter engagement and
7 outreach, they consist of assistance to candidates
8 during an analysis in monitoring during the election
9 cycle and they include the order process and
10 oversight after the elections are over. All of those
11 things are highly, how should we say, touchy issues
12 because of their political implications and therefore
13 the Charter made the CFB more independent over
14 agencies because it has those functions and the
15 danger of those functions becoming politicized is so
16 great that that is why the budgetary independence of
17 the CFB exists.

18 KALMAN YEGER: I appreciate that and Mr.
19 Chair what I would point out with regard to those
20 items for example and well the others that you
21 haven't listed is that at every hearing of this
22 committee and this Council including this morning as
23 long as I've been here and for years and years before
24 what you've heard from members is a desire for
25 increase on all of the items you just listed, the

2 voter outreach, the engagement, the audit process has
3 been desirous by members to be more, to be greater
4 funded so that it conclude quicker, for example. I
5 don't think you've ever seen a Council certainly not
6 the four years that I've been here say that the CFB
7 shouldn't spend more on doing these things, so if
8 anything bringing you to the table earlier, if a
9 Mayor and this is obviously we're at a stage and time
10 where we know that one Mayor is leaving and we know
11 who the next Mayor is and we know that he's going to
12 be there for the next four and possibly eight years.
13 We know who the players at the table are and I don't
14 think you've seen any indication whatsoever that this
15 Council is looking to reduce the impact of the
16 ability of the CFB to do the things that, that you
17 just listed. Like the fact I would say that there
18 has been if anything, let's just use the colloquial
19 trenching amongst Council Members that perhaps you
20 don't get enough to do the, to do the Voter Outreach
21 for example because we talk about the Mail Voter
22 Guide, for example, not being sufficient. You know,
23 Director Loprest was here several times over the last
24 year talking about the work of the CFB to educate
25 about the new method of voting and I think that

2 universally I see my friend, Councilman Miller is
3 here. We've talked significantly here in this
4 Committee and in this Council about the fact that the
5 CFB does not have enough money to spend on teaching
6 people how to vote under this new method of voting
7 and I think the numbers play out that there are a
8 good number of voters who actually didn't exercise
9 their full five choices and whether they did that
10 deliberately or whether they did that because they
11 just don't know how to vote on the new system we just
12 don't know and there is no poll afterwards to figure
13 it out but what we've done is talk about how you need
14 more resources not less I think the idea, I see you
15 nodding so I know and I never want to contradict you.

16 FREDERICK SCHAFFER: And we are in
17 complete agreement on that.

18 KALMAN YEGER: Okay.

19 FREDERICK SCHAFFER: The issue is not
20 this Council or this Mayor or the next Mayor the
21 issue is sort of a long term independence of the
22 agency. We appreciate the support that we have
23 gotten in the past from this Council and recent
24 Councils as well as this Mayor or recent Mayors but
25 that's not the issue. We are looking, you know, for,

2 we're looking at a Charter provision that was drafted
3 to serve as well both in good times and in bad times.

4 KALMAN YEGER: Well, I, I could do this
5 all day but I won't because the Chair has been overly
6 kind to me and I see Councilman Miller is patiently
7 waiting. But I, I would say that, uh, in my closing
8 let's roll the dice and give it a try Chair. Let's
9 see how it works out and, and let's trust, I trust
10 that the next session of the Council. The next Mayor
11 the incoming Mayor will do what is necessary for the
12 CFB to be able to do it's good work and I, I don't
13 foresee the problem that, you know, and I recognize
14 your being conservative and your desire to hold back
15 any change to the way things are but I say, I think
16 we're going to be okay and I say we give it a shot
17 to, to make the budget process a little more
18 transparent and to, uh, and to have holistic
19 conversation about the finances. Before I, before I
20 just go back to the Chair and I appreciate the Chair
21 very much for giving me this time, I will go back to
22 the topic, you know, I don't forget things Chair, so
23 the top of my questioning was with regard to lobbying
24 and so I guess it's not directed to the lay
25 leadership of the board so much as the staff of the

2 board but I think it's important for the board if you
3 don't want to say just say you don't want to say but
4 I think that if the board can say for the record
5 which Council Members have been lobbied on this bill,
6 that would be very helpful for us.

7 FREDERICK SCHAFFER: And the one thing,
8 one thing I will say is that I may note that there
9 are a number of organizations that to my
10 understanding are interested in this topic and there
11 may have been conversations with members. We have
12 nothing to, to report in terms of lobbying per se. I
13 mean, you know, it's a matter of course, the agencies
14 have all sorts of, have conversations with, with
15 members of the body, um, but I'll just leave it at
16 that.

17 KALMAN YEGER: Let me be more specific
18 then. Has the Campaign Finance Board lobbied
19 members, has the Campaign Finance Board done outreach
20 to members of this Council in the last three weeks
21 about this bill?

22 FREDERICK SCHAFFER: Sir, could you say
23 that one more time?

24

25

2 KALMAN YEGER: Has the Campaign Finance
3 Board done outreach in any way to members of this
4 Council over the last three weeks about this bill?

5 FREDERICK SCHAFFER: We talk to members
6 about bills whenever they came up in terms of ...

7 KALMAN YEGER: Okay.

8 FREDERICK SCHAFFER: ... in terms of at
9 hearing. All the bills that we're talking about
10 today, bills that have been come up in previous
11 hearings, it's just a matter of kind of due diligence
12 to talk to folks and see what, what their concerns
13 are, what their policy goals are and offer whatever
14 help or assistance we can, that's, that's it.

15 KALMAN YEGER: Out of respect for our
16 relationship and this Committee and your work, I'm
17 going to leave it at that and I'm not going leave it
18 at that and I'm not going to go back to the question
19 of asking you to name members but I would say that
20 going back to where I started, the CFB lobbies the
21 Council on its bills. You can call it any way you
22 want but its lobbying and lobbying wouldn't be
23 disclosed and when you talk about, when you combine
24 the topic of, you know, that you're an independent
25 agency and not answerable to this, that and the other

2 thing. You can't have it both ways. If you want to
3 be a Mayoral agency and, and talk about how you can
4 talk to the Council all the time about bills, no
5 problem but if you want to be an independent entity
6 and then you lobby the Council I think that would be
7 disclosed and maybe not in the formal way that a
8 private sector/developer would need to disclose its
9 lobbying but there ought to be some disclosure about
10 the independent entity lobbying this Council and I'll
11 leave it at that. Mr. Chair I'm very grateful for
12 the time. Chair Schaffer it's really good to see you
13 and Director Loprest, Director Friedman it's good to
14 see you both and I yield back to the Chair. Thank
15 you.

16 C.J. MURRAY: Thank you Council Member.
17 Next we'll hear from Council Member Miller.

18 DANEEK MILLER: Good afternoon and thank
19 you Mr. Chair, it's almost afternoon and let me just
20 say for the record that I have never been lobbied nor
21 contacted not had a conversation with any member of
22 CFB ever. So, this is, it seems to be that there's
23 been a lot of question in terms of 1901 that relates
24 directly to the independence of, of CFB and their
25 ability to deliver services on behalf of the City of

2 New York and Campaign Finances. Obviously the 1901
3 speaks to that as well and that is the disclosure of
4 those that are involved in independent expenditures
5 and we talked about individuals. My questions are in
6 relations to not just the independent individual
7 candidates but the, uh, the ballot initiatives as
8 well and whether or not the individuals and
9 organizations that had been investing in these ballot
10 initiatives had been required to disclose information
11 in the same way. I would refer back to Campaign
12 Financing, I would refer back to the Arnold and
13 Murdoch family and others that poured in millions of
14 dollars in the last few weeks of the campaign whether
15 or not that information was disclosed by Campaign
16 Finance and I know that we were able to find that
17 information through the State Board of Elections but
18 not sure. I have yet to see Campaign Finance reveal
19 that information so, as, as part of reform we want to
20 make sure that all of this information gets out as
21 well and so, the question is, what is, you know, what
22 would that mechanism be. Is there a cross reference
23 between CFB and Board of Elections and/or are you
24 just aggregating their information independently on
25 their own and then where can we find it?

2 AMY LOPREST: So, Council Member Miler,
3 we are very supportive of expanding the requirement
4 that the disclosure of contributors be expanded from
5 independent spenders who spend on candidates to
6 independent spenders who spend on City Ballot
7 Proposals as you point out that contributor
8 information is already disclosed at the State level.
9 We have our own independent expenditure disclosure
10 portal and both for the spenders to disclose that
11 information and for that information to be presented
12 to the public so we are very supportive of expanding
13 that disclosure to the contributors to people who
14 spend on ballot proposals.

15 DANEEK MILLER: So, is it currently
16 something that forbids that from happening? Is, does
17 this, does this legislation or other legislation have
18 to happen or has the, uh, has the CFB just been
19 negligent in reporting that information thus far?

20 AMY LOPREST: The contributor information
21 is, is not required to be reported. The spending
22 information is required to be reported and we have
23 disclosed that. Again, this is about City Ballot
24 Proposal.

25 DANEEK MILLER: Correct.

2 AMY LOPREST: And so for 2019 and 2018
3 you'll find the spending on those ballot proposals
4 disclosed on our website. What is missing, what is
5 not required is the contributor information for those
6 spenders. So this bill would make it parallel to
7 people spend it on.

8 DANEEK MILLER: Because this is not
9 required does that mean that you cannot do it?

10 AMY LOPREST: No. Because, well, we have
11 to be required that the spenders report it to us.
12 So, we, we don't have the information because it's
13 not required for them to report it to us.

14 DANEEK MILLER: You have the expenditure,
15 the amount but you don't have the ...

16 AMY LOPREST: We don't have the
17 contributors.

18 DANEEK MILLER: But you do know who they
19 are?

20 AMY LOPREST: They're in the.

21 DANEEK MILLER: Using the same mechanism
22 that we use to cross utilization of BOE we do know
23 who they are. Okay. So, um, is there any way that
24 there could be that discoordination and does that

2 require this 1901 to make that happen? So, we
3 established that.

4 ERIC FRIEDMAN: I'm sorry go ahead.

5 DANEEK MILLER: Yeah, go ahead.

6 ERIC FRIEDMAN: No, I think what, what
7 the bill will do is will expand the requirement so
8 that, that entities that spend the supporter opposed
9 ballot in the City give us that information. So, we
10 publish that information as we, as we receive it from
11 the spenders. Uh, that's what we're set up to do.
12 Again, as you noted the information is available with
13 other agencies.

14 DANEEK MILLER: Right.

15 ERIC FRIEDMAN: Right. So, so ...

16 DANEEK MILLER: And a matter of course
17 are taking data from other places?

18 DANEEK MILLER: Right. Yeah. But, but,
19 there was a lot of time spent this morning talking
20 about the integrity and independence of CFB. Do you
21 not think that was necessary information to maintain
22 the integrity and independence, you don't think that
23 that's something that tax payers have a right to know
24 about? We talked about, you know, maintaining
25 independence and how important that was, while I do

2 agree with, with, with my colleague that, that
3 everything should be on the table, particularly in
4 moments of crisis how we physically adhere to the
5 responsibilities of the Council as to whether or not,
6 how streets get swept, how, you know, public services
7 get delivered while, you know, one might argue that
8 there are distinct differences, this, this certainly
9 remains a public service whether or not it's
10 implementation of the democracy or not. So, in terms
11 of that, there's been a lot of conversation about
12 that. Do we not deem it important enough to have
13 these types of checks and balances independent or
14 were you waiting for the Council to mandate for that
15 to happen? You talk to Council Members as you said
16 pretty regularly then, then why not suggest that this
17 would help in maintaining the integrity of the body
18 if we could provide this information if not for the
19 lack of legislative authorization?

20 AMY LOPREST: It's definitely something
21 that we can look in to and so again, I ...

22 DANEEK MILLER: Why haven't you looked in
23 to it as of yet?

24 AMY LOPREST: Can you ...

2 DANEEK MILLER: It's because, because the
3 pointed out time and time again that since 1998
4 Charter, well, 1998, this is like everything living
5 documents have unintended consequences and changes
6 and do you review it or are we going to remain
7 steadfast on what was believed to be the best
8 document to put forth in 1998, right? And whether or
9 not obviously citizen united and all these other
10 dynamics have really changed the rules of engagement
11 sense but, yet, we are still going according to the
12 '98 Charter. Very specifically, so you know, if I
13 would hope that in your advocacy, in your
14 responsibility including your responsibility as a
15 board, as a body, as an agency, that, that you review
16 these situations and, and use this partnership to
17 talk to members of the Council and other institutions
18 to, to address these issues that obviously need to be
19 addressed and not sit back and wait for us to get
20 into this hearing and say, you know, well, you know
21 what that's a good point because we don't have this,
22 it'll be another five years, and, and we won't have
23 this information. Um, so along that line and talk
24 about mechanisms. There's been good government
25 groups in our City which we work very closely with

2 the, the CFB and other entities around implantation
3 roll out of some of the policies particularly rank
4 choice voting, speaking very specifically about
5 citizen's union and common cores and, and very
6 specifically and RCV to which there was significant
7 city dollars funneled into implementation in to which
8 these same group were paid to disseminate the
9 information, at the same time, the latter has even
10 retained to lobbyist to address and support
11 implementation of RCV. The question is, are there
12 any restrictions on this independent expenditure?
13 Should there be? Should there be restrictions on who
14 the players in the game if in fact the players are so
15 intimately involved in a particular ballot
16 initiative? And I'm speaking to the integrity of CFB
17 because that seems to be the issue here that if any
18 point in that conversation in your board meetings
19 that perhaps we should pull back or perhaps we should
20 not fund any particular group or individual because
21 they're too close and that closeness might undermine
22 the integrity of this body. Is that a conversation?

23 ERIC FRIEDMAN: I'm sorry, I want to make
24 sure that I kind of speak to the, to the conversation
25 that the bill and I also want to try to understand,

2 you know the point here. I do want to make sure that
3 I state clearly we are, our testimony is that we are
4 supportive of Intro 1901 and this is what we see as a
5 gap in disclosure requirements for spenders on ballot
6 measures and having it in the bill, in Law will allow
7 us to compel spenders to provide us with disclosure
8 which we can then make a double. With that, our
9 testimony is that we're supportive of the bill for
10 those reasons. Um, you know in terms of, um, and I
11 want to. I think your questions about the efforts
12 that a lot of groups engaged in on, on sort of
13 educating voters about Rank Choice Voting which,
14 which we did a lot of which I know there are other
15 groups that did a lot of, we, we certainly are
16 coordinating as well as we could to ensure everybody
17 got the same message. I, I wasn't sure that I
18 followed your question in terms of funding because of
19 the reason but that's what I considered.

20 DANEEK MILLER: So, the question is, the
21 question is, um, where is the separation between
22 those who participate in the actual advocacy and the
23 actual implementation is, if, is there a line that we
24 remain, uh, political independence because the line
25 is blurred?

2 AMY LOPREST: Well, the chartered, you
3 know, the 2019 Charter that added Rank Choice Voting
4 gave the Campaign Finance Board the responsibility to
5 engage in an education campaign. We obviously
6 didn't, you know, an agency didn't, were not involved
7 at all except printing a Voter Guide as required for
8 that Charter referring in advocating, you know, one
9 way or the other about the charter referendum. When
10 the referendum was passed and we were given that
11 mandate we coordinated with other organizations that
12 were providing education in order as Mr. Friedman
13 pointed out to make sure that the voters didn't get
14 any kind of mixed messages that the information was
15 clear and concise and the same provided across
16 variety of organizations that we're educating voters
17 about Rank Choice Voting.

18 DANEK MILLER: So, these are the same,
19 right, these are the same folks who were in favor of
20 the ballot initiative that was then responsible for
21 putting the information out pro, uh, prior to an act
22 in the passage as well, right? So I just, just, in a
23 term I don't want to beat a dead horse on that but I
24 do want to just, just, stay on the integrity of this
25 and the expenditure, I don't think that, you know,

2 having the economy to just spend our way out of
3 inequity is the answer, right? Because I would
4 submit that there are things that happened in
5 particularly communities of color, African American
6 community that have created the, the political
7 strongholds and advocacy that we see throughout and
8 that is quite frankly inequity. People are knocking
9 on doors and doing everything that you just can't but
10 your way out of, right? And, and, and oftentimes
11 that seems to be dismissed in these conversations,
12 but, but um, with that being said, you know, we talk
13 about equity does CFB currently have the type of
14 betony that says that, um, you have a creditable
15 democratic or republican general election but you
16 don't and therefore you're not going to receive
17 additional campaign finance dollars for the general
18 election, is that the case? And if so, how is that
19 determined?

20 AMY LOPREST: Um, if you're talking about
21 the public funding for individual candidates, then
22 yes, sir, our provision in the law to protect when a
23 candidate is, uh, facing, you know, certain kinds of,
24 you know, there is a limit on the amount of public
25 funds that you can get and candidates need to file

2 what is called an in law a Statement of Need
3 demonstrating, you know, a number of different
4 factors that they have a significant opponent so
5 they're, or otherwise they are limited to get a 25%
6 of the maximum rather than the full 100% of the
7 maximum. So that is already in the law that a
8 candidate would have to demonstrate and.

9 DANEEK MILLER: And, and what's the
10 oversight on those dollars?

11 AMY LOPREST: Well it's linked to the
12 same oversight, you know, that we conduct when we
13 produce, when we provide public funds.

14 DANEEK MILLER: So ...

15 AMY LOPREST: ... for the candidates.

16 DANEEK MILLER: ... one might, one in some
17 case may get 25% 50% or nothing whereas someone else
18 gets 75% or whatever the, the number is but also.
19 Here's my concern, my concern is, is, is that I'm
20 seeing handbags and sweatshirts and t-shirts for
21 elections but I can't even purchase a stamped t-shirt
22 for events, for, for my staff with LTPS money and,
23 and these are the same tax dollars that we're talking
24 about and people able to do these things, right? So
25 if there is a responsibility around integrity that

2 same physical responsibility has to be undertaken by
3 CFB as well, right? Is that the case?

4 AMY LOPREST: And I mean again, of
5 course, we do audit the campaigns to make sure that
6 money that's give, the public money is spent on
7 campaign matters. We don't, you know because
8 campaigns are run in a variety of different ways we
9 don't dictate how, you know, the candidates spend
10 their money, we just make, ensure that the public
11 funds are spent on campaign related expenditures and
12 the law does include certain expenditures that the
13 types of candidates cannot spent public money on and
14 it's more of an exclusionary list rather than
15 inclusionary list.

16 DANEEK MILLER: So, does this, is this
17 again when you have your board meetings, are these
18 conversations that come up on, on the best use public
19 funds on how, because, you know, I know that there
20 are many more ideas out there about increasing
21 campaign finance contributions about creating a
22 stipend and, you know, things of that nature there,
23 at what point does the fiduciary responsibility of
24 the board depict and say maybe we should push back,
25 maybe that this is not the intake of the charter. Is

2 this a conversation that is had or are we just going
3 to spend our way through?

4 AMY LOPREST: I mean, these are, I mean,
5 obviously these are conversations. You know there's
6 been recommendations in post-election reports over
7 the years and I again, you know, welcome having
8 sessions with you and your staff and, you know, staff
9 with the Council to discuss, you know what, what
10 Council Members think are appropriation of the public
11 funds. You know we, we apply the law and your, your
12 craft you know that there is, you know, there
13 probably are some examples of things that are pushing
14 the envelope and there are certainly have been
15 enforcement actions that you don't have the
16 candidates for spending money on non-campaign related
17 expenditures and I welcome discussing how we could
18 craft.

19 DANEK MILLER: I appreciate that Madam
20 Director.

21 AMY LOPREST: Clear and better.

22 DANEK MILLER: I appreciate that but I
23 would say that I, uh, that I am 30 days left of my 8-
24 year term.

25 AMY LOPREST: Yeah, yeah.

2 DANEEK MILLER: And I hope that, you
3 know, as was articulated earlier that there's many
4 conversations that happen between CFB the Board. I
5 hope that's not just between friends and CFB and the
6 Board because I have not been privy to a single one
7 of those conversations and I would submit that public
8 policy happens by virtue of public discourse and
9 we're not talking about it, we're not fixing it.
10 Every time I go to City Hall I bring that discourse
11 and those conversations of my Community, of the
12 residents of the City of New York come with me all
13 right and I would hope that that same responsibility
14 happens in CFB and other agencies when they do that.
15 I want to thank you so very much for your time and
16 your indulgence. I want to thank the Chair for his
17 time and his indulgence and his partnership over the
18 years as well, so, thank you everyone and, and, uh
19 happy holidays, Happy Hanukkah, and Christmas and
20 Kwanza to, to everyone. Thank you.

21 AMY LOPREST: Thank you.

22 C.J. MURRAY: Thank you Council Member. I
23 will now turn it back to Chair Cabrera for any
24 further questions.

2 CHAIRPERSON FERNANDO CABRERA: Thank you
3 so much. Council Member Miller I thank you for your
4 input and again thank you for being who you are. You
5 have always been consistently straightforward in
6 fighting for the issues in our community. Well, I
7 finally get to ask my questions. And I know we got
8 two more panels so if you could give me a short
9 version of the answer, uh, with and being
10 parsimonious here with our time I really appreciate
11 it. So, let me start with and I'm going to be
12 reading also that way I can be quicker. How did the
13 independent spending in 2021 compare to past election
14 cycles? And with that are there any notable trends
15 the CFB has identified and what do these trends tell
16 us about what to expect in future elections?

17 AMY LOPREST: So, you know there has been
18 an increase. There was about \$31.8 million in
19 outside spending in the Mayoral race and that is
20 definitely more than it was in 2017 and 2013. Again,
21 there is a trending increase in independent spending.
22 Again, we have always, the increase in public funds
23 that are available to candidates have really helped
24 candidates, you know, support, give out their message
25 and combat those independent spending but again, we

2 are supportive of the contents in the bill before the
3 Council today.

4 CHAIRPERSON FERNANDO CABRERA: And what
5 do you expect in the future, in future election?

6 AMY LOPREST: I think the trending, you
7 know, trending, you know, elections across the
8 country are that there is an increase in independent
9 spending. I think that that will be the trend here
10 in New York also.

11 CHAIRPERSON FERNANDO CABRERA: Where are
12 some of the biggest challenges to achieve in
13 transparency with respect to an independent
14 expenditures?

15 AMY LOPREST: I think that this
16 transparency issue was one of the topics in our post-
17 election report after the last election, is again,
18 you know making sure we have full disclosure of
19 independent spenders across all types of spending
20 from candidates and also from the ballot measures in
21 this contributed disclosure would close a gap, also
22 the paid for notice, would close a gap in that
23 disclosure. With the Council we have worked really
24 hard in improving our independent disclosure over the
25 years since it first enacted and I think we have one

2 of the best independent expenditure disclosures you
3 know as far as with this one gap in the country.

4 CHAIRPERSON FERNANDO CABRERA: Thank you
5 and in the 2021 Mayoral primary there was not, let me
6 say that again, there was not a strong correlation
7 between the amount of outside money spent on a
8 candidate and the number of votes the candidate
9 ultimately received. How typical is this compared
10 other elections in 2021? What about elections in
11 past years? What do you think accounts for the lack
12 of correlation?

13 AMY LOPREST: I think that, you mean, is
14 not unheard of in the 2013 election, you know, there
15 was also a lot of independent spending and there
16 wasn't necessarily a strong correlation between the
17 success of the candidates and the amount of
18 independent spending on their behalf. I think that
19 the reason for that is because of our strong public
20 financing program and the availability of public
21 matching dollars. The candidates have the ability to
22 get their message out regardless of the spending by
23 independent actors.

24 CHAIRPERSON FERNANDO CABRERA: Will CFB
25 need additional resources in order to implement

2 either of two independent expenditure bills we are
3 hearing here today.

4 AMY LOPREST: Oh, I don't anticipate that
5 there would be increased spending for those two
6 bills.

7 CHAIRPERSON FERNANDO CABRERA: Okay.
8 That's good to know. I know Councilman Yeger will be
9 happy to hear that. Uh, how does CFB status as an
10 independent agency affect how the board approaches
11 its work?

12 AMY LOPREST: I don't know if the Chair
13 is still here if he wanted to take the question.

14 CHAIRPERSON FERNANDO CABRERA: Yeah I see
15 him. So, Chair, you want me to repeat the question?

16 FREDERICK SCHAFFER: Yes please.

17 CHAIRPERSON FERNANDO CABRERA: Sure. How
18 does CFB status as an independent agency affect how
19 the board approaches its work?

20 FREDERICK SCHAFFER: Well it forms
21 everything that we do. The, the agency has a long
22 tradition of being non-partisan and independent. We
23 are appointed by either the Mayor or the Speaker of
24 the City Council. There are required to be some mix
25 of party affiliations among the members of the board

2 but, unlike some of what we read about, about
3 agencies elsewhere and what agencies at the state
4 level. This agency has really truly been non-
5 partisan since its very inception and when we meet to
6 discuss particular issues whether they are large
7 policy issues, or specific issues relating to
8 proposed fines against individual candidates, the way
9 in which our views break out are completely random in
10 the sense that they do not line up with who appointed
11 who or what party affiliation particular members
12 have. Everybody operates in a collegiate way but on
13 the bases of their view of the merit and it informs
14 absolutely everything we do, our staff of course is
15 an entirely professional staff, they conduct their
16 audits and their legal analysis and their
17 recommendations with a view to what would be in the
18 best interest of the system and the citizens and
19 voters of the City of New York and that's really who
20 we are, that's in our DNA.

21 CHAIRPERSON FERNANDO CABRERA: Thank you
22 Mr. Chair on the current law the Mayor has the power
23 to include recommendations in the Executive Budget as
24 we heard today regarding the appropriations for CFB.
25 How often does the Mayor exercise this power and

2 please let me know as far as back as you can
3 remember.

4 FREDERICK SCHAFFER: I'm going to defer
5 to someone else because I've only been there four
6 years. So, Eric you got to answer that question.

7 AMY LOPREST: I'll say that he does not
8 exercise that often but it has been in the past and I
9 think it depends on the Mayor so, um, I think it, I
10 would have to some research to see exactly when the
11 last time it was, in the past, recent memory there
12 has been no commentary added to our budget but I'd
13 have to do some research and find out when the last
14 time that happened was.

15 CHAIRPERSON FERNANDO CABRERA: So it
16 didn't happen in this Administration, is that what
17 I'm hearing?

18 AMY LOPREST: I think it's safe to say
19 that it did not happen in this Administration in the
20 terms that since Mayor de Blasio has been Mayor.

21 CHAIRPERSON FERNANDO CABRERA: And the
22 one before that Bloomberg, do you recall?

23 AMY LOPREST: I can't actually recall. I
24 would have to go, you know, make certain before I
25 gave you the answer to that.

2 CHAIRPERSON FERNANDO CABRERA: Okay.

3 Thank you so much. I'm pretty much done with my
4 questions. I know we've got some more panels and
5 we're eager to get to them. But if the moderator
6 don't have, if we don't see anybody else, well,
7 actually we do see another question, I see Council
8 Member Miller with his hand up, so let me pass it
9 back to my colleagues.

10 DANEEK MILLER: Thank you Mr. Chair and
11 forgive me there was one question that I neglected to
12 ask and that was, um, have you aggregated the
13 information on this past Council race or other
14 Council races on the course of the individual, broken
15 down by individual districts, and/or the average
16 course of the race?

17 AMY LOPREST: So, our, our website there
18 is the individual amount of public funds given to
19 each candidate and you can sort that by the Council
20 District. Um, again, we can, you know, we are in the
21 process of producing our post-election report and
22 that information is certainly in that post-election
23 report but again if you would like to see that, you
24 know, any of that data we can send it over to you,

25

2 you know, in a written form so that you can review
3 it.

4 DANEEK MILLER: So right now you do know
5 how much was spent on each individual race?

6 AMY LOPREST: In public funds, yes.

7 DANEEK MILLER: With public funds?

8 AMY LOPREST: Yes.

9 DANEEK MILLER: And, and that could be
10 decided by, by, by ...

11 AMY LOPREST: City County District,
12 definitely.

13 DANEEK MILLER: Yeah, but, but do we know
14 how much each vote is costing based on the ...

15 AMY LOPREST: Well, you know, we know how
16 many votes there are, um, I guess, I think, I can't
17 actually recall but.

18 DANEEK MILLER: Is that possible? Is it
19 possible to know that which ...

20 AMY LOPREST: ... whether, ... certified the
21 election. Yeah, sorry to talk over you.

22 ERIC FRIEDMAN: Just so, as, as, you
23 know, you can find all the vote totals at the Board
24 of Elections website at vote.nyc. All of which ...

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2 DANEEK MILLER: Yeah, you guys are
3 dispensing the funds ...

4 ERIC FRIEDMAN: That we have out, and
5 yes, information on public funds, you can see at our
6 website at www.nyc.cfb.info. All that information is
7 there and.

8 DANEEK MILLER: Very specifically I can
9 find out how much money was spent in the 27th
10 District per candidate?

11 ERIC FRIEDMAN: Actually in terms ...

12 DANEEK MILLER: Or do I have to find that
13 out myself?

14 ERIC FRIEDMAN: Yes.

15 DANEEK MILLER: Do I have to figure out
16 myself how much it amounts to, right? Someone got
17 \$300,000 and they got 300 votes.

18 AMY LOPREST: Yeah, we'd have to do, we'd
19 do the math.

20 DANEEK MILLER: I have to do the math or
21 can you do the math?

22 AMY LOPREST: We are happy to do the math
23 for you and send it to you.

24 DANEEK MILLER: Yeah. We would appreciate
25 if you'd do the math, right, because honestly I think

2 that, that the public would, would like to know that,
3 that whether or not this is the best use of public
4 funds and whether or not it needs to be adjusted and,
5 and/or whatever happens. I think that this the type
6 of information that would allow us to make informed
7 decision, the type of discourse that that won't just
8 be members in the room that, really have public in
9 the room asking these questions as well. Thank you
10 so very much.

11 CHAIRPERSON FERNANDO CABRERA: Thank you
12 so much Council Member and just for the record, when
13 would the post-election report be coming out?

14 AMY LOPREST: Um, the Charter requires it
15 to be issued in September of the year after the
16 election. We have to wait for the final disclosure
17 statement in January. If the post-election
18 disclosure statement and to do the analysis, you
19 know, complete the election.

20 CHAIRPERSON FERNANDO CABRERA: Okay.
21 Thank you so much. I don't see anybody else with
22 their hand up, wait a second, Council Member Yeger?
23 I see Council Member Yeger, he has a question.

24 KALMAN YEGER: Thank, thank you real
25 quick, um, Madam Director, in light of the Chair's

2 remarks earlier and several times that all we have to
3 do is ask, I'd like to ask the following. Since this
4 is a short term of the Council, the one that starts
5 in January is a two-year term of the Council and the
6 Charter really does only require your post-election
7 report by September, um, by the time that that
8 happens, the term of this Council will be almost half
9 done. Um, to the extent possible, if there's any way
10 that you can hustle without a law that requires you
11 to do so, um, it would be very helpful. Council
12 Member Miller raised a very good point about the
13 dollar spent per vote in some of the districts and I
14 think what we saw in the special election,
15 particularly after the 8 to 1 went into effect, were,
16 were candidates receiving just really ridiculously
17 high amounts with, for, for what can only be
18 described as non-viable campaigns and I think that as
19 the next Council comes in in January and starts to
20 really analyze how this 8 to 1 worked together with
21 the early payments together with the, the access to
22 the ballot being reduced, its, it's a robust
23 conversation that must happen and the earlier that we
24 do it and I see Director Friedman nodding his head

2 and nodding his head to me I will accept that as an
3 agreement.

4 ERIC FRIEDMAN: Well, so, before, thank
5 you Councilman Yeger, before you speak for, for me I
6 would just add I agree that, as I you, as you noted
7 with the urgency and as you've noted there is a lot
8 for us to look at off this historic election with all
9 of the changes to the Campaign Fund as I mentioned
10 with really, you know a record number of candidates
11 participating, record number of payments going out
12 the door, there is a lot for us to look at and a lot
13 of analysis for us to conduct, so I, I appreciate
14 certainly the urgency as you stated it. I hope you
15 appreciate the work we have ahead of us and so, you
16 know, we're going to, we're going to get those, get
17 the report together and hopefully it will be in time
18 for the next Council to pick it up and, and take
19 action if so needed.

20 KALMAN YEGER: Thank you very much.

21 FREDERICK SCHAFFER: I'd just like to add
22 that I think you've most certainly identified one of
23 the issues that we're going to need to look at in
24 formulating our post-election recommendations and
25 then we certainly will consider.

2 KALMAN YEGER: Thank you very much Mr.
3 Chair.

4 CHAIRPERSON FERNANDO CABRERA: Thank you
5 so much, every time you say it Chair I always get
6 confused if you're talking about Chair Schaffer or
7 myself? Are you putting words in my mouth? We're
8 going to have to put captions in the video here to
9 make things short any way. I want to, I want to
10 thank you all for the work that you do. It's not
11 easy. I have to tell you that there's always a
12 mistrust, you know, when this race is. You know,
13 I've gone through those myself, right? There's not a
14 candidate who's always questioning, you know, are
15 they doing me right? I think the question that
16 people want to know is if, do we have a fair process?
17 That's all people want. You know, are the candidates
18 and constituents and so whatever we can do, I know
19 there's Council Members coming back that will carry
20 the torch and the rest of us will continue to be a
21 voice in whatever place we end up in the next chapter
22 in life. We want to, I just want to thank you all
23 again for the wonderful work that you do. It's not
24 easy. I know you feel the pressure but it matters.

2 And so, with that, we'll move on to the next panel
3 and again thank you.

4 AMY LOPREST: Thank you.

5 ERIC FRIEDMAN: Thank you Chair Cabrera.

6 FREDERICK SCHAFFER: Thank you.

7 C.J. MURRAY, COMMITTEE COUNSEL: Thank
8 you. We will now hear from the Mayor's Office of
9 Operations. Our panelists is acting director Daniel
10 Steinberg. Acting Director Steinberg, please raise
11 your right hand. Do you affirm to tell the truth,
12 the whole truth and nothing but the truth before this
13 committee and to respond honestly to Council Member
14 questions?

15 DANIEL STEINBERG: I do.

16 C.J. MURRAY, COMMITTEE COUNSEL: Thank
17 you. You may begin your testimony.

18 DANIEL STEINBERG: Thank you good morning
19 Chair Cabrera and members of the Governmental
20 Operations Committee. Thank you and congratulations
21 to Chair Cabrera for his leadership on this committee
22 at this last hearing, it's a privilege to be part of
23 it. My name is Dan Steinberg I'm the Acting Director
24 of the Mayor's Office of Operations. The office
25 tasked with implementing local laws 126, 127 and 128

2 also known as the Demographic Data Bills and
3 operations we take great pride in spearheading multi-
4 agency initiatives and driving toward the desired
5 outcome whether by directive from our executive
6 leadership or by implementing local laws. These
7 local laws are no exception. They really speak
8 directly to our mission of using data to help the
9 City improve service delivery and be conformed in
10 effort-able policy decisions. We share a commitment
11 to using demographic data to better design programs
12 to better serve the public. We believe that to
13 empower agencies to best serve the city's varied
14 populations it crucial to have deep rigorous and he
15 wants understanding of the populations that we serve.
16 The demographic data loss require ECS, IFTA, DOE,
17 Health Department, DHS, DSS and DYCD to offer
18 services in a voluntary and anonymous survey that
19 collects demographic information regarding ancestry
20 and language spoken, multi-racial ancestry or ethnic
21 origin, sexual orientation, gender identity and
22 gender pronouns. They also request operations to
23 conduct an annual review for the City Council of all
24 relevant agency and contract reforms from these
25 agencies with demographic questions address in this

2 survey that are eligible for updating and these
3 agencies are required to update eligible form
4 responses by April 22nd, 2022 and I'm here today to
5 tell you that we're on track. Several years ago
6 implementation of this loss was admittedly bumpy,
7 there were issues we needed to address and improve,
8 we learned from that experience with new leadership
9 and firmer guidance and frankly a far more aggressive
10 approach on our part. A couple of the patients in
11 helpful conversations with the lead sponsor, Council
12 Member Dromm were on a path to full compliance. Not
13 without additional challenges, I do want to mention
14 that, that the pandemic hit as this program was
15 really picking up momentum and off staff were signed
16 to pandemic response, vaccination recovery roles for
17 the last two years but nevertheless we protected and
18 renewed our, our efforts on this program and for that
19 I'm very grateful to our staff. Um, they did an
20 amazing job in general in keeping their eye on the
21 ball while performing heroically during the pandemic.
22 I also want to take a moment to thank a few people.
23 First, Council Member Dromm for his leadership on
24 these important issues. Again, recognize the Mayor's
25 Office of Operations and the Mayor's Office of

2 Immigrant Affairs for your dedication and persistence
3 in getting this right, again while you were immersed
4 in pandemic response work and I wanted to thank our
5 agency partners, DCYD, ASA, the Health Department,
6 DOE, DIFF AND DSS for their commitment to seeing
7 collection of important demographic data as culture
8 change, not an operational burden. This is key point
9 because we really do need the full participation and
10 buy in of the agencies and we've come a long way in
11 that front also. So, since releasing the voluntary
12 demographic survey form in 2018, we've received over
13 132,000 returned surveys. That actually amounts to
14 over 750,000 rows of data that's available in the
15 open data portal. During the 2020 Annual Form review
16 our third such review, we identified 74 forms that
17 qualified for review. Of these, 21 were deemed
18 eligible for updating, 24 were not within the
19 agencies authority or edit or amend, um, or were
20 issued by another entity and 29 did not contain
21 demographic data questions and so this review was
22 conducted in conjunction with the law department and
23 our own general counsel. Of the 21 forms deemed
24 eligible for updating, 8 have already been updated
25 this year which is ahead of the mandated deadline and

2 again we're on track with the others. So, we're in
3 the middle of our 4th Annual Form Review now. We're
4 committed to building on this work, making the data
5 more useful to both agencies and the general public.
6 We look forward to partnering with agencies around
7 the strategic application of this new data to better
8 meet the needs of the communities they serve and our
9 team in operations is proud to assist agencies in
10 figuring out how to use data to help serve New
11 Yorkers more equitably. So, if I can maybe briefly
12 address Introduction Number 1937, which expands the
13 current demographic data loss to cover all city
14 agencies, rather than just the social service
15 agencies, the bill makes a number of additional
16 changes aimed at updating more agency forms with
17 demographic data questions and getting the agencies
18 to encourage individuals filling out those forms to
19 answer the questions to, to improve response rates
20 which is a shared goal of ours also. We support the
21 intent of the bill to further agency compliance with
22 the existing demographic laws. We've been working
23 closely with agencies to achieve this goal. We also
24 support the goal of collecting more data that can
25 help our agency to serve all New Yorkers. We have

2 concerns about the trade-offs that can come with
3 increased data collection which can range from simply
4 making it far more difficult for individuals to
5 complete to discouraging certain populations from
6 city services. We look forward to a productive
7 dialogue with Council Members how we can work with
8 our agencies to achieve the goals of this proposed
9 legislation. So that's my prepared testimony. I'm
10 very happy to answer any questions. Thank you.

11 CHAIRPERSON FERNANDO CABRERA: Well thank
12 you so much. I don't see questions of my colleagues
13 and if they do please let me know but let me just
14 jump in to some questioning. You might have
15 mentioned it but if you did it escaped me but thank
16 you for first of all your candid report here. I
17 wanted to know how many agencies currently corrected
18 demographic information specifying section 15 of the
19 charter and how many agencies will be required to
20 collect this information on the Introduction number
21 1937?

22 DANIEL STEINBERG: Currently it's the
23 agencies that I listed, and, and um, I'm happy to do
24 it again I have it right here, but it's, it's DSS,
25 ASC, IFTA, DOE, the health department, and DYCD. As

2 I understand it the new legislation will broaden the
3 work to all agencies which obviously is a very heavy
4 list but well worth discussing.

5 CHAIRPERSON FERNANDO CABRERA: Is there
6 is a particular reason why there were only those
7 originally, those four? Is it because they were
8 larger agencies or?

9 DANIEL STEINBERG: Sorry, I got to stop
10 muting myself. I forgot about it. You know I can't
11 speak to the original intent but I'm fairly sure that
12 the initial focus was on social service agencies
13 because of this sort of mission to expand access to
14 programs and to sort of priority of, of, you know,
15 better understanding those populations that are
16 seeking services. Um, it was the highest
17 comparative.

18 CHAIRPERSON FERNANDO CABRERA: Would you
19 require this bill require additional resources? And
20 if so, how much?

21 DANIEL STEINBERG: Yes, it would, we're in
22 the process of evaluating exactly what those
23 resources would entail. I think one of the lessons
24 that we learned the hard way, um, you know what, is
25 that there is no way to sort of sit back and just

2 wait for agencies to tell us, um, you know what needs
3 to build criteria and what doesn't and the way that,
4 that data is sort of decentralized across City
5 Government it's usually at the program level where,
6 where this data is sort of lives and, and not every
7 CIO for instance is aware of it, so it really does
8 take sustained work, year round sustained work to do
9 this right but just like the once a year kind of
10 round up and, and the year round sustained work is
11 really also important for understanding what the, the
12 agencies are encountering on the ground. You know,
13 often they, these things play out in very
14 idiosyncratic ways and so understanding the
15 challenges we're facing, you know, especially when a
16 form is already long and complex is really important
17 finding a solution.

18 CHAIRPERSON FERNANDO CABRERA: Okay.
19 Great. Yeah, we're definitely going to need that
20 number, to, to be able to get this bill moving. How
21 common is it for agencies to collect demographic
22 information using City, rather using a state or
23 federal form? Do city agencies ever edit or amend
24 these forms? And if so, how and under what
25 circumstances?

2 DANIEL STEINBERG: Yeah, I got to stop
3 muting myself. I'm so sorry. Um, you know I
4 conditioned myself for the last two years to hit that
5 button when I stop speaking. So, yes, we did
6 encounter situations where the state or federal
7 regulations made it impossible for us to change a
8 form. One example, or two examples are both
9 associated with the ECS. For instance when, you
10 know, we wanted to change the form to conform to this
11 local law, the State Office of Family Children
12 Services said no, they applied for a waiver but it
13 was denied and it turned out it denied because the
14 state needed us to comply with federal demographic
15 reporting requirements so we have encountered kind of
16 layers of, of, you know, of issues when it comes to
17 the kind of state and federal oversight but, but,
18 I've, we were pleased you know to see that agencies
19 are aggressively, you know, requesting waivers and we
20 support that work also.

21 CHAIRPERSON FERNANDO CABRERA: As you
22 know Intro 1937 will require the Mayor's Office of
23 Operation, your office to conduct a review of the
24 forms city agencies use to college demographic

2 information, how much time would the administration
3 need in order to complete this? My last question.

4 DANIEL STEINBERG: Yeah, we do this that
5 this is a very involved task, again because it's not
6 sitting anywhere waiting to be discovered that it
7 requires a lot of outreach even at the program levels
8 to find every single instance of, of public
9 interaction where this sort of data is collected so
10 we do think it's more, you know, in the range of
11 years than months that this sort of, to get this all
12 set up across all city government but again, very
13 much worth discussing further.

14 CHAIRPERSON FERNANDO CABRERA: Fantastic.
15 Actually, we need to get started. If it's going to
16 take years, let's get it started. Well, I don't have
17 any more questions, my colleagues don't, we'll move
18 to the next panel but thank you again. Thank you for
19 the hard work that you do right there at the Mayor's
20 Office of Operation.

21 DANIEL STEINBERG: Thank you again for
22 your leadership and best of luck.

23 CHAIRPERSON FERNANDO CABRERA: Likewise.
24 And with that we'll go to the next panel, Committee
25 Counsel?

2 C.J. MURRAY, COMMITTEE COUNSEL: Thank you
3 chair, we will now hear from our fourth panel which
4 will be the final panel before we turn to public
5 testimony. From the Department of Sanitation,
6 testimony will be provided by Deputy Commissioner for
7 Policy and External Affairs, Gregory Anderson. In
8 addition the following representatives will be
9 available to answer questions. From the Department
10 of Sanitation, Chief of Cleaning Operations, Stephen
11 Harbin, from the Department of Transportation, Chief
12 of Staff to the First Deputy Commissioner, Monty
13 Dean, Assistant Commissioner for Intergovernmental
14 and Community Affairs, Rebecca Zack, Director of
15 Legislative Affairs, Benjamin Smith and Assistant
16 Director of Legislative Affairs, Miranda Outquest and
17 from the Department of Parks and Recreation, Chief
18 Operating Officer, Mark Focht and Director of
19 Government Relations, Matt Drury. Before we begin I
20 will administer the oath, panelists please raise your
21 right hand, I will read the oath once and then call
22 on each of you individually for a response. Do you
23 affirm to tell the truth, the whole truth and nothing
24 but the truth before this committee and to respond

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2 honestly to Council Member questions, Deputy
3 Commissioner Anderson?

4 GREGORY ANDERSON: I do.

5 C.J. MURRAY, COMMITTEE COUNSEL: Chief
6 Harbin?

7 STEPHEN HARBIN: I do.

8 C.J. MURRAY, COMMITTEE COUNSEL: Chief of
9 Staff Dean?

10 MONTY DEAN: I do.

11 C.J. MURRAY, COMMITTEE COUNSEL:
12 Assistant Commissioner Zack? Do we have Assistant
13 Commissioner Zack?

14 MONTY DEAN: No.

15 C.J. MURRAY, COMMITTEE COUNSEL: Okay.
16 Chief Operating Officer Focht?

17 MARK FOCHT: I do.

18 C.J. MURRAY, COMMITTEE COUNSEL: And
19 Director Drury? Do we have Matt Drury? It looks
20 like we don't.

21 SGT. MARTINEZ: He's on there but we
22 can't hear him.

23 C.J. MURRAY, COMMITTEE COUNSEL:
24 Directory Drury we can't hear you now, if we can fix
25 the audio issue we can come back to you but for now

2 Deputy Commissioner Anderson you may begin your
3 testimony?

4 GREGORY ANDERSON: Great. Thank you.
5 Good afternoon Chair Cabrera and members of the City
6 Council Committee on Governmental Operations, as the
7 Committee Counsel mentioned, I'm Gregory Anderson,
8 Deputy Commissioner for Policy and External Affairs
9 at New York City Department of Sanitation. I don't
10 need to repeat the names of my colleagues who are on
11 here to support for Q and A. Thank you for the
12 opportunity to provide testimony on Introduction 2409
13 on behalf of the Administration and given the number
14 of topics that we've already heard on this agenda
15 I'll keep my testimony somewhat brief. At sanitation
16 our mission is to keep New York City Healthy, Safe
17 and Clean. Our frontline sanitation workers empty
18 litter baskets, sweep the streets, pick up litter and
19 dump trash and manually clean public spaces across
20 our City. While some of our core cleaning functions
21 were cut or reduced during the COVID-19 pandemic, we
22 have since restored funding for many of these
23 services including litter basket collection and
24 litter removal. We've also launched our Precision
25 Cleaning initiative with team that conduct targeted

cleaning of litter conditions and illegal dumping. These conditions are eye sores that affect New Yorker's quality of life and threaten New York City's recovery. This year, the City also created the City Clean Up Corp, Mayor de Blasio's New Deal Inspired Program intended to foster the City's economic recovery by employing 10,000 New Yorkers to refresh and revitalize our City, to make it more welcoming to residents, workers, and tourists alike. Since its launch six months ago, the Corp has contributed significantly to cleaning the City's Street and sidewalks in neighborhoods across the five boroughs. At the programs peak, 3200 of these core members served as new parks maintenance employees helping to keep the City's 30,000 acres of park land clean and safe. Whether serving on fixed post crews assigned to a different park, playground or recreational facility or as part of a mobile crew traveling from site to site as a team, parks maintenance workers are able to observe conditions in the spaces they care for and address issues as they arise, report serious concerns to their supervisors. Sector staff performed daily park maintenance as well as garbage collection, mowing, snow plowing and basic repairs and upkeep.

2 Park staff are also tasked with cleaning the park for
3 as long as and as often as it takes to make it clean
4 and safe for the public? The Agency has rigorous
5 standards for cleanliness, safety and cleaning
6 frequency and to ensure these standards are met every
7 park receives monthly inspections by sector
8 supervisors as well as at least two random audit
9 inspections per year on how to train inspectors from
10 the independently administered parks inspection
11 program. DOT, the Department of Transportation also
12 continued working throughout the pandemic to do its
13 part to keep New York City clean. DOT Arterial
14 Maintenance employees work daily in all five boroughs
15 to sweep roadways, pick up bulk debris, clear catch
16 basins, repair attenuators, guiderails and fences and
17 fill pot holes. Since the beginning of the City
18 Clean Up Corp Program, DOT has engaged dozens of Corp
19 Members to support its Arterial Maintenance Program,
20 Corp members worked along major arterial corridors
21 and adjacent areas including exit ramps, center
22 medians, shoulder areas and more and to date have
23 removed more than 2,000 cubits of debris. In
24 addition, over 100 Corp members supported operations,
25 sanitation and horticultural needs at 22 open street

2 locations through DOTs contract with the
3 horticultural society of New York providing support
4 in areas that were the hardest hit by COVID and have
5 low existing partner capacity. Through the One NYC
6 Plaza Equity program, DOT continued its work with the
7 plaza partners with its plaza partners to provide
8 maintenance and operational support at 32 plazas in
9 under resourced neighborhoods. All 8.8 million New
10 Yorkers as well as the millions of visitors and
11 commuters have a role to play in keeping our City
12 clean. Litter and trash doesn't just magically
13 appear on city streets. Each piece or bag or pile
14 has a person associated with it, someone who tossed
15 it on the ground, dumped it on the corner, threw it
16 out a car window. As we recover and move along
17 toward a post-COVID New York City, we ask all New
18 Yorkers to do the right thing, don't litter. Use
19 litter baskets properly, clean up after your pet,
20 move your car for alternate side parking, sweep the
21 sidewalk in front of your home or business and if you
22 see a litter condition that needs attention, please
23 let us know by calling 3-1-1. Intro 2409 would
24 delineate jurisdiction over various city property for
25 cleaning and maintenance purpose. In short, the bill

2 assigns responsibility for arterial highways
3 including on and off ramps, the DOT, for parks and
4 planted areas to the parks department and for all
5 other areas including center malls, underpasses,
6 overpasses, step streets and dead ends to DSNY. The
7 bill also provides that any governmental body or
8 agency having jurisdiction over a subway, railway or
9 other developed property clean alongside such
10 property. This provision would apply to state and
11 federal agencies and authorities including the MTA,
12 port authority and Amtrak. The bill also requires
13 that each city agency develop a web application to
14 track the City's progress, the agency's progress
15 including its properties. As Council Member Miller
16 mentioned in his opening statement the bill largely
17 codifies assignments created in the memorandum issued
18 by Deputy Mayor for Operations, Matt Leventhal during
19 the Koch Administration in 1983 known as the
20 Leventhal Memorandum. This document has for nearly 4
21 decades served as the basis for how the cleaning of
22 these properties is distributed amongst agencies.
23 However, our approach to public spaces has changed
24 over time and particularly since 1983 with the
25 expansion of public plazas and bicycle, pedestrian

2 and transit infrastructure in the last decade. With
3 these changes comes the need for flexibility and
4 continuous improvement in the management of public
5 space. The administration has a strong commitment to
6 the vibrancy and cleanliness of our public spaces.
7 When there is an issue at a particular location, we
8 are committed to working together to find solutions
9 to address the problem rather than pointing fingers
10 or passing the buck. Each of these agencies
11 represented here today shares your goal of keeping
12 our city clean and improving the quality of life for
13 New Yorkers. The administration understands the
14 legislation and agrees with the intention of more
15 clearly defined and cleaning responsibilities for all
16 manner of public properties and infrastructure across
17 the city. We have some concerns that the stricken
18 and flexible assignment of such responsibilities in
19 the administrative code may preclude future
20 improvement in the public realm and may not account
21 for new categories of public spaces yet to be
22 deployed in New York. We look forward to further
23 discussions with the Council about the city's
24 cleaning and maintenance programs and once again we
25 remain committed to keeping our City and all of our

2 public spaces healthy, safe and clean. We look
3 forward to working with the Council to discuss these
4 matters furthers and would now be happy to answer any
5 questions you have.

6 CHAIRPERSON FERNANDO CABRERA: Well thank
7 you so much. Thank you for your testimony. I know
8 Council Member Miller has some questions so I'm going
9 to start with him. I'm going to defer my questions
10 to the end.

11 DANEEK MILLER: Thank you so much, Mr.
12 Chair and thank you Greg for, for being here and all
13 of the support that we've gotten on it. So, so, you
14 know, we, we always say public policy happens by
15 virtue of public discourse. All right, and, and if
16 there's anything that comes up quite often it is the
17 issue, um, that we hope to address in 2409 and that
18 is how do we codify the responsibility of cleaning up
19 of, of these city properties and I don't think that
20 there's a base on the amount of members that signed
21 on to this bill in a very short period of time. I
22 think this is common throughout the City of New York.
23 A lot of finger pointing as to whose responsibility
24 it is to maintain and clean certain areas of the
25 City. Um, I've had situations on Springfield

2 Boulevard, our main corridor in Southeast Queens with
3 fireworks, major firework productions were not
4 cleaned up so we're talking about from July 4th to
5 probably after January of, of 2021 from 2020, so six
6 to eight months later where people drive past it
7 every day and agencies drive past it every day.
8 There are multiple complaints, how does that happen?
9 How does the information get filtered through 3-1-1
10 to the proper agency as to who is responsibility it
11 is to clean that up. And/or will we see a couch at
12 Parsas and Archer subway area and we get this massive
13 debate from DOT and Sanitation, um, MTA in this case
14 as to whose responsibility it is, um, and, and
15 clearly I appreciate your testimony but it sounds
16 like it was an easy fix but these are the things that
17 we go through every day. There's just something, um,
18 within the Leventhal Memo that has been changed over
19 the last, um, 40 years or somethings that should have
20 been changed and prevent agencies from expediting the
21 maintenance of these properties because the vagueness
22 of the current, um, memorandum and is the
23 codification of the memorandum justified in this
24 case?

2 GREGORY ANDERSON: Thank you Council
3 Member for those questions. Um, and thank you as
4 well for your partnership over the last 8 years and
5 we've worked together on a number of different issues
6 and so it's been much appreciated, the collaborative
7 nature of our work. Um, so, I'll start with the last
8 part of the question which specifically was to, you
9 know, what has changed since the Leventhal Memo. I
10 mentioned a few things in the testimony the
11 pedestrian and bicycle infrastructure, additional
12 transit infrastructure, things like bus bulbs, neck
13 downs, things like that, in particular, one thing
14 that's totally new and really came about over the
15 last 15 or 20 years is the creation of the Green
16 Streets Program by the New York City Parks Department
17 and those are entirely landscaped areas. They are
18 maintained by the parks department. They are
19 generally located in, in center medians in the
20 roadway. So that's, that's one specific example.
21 There's also public plazas that DOT has worked to
22 create and really dramatically expanded over the last
23 8 years. Those are just a few examples. To the
24 specific locations that you mentioned, I'm not
25 familiar with the fireworks on Springfield Boulevard

2 but if they are in the roadway that is certainly our
3 responsibility at Sanitation, 3-1-1 complaints about
4 any dirty condition on a roadway or a sidewalk should
5 come to, directly to the sanitation district and be
6 addressed by that district. We will certainly look
7 into those specific complaints in that location.

8 DANEEK MILLER: Well, I was, obviously
9 they are up but they took about eight months and the
10 interesting thing about that is one side is boarded
11 by the south, the, the west side is boarded by
12 Community Board 12 and the east side is boarded by
13 the Community Board 13 but each one goes past every
14 day. The crew supervisors and no one has thought to,
15 to clean the medium and this goes on for probably
16 half a mile, a mile to a half mile that is, is just
17 not in a state of good repair and, and everybody is
18 kind of like just passing it off to the next person
19 and, uh, so that would be. And I, I don't want to
20 berate this, I think this is cut and dried. It's
21 simple but do we believe that and because these are
22 the things that have not come to be because we now
23 have pedestrian ways. I think the pedestrian ways
24 usually come with a maintenance agreement from a not
25 for profit or something that, that would maintain it.

2 Using that, a, a, bit responsibility placed on, uh,
3 City Agencies in terms of those and, at least in my
4 district but this is something that we're missing or
5 can we expect with the codification of the, of the,
6 uh, Leventhal Memo that these situations would be
7 addressed. And I would just add that I would
8 question whether or not, because you did mention that
9 this would include the authorities such as the MTA, I
10 think that anyone within the City of New York knows
11 that the commuter rails are like the absolutely worst
12 community partners you can have in terms of
13 maintenance which means that they, they barely shovel
14 snow, um, they hardly ever clean up. We do community
15 clean ups anywhere around the Long Island Railroad
16 just about every week and district and we have six
17 sites in the district. They've been the worst
18 partners. We have since asked because we didn't have
19 time for a resolution by my colleagues and the State
20 Senate and Assembly to, to, uh, to produce
21 legislation that would authorize the, would, would,
22 which would, um, mandate that they clean their
23 property here in the City. Would this have an impact
24 on that at all, that you know, because they're
25 saying that they, you know, they'll do the sidewalks

2 but they don't underpass and other things like that
3 and it's also the snow removal and the ice removal
4 that is obviously a matter of health and safety.

5 GREGORY ANDERSON: Yeah. Thank, thank
6 you for that question Council Member. I think there
7 are some challenges, um, just constitutionally
8 regarding our ability to enforce against state
9 authorities, state agencies, federal agencies, just
10 because the City itself is a creature of the State
11 under the New York State Constitution, so, you know,
12 while, while we could, while certainly clearly state
13 that they are responsible for their properties it
14 wouldn't necessarily, uh, change what's happening on
15 the ground. I think we are certainly in a new day in
16 terms of the City's relationship with Albany, the new
17 Governor, there happens to be a former sanitation
18 commissioner in a high ranking position in the
19 Governor's office who I know works very closely with
20 the MTA on a regular basis. So I think, you know,
21 that we're optimistic that that relationship will
22 continue to change for the better and that hopefully
23 we can work a partnership. It doesn't has to be an
24 us or them, it can be an us and them who has the
25 resources at the r-, at, you know this moment in time

2 to get something clean, sanitation and certainly
3 under Commissioner Grayson has been committed to
4 cleaning anything that anyone raises to us even if
5 it's not our property under the Leventhal agreement.
6 We will send a crew out there, we'll send a crew to
7 Springfield Boulevard today. We will get that.

8 DANEEK MILLER: They're, they're good
9 today, and they're good today. The railroads are
10 good. San-, DSNY has been yoman's [SIC] work
11 absolutely but we get, we get folks and it's, and you
12 know what, as I watch social media it's everywhere in
13 the City that we've been innovative with dumping and
14 these places and it's often these kind of sites that
15 we are looking at and DSNY has taken the hit and, and
16 the Council and city agencies have taken a hit and
17 quite frankly it may or may not be a city property at
18 all, right? And, and so they just have not been good
19 partners. I, I hope that the relationship with, you
20 know, with, with Advisor Garcia really comes to
21 fruition but the same way we're, we're attempting to
22 codify the responsibilities I would love to be able
23 to do the same, you know, because this thing is ever
24 moving, right? And we don't know what a, what a
25 handshake agreement means four years from now or next

2 year and whether or not it's even relevant and so
3 should we, um, if this is not in sting, to, uh, a
4 state authority then, you know, should we proceed
5 with the resolution and/or you know, the state
6 colleagues actually introducing legislation as well.
7 I don't want to take too much time. It seems to be
8 cut and dried. Just wanted to make sure that, that
9 we're getting to where we need to get to and that
10 there's no misunderstandings against agencies as to
11 what, and whom responsibilities are what. Because it
12 seems that we're just seeing it and, and how to see
13 at this level, everybody agrees what their
14 responsibilities are, what we're seeing on the
15 ground, you know, things happening and not getting
16 picked up, you know and then how it's done. So, as
17 long as you are okay, we are okay. So I'm, I'm
18 trusting in the agencies to do the right thing in
19 this one as well, right, Chair?

20 CHAIRPERSON FERNANDO CABRERA: That's
21 right.

22 DANEEK MILLER: Okay. Thank you.

23 GREGORY ANDERSON: And Council Member I
24 will reassure you as I mentioned in my testimony, we
25 remain committed to addressing the actual problems,

2 not pointing fingers, um, and so the great thing that
3 these agencies do and I personally work with, with
4 DOT and parks on an almost daily basis, um,
5 discussing these things, discussing how we can help
6 each other out and that's really the approach that
7 we've taken is, um, you know not about who's fault I
8 it and who's problem is it but what resources can we
9 bring to the table and really addressing these, these
10 issues as they come up and you're absolutely right,
11 we've seen a real, a real scourge of illegal dumping
12 over the last year and a half, we've stepped up our
13 enforcement efforts tremendously. We thank the
14 Council for increasing the penalty for illegal
15 dumping from 1500 to 4000 a year and a half ago, um,
16 and we continue to, to increase these efforts,
17 installing additional surveillance cameras to try to
18 catch illegal dumping in the act but it's, it's been
19 a real uphill battle for us.

20 DANEEK MILLER: Oh and on that can I just
21 ask on implementation can we expect the
22 implementation or, of for cameras to be up and
23 running this year, before the end of the year?

24 GREGORY ANDERSON: Um, before the end of
25 the calendar year?

2 DANEEK MILLER: Right.

3 GREGORY ANDERSON: I don't know if that's
4 the case. We are certainly funded for, to purchase a
5 number of cameras this Fiscal Year and we're working
6 through the procurement right now to get that done.

7 DANEEK MILLER: Okay. Thank you. Thank
8 you Mr. Chair.

9 CHAIRPERSON FERNANDO CABRERA: Thank you
10 so much Council Member for leading in this, in this
11 bill that I'm telling you, I don't think there's a
12 Council Member that at one point or another has not
13 been in this position where you call and you have two
14 agencies saying that's not my job it's somebody's
15 else's job and let me just codify that by saying my
16 experience with the Department of Sanitation and with
17 Parks has been amazing the last 12 years. So
18 responsive. But this, this is a real issue, I mean,
19 happening in my district and nobody wanted to pick up
20 and landing right by steps, nobody wanted to pick it
21 up. I mean to-, it took me get the media involved and
22 then ironically it, it got done. Um, and so I think
23 clarity and now through this bill, uh, is going to
24 make it, uh a lot easier but with that, let me ask
25 you a question, if somebody were to ask, let's say,

2 if I was calling in my are-, in my district for an
3 area that is not being cleaned or maintained, how can
4 I find out from the get go which agency is
5 responsible for that area?

6 GREGORY ANDERSON: Thank you, um, Chair
7 Cabrera for that question. I mean in, in general,
8 Sanitation is responsible for cleaning public spaces.
9 Um, it's our, it's part of our mandate under the
10 Charter. Um, I don't have the exact Charter language
11 in front of me right now but, you know, we, we cr-,
12 we were created as the Department of Street Cleaning.
13 We are now the Department of Sanitation. We are
14 responsible for keeping New York City clean. There
15 are select locations, for example, landscaped area,
16 park area, that fall under the Parks Department and
17 that makes sense because, you know, they have
18 forestry staff. They have landscapers, they have
19 horticulturalist that can maintain not just the
20 ground itself but the plants and really understand
21 what the needs of those spaces are. There are other
22 places, um, particularly highways and arterial
23 roadways, um, particularly limited access roadways
24 that fall under DOT and that makes sense because they
25 have the, the expertise in those spaces. They have

2 the equipment, the attenuators, the, um, you know,
3 specialized mechanical brooms to be able to clean
4 those locations. Everything else in general falls
5 under Sanitation and I would say it's always a safe
6 bet to come to Sanitation first because even if it's
7 something that we don't believe is our responsibility
8 long-term, we are happy to send a supervisor out
9 there, address whatever condition we can address if
10 it's behind the fence or something like that, it gets
11 a little bit more complicated, but if there's
12 something on the roadway, on the sidewalk, on an
13 overpass, under an underpass, you know, we will, we
14 will allocate the resources to get that, um, to get
15 that cleaned up.

16 CHAIRPERSON FERNANDO CABRERA: So, you
17 know in the steps when you're trying to connect from
18 one committee to another you got a big slope and then
19 there's usually some landing for little benches.
20 Whose responsible or that?

21 GREGORY ANDERSON: The cleaning, the
22 cleaning of those spaces is the responsibility of
23 Sanitation and where, where we can run into
24 challenges sometimes is just having the resources to
25 be able to maintain all of those spaces, um, we had a

2 program prior to COVID-19 our JTP Program that's,
3 those participants in that program were the resources
4 that we used in many cases to clean the step streets,
5 it was suspended during the pandemic. We are
6 beginning to ramp that up right now, uh, the City
7 Cleanup Corp has been doing a great job with spaces
8 like that, cleaning up litter, beautifying the
9 spaces, um, cleaning graffiti from them, um, but in
10 general Sanitation is responsible for cleaning those
11 areas.

12 CHAIRPERSON FERNANDO CABRERA: Thank you
13 so much. Last question, because we do have members
14 of the public who want to testify, uh, and again let
15 me just, I'm going to be redundant in purpose,
16 overall, in my District, my District the Department
17 of Sanitation and Parks, you guys have been amazing
18 so I really appreciate all of the effort and all the
19 work that you have put into my District. Um, but my
20 last question in terms of the Miller, let me call it
21 a Miller Tie Bill here, number 2409, does it require
22 any other resources?

23 GREGORY ANDERSON: So, I think that's a,
24 that's a tricky question Council Member, we can
25 always do more with more. It's, it's always, you

2 know, when, when you're talking about manpower it's
3 hard to do more with less so if we had more
4 resources, we could certainly always do more work.
5 This year as I mentioned in testimony we created the
6 Precision Cleaning Initiative that has been
7 incredibly helpful. That's nine teams a day that we
8 send out specifically to clean eye sore conditions,
9 specifically to illegal dumping or overflowing litter
10 baskets. They have been incredibly productive so,
11 sure, if we had more resources like that, um, you
12 know, more, more funding for manual cleaning, we
13 absolutely could do more. We, we think right now,
14 we're at a place where we, where we can meeting our
15 commitment to having a clean and vibrant New York
16 City and if there are places where, uh, that you are
17 aware of that have conditions or issues right now, we
18 want to know where they are so we can address those
19 right now.

20 CHAIRPERSON FERNANDO CABRERA: You know
21 my, my only thing. The only thing that I would add
22 would be that the Bronx would get more, uh,
23 sanitation workers, proportionately and you know how
24 the routes go, which I'm not going to take time to
25 explain right now. It just makes it, we have an

2 inequity of how many workers we have here. So, the
3 next plan if that could be taken into consideration.
4 I brought this up to the commissioner twice, he
5 agreed that I was correct in my assessment and the
6 numbers that I brought. Uh, I just, I, I like to see
7 a point of action there. But again, thank you so
8 much, I really appreciate your testimony and your
9 support of, of this bill and so with that, we move,
10 I'll turn it back to the City Counsel.

11 C.J. MURRAY, COMMITTEE COUNSEL: Thank
12 you Chair. We will now turn to public testimony.
13 Please be advised that for this portion of the
14 hearing, we'll be calling on individuals one by one
15 to testify. Each panelist will be given three
16 minutes to speak, please begin once the Sergeant has
17 started the timer. Council Member who have questions
18 for a particular panelist, should use the Zoom Raise
19 Hand Function and I will call on you after the
20 panelist has completed their testimony. For
21 panelists, once their name is called, a member of our
22 staff will unmute you and the Sergeant at Arms will
23 set the timer and give you the go ahead to begin.
24 Please wait for the Sergeant to announce that you may
25 begin before delivering your testimony? Right now,

2 I'd like to welcome Ian Vandewalker to testify
3 followed by Tom Speaker followed by Sarah Goff. Ian
4 Vandewalker, you may begin upon the Sergeant's
5 announcement.

6 SGT. POLITE: Time starts now.

7 IAN VANDEWALKER: Thank you for the
8 opportunity to testify today, my name is Ian
9 Vandewalker, Senior Counsel with the Democracy
10 Program at the Front End Center for Justice at the
11 NYU School of Law. I'm here to testify concerning
12 introduction 2429 which the Front End Center strongly
13 opposes. This bill would needlessly increase Mayoral
14 control over the budget of the Campaign Finance
15 Board. Uh, the agency already has adequate oversight
16 from elected officials, the Mayor and the Speaker of
17 the Council appoint its members and the budget is
18 ultimately controlled by the Council. At the same
19 time, the CFB is unique amount agency over
20 retaliation officials who it regulates. Some degree
21 of independence for the CFB must be carefully
22 protected especially at a time when the
23 Administration of Elections is facing dangerous
24 political attacks across the country. The system of
25 small republic financing is the most powerful

2 solution available to counter the corrosive effects
3 of big money in our politics and it requires adequate
4 resources to engage for the agency to engage in fair
5 and efficient oversight. As a campaign finance
6 agency, the CFB is unlike any other government body.
7 This is in the unique position of enforcing rules
8 against the elected officials who control the
9 policies and budgets that it needs. This invites
10 politicians to trim an agency's budget if they prefer
11 weak enforcement or if they want to retaliate for
12 past enforcement actions. This has happened in other
13 jurisdictions including the Federal system and
14 there's fortunately no way to predict that it won't
15 happen here in New York City in the future without
16 institutional protection. As the 1998, Charter
17 Revision Commission put it, the CFB is uniquely
18 vulnerable to political pressures and the uncertainty
19 of the Budget Process. The Commission's reasoning is
20 just as true today as it was 20 years and the system
21 has worked for 20 years and we expect it to keep
22 working in the future. We therefore recommend that
23 the Council reject introduction 2429. Thank you.

24 C.J. MURRAY, COMMITTEE COUNSEL: Thank
25 you. I'd now like to welcome Tom Speaker to testify

2 followed by Sarah Goff and then Ben Weinberg. Tom
3 Speaker, you may begin upon the Sergeant's
4 announcement.

5 SGT. POLITE: Time starts now.

6 TOM SPEAKER: Good morning Chair Cabrera
7 and members of the Governmental Operations Committee.
8 My name is Tom Speaker and I am a policy analyst at
9 Rand in Albany. A watchtower organization of
10 advocates for open and accountable government. Today
11 we are testifying on Intro 2429 of 2021 and Intro
12 1901 of 2020. I'll begin by addressing 2429. We are
13 one of 27 groups that strongly oppose Intro 2429. We
14 believe this bill would undermine the independence
15 and effectiveness of the nationally recognized New
16 York (INAUDIBLE) and that it would also weaken
17 democracy in New York City. I will highlight two
18 points from the joint memo of opposition that we have
19 submitted to the Council. First the CFB is currently
20 effectively allowed to set its own budget to prevent
21 interference from the very elected officials that the
22 agency oversees. The New York City Charter says that
23 the Mayor shall include the CFB's requested funds in
24 the Executive Budget without revision. This bill
25 would remove that requirement. When this provision

2 was approved in 1998 by New York City voters are part
3 of a ballot proposal, the Charter Revision
4 Commission's Report explicitly stated that this
5 independent budgeting would help protect the CFB from
6 political meddling in Hawaii, Maine and many other
7 states. Campaign Finance Boards without an
8 independent budget have seen their funding streams
9 tight or threatened. If Intro 2429 passes, we expect
10 Council Members or Mayors with an axe to grind to try
11 to squeeze the CFB the same way. Second, as the
12 public matching program has expanded, the New York
13 City Council has become increasingly diverse and more
14 reflective of the New York City Electorate. Last
15 year's primary elections were the first in which
16 candidates could receive an 8 to 1 match on donations
17 and next year's City Council will be the first in
18 which 61% of the Council Members are woman up to 27%
19 and 67% of the Council Members are people of color up
20 from 51%. We believe Intro 2429 is bad policy. If
21 you approve it, this will damage the New York
22 Campaign Finance System has an extraordinary success
23 in National model and that has steadily improved over
24 time. If it ain't broke, done break it. Please vote
25 no on Intro 2429. Regarding Intro 1901, we do

2 support this bill which will allow the public to see
3 who is funding independent expenditures to pass or
4 defeat New York City law proposal and referendums.
5 New York City needs more transparency on elections,
6 particularly as documented spending to increase
7 within the City and across the country. Thank you
8 for allowing me to testify, I welcome any questions
9 you may have.

10 C.J. MURRAY, COMMITTEE COUNSEL: I now
11 would like to welcome Sarah Goff to testify followed
12 by Ben Weinberg and then Kathleen Collins. Sarah
13 Goff, you may begin upon the Sergeant's announcement.

14 SGT. POLITE: Time starts now.

15 SARAH GOFF: Good afternoon. I'm Sarah
16 Goff, Deputy Director of Common Cause New York. I'd
17 like to thank Chair Cabrera for convening today's
18 Committee hearing. As many of you know, Common Cause
19 New York is a non-partisan Citizen's Lobby and a
20 leading forces of battle for honest and accountable
21 government for over the last 50 years. I'd like to
22 briefly outline our position on three of the bills
23 before today's committee. We support INT 1901 which
24 will increase transparency and instill greater public
25 confidence in ballot proposal campaigns. While they

2 are not exceedingly common place, we opened one local
3 ballot campaign committee in 2019 as earlier noted in
4 today's hearing and we were keenly aware of the
5 discrepancy between state and local reported
6 requirements for ballot campaign committees. We,
7 therefore applaud any moves that enhances the
8 disclosure of donors and expenditures to the general
9 public. We also fully support the enhanced
10 transparency requirements through the inclusion of
11 paid for by and the top three donors' disclosure on
12 any public facing communications and/or in any direct
13 voter contact. For the other two bills, we oppose
14 INT 2453, we believe that the recent increase in
15 matching funds program alleviates the need for relief
16 for independent expenditure spending as we saw in the
17 last election cycle. We conducted our own analysis
18 and as we saw, IEs certainly have increased their
19 spending but candidates did not seem to be hindered
20 by the increase in candidate spending. We found that
21 under current expenditure guidance despite the
22 increase in IE spending very few participating
23 candidates hit the expenditure threshold and
24 candidates in individual races handily outspend IEs.
25 Provision 6A specifically of this bill is too low for

2 us to support and we believe that it would simply
3 serve to undercut both the spirit and the letter of
4 the New York City public financing program. Our
5 analysis shows that this would pave the way for
6 unnecessary and increased candidate spending in our
7 municipal elections. We also have concerns that
8 undercurrent provisions of the bill the relief would
9 only serve to favor candidates who are prolific
10 fundraisers and disadvantage those who are now and
11 similar to our colleagues and other panelists we
12 opposed INT 2429 for similar reasons. To briefly
13 note, too often Mayors and Council Members are
14 inclined to play politics with agency budgets and it
15 is with that acknowledgement voters approved the
16 change to the budget process for the CFB in 1998. A
17 roll back of this voter approved provision would
18 undoubtedly dilute the independence of the CFB and
19 more than likely hamper its ability to administer the
20 City's Public Financing Program. Thank you very much
21 for your time and I'm happy to answer any questions
22 anyone might have?

23 C.J. MURRAY, COMMITTEE COUNSEL: Thank
24 you. I'd now like to welcome Kathleen Collins to
25 testify followed by Monica Bartley. Oh, excuse me,

2 I'd now like to welcome Ben Weinberg to testify
3 followed by Kathleen Collins and then Monica Bartley.
4 Ben Weinberg you may begin upon the Sergeants'
5 announcement.

6 BEN WEINBERG: Thank you Counsel.

7 SGT. POLITE: Time starts now.

8 BEN WEINBERG: Thank you for the
9 opportunity to speak before the Committee today. My
10 name is Ben Weinberg and I am the Director of Public
11 Policy at Citizens Union. I would ask to make
12 remarks before the Committee. I'll start with Intro
13 2453, sponsored by Council Member Lander which would
14 provide spending limit relief for participating
15 candidates who ace high spending IEs. Citizens'
16 Union supports this goal but has reservation with how
17 Intro 2453 is currently drafted and we believe it
18 could lead to unintended and unfair consequences.
19 First, the bill would allow the candidates benefiting
20 from high spending IEs to utilize this relief, thus,
21 defeating the purpose of leveling the playing fields
22 in that race. For example, if this provision had
23 existed in the last election cycle the 10 City
24 Council candidates would receive the largest supports
25 from IEs who would actually have their spending

2 limits raised by half. We believe that participating
3 candidates were defending from high spending IEs
4 should be afforded the spending time relief and not
5 the candidates benefiting from high spending.
6 Second, the proposed 50% threshold of this bill could
7 potentially apply to dozens of races as mentioned
8 earlier by the CFB, this could amount to a defective
9 change of the spending limit in the Campaign Finance
10 Program and might incentivize candidates to seek the
11 support of IEs. We recommend the Council to consider
12 the physical implications and programmatic needs that
13 are needed to support the implementation of this bill
14 and to request more data to be collected before
15 moving this bill forward. Intro 1901 which would
16 expand donor disclosure requirements for IEs that
17 spend money on municipal ballot proposals would
18 strength the City's ability to regulate the
19 increasing flow of outside money to all types of
20 local elections. We saw the results of expending on
21 ballot proposals in this November statewide elections
22 and we've seen the last few local referring cycles
23 also about \$1.5 million spending in IE spending. The
24 City would be wise to defend from future ballot
25 proposal campaigns by allowing voters to know who is

2 funding the campaigns to convince them to vote for
3 one way or another. Lastly, I would join the
4 opposition of my colleagues and some Council Members
5 in regards to Intro 2429 which would reduce the
6 independence of the Campaign Finance Board, Citizen's
7 Union believed the bill would not improve Budget
8 Transparency or change the structure of the safety
9 budget or how it is presented publically nor would it
10 change the Council's powers to amend the budget, um,
11 and then hold any oversight hearings as its wishes.
12 Thank you for the opportunity of allowing me to
13 testify today.

14 SGT. POLITE: Time expired.

15 BEN WEINBERG: And I welcome any
16 questions in the future.

17 C.J. MURRAY, COMMITTEE COUNSEL: Thank
18 you. I'd now like to welcome Kathleen Collins to
19 testify followed by Monica Bartley and then Cesar
20 Ruiz. Kathleen Collins you may begin upon the
21 Sergeant's announcement.

22 SGT. POLITE: Time starts now.

23 KATHLEEN COLLINS: Thank you for letting
24 me testify before you here today. I am a co-
25 coordinator at Gow State New York Adapt and I'm one

2 of the co-coordinators for our voter engagement
3 working group. I'm going to be kind of quick here.
4 As to Intro 1901 we agree that this bill should be
5 enacted into law as is with respect to Intro 2453, we
6 do support this bill in theory; however, it does need
7 to be edited and we, I don't delay to that point.
8 Mr. Weinberg was eloquent on that and we just agree
9 with him. With respect to Intro 2429, we strenuously
10 oppose that bill and we support the other people and
11 what they've already stated concerning that bill so I
12 don't delay to that point. The final one is Intro
13 2438 and that's concerning the Voters Guide which we
14 strongly support its passage but it does need a few
15 revisions. Uh, we don't have enough time here to go
16 into that. We will su-, we will be submitting
17 written testimony concerning that and we'd also like
18 the Council Woman Rosenthal to reach out to us at
19 Dnyadapt@gmail.com. That's Dnyadapt@gmail.com.
20 That's for downstate New York Adapt. And just one
21 final thing I'd like to note is that unlike the City
22 Council who has all these hearings on zoom I never
23 engaged its free closed captioning that it could.
24 It's not perfect but it is AI closed captioning and
25 it's free. I never engage it until after the time

2 period for people to submit their comments which is a
3 total violation of our due process rights and I don't
4 understand why you do that yet the Campaign Finance
5 Board has had several voter assistance advisory
6 committee public hearings where they have had closed
7 captioning, ASL interpreters, audio descriptions, uh,
8 they've had everything yet the City Council doesn't.
9 I, you know, and you want to attack the Campaign
10 Finance Board which is doing such a great job and
11 then also they have meetings with us and the public
12 at various organizations and at those meeting we
13 pointed out to them about their AI closed captioning
14 and now they engage it, so, and with that we cannot
15 only have people who have difficulty hearing, again,
16 it's not perfect, I mean it would be better if we had
17 cot but it's something and it's free. And also you
18 can then download it and save it for people who have
19 difficulty taking notes. So, I just don't understand
20 what's happening here with the City Council. A
21 violation of our Civil Rights. Thank you.

22 C.J. MURRAY, COMMITTEE COUNSEL: Thank
23 you. I will now turn it over to Council Member
24 Rosenthal for questions.

2 HELEN ROSENTHAL: Great. Thank you so
3 much. I didn't, thank you so much. Um, Kathleen you
4 repeated your email address twice and I only got half
5 of it, so could I ask you to repeat it one more time,
6 I am going to reach out to you.

7 KATHLEEN COLLINS: And I would like every
8 Council person to refuse to come to any meeting in
9 the future that doesn't allow for AI closed
10 captioning because you are all violating the law. I
11 mean it's free, what is this. And I was concerned
12 about what I saw about the OMB and about ASL
13 interpreters. What is that? It's our Civil Rights
14 that you are violating. I mean, what, that has
15 nothing to do with money and this is New York City.
16 New York City has a budget that is bigger than many
17 countries and you're going to tell me that you can't
18 afford to have ASL interpreters at every meeting and
19 you can't afford to have the free closed captioning.
20 We, we, live on a budget. We don't even have about,
21 we have less than \$200 in our downstate and we have a
22 friend that provides us with Zoom and we use the, I
23 mean that's perfect but we have the AI closed
24 captioning and when we can we do the other. You
25 know, we try to do ASL when people request it because

2 we, we don't have that much money to afford it but I
3 just don't understand City. Yes, my downstate New
4 York Adapt is Dnyadapt@gmail.com and I, really am
5 surprised that you should all, I just don't
6 understand why you don't, it's our Civil Right and
7 it's free and you still don't do it. And I brought
8 this up to you, I brought this up to the speaker when
9 the did the zoning for accessibility they had none of
10 that. They, I brought it up to my Council Woman, I
11 brought it up to the, I brought it up the, uh, the
12 Committee on Technology and you see me say it in my
13 testimony and three days later they have the closed
14 captioning, it looks totally idiotic but they didn't
15 have it during the meeting nor during the 72 hours
16 where you can put in comments which is clear
17 violation of due process rights. Thank you. I'm
18 sorry.

19 HELEN ROSENTHAL: No, please don't
20 apologize, I, your frustration is inspirational and
21 it [crosstalk]

22 KATHLEEN COLLINS: It's, why would we
23 have to sue. Like we always have to sue, we
24 constantly have to sue the government what is our
25 right and I pay taxes. I'm a lawyer. I pay taxes, a

2 lot of taxes over the years I've lived in New York
3 City. I mean, I was born and bred here. So, my
4 whole life, I'm 64 years old now and I've paid a lot
5 of taxes. You know, so, I just, and I've worked for
6 a living, I mean, I know, I know people with
7 disabilities don't work well I know that attitude but
8 we're not. And I'm, I just, you don't do this to,
9 what if you did to any other group, you told women,
10 sorry ladies you can't be in on any of these
11 meetings, there would be an outcry but there wasn't
12 for us. Not even the other governing groups have
13 pointed this out. I, I'm, I can't believe this.
14 Everybody says they want, they all come to us right
15 before the election but after the election we don't
16 exist, so.

17 HELEN ROSENTHAL: Thank you.

18 KATHLEEN COLLINS: That's what the
19 Campaign Finance Board they, they listened to us.

20 HELEN ROSENTHAL: Yes. They had a good
21 pilot right?

22 KATHLEEN COLLINS: No, no, not just the
23 pilot they've been listening to us constantly and,
24 and doing things. Maybe.

2 HELEN ROSENTHAL: I mean (INAUDIBLE)
3 itself but yeah.

4 KATHLEEN COLLINS: Do what?

5 HELEN ROSENTHAL: Yeah.

6 KATHLEEN COLLINS: They, they're
7 listening.

8 HELEN ROSENTHAL: Listen, your, you're
9 articulating the concern of hundreds of thousands of
10 people in New York City and they are all lucky to
11 have you. Um.

12 KATHLEEN COLLINS: It's not just the, we
13 should not only have it the AI but also that you can
14 download it because I know that helps me tremendously
15 even at the Campaign Finance Board Meetings I go to
16 now, I download the transcript because it helps me
17 know what the, what was talked about and, and it's
18 free. We'll have you know being on this tomorrow and
19 maybe we should have somebody from the City Council
20 go so they can see what little button they have to
21 click.

22 HELEN ROSENTHAL: Thank you.

23 KATHLEEN COLLINS: Thank you.

24 HELEN ROSENTHAL: I was testifying on
25 another hearing, I was multi-tasking. Diaz, I think

2 you asked me a question, did you and I'm really sorry
3 that I, looked like a ...

4 C.J. MURRAY, COMMITTEE COUNSEL: Thank
5 you. I will move on. I'd now like to welcome Monica
6 Bartley to testify followed by Cesar Ruiz and then
7 Nicole Gordon. Uh, Monica Bartley you may begin upon
8 the Sergeant's announcement.

9 SGT. POLITE: Time starts now.

10 MONICA BARTLEY: Good afternoon Chair
11 Cabrera and members of the Governmental Operations
12 Committee. I'd like to thank you for allowing me
13 this opportunity to testify. My name is Monica
14 Bartley and I am the Community Organizer at the
15 Center for Independence of the Disabled New York,
16 CIDNY. CIDNY is a leading advocate for New Yorkers
17 of all ages with all types of disabilities. CIDNY's
18 goal is to ensure racial independence and equal
19 opportunity for all people with disabilities by
20 removing barriers to the social economic cultural and
21 civic life of the community. Part of CIDNY's mission
22 is to ensure the full participation of individuals
23 with disabilities in the electoral process and to
24 encourage those who are eligible to do so. Some
25 members of the disability community do not

1 participate in the electoral process because they are
2 not fully informed. Voters who are deaf and hard of
3 hearing are left behind as they lack information
4 about candidates, ballot proposals and other related
5 information. It is evident through electoral system
6 as ASL interpreters are not available at poll sites
7 and poll workers cannot communicate effectively with
8 voters who are deaf. Sometimes the language on the
9 ballot is hard to understand for those who use
10 primarily American Sign Language. Without equal
11 access to information, some voters are excluded from
12 the process as they are excluded from this hearing
13 today with a lack of captioning and ASL. CIDNY fully
14 supports Intro 2438 which requires the Campaign
15 Finance Board to publish Video Voter Guides in
16 English, American Sign Language and the top six
17 official languages spoken by the population of New
18 York City. In addition including captions for each
19 such language for each candidate for local elections
20 would broaden the scope and reach of the electoral to
21 include people who lack proficiency in the English
22 Language. The publication of Video Voter Guides
23 captions would benefit people in the disability
24 population, in particular people who are deaf, and
25

2 hard of hearing. Some people may prefer one over the
3 other or a need to try from both for full
4 comprehension so it's important to include both. In
5 addition, it would be helpful if candidates are given
6 the opportunity to provide an audio description so
7 that people who are blind can visualize the person.
8 The introduction of Video Voter Guides would improve
9 public awareness of the candidates, ballot proposals,
10 so citizens can make informed decisions.

11 SGT. POLITE: Time expired.

12 MONICA BARTLEY: On the candidates of
13 choice. CIDNY supports the law to amend the New York
14 City Charter and the administration for the City of
15 New York concerning video voter guides so we first
16 ask you to sign Intro 2438 into law. Thank you very
17 much.

18 C.J. MURRAY, COMMITTEE COUNSEL: Thank
19 you. Council Member Rosenthal did you have another
20 question?

21 HELEN ROSENTHAL: I did. Thank you so
22 much Ms. Bartley. I really want to thank you for
23 your testimony and again if you could send it in both
24 to the City Council and copy me as well, I really
25 appreciate that. I have a specific question for you,

2 um, do you have any thoughts and if you don't, feel
3 free to just email me with your thoughts or to anyone
4 on the panel about how we address a braille version
5 of the physical Voter Guide. Um, is there a way,
6 should we be, should one section be in braille as we
7 have five different languages in the document, should
8 the, should a sixth section be in braille or is there
9 another way to address it? Um, yeah, if you could
10 speak to that first and then I have another question
11 for you.

12 MONICA BARTLEY: The issue off braille is
13 one that I would not want to commend on making it
14 universal. I would rather see braille upon request
15 because some blind people prefer to have an audio
16 version because printing it in braille produces a
17 very huge document and I do not want to comment any
18 further because this one is something that can be
19 debated so I would rather that we have a committee to
20 examine this.

21 HELEN ROSENTHAL: Right, um, and I'm
22 hearing you say a limited version perhaps? In, in
23 braille?

24 MONICA BARTLEY: Yes. Yes.

2 HELEN ROSENTHAL: That could be
3 distributed by organizations that serve the blind,
4 perhaps?

5 MONICA BARTLEY: Right, on request.

6 HELEN ROSENTHAL: Uh, on, upon request.
7 Great. Thank you so much for that. Um, yeah, if I
8 just can confirm, you're going to submit your
9 testimony, I really appreciate that?

10 MONICA BARTLEY: Yes. I already did so
11 but I also send you a copy.

12 HELEN ROSENTHAL: I appreciate that.

13 C.J. MURRAY, COMMITTEE COUNSEL: We'll
14 move on. I'd now like to welcome Cesar Ruiz to
15 testify followed by Nicole Gordon and then Lloyd
16 Feng. Cesar Ruiz you may begin upon the Sergeant's
17 announcement.

18 SGT. POLITE: Time starts now.

19 CESAR RUIZ: Greeting Chair Cabrera,
20 fellow Council Members and Community Members, thank
21 you for the opportunity to testify before you today.
22 My name is Cesar Ruiz, I'm an Equal Justice Legal
23 Fellow working with Latino Justice in the area of
24 voting rights and re-districting. Latino Justice is
25 an organization dedicated to protecting the rights of

2 Latino Community Members across the nation. Since
3 it's inception in 1972, we have worked tirelessly to
4 ensure that Latinos have equitable access to our
5 electoral system. In that same vein, we take a
6 moment here to express our support of Intro 2438
7 while identifying key areas of need to be considered
8 in its adoption. We support this measure with an
9 understanding that video messaging is an effective
10 tool to engage respective voters. New York City's
11 recent Rank Choice Voting, Educational Campaign and
12 use of videos in that effort serve as a gleaming
13 example of the power of Video Messaging as 95% of
14 voters served by Common Cause and Rank to Vote in its
15 recent Rank Choice Exit Vote and found that Rank
16 Choice Ballot was simple to complete and 78% of New
17 Yorkers said that they understood Rank Choice Voting
18 extremely or very well. Furthermore, we understand
19 this measure to be an effective tool for engaging
20 ethnic and language minority groups as large
21 percentage of language and ethnic minority group
22 members polled stated that they understood Rank
23 Choice Voting and also found their ballots simple to
24 complete. Given these findings it's clear that Video
25 Messaging can help fully inform current and

2 perspective voters in a way that allows them to be an
3 active and engaged participant in the electoral
4 process, thus, we commend the Council on its efforts
5 to expand access through Intro 2438. While we are
6 supportive of the core of the proposal we want to
7 highlight a few areas of concern that we urge the
8 Council to consider in its adoption. First, although
9 the bill proposes that New York City Campaign and
10 Finance Board would publish the material online we
11 urge the adoption of language which would also
12 require that the Video Voter Guides be advertised on
13 local media channels and other forms of advertisement
14 to ensure that it reaches all sectors of the New York
15 population. The idea of this information would only
16 be available if individuals can or have access to
17 internet, it would defeat the purpose of expanding
18 accessibility and voter education, thus we urge the
19 adoption of language to create access in a meaningful
20 way to all voters, especially Spanish dominant voters
21 with language access issues have historically
22 prevented them from fully and freely exercising their
23 right to vote. Second, we also urge the adoption of
24 language that would create more robust processes and
25 outreach to language minority committee members and

2 community based organizations to derive effective and
3 comprehensive messaging regarding the paper and video
4 voter guides to properly inform language minority
5 voters more precisely on the ballot. As the recent
6 failure of ballot proposal 110 shows there are
7 serious issues in developmental effective messaging
8 which in turns desperately impact language minority
9 community members. A recent spectrum one news
10 reports that are striking 13% of New Yorkers left
11 ballot proposal blank. That number increases as we
12 assess the impact particularly on boroughs with
13 larger proportions of language minority group
14 members. For example, in the Bronx County where
15 Latinos form a majority of the population.

16 SGT. POLITE: Time expired.

17 CESAR RUIZ: 4.8%, we saw that 26% of
18 voters left ballot proposal one blank. Disparity
19 shown here speaks to a lack of effective messaging
20 aimed at language minority group members and an
21 overall failure to create materials and engage them
22 in a way that allows them to effectively cast their
23 vote. Meaning creating access for minority group
24 members in these developing resources which will
25 speak to their needs in relation to casting their

2 ballot, adding language which creates a process that
3 engages community members in the production of paper
4 and video voter guides. I want to ensure that these
5 resources increase access by allowing language access
6 minority group members, advocacy groups to define the
7 areas of needs and for those needs to be addressed in
8 that process. A few examples of ways and I'll, I'll
9 just cut the other points and I'll submit written
10 testimony on this as well. Um, one point that I want
11 to codify was limiting the use of hyper-technical
12 terminology and messaging and focusing on accessible
13 language so that community members can meaningfully
14 understand, um, and lastly we want to urge adoption
15 of language that would create continuous voter
16 education program through a Video and Paper Voter
17 Guides. Currently the city publishes an online voter
18 guide and does the paper guide that is mailed out for
19 general elections, expanding those efforts beyond the
20 current level would greatly increase access ensuring
21 that all voters are consistently engaged and aware of
22 the upcoming primary and general elections. Thank
23 you so much.

24

25

2 C.J. MURRAY, COMMITTEE COUNSEL: Thank
3 you. I see Council Member Rosenthal has her hand
4 raised.

5 HELEN ROSENTHAL: I do. Thank you. So
6 if, I understand properly. Oops, am I unmuted. Yes.
7 Oh, okay, sorry. Um, so if I understand your
8 testimony you're in support of the bill, you want to
9 add to it?

10 CESAR RUIZ: Yes.

11 HELEN ROSENTHAL: Requirements of
12 advertising, etcetera. Is that, am I hearing you
13 right?

14 CESAR RUIZ: Yes.

15 HELEN ROSENTHAL: Okay. Great. Thank
16 you very much I look forward to reading your
17 testimony.

18 CESAR RUIZ: Thank you.

19 C.J. MURRAY, COMMITTEE COUNSEL: And now
20 I'd like to welcome Nicole Gordon to testify followed
21 by Lloyd Fend. Nicole Gordon you may begin upon the
22 Sergeant's announcement.

23 SGT. POLITE: Time starts now.

24 NICOLE GORDON: Uh, I don't have my
25 written testimony so I don't want to get into any

2 detail about what's under discussion here about the
3 budget provisions applied to the Campaign Finance
4 Board. I do want to thank you Chairman Cabrera for
5 your kind words to the board and staff of the
6 Campaign Finance Board. It was the first executive
7 director of the New York City Campaign Finance Board.
8 I served in that capacity for almost 18 years. I'm
9 very proud of the staff and the board from that time
10 and up until now and I want to say to Chairman
11 Cabrera that you're comment that's it a tough job
12 could not be more appropriate. Non-partisanship in
13 operations is hard to legislate but it is a culture
14 at the Campaign Finance Board and I would caution you
15 that the City Council should be incredibly proud of
16 this program and having also passed it in addition to
17 the Charter having been adopted and should be
18 incredibly proud and incredibly cautious of that,
19 anything that might diminish any aspect of the work
20 of the Campaign Finance Board. Once that happens, it
21 is very hard to correct and especially in a situation
22 here when it is not persuasive. Thank you.

23 C.J. MURRAY, COMMITTEE COUNSEL: They do.

24 I'd not like to welcome Lloyd Feng to testify. Lloyd
25 Feng you may begin upon the Sergeant's announcement.

2 SGT. POLITE: Time starts now.

3 LLOYD FENG: Thank you Chair Cabrera and
4 the Committee for including our testimony on Intro
5 1937 today and Bill sponsor Council Member Dromm for
6 his tireless championing of the data this cause. My
7 name is Lloyd Feng Policy Coordinator at the
8 Coalition for Asian American Children and Families,
9 CACF. For 35 years CACF has led the fight in New
10 York City for improved inequitable policies, systems
11 and services in support of those most marginalized in
12 the API community. We are a member organization with
13 over 70 API led members and partners serving the API
14 community which is the fastest growing population in
15 New York City comprising up to 18% of the City's
16 total population. In addition to the proposed
17 changes already in Intro 1937 CACF would like to
18 offer recommendations focused on three areas, one
19 form development, two data collection and form
20 administration and three data publication. In the
21 form development phase we propose the following
22 changes, 1) to find an inclusive and standardized
23 criteria for deciding which top 30 largest answers
24 free group and languages are spoken in categories
25 appear in City agency forms so that even when

populations fluctuate an answer free groups and languages spoken technically are no longer in the top 30, such categories would be specified on the forms.

2) Ensure the high standards of language accessibility by offering such forms in at least the top 30 language groups spoken in New York City are available in electronic and paper format across City agencies and that competent translators and/or timely translation services are available for City residents to use when filing out such forms. 3) Ensure forms

include questions that ask and record the reasons for which the respondent originally contacted the city agency. In the data collection and form

administration phase we recommend the following 1) develop clear benchmarks for when intentional data collection and form administration efforts in each agency should occur. 2) Stipulate proper training

for agency employees and volunteers involved in form admin grounded in cultural humility and in meeting our communities where they are. Uh, in the data

publication phase we recommend the follow: 1)

mandate specific deadlines for each year by which City Agencies must have collected such data and when the Office of Operations must release such data to

2 the public. 2) Mandate at that the Office of
3 Operations present the data collected in a format and
4 with tools that are easy for the public's diverse and
5 users to use. Finally, I just wanted to say we much
6 implement data arrogation properly beginning with a
7 robust comprehensive revision bill that compels city
8 agencies to effectively implement the policy or
9 otherwise risk perpetuating the cycle of neglect and
10 lack of understanding that continues to harm our
11 communities. Thank you so much to Chair Cabrera.
12 Congratulations on ending your tenure and the
13 committee for your time today. We at CACF are happy
14 to help as you determine how best to craft the
15 language in the revision bill so that City Agencies
16 can collect better data on who they serve and thus
17 better serve all New Yorkers. Thank you so much.

18 C.J. MURRAY, COMMITTEE CLERK: Thank you.

19 I believe we've now gone through all of our
20 registered witnesses who are on the call. So, at
21 this time if your name has not been called and you
22 wish to testify, please use the Zoom Raise Hand
23 Function. And seeing no hands raised, I'll turn it
24 over to Chair Cabrera for closing remarks.

2 CHAIRPERSON FERNANDO CABRERA: Thank you
3 so much. And again, I want to thank all the advocacy
4 groups, you do an amazing amount of work, often
5 unknown by the general public. But you do move the
6 needle and you make us also better. So, I want to
7 thank you all for, in my experience the last 12 years
8 working here in the Council for all the contributions
9 that you have made. The former director of CFB,
10 thank you for those words. My, my phone, I had to
11 switch technology here so I was muted but thank you
12 for those words and in the, the working CFB is
13 heartiest, its tough, it's, it's very difficult.
14 Government is not easy at any level because decision-
15 making, decisions are made on a daily basis that
16 literally impact and you have groups quilling from
17 different interest groups, but at the end of the day
18 it's all about the people. It's all about the
19 people. And so, with that, I want to thank you
20 again, C.J. Murray, thank you. You've done a
21 fabulous job. Thanks to Sebastian Pachi, you've made
22 my job so much easier and so much enjoyable. I wish
23 we had Elizabeth Cronk, and Emily Forjo, who, but
24 what a team. We had great times working together and
25 just brain storming and it just made it such a

2 pleasurable experience and my Director of Legislative
3 Affairs, Clark Pena, who I know is listening right
4 now. Thank you for all the fantastic work that you
5 have done, Sgt. O'Barnes and my colleagues in this
6 wonderful committee my hat's off to you. I know them
7 personally and I know they do it from a good place
8 and so I salute every single one of them. And so
9 with that, we conclude today's hearing and for the
10 very last time I get to do this (gavel pounding).
11 God bless you all. Thank you.

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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 JANUARY 18, 2022