

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON GOVERNMENTAL OPERATIONS

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MARCH 12, 2019
Start: 10:00 a.m.
Recess: 3:35 p.m.

HELD AT: COMMITTEE ROOM - CITY HALL

B E F O R E: FERNANDO CABRERA, CHAIR

COUNCIL MEMBERS: BEN KALLOS
ALAN N. MAISEL
BILL PERKINS
KEITH POWERS
YDANIS A. RODRIGUEZ
KALMAN YEGER
DANEK MILLER
MARK TREYGER
DEBORAH ROSE

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

LISETTE CAMILO, Commissioner of
Department of Citywide Administrative
Service (DCAS)

ANTHONY FIORE, Deputy Commissioner Energy
Management

DAWN PINNOCK, Civil Service, Executive
Deputy Commissioner

RICHARD BADILLO, Deputy Commissioner for
Fiscal and Business Management and Chief
Financial Officer

KEITH KERMAN, Deputy Commissioner Fleet
and Chief Fleet Officer

LAURA RINGELHEIM, Deputy Commissioner
Real Estate Services at Department of
Citywide Administrative Services (DCAS)

ZACHARY CARTER, Head of Law Department

MICHAEL J. RYAN, Executive Director Board
of Elections (BOE)

DAWN SANDOW, Chief Democracy Officer for
Board of Elections

JOHN CASTELLI, Deputy Commissioner OATH

MARISA SENIGO, Deputy Commissioner OATH

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

LINDA MAY, Deputy Commissioner OATH

ANNA SIMPSON, Intern Community Board
student at New York University

JOHN SANDCHEZ, Community Board 6 District
Manager, Bronx

LAURA SINGER, Community Board 15 District
Manager, Brooklyn

JOSEPHINE BECKMAN, Community Board 10
District Manager Brooklyn

SHAWN CAMPBELL, Community Board 14
District Manager, Brooklyn

PAM FILA, Community Board 4

SUSAN STITZER, Community Board 3

WALLY RUBEN, Community Board 5

JESSIE BOUDE, Community Board 4

ANGEL MISCAINE, Community Board 11,
Manhattan

PAUL PHILLIPS, City Board

CELESTINE LIAM, Community Board Brooklyn
Community Board 4

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

WILIAM RIVERA, Community Board 9 from
Bronx

DARLENE JACKSON, District 18

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2 JOHN BIANDO, SARGEANT AT ARMS: This is a
3 microphone check. Today's date is March 12, 2019.
4 Preliminary Budget Hearing on the Committee of
5 Governmental Operations, being recorded by John
6 Biando, City Hall, Committee Room.

7 CHAIRPERSON FERNANDO CABRERA: (gavel
8 pounding). Good morning everyone and welcome to the
9 City Council Governmental Operation Committee Fiscal
10 2020 Preliminary Budget Hearing. I am Fernando
11 Cabrera, Chair of the Committee. Today we will be
12 hearing testimony from the Department of Citywide
13 Administrative Services, the Law Department, the
14 Board of Elections, the Office of Administrative
15 Trials and Hearings and from the City's Community
16 Boards so we are going to have a very long day here.
17 Regarding the Fiscal 2019 and Fiscal 2020 Budget.
18 After hearing from these Agencies, we welcome members
19 of the Public to provide testimony to the Committee
20 as well. The time for the Public testimony will
21 begin at 3 p.m. The Agencies testifying today carry
22 out many of the most important functions that keep
23 the City moving, running. Including managing the
24 City's vehicle fleet, defending us from lawsuits,
25 conducting our elections and running our

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2 Administrative Courts. As a member of the Committee
3 on Governmental Operation it is our job to work with
4 these Agencies to ensure that all of these critical
5 work gets done effectively and efficiently. In order
6 to do our best, let me see this. I will begin, in
7 order to best do so we look forward to hearing more
8 detail regarding these Agencies Budgets and whether
9 or not this funding is being used in the best way
10 possible. I would like to thank Financial Analyst,
11 Zach Harris, Committee Counsel Daniel Collins, Policy
12 Analyst Elizabeth Kline and Emily Fargone for all of
13 their help in preparing for this hearing. In
14 addition, I would like to acknowledge the members who
15 are not here yet but I'm sure they are on the way.
16 Uhm so we will get to that later. Now, we would like
17 to begin this hearing by welcoming Lisette Camilo,
18 the Commissioner of the Department of Citywide
19 Administrative Services. Thank you, Commissioner,
20 for testifying before us today. DCAS Fiscal 2020
21 Preliminary Budget totals \$1.2 billion including \$250
22 million in personnel services funding to support
23 2,490 full-time positions, \$725 million or 61% of
24 DCAS Budget is allocated for the Citywide heat, line
25 and power bill. This is the City's Utility Bill

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2 which DCAS manages and pays for all of the City
3 Agencies through its Energy Management Division.
4 That is a tremendous lipened. DCAS as a diversion
5 mission that impacts almost all of its aspects of
6 City Operations. It is the City's Real Estate
7 Manager, Leasing private space for the City Agencies
8 and leasing city-owned space to private entities. It
9 manages a fleet of 31,000 vehicles. The largest
10 municipal fleet in the nation. It administers exams
11 to inspiring Civil Service Employees and manages
12 goods and services procurement through the Office of
13 Citywide Purchasing. Today, we look forward to
14 discussing many aspects of DCAS' operation including
15 the Agency's efforts to reduce greenhouse gas
16 emission from the City buildings, the state of the
17 Citywide Electric Vehicle Fleet and the status of the
18 non-public school security guard's program. With
19 that I will, I will please ask the Committee Counsel
20 to administer the oath.

21 COUNSEL: Will you both please raise your
22 right hand. Do you affirm to tell the truth, the
23 whole truth and nothing but the truth in your
24 testimony before this Committee and to respond
25 honestly to Council Member questions?

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2 CHAIRPERSON FERNANDO CABRERA: Thank you
3 Commissioner you may begin.

4 LISETTE CAMILO: Thank you very much.

5 Good morning everyone. Uhm I'm Lisette Camilo,

6 Commissioner of the Department of Citywide

7 Administrative Services and I'm joined today by Rich

8 Badeo who is the Deputy Commissioner for Fiscal and

9 Business Management as well as other members of my

10 Senior Team. Uhm thank you Chairman Cabrera for, for

11 inviting me to discuss DCAS Preliminary Budget for

12 Fiscal Year 2020. At DCAS we are customer focused

13 and service driven. Our mission is to provide value-

14 added and effective shared services to support the

15 Operations of New York City Government. The work is

16 animated by three core values, Equity, Effectiveness

17 and Sustainability. Equity. Ensuring that City

18 Government leads the way on having a diverse and

19 inclusive work place and providing all New Yorkers

20 with an opportunity to get ahead. Effectiveness.

21 Leveraging our expertise to connect customers with

22 the resources and services they need.

23 Sustainability. Mobilizing our resources to problem

24 solve at scale to support the New York City of

25 tomorrow. I am proud of our Agency's work and how it

2 reflects our core values. DCAS now has Civil Service
3 Testing Centers in all five boroughs making Civil
4 Service Exams more accessible to all New Yorkers.
5 Over the last year and a half alone we opened three
6 new Centers. Prior to the opening of these Centers,
7 people in the Bronx for example had to travel to
8 downtown Manhattan or Brooklyn to take Civil Service
9 Exams. Opening these Centers has removed a barrier
10 to stable long-term employment opportunities in City
11 Government. In DCAS role of managing Citywide
12 Procurement we recognize that City Contractors should
13 reflect the talents and diversity of all New Yorkers.
14 That is why over the last Fiscal Year, DCAS
15 participated in 34 MWBE vendor contracting events and
16 hosted bi-monthly sessions with MWBE vendors to
17 discuss procurement opportunities. This work is
18 yielding real results. Between Fiscal Year 2017 and
19 Fiscal Year 2018, we increased our contract awards to
20 MWBEs by 26%. In less than one year, DCAS has
21 deployed Sexual Harassment Prevention Training to
22 over 329,000 city employees. This was one of the
23 largest and fastest deployments we have ever had for
24 a training and sends a clear message that the City of
25 New York will not accept any form of workplace

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2 harassment or discrimination. In close partnership
3 with the Council and State Lawmakers, over the last
4 two years DCAS has reduced the number of provisional
5 employees from 23,297 to 16,420. This is a historic
6 low and it was made possible by administering a
7 record high number of Civil Service Exams. Last
8 Fiscal Year we administered 274 exams, more than any
9 other year on record. Since Mayor de Blasio took
10 office in 2014, DCAS has increased the amount of
11 solar power it generates on city properties more than
12 10-fold. This demonstrates real leadership at a time
13 when Washington is turning its back on Climate
14 Change. During the last Fiscal Year, the City's Lite
15 Duty Vehicle Fleet achieved a historic milestone.
16 Vehicles we purchased averaged an over 100 miles per
17 gallon fuel economy equivalent. You heard that
18 right, 100 miles per gallon. The expansion of our
19 use of electric vehicles and hybrids has resulted in
20 less fuel being used per mile driven. In contrast,
21 the Trump Administration is rolling back Federal Fuel
22 Economy Standards that were set at 54 miles per
23 gallon. And since Fiscal Year 2014, DCAS has
24 completed Energy Efficiency Projects in over 1,000
25 locations which have avoided what would have an

2 additional \$60 million in energy costs. This energy
3 reduction is the equivalent of taking over 31,000
4 cars off of our streets. This is just a small
5 snapshot of the work that we do and the unprecedented
6 progress our Agency has made. It's a testament to
7 the dedication of our over 2400 employees. They
8 embody our commitment to providing outstanding
9 customer service so that City Government can best
10 serve all New Yorkers. I am here today to discuss
11 how we plan to build on that success. A Budget is
12 one of the clearest ways to show your true priorities
13 and the investments that we are proposing will help
14 keep DCAS headed in the right direction. And while a
15 Budget is built on numbers, its animated by people
16 and a mission to improve lives and make New York City
17 the fairest big city in America. The majority of
18 DCAS expense budget covers utility cost for City
19 Agencies and of the \$1.2 billion budget \$725 million
20 is allocated for heat, light and power. These are
21 fixed costs based on forecasted energy usage and
22 utility rates. The good news is that DCAS has helped
23 City Agencies become more energy efficient and is
24 generating an all-time high amount of green energy on
25 City properties. The second largest expense is the

2 salaries of our 2400 employees. These are the highly
3 skilled dedicated men and women who make sure we
4 adequately provide for Government Operations. In the
5 Fiscal Year '20 Preliminary Budget DCAC received
6 expense funding to enhance its services through joint
7 efforts with other city agencies. Two of these
8 initiatives related to our management of the City's
9 Vehicle Fleet. In total, DCAS received \$887,000 in
10 Fiscal Year 2020 for fleet related investments. This
11 includes \$625,000 for a Vision Zero initiatives that
12 helps protect pedestrians and cyclists by installing
13 sideguards on City trucks, in the event of a side
14 impact collision, this safety equipment can help
15 prevent pedestrians and vehicles from sliding
16 underneath the trucks. The other major component of
17 the Fleet Initiatives Funding is \$626,000 to support
18 electric vehicle chargers. The City of New York has
19 the single largest fleet of electric vehicles in
20 their country with over 1750 on road electric
21 vehicles in operation. To support and expand its
22 growth we need to invest in additional electric
23 vehicle charging capacity. Next, I would like to
24 discuss Agency Efficiency Initiatives. As requested
25 by OMB DCAS has identified savings in areas that will

2 not adversely affect the agency's delivery of core
3 services. These efficiency initiatives include
4 elimination of vacant positions. To help cut costs,
5 DCAS will eliminate 24 vacant positions generating an
6 annual savings of \$2 million. Reimbursements from
7 the New York State Office of Court Administration.
8 The New York State OCA recently opened a port officer
9 training academy this past December and requested
10 that DCAS perform the cleaning and maintenance of
11 this facility. OCA is reimbursing DCAS for all
12 cleaning and maintenance of this facility as well as
13 fringe benefits and overhead expenses. DCAS projects
14 reimbursement of approximately \$660,000 of the
15 expenses to be incurred at the Training Academy.
16 This is in addition to the millions of dollars we
17 have helped other agencies save through our
18 partnership with OMB on city-wide savings
19 initiatives. Such savings include, city-wide fleet
20 management, office and warehouse space management and
21 recovering overpayment by agencies to private
22 landlords. The Fiscal Year 2020 Preliminary Budget
23 reflects that DCAS will recover \$3 million along from
24 auditing lease payments issued to landlords by city
25 agencies. In terms of revenue, the Fiscal Year 2020

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2 Revenue Budget is \$64.3 million primarily due to
3 three factors. (1) A projected \$43.1 million in
4 private rentals of city owned property, DCAS largest
5 source of recurring revenue. (2) \$8.9 million for
6 the sale of surplus vehicles and other city-owned
7 equipment and (3) \$3.8 million from applicant filing
8 fees for Civil Service Examinations. For our Capital
9 Plan the Preliminary Budget reflects and updated
10 four-year plan of \$2.6 billion from Fiscal Year 2020
11 through Fiscal Year 2023. This plan includes
12 maintenance and enhancements to DCAS facilities,
13 obtaining lease spaces and continuing our energy
14 conservation work. The Executive Capital Budget for
15 Fiscal Year 2020 is \$771.6 million and will allow us
16 to complete three core initiatives. (1) DCAS
17 Capital Construction Program for city-owned offices
18 and court buildings totals \$445 million in Fiscal
19 Year 2020. While this includes the routine
20 operations and maintenance of our buildings it is
21 also a part of a broader focus on how agencies more
22 efficiently use office space in our municipal
23 buildings. (2) The Capital Plan for Fiscal Year
24 2020 includes \$254.2 million for energy conservation
25 and green energy projects. This includes lighting

2 retrofits, HVAC upgrades, steam distribution
3 improvements and clean energy projects like solar PV,
4 solar thermal and co-generation. (3) \$10.8 million
5 has been allocated to install 100 fast electric
6 vehicle chargers. These chargers will speed up the
7 charging process, keeping vehicles on the streets,
8 serving New Yorkers and not docked at an outlet.
9 DCAS has a clear vision for how it will continue to
10 provide effective shared services to support the
11 operations of City Government. Under the leadership
12 of Mayor de Blasio and with the dedication of our
13 entire DCAS team we have made enormous strides in
14 advancing our mission and doing so with a clear focus
15 on equity, effectiveness and sustainability. Our
16 work is also an extension of our partnership with the
17 City Council. As the elected leaders of our
18 communities across our great city, your insights,
19 your ideas and your support are critical. We wanted
20 to make sure that the work that we do supports all
21 city agencies but they can best serve your
22 constituents and all New Yorkers. Thank you for the
23 opportunity to testify about DCAS Preliminary Budget.
24 I would be happy to answer any of your questions.

2 CHAIRPERSON FERNADO CABRERA: Thank you
3 so much uhm Commissioner. First, I want to commend
4 you for the many advancements that you listed. I
5 don't want to be redundant and give the descriptions
6 you made but uhm in just the last few years you have
7 made tremendous advancement, progress, in meeting
8 goals, I will let Council Member Miller who will be
9 here soon talk about the Civil Service Exam, it is a
10 passion of his. As you know, we had a hearing
11 together uhm regarding that but I'll defer to him
12 regarding that. Uhm let me just jump right in and
13 uhm regarding capital, I note that we have a
14 projected \$43.1 million in private rentals, city-
15 owned properties. Are we, thinking of keeping these
16 properties? Do you have uhm properties that are
17 going to be for sale? What are the future plans?

18 LISETTE CAMILO: Currently there are no
19 plans to auction off or sale any of our building or,
20 or large properties that we current use for, for city
21 operations.

22 CHAIRPERSON FERNADO CABRERA: You know I
23 am glad to hear that because sometimes it baffles me
24 in years past that we were selling property only to
25 come back and say hey will need more property and

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2 lease property when we owned property. So, I uhm, I
3 concur with you that we shouldn't be selling our
4 property stock that we have at the moment, the fact
5 of how expensive it is getting in the City. Uhm let
6 me jump to the Diaper Bill. Uhm can you give us an
7 update on the status of the implementation of Local
8 Law 182. That was passed last year.

9 LISETTE CAMILO: Uhm as you recall, the
10 law requires DCAS to set up contracts for the sale of
11 diapers for some of the human service agencies to
12 procure or obtain the diapers for their clients. I
13 am happy to report that those contracts are in place
14 and Agencies have been using their contracts to, to
15 procure diapers.

16 CHAIRPERSON FERNADO CABRERA: So, we are,
17 are we in all the facilities? Is this providing all
18 of the facilities that wanted to have them at this
19 point?

20 LISETTE CAMILO: So, we were required to
21 set up the contracts. It is incumbent on the Social
22 Services Agencies to, to buy off them so, I, I, you
23 would have the, all of the Agencies to see what
24 facilities they are in but we certainly put that
25 resource for them.

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2 CHAIRPERSON FERNADO CABRERA: So, who's
3 the one who holds them accountable? Is it DAC or?
4 Or they have to self-monitor themselves?

5 LISETTE CAMILO: It's a local law so
6 oversight I think is provided certainly by uhm the
7 City Council. We make the contract available to them
8 and they then will procure it off of those contracts.
9 They also.

10 CHAIRPERSON FERNADO CABRERA: But do you
11 guys check on them? Do you say hey? You know?

12 LISETTE CAMILO: Monitor usage.

13 CHAIRPERSON FERNADO CABRERA: Okay, okay,
14 great. Let me just uhm recognize Council Member
15 Perkins who has been here from the very beginning and
16 Council Member Ben Kallos. Uhm let me uhm jump to.
17 Energy Management. Can you give us a little bit more
18 detail on the Excel Programs?

19 LISETTE CAMILO: Sure, I will uhm ask
20 Deputy Commissioner Anthony Fiore to join us.

21 CHAIRPERSON FERNADO CABRERA: How about
22 we just swear you in.

23 COUNSEL: Do you affirm to tell the
24 truth, the whole truth and nothing but the truth in
25

2 your testimony before this Committee and to respond
3 honestly to Council Member questions?

4 ANTHONY FIORE: Yes. Good morning Chair
5 and good morning Committee. My name is Anthony Fiore
6 and I'm Deputy Commissioner for Energy Management at
7 DCAS. And you asked a question about our Excel
8 Program, that is our expense funded grant program
9 each year, we go out to our agency partners and we
10 ask them to provide proposals for energy efficiency
11 projects, studies, tools, training, outreach
12 materials and so forth and we, we review those
13 applications and we grant funding on a competitive
14 basis for those.

15 CHAIRPERSON FERNADO CABRERA: Sorry, uhm
16 do you uhm do you, have you done a study in terms of
17 the square footage of roofs that we have and how much
18 of that we had covered with solar panel?

19 ANTHONY FIORE: Yes, we have as part of
20 local law 24, uhm we did a study looking at all of
21 the City Building roofs to see if they are solar
22 ready. Out of that report we found just over 400
23 buildings with roofs that are ready for solar
24 installation.

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2 CHAIRPERSON FERNADO CABRERA: And when do
3 you foresee that we will be providing them with solar
4 panels?

5 ANTHONY FIORE: So as the Commissioner
6 mentioned since Fiscal Year '14 we've installed 10-
7 1/2 megawatts of solar. That's a 10-fold increase
8 from uhm Fiscal Year '14. We have.

9 CHAIRPERSON FERNADO CABRERA: Can you
10 help me with that 10-fold because if you only have
11 one and you that doesn't sound like a whole lot.

12 ANTHONY FIORE: Yeah so before Fiscal
13 Year '14, there was less than 1 megawatt installed on
14 city buildings. Uhm and so we've come quite a long
15 way from then. We have an additional 20 megawatts in
16 active development right now. We have identified 25
17 more megawatts in our pipeline and then there is 15
18 megawatts of solar ready but uhm buildings but not
19 yet in progress. So, all told that is about 70
20 megawatts of solar that we, that we have envisioned
21 for.

22 CHAIRPERSON FERNADO CABRERA: So, in
23 terms of buildings, getting back to the building uhm
24 question, you said there are 400 buildings. How many
25

2 of those do you foresee that we will do in the next
3 year? In the next four years?

4 ANTHONY FIORE: Uhm so let me speak in
5 terms of megawatts if I can. In terms of number of
6 buildings. We've completed projects in about 57
7 buildings to date. Uhm I think we have another 168
8 in the pipeline but by the end of Fiscal Year '20, we
9 expect to have 35 megawatts in total installed.

10 CHAIRPERSON FERNADO CABRERA: Okay,
11 tremendous. Okay Council Member Ben Kallos. It is
12 an honor to have been joined by Council Member Miller
13 and uhm we are in a really tight clock today, so,
14 members we have until 11 o'clock, 11 o'clock if we
15 could stay to that time, I'd really appreciate it.
16 So, we are going to do a 5-minute clock, if we have
17 time, we can go back for uhm questions.

18 BEN KALLOS: Thank you uhm second round.
19 Uhm thank you to Governments Operations Chair, uhm
20 Fernando Cabrera. I see uhm that we've been joined
21 by Civil Service uhm Chair Daneek Miller and uhm I
22 think I will want to share my time with uhm Council
23 Member Miller. I would like to start off, I need
24 Dawn Pinnock to please come to the table. She knows
25 what I'm going to ask about, because it's something

2 that I've asked about for five years and I know that
3 my uhm colleague will want to ask about it. Uhm in
4 the Commissioners Testimony, you noted that versus in
5 2017 where we actually more Provisionals than this
6 administration started with at one point, you now are
7 down to 16,420 Provisionals. Which in the testimony
8 you are noting to be a historic low but it is not as
9 low as was originally predicted in 2014 when he
10 started and I appreciate that you have administered
11 274 exams. How, how much further can we get this?
12 How do we get the number of Provisionals down to
13 zero? So that everyone in our city's Civil Service
14 is actually there because they took an exam not
15 because of who they know.

16 COUNSEL: Awesome. Thank you. Do you
17 affirm to tell the truth, the whole truth and nothing
18 but the truth in your testimony before this Committee
19 and to respond honestly to Council Member questions?

20 DAWN PINNOCK: Yes, I do. Good morning.
21 I'm so, in response to your question I just want to
22 clarify a few things. Uhm specifically as it relates
23 to Civil Service, the system in and of itself is not
24 designed to ever have their provisional serving, just
25 given the dynamic nature of work performed across the

2 City it is natural that in order to meet the City's
3 operational needs that there will be an ongoing need
4 to hire. Not with standing Provisionals who serve in
5 competitive positions today. There are essentially
6 employees awaiting testing. Uhm with respect to our
7 numbers, you know we are very proud of where we stand
8 today as indicated in the testimony. We are at
9 approximately 16,420. I believe our number as of
10 today because we wanted to provide a more recent
11 number to the Committee who are actually at 16,270.
12 It is a record low for the City of New York. We can
13 go back as far as the 1990s, and it is by far the
14 lowest number of Provisionals every recorded for the
15 City of New York. Not withstanding our work
16 continues. So, similar to our last two years where
17 we had a provisional plan reduction plan that focused
18 heavily on Civil Service Examinations,
19 reclassification where appropriate, educating our
20 population, creating new systems that allow for more
21 transparency as it relates to Civil Service. We are
22 still very much on the same path, so our new
23 provisional Reduction Plan, we are once again
24 aggressively testing. We are once again utilizing
25 our qualified Incumbent Examinations which were very

2 helpful in allowing us to fully automate our exams by
3 having a quicker turnaround of lists and we are
4 continuing to work with agencies to address issues
5 relating to uhm provisional hiring as well.

6 BEN KALLOS: I am looking at the MMR and
7 goal 1c ensure timely administration of Civil Service
8 Exams, uhm in FY18 you uhm for FY17 you had 183 and
9 FY18 you did 254, which is a great number. It is
10 similar to what you testified to; however, your
11 target for this coming Fiscal Year is actually going
12 back to, back in time three years to only 124, don't
13 you think you should be doing that? Also, you got
14 your median time to exams down from 314 days in
15 Fiscal Year 16 which is almost a year down to 78 days
16 which I have to ask if that is an error or if that is
17 something that we will see continued. But then your
18 target is 290, this seems uhm counter intuitive in
19 counter to your testimony, are these errors and how
20 you fix the MMR?

21 DAWN PINNOCK: Thank you for uhm flagging
22 the numbers and I am more than happy to explain.
23 Specifically, as it relates to our cycle time, we
24 have mentioned on numerous occasions that really the
25 number, the significant decrease was specifically due

2 to our qualified incumbent exam. It is the only
3 fully automated exam that the city has currently and
4 it allows us to turn around a list in about uhm three
5 months. That is unprecedented for the City and so we
6 will continue to use that as one of our testing
7 methods. Notwithstanding, we still have a
8 significant number of exams that are manual and so
9 uhm, we are working to expedite the process. And you
10 will also notice that uhm

11 BEN KALLOS: And I only have 30 seconds
12 left.

13 DAWN PINNOCK: Right but I'd like to
14 clarify the numbers if I may. Uhm specifically
15 relating to the 290 uhm that does. It shows what the
16 cycle time uhm potentially was but it is not a
17 reality because she is working on two different
18 paths. Uhm and so uhm I'm more than happy to
19 clarify, I understand that you are short on time.

20 BEN KALLOS: Uhm so my last questions in
21 my last 10 seconds. So just two, on the truck side
22 guardrails which we were able to secure in 2014, I
23 want to make sure that all of those will be installed
24 and all of those trucks will have side guardrails if
25 they are coming to a marine transfer station or a

2 residential District on the upper east side and last
3 but not least, please share the list of buildings
4 that are pending uhm deed restrictions uhm and where
5 you are on the process of that along with every single
6 address.

7 CHAIRPERSON FERNANDO CABRERA: Great,
8 thank you. So much I think we are going to have
9 definitely time to come back around, uh let me turn
10 it over to Council Member Miller and I believe right
11 after that we will have Council Member Yeger and we
12 will do a second round and we will be finishing this
13 round at 11 o'clock.

14 DANEEK MILLER: Okay thank you Chair
15 Cabrera. Thank you very much Commissioner to you and
16 your team, thank you. So, I would say I want to
17 concentrate on the human capital as my colleague just
18 talked about. The provisional reduction plans. I'm
19 kinda going to leave that alone because we have had a
20 lot of conversation about that but I do want to know
21 uhm could you provide updates on the Department's
22 effort to order me the education experience causing
23 the supplement you were talking about doing as well
24 as update the online portal and that is all I have to
25 say about that portion for now.

2 DAWN PINNOCK: Thank you uhm the online
3 portal was actually launched on January 28th of this
4 year. Uhm, so in addition to allowing Civil Service
5 applicants to apply for Civil Service Exams it
6 provides them with greater transparency than what
7 they have every had. It provides them with their
8 list number on an actual list after they have taken
9 an exam, it also provides their Civil Service
10 History. So, we have many clients who have taken
11 multiple Civil Service Exams and it provides that
12 full history as well. And so, we did provide you
13 know a few demos for HR Professionals across the
14 city, for you uhm Council Member Miller, we
15 appreciated you support of getting that launched.
16 Uhm in terms of our education and experience exam,
17 that is another path we are working on closely with
18 our IT Department. Uhm we are slated to complete
19 that project in late 2020.

20 DANEEK MILLER: Okay great. Uhm can we
21 talk a little bit about the head count within the
22 Department of DCAS and uhm how many civilian
23 employees you have and whether or not there was
24 outsourcing happening and if so, what, what are we
25

2 doing, any provisions to make sure that we bring
3 those jobs back in.

4 LISETTE CAMILA: Can you? I'm sorry, can
5 you repeat the question?

6 DANEEK MILLER: So, uhm you operate a lot
7 of facilities and buildings and brick and mortars
8 throughout the city, maintenance and uhm those who
9 maintain the properties and so forth are the DCAS,
10 Civil Service employees or are they outsourced? How,
11 how does that work?

12 LISETTE CAMILA: Actually, we have uhm the
13 majority of our Facilities Management Team of the
14 2400 employees are Civil Service and we have uhm
15 custodians who maintain the buildings cleanliness,
16 who are DCAC employees, we employ shops so its skills
17 trades, Civil Service employees who do a lot of the
18 routine maintenance of the buildings as well. So,
19 we, we do a lot.

20 DANEEK MILLER: What percentage? Of
21 maintenance uhm do those maintain in these
22 facilities? Do you know are non-Civil Servants?

23 LISETTE CAMILO: There are, we don't have
24 very many. We have, we work with a nonprofit called
25

2 CEO to provide uhm the, through a contract, a very
3 small number. Who provide?

4 DANEEK MILLER: And how about security?

5 LISETTE CAMILO: Security, we do a
6 contracted security vendor uhm but we also have a
7 very through, a very large DCAS Police Force who also
8 provides security as well.

9 DANEEK MILLER: And then what is their
10 title?

11 LISETTE CAMILO: Uhm Special Officers.

12 DANEEK MILLER: Special Officers.

13 LISETTE CAMILO: Yes.

14 DANEEK MILLER: Do, do, do you know the
15 percentage of the? They do work I've noticed that
16 they work side by side often? Right?

17 LISETTE CAMILO: Yes. Yes. And we can
18 get you those numbers.

19 DANEEK MILLER: Is that the most
20 efficient way to deliver the services do you think?

21 LISETTE CAMILO: Well, we want, we want
22 to make sure that all of our buildings have a
23 presence. It does take a, uhm, uhm, a significant
24 time to train and onboard DCAS Special Officers and
25 we certainly work with OMB to get funding for uh

2 increase in headcount and we have seen a consistent
3 increase throughout the years, but uhm in or... in an
4 effort to make sure that our buildings are safe, we
5 do rely on the contracted vendors to supplement that
6 work.

7 DANEEK MILLER: Are there any uhm
8 contract services on the Human Capital side that,
9 that you guys are engaged in, at that level? What is
10 the percentage of contract services that DCAS is
11 engaged in?

12 LISETTE CAMILO: Within Human Capital we
13 work with ven... third-party vendors to provide some of
14 the training that we provide through for all city
15 workers.

16 DANEEK MILLER: Uh-huh.

17 LISETTE CAMILO: Uhm as you can imagine,
18 we offer a broad array of subject matters uhm and we
19 would need the, the expertise of third-party vendors.
20 We also do have a vendor that would help us develop
21 some of the exams, particularly within the uniformed
22 agencies and titles.

23 DANEEK MILLER: Uh-huh.

24 LISETTE CAMILO: Uh in order to
25 supplement our capacity. As you know, we want to

2 make sure that we have as many exams administered as
3 possible a year.

4 DANEEK MILLER: Okay so let me, let me
5 see if I can squeeze my next to questions in, and
6 that is in preparation for the city's large workforce
7 turnover as is the great percentage in the next year
8 or so will qualify for a 25/55 pension, how do we in
9 terms of preparing these next exams, are we prepared
10 to be able to address that? And then finally uhm put
11 on my Bill and talk about the MWBE participation. I
12 notice your testimony said that you were up 26% but
13 the Controllers report said that we were spending
14 uhm, we had not reached our target goal in terms of
15 expenditure, where are we on that? And what can we
16 expect in the future?

17 LISETTE CAMILO: We uhm as I mentioned in
18 my testimony. We certainly have shown progress. I
19 am now, I will not be satisfied until we actually you
20 know do a lot more uhm contracting. But I think that
21 the work that we are doing in terms of outreach,
22 really looking at our procurements to see if we can
23 uhm break them up as much as possible so that we can
24 increase competition among uhm MWBE vendors within
25 particular categories and we have done that and we

1 have seen some success. So, we are going to continue
2 working to, to increase those numbers and I think the
3 effort, certainly within the, between the Fiscal Year
4 '17 and '18 have demonstrated uhm some movement in,
5 in that area and are encouraged by that but we are
6 not yet satisfied. There is still a lot more work to
7 do. Uhm just to give you a sense of you know where
8 we, where we started and where we came from. When I
9 first started, we had one person doing MWBE within
10 the agency, and how we have a team of five just
11 solely dedicated to do that as well as ever, across
12 the agency people are making sure that they are
13 incorporating those initiatives with all of their
14 actions and I am sorry I forgot the first question.
15 Oh yes, so yes, absolutely, so, unfortunately a
16 significant portion of our work force is retirement
17 ready. One of the, there are a couple of things that
18 we are doing as agency to prepare for that (1) we
19 report on it. We want to make sure that everyone is
20 aware that this happening. We did work to put
21 together a succession planning tools for agencies to
22 start thinking about and planning for the future, so,
23 when we work with agencies, particularly on their
24 upcoming hiring needs and the, for you know the
25

2 upcoming Fiscal Year as we are working to create our
3 exam schedule, that is a factor that we have agencies
4 consider. Uhm, when we are, when we are getting
5 their feedback into create that uhm schedule and I am
6 going to turn it over to Dawn who can speak to more
7 of that.

8 DAWN PINNOCK: And also, as part of uhm
9 expanding the mission of the office of citywide
10 recruitment they have been working directly with
11 agency, agencies and coming up with workforce
12 readiness plans. In order to look at those titles
13 that feed into other titles as well as creating a
14 space for us to provide more entry level exams going
15 forward.

16 LISETTE CAMILO: I also would be remiss
17 if I didn't mention part of the challenge in the
18 upcoming, you know, potentially exodus of the uhm of
19 the retirees. We are working on pipelines, so Dawn
20 mentioned recruiting. Uhm we, this year actually
21 launched a fellowship with CUNY, the most diverse
22 University system in the country as a pilot and we
23 worked with the State's Civil Service Commission to
24 be able to do this to have direct entry into city
25 services called the Civil Service Pathways Fellowship

2 with CUNY. Most of our entry level titles require
3 two years of experience before you can be eligible to
4 be, to be called off of a list. We looked at where
5 we have pipeline issues and so we, we found that in
6 the procurement area and the finance area, we had a
7 need to fill those spots to create a pipeline to just
8 really get people early. Uhm the policy, the policy
9 and IT are the three areas that we saw overall that
10 there was a need to build the bench. So, we are
11 working with, we worked with and launched our first
12 cohort of recent CUNY grads. The people that just
13 graduated to work at our City Agencies and a
14 requirement of this fellowship, it is a two-year
15 fellowship. They are required to take Civil Service
16 Exams within the two-years that they will be working
17 with City Agencies so that when they are done with
18 the fellowship, they can get called off lists and get
19 them started early which is what they want. Uhm, on,
20 on to Civil Service careers within their respective
21 areas, so that, that kills a lot of birds with the,
22 with the one stone so it addresses the retirement
23 issue in terms of pipeline. It certainly looks at a
24 diverse recruitment issue and frankly you know, who
25 else to better partner with than CUNY.

2 DANEEK MILLER: Thank you so much chair
3 for allowing me to ask questions this afternoon and
4 thank you Commissioner to you and your team and I
5 would hope that you continue to use this body as a
6 resource and, and uhm particularly on the Human
7 Capital side and I must, I would be remiss if I did
8 not ask about the Bronx Testing Center, not only the
9 one that we cut the ribbon on last month but also uhm
10 the future one in, Council Members District that we
11 would be really, really excited to see. Thank you so
12 much.

13 CHAIRPERSON FERNANDO CABRERA: Thank you
14 so much, Council Member Miller and I think we might
15 have another chance for more questions, do a second
16 round. Council Member Yeger, followed by Council
17 Member Ben Kallos I want to acknowledge that we've
18 also been joined by Council Member Maisel and then if
19 any other Council Members would like to have more
20 questions, I will defer my time uhm to you.

21 KALMAN YEGER: Yes, thank you Mr.
22 Chairman, morning Commissioner. Uhm last year at
23 this time we had a conversation about the school
24 safety program and it arrived here in the preliminary
25 budget without any number in it and we had a

2 conversation, your response to me was that we
3 anticipate it would be added in the Executive Budget
4 and here we are again today and it is not in the
5 Preliminary Budget and I am wondering what it is
6 precisely about this program that prevents it from
7 being added to Preliminary Budget if we know or if we
8 anticipate that it is going to be added in?

9 RICHARD BADILLO: Uhm OMB has given us
10 assurances that they will allocate the funding for
11 FY20. It has happened in the past in the Executive
12 Budget that is when the money has been made
13 available. It is done on a yearly basis, I got
14 baseline.

15 KALMAN YEGER: I got; I only have five
16 minutes. Let me go through this quickly.

17 RICHARD BADILLO: Uh-huh.

18 KALMAN YEGER: What is the purpose of a
19 Preliminary Budget if we know that we're going to
20 spend something and we come here with a Budget that
21 shows a savings that is Phantom because the
22 Administration is going to spend something that the
23 Council wants it to do?

24 RICHARD BADILLO: Uhm that would have to
25 be taken up with OMB obviously. Again.

2 KALMAN YEGER: No problem, will do.

3 Okay. Uhm I note that uhm although the original law
4 had a maximum of 19 and change million dollars and
5 then ultimately, we spent 14. We had a conversation
6 about that, I asked you Commissioner, uhm last year
7 if it is because of the recruitment issues and you
8 told me that it wasn't that that it was simply that
9 that was you know the amount allocated based on who
10 has applied for the program and their eligibility;
11 therefore, and uhm now I've become aware through the
12 learner wonderful finance people here at the Council
13 that the Agency DCAS has reduced the number of hours
14 that a school is eligible to employ an unarmed
15 security guard from 60 to 48 hours per week is that
16 correct?

17 RICHARD BADILLO: The, the hours

18 allocated have to be done based on the \$14 million
19 Budget.

20 KALMAN YEGER: But the City of, but the
21 City Council by unanimous vote three years ago, uhm
22 I'm sorry, not an unanimous vote by an overwhelming
23 vote three years ago with 45 co-sponsors on the
24 measure approved a program and put a maximum number
25 of \$19.8 million you spent \$14 million and change and

2 I am wondering why we needed to bring it down from a
3 maximum uhm from 60 hours to 48 hours, uhm would,
4 would 60 hours have exceeded \$19.8 million.

5 RICHARD BADILLO: Uhm depending on how
6 many schools were participating.

7 KALMAN YEGER: That is a yes or no,
8 because \$14 million is what you spent, you know how
9 many schools participated, based on those numbers,
10 would 60 hours exceed the \$19.8 million?

11 RICHARD BADILLO: A Budget of \$14 million
12 right now we are projected to spend for the schools
13 that are participating which is 163, we are
14 projecting to spend \$10.7 million.

15 KALMAN YEGER: Okay.

16 RICHARD BADILLO: So.

17 KALMAN YEGER: So why then, why then sir
18 do we need to reduce the number of hours that a
19 school can have a security guard paid for by the City
20 if we are projected to spend approximately half of
21 what the Council three years ago said would be the
22 maximum for this program?

23 RICHARD BADILLO: We are not showing any
24 schools that are running a deficit or who have not
25 been allowed to, to use the program to its fullest

2 capacity. We are reaching out to schools right now,
3 if they need additional funding in this Fiscal Year,
4 they are able to obtain it because of the lower than
5 expected expenditures uhm that communication is going
6 out. Has or will be going out within the next couple
7 of days, so schools again are being given that
8 opportunity. We are not seeing again any
9 expenditures above the Budgeted values that were
10 given to schools and there is that dialog and that
11 ability for schools to come back and ask us for
12 additional funds, uhm if they require it.

13 KALMAN YEGER: Okay but if you are making
14 a policy decision that 60 hours is the maximum, I'm
15 sorry that 48 hours is the maximum that is going to
16 be paid. In my District, schools open at 7:30 in the
17 morning and they operate from Sunday through Friday
18 and for five of those days they are open until 7:30,
19 8:00 at night and on Fridays they close obviously a
20 little earlier. They truly exceed 60 hours a week
21 and I'm just not sure I understand why there's,
22 there's a reduction from 60 to 48. I don't even know
23 that 60 is enough but if you are telling me that
24 there is even under 60, I think I am hearing that,
25 you wouldn't hit \$19.8 million. I'm just sure I

2 understand why there's this policy decision made that
3 60 would not be the number that would be paid?

4 RICHARD BADILLO: Again, it would, it
5 works in the confined of the allocated budget of \$14
6 uhm and if there is any school that uhm has
7 additional needs, we have individual who are work...
8 you know, willing to work with them and look at their
9 spend for this Fiscal Year and adjust their budgeted
10 value. Uhm that is not an issue at all.

11 KALMAN YEGER: Alright Mr. Chairman, I
12 will yield because I know that there are other
13 members who want to go again and hopefully, we will
14 get a chance to continue this dialog.

15 CHAIRPERSON FERNANDO CABRERA:
16 Absolutely. Uhm I just, I'm just curious, I was not
17 aware of this situation. Uhm do the schools know
18 that they can apply for more?

19 RICHARD BADILLO: Uhm yes.

20 CHAIRPERSON FERNANDO CABRERA: They do,
21 how did, how did they receive that communication?

22 RICHARD BADILLO: Uhm we send letters and
23 we send emails both.

24 CHAIRPERSON FERNANDO CABRERA: And what
25 does it say?

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2 RICHARD BADILLO: It says that uhm you
3 know that you are currently budgeted for x number of
4 dollars, uhm if you have a need for additional funds
5 for this Fiscal Year to, to request that. It is all
6 done through HHS that they have to submit the request
7 for an amendment to the current allocation. Uhm but
8 again we do an analysis to see what their spend is,
9 to, to determine whether their request for additional
10 hours is, or additional budgeted funds is really
11 necessary. Because if they are asking for additional
12 dollars and their expend is not materializing to
13 those levels, they, is there a need to adjust their
14 budget higher?

15 CHAIRPERSON FERNANDO CABRERA: You are
16 saying nobody has come back to you though there is a
17 need?

18 RICHARD BADILLO: Uhm there have been a
19 couple of schools that have indicated to us, correct.

20 CHAIRPERSON FERNANDO CABRERA: But out of
21 how many?

22 RICHARD BADILLO: Uhm I think about two.

23 CHAIRPERSON FERNANDO CABRERA: Out of how
24 many?

25 RICHARD BADILLO: Oh, there is 163.

2 CHAIRPERSON FERNANDO CABRERA: Yeah
3 that's, that.

4 RICHARD BADILLO: That is participating
5 this.

6 CHAIRPERSON FERNANDO CABRERA: That's
7 like. something percent. Right?

8 KALMAN YEGER: Chairman I don't know a
9 single school in my District that is fully
10 compensated for their security. For their pro.. not a
11 single school that I have spoken with in my 14-1/2
12 months here in this Council that is fully compensated
13 for a security program. They have Administrative
14 costs that are tacked on by the security company
15 which they have to pay out of pocket because DCAS
16 won't pay for that and DCAS will not pay for the full
17 load of the invoices that are received by the school.
18 There is not a single school, not one.

19 CHAIRPERSON FERNANDO CABRERA: I think it
20 would be a lot easier if we just say 60 and they
21 don't use it all then they don't use it all and it
22 goes back. But I thinks we should stick to the
23 original plan and I think that's why my colleague is
24 asking.

2 KALMAN YEGER: Yeah, and particularly
3 because our predecessor Council, Mr. Chairman you
4 served in it when they approved this measure four
5 years, three or four years ago it was done with a
6 number, that number was, we had this conversation
7 Commissioner, that number wasn't picked out of thin
8 air it was done by an analysis of what the need was,
9 the anticipated need, that's why we did this dance
10 last year from the \$19.4 to \$14 and how did we come
11 up with that number. And I said okay well you are
12 the expert not I and here we are saying 10 and I. I
13 think there is a reason that our predecessor Council
14 chose \$19.8, it's a real number. It wasn't just
15 picked out of thin air.

16 LISETTE CAMILO: And so, I think just,
17 just to amplify what Richard is saying. You know we
18 will, we will work with you if there are schools in
19 your District that you would like us to sit down with
20 and talk through what their needs are to see if we
21 can, how we can adjust but as, as we mentioned we
22 have been going on and requesting or notifying
23 schools that if they need more funding we will take a
24 look at that.

2 CHAIRPERSON FERNANDO CABRERA: Okay I
3 appreciate that Commissioner. Uhm Council Member
4 Kallos followed by Council Member Miller.

5 BEN KALLOS: Thank you, same question
6 from the previous panel, for the truck sideguards,
7 this is money that we set aside in 2014 or 2015 how
8 many trucks are left? How many trucks will be
9 driving through my District to a garbage dump in a
10 children's park with outside guardrails or will all
11 of them be covered? And second, and something that I
12 always ask is where are you on deed restrictions?
13 How many properties are currently going through the
14 process and what are their addresses?

15 COUNSEL: I will swear you in and if you
16 can introduce yourself afterwards. Do you affirm to
17 tell the truth, the whole truth and nothing but the
18 truth in your testimony before this Committee and to
19 respond honestly to Council Member questions?

20 KEITH KERMAN: I do. Hi, thank you
21 Councilmen. I am Keith Kerman; I am the Chief Fleet
22 Officer for the City. So, on the truck sideguard
23 program, we have about 2400 trucks that are installed
24 with sideguards now. It is the largest program of
25 its type in the country. Uhm we got funding and

2 expense funding in Fiscal Year '19. All of that will
3 happen, uhm we also have 600 new vehicles, mostly
4 sanitation trucks that are coming in now and all of
5 them will have sideguards. All of our new vehicle
6 trucks have to come in with sideguards. We have
7 until January 1, 2024 to have all the trucks done. I
8 suspect we should be done by 2021, 2022 ahead of time
9 so we are making a lot of program. By the end of
10 Fiscal Year 2020 we should have at least another 1000
11 trucks done. So, both on new vehicles and on
12 retrofits that is moving along. And I also would say
13 the work of the Council, yourself, transportation
14 alternatives, Family for Safe Streets, this has now
15 become a national model and we have seen truck
16 sideguards which really began in New York and
17 Cambridge and Boston now getting momentum. There is
18 federal legislation out there, so, it is.

19 BEN KALLOS: Are you prioritizing
20 Districts where garbage trucks will literally be
21 driving through children's parks, past a street that
22 thousands of children cross every day so that those
23 kids do not get caught under a garbage truck and run
24 over.

2 KEITH KERMAN: As a resident of the Upper
3 Eastside I absolutely am prioritizing the Department
4 of Sanitation and very familiar with the location, I
5 don't live far from it.

6 BEN KALLOS: Uhm thank you. Deed
7 restrictions?

8 LISETTE CAMILO: Yes, so uhm we have 13
9 total applications since the local law passed that
10 have applied to have their Deed Restrictions
11 modified. All of those just by way of background are
12 posted online, six of those uhm have advanced to the,
13 under the local law has advanced to the Land Use
14 Analysis and that's in, they are in varying points
15 within that analysis but nothing has past that point.
16 Out of the 13, uhm four have either been withdrawn or
17 terminated and three we are still waiting on
18 additional information, that we've requested in order
19 to begin the Land Use Analysis process.

20 BEN KALLOS: But is the location on your
21 website for the Deed Restriction List?

22 LISETTE CAMILO: Uhm yes.

23 COUNSEL: Sorry, I'm just going to swear
24 you in also and if you could introduce yourself
25 afterwards. Do you affirm to tell the truth, the

2 whole truth and nothing but the truth in your
3 testimony before this Committee and to respond
4 honestly to Council Member questions?

5 LAURA RINGELHEIM: I will. Laura
6 Ringelheim, Deputy Commissioner for Real Estate
7 Services at DCAS.

8 BEN KALLOS: Somebody wants to know the
9 13 properties that are pending where do they find
10 them?

11 LAURA RINGELHEIM: Do you want the web
12 address which is...

13 BEN KALLOS: Whatever is the best.

14 LAURA RINGELHEIM: Uhm... so, it's at
15 data.cityofnewyork.us/citygovernment/deedrestrictiond
16 [atabase](http://data.cityofnewyork.us/citygovernment/deedrestrictiond). That should get you there.

17 BEN KALLOS: I have, I went to that on
18 the open data portal, I have a list of 729, where is
19 the list of the 13 applications?

20 LAURA RINGELHEIM: So, of that list of
21 729 which is in requirement with local law that we
22 post uhm all of the city owned, city properties that
23 were sold with a Deed Restriction implemented by the
24 City. You can sort by the ones that have applied to
25 have that restriction modified.

2 BEN KALLOS: Uhm which field do you
3 believe that somebody could sort by. I have it up in
4 front of me and it does not include information
5 relating to. Got it. Uhm it is the modification
6 status?

7 LAURA RINGELHEIM: I think so.

8 BEN KALLOS: Uhm do you believe that uhm
9 putting something in a deep link on an open database
10 where you have to go through 729 records in order to
11 find a column that indicates a possible uhm activity
12 is the most transparent and easy way for somebody to
13 find it.

14 LAURA RINGELHEIM: Well there are several
15 different ways required by the law to have it posted,
16 so initially with some of these requests that
17 actually nothing has happened except there is an
18 intake form. So, we think that is an easily sortable
19 method to see all of the requests and easily sortable
20 as you just did to come to those 13 where we had
21 requests made. There are other requirements in the
22 laws that goes down the process, where postings will
23 be made such as the Summary of Findings have several
24 relevant stakeholders have a chance to review and
25 provide input.

2 BEN KALLOS: Uhm on your data site you
3 indicate more than 13 applications. Uhm indicate far
4 more than 13, what is the discrepancy? Is the open
5 data set incorrect or are you incorrect?

6 LAURA RINGELHEIM: I would have to look
7 and see what the sorting mechanism is which I can't
8 do at the moment but I can tell you that since the
9 implementation of the law there have been 13
10 requests.

11 BEN KALLOS: There are a number that are
12 marked inactive, will you give us the 13 that you
13 believe are active since there is a discrepancy
14 between the open data and what you are doing? Chair,
15 I would appreciate your indulgence on this. I think
16 it is important that communities throughout the City
17 know which properties that they have that are the six
18 that have advanced the Land Use process which is far
19 more detailed that is in your open dataset and should
20 be properly reflected under the open, under the Law.

21 LAURA RINGELHEIM: So, there are nine
22 requests that are current active, 777 Rutlander Road
23 in East Flatbush, 1932 Bedford Avenue in Town
24 Heights, 14A Marcus Garvey Boulevard in Bedford
25 Stuyvesant, 247 Bushwick Avenue in East Williamsburg,

2 1277 Putnam Avenue in Bushwick and 149 Rockaway
3 Avenue in Ocean Hill. We have three where the
4 requestors have not submitted sufficient documents
5 for initial review that is 6601 Fleet Street in
6 Forrest Hills, 196th Street in Jamaica and 111 Avenue
7 in Jamaica. We also have four which are inactive, we
8 had one at St. Vincent de Paul which was withdrawn,
9 we had a request for 262 West 121st Street in Harlem
10 which was terminated due to requestor
11 unresponsiveness, another at 127 West 138th Street in
12 Harlem also terminated due to requestor
13 unresponsiveness and another property which was
14 ineligible for the Deed Restriction Modification
15 Process as the property was not sold by the City.

16 BEN KALLOS: Sure. Your dataset does not
17 have that level of detail. Will you commit to
18 updating the dataset with that level of detail?

19 LAURA RINGELHEIM: Certainly.

20 BEN KALLOS: Thank you.

21 CHAIRPERSON FERNANDO CABRERA: Thank you.

22 Uhm I want to finish on time so I will ask my
23 colleagues if you be so kind to do three minutes uhm
24 each and that way because we have the Corporation
25 Counsel waiting for us already. Thank you so much.

2 DANEEK MILLER: Thank you again Mr.
3 Chair. Uhm so I just want to uhm go back to what we
4 were, in the last round when we talked about the
5 testing center that we cut the ribbon on uhm in
6 Council Member Salamanca's District and that we have
7 in the plans, in the pipeline is a more permanent
8 fully operational facility. I believe it's in Chair
9 Cabrera's District but I don't see it in the
10 Preliminary budget and so, how do we plan on making
11 that happen if it is not fully funded at this time?

12 DAWN PINNOCK: So we are, so we are, we
13 are putting our application, finalizing our
14 application for the ULURP process so as you can
15 imagine that takes a while, so currently there's a,
16 we have, I don't believe that we started that yet so
17 you will see some more activity once ULURP, once we
18 complete the ULURP process.

19 DANEEK MILLER: Can you speak to the
20 differences in the facility of what we are seeing
21 currently, and, and, and we are certainly glad that
22 we have that but it is certainly not what we expect
23 for, for the residence of the Bronx.

24 DAWN PINNOCK: I think that, so we
25 haven't gotten to design I don't believe but the, the

2 big selling point for the permanent location is the
3 location, it's central to public transportation and
4 so we think that it's going to just to provide that
5 much easier, a way for people in the Bronx, the 1.5
6 million people in the Bronx who might be you know
7 looking or city-employment to get, to get access to
8 the opportunity to sit for a test. So that's really
9 the selling point of that, of that facility.

10 DANEEK MILLER: Okay thank you. And and
11 then finally I noticed that there was significant
12 Fleet Expenditures within DCAS but there has been
13 some, some, some new titles or title adjustments that
14 have occurred and that is, a, uhm kind of a service
15 workers title, or a mechanics helper, do we, is that
16 part of a, of a core savings or is it more of being
17 able to attract more folks into the industry at a
18 more entry level and, and if so, are we depreciating
19 the level of service that we have? Or does the newer
20 fleet require less experience and, and not
21 necessarily more of, more maintainers as opposed to
22 mechanics and does it have to do anything with
23 warranties and so forth?

24 LISETTE CAMILO: I think I'm going to.
25 I'm going to kick it off. I mean and Keith can

2 definitely get to the specifics but I think it's a
3 combination of, certainly a cost savings but I think
4 from the Human Capital perspective we do, we really
5 want to increase opportunities for public school,
6 technical students to uhm be on the pipeline to
7 become mechanics and have that really great job and
8 have a career in the auto service work field. And
9 uhm, Keith can talk to the specifics on that program
10 but it hits both goals.

11 KEITH KERMAN: Thank you so one, one in
12 the Fleet Services, New York City does most of its
13 Fleet Servicing in-house, we have about 1400 techs
14 and two of the main repair titles are auto service
15 worker which has two tiers and then auto mechanic
16 which can be diesel or gas. So, one we have always
17 used auto service worker as part of the mix. And so
18 that it's not a new title. What is new is we have
19 been through DCAS and partnership with the Department
20 of Educator forging a very strong partnership with
21 the automotive high schools throughout the city and
22 we have tried to create a pipeline. So right now, we
23 have 50 automotive students every year who do hands
24 on paid internships in the garages. DCAS provides
25 the schools with all of their vehicles to work on so

2 that we give them kind of hybrid vehicles and gas
3 vehicles and they can test on them and train on them.
4 We give them diesel engines. Uhm interestingly, we
5 now provide an all-electric vehicle for all of the
6 schools that offer driver's ed. So, every high
7 school student who learns to drive through the
8 Department of Educations learns to drive in an all-
9 electric vehicle that we provide. So, we've been
10 forging partnership but one of the things that we
11 wanted to do is get these students hired and so we
12 changed the Civil Service List so that the degree
13 that you get from an automotive high school and
14 what's called your ASE certifications now qualifies
15 for the experience component. So, you can go right
16 from the internships and your high school degree
17 right into the shops through the Auto Service Worker
18 Title. So, this is really our diversity program,
19 this is our pipeline. We have always had service
20 workers. One thing that I will tell you and there
21 has been a little. There is some disparity across
22 agencies, so some agencies like the police
23 department, parks departments, Department of
24 Correction use about 30% to 35% service workers and
25 always have. Other agencies have a smaller mix so we

2 have been trying to have a consistent program across
3 agencies that ties not just efficiency but also
4 diversity and so but we think it is a really good
5 partnership that we have done with DOE. We are happy
6 to talk more about it and tell you more about it.

7 DANEEK MILLER: Thank you Mr. Chairman.

8 This will be brief because I am running out the clock
9 and I appreciate the Chairman's indulgence. Uhm I
10 wanted to know if you can give us an update on a
11 lease deal or a request by a particular City agency,
12 we discussed this last year when this Council
13 started, began this session. A City Agency, non-
14 mayoral agency tried to sneak a boon-dog release
15 through the back door. We called it up in the
16 Council, you required the City Agency to withdraw
17 that lease, do you know what I'm talking about?
18 Okay. Can you give us an update on that particular
19 agency's seek, seeking new real estate?

20 LAURA RINGELHEIM: Okay the agency that
21 you are referring to I think it was CFB who tried,
22 who wanted, who was expanding greatly in headcount so
23 needed more space. Uhm after that hearing we went
24 back to work with the agency and now they are trying
25 to obtain the necessary space they need in their

2 existing location, so expanding within that location
3 instead of leaving that space and getting an entirely
4 new space.

5 DANEEK MILLER: When you say that
6 location? Does that mean on the 12th floor? On that
7 floor itself, not leaving the floor? Or do you mean
8 in that building?

9 LAURA RINGELHEIM: In that building,
10 there is, there is not much space available in that
11 building but there is some, so we are working with
12 the landlord now to figure out what works best for
13 the agency and what is most cost efficient.

14 DANEEK MILLER: Okay, so that would
15 require again to go to through City Planning because
16 it would be a new lease?

17 LAURA RINGELHEIM: It depends, it depends
18 on the lease. It depends.

19 DANEEK MILLER: I would ask that you
20 affirmatively if, if you are going to do this in a
21 manner that doesn't require it uhm to be in a way
22 that we can call it up I would ask you to
23 affirmatively let this Council know that you are
24 doing that because that Agency tried to sneak that
25 lease through a backdoor, nobody knew about it. It

2 was a boondoggle; it was a tremendous amount of money
3 and yes, they are doing it in response to an
4 increased headcount but no they don't need the
5 increased headcount. So if they uhm can't fit the
6 number of people that have in the four walls that
7 they have they don't need the number of people that
8 they are trying to grow to and I would ask you to
9 affirmatively let us know if they try to do another
10 kind of boondoggle or any kind of lease whether you
11 consider it a boondoggle or not.

12 LAURA RINGELHEIM: Sure.

13 DANEEK MILLER: Okay thank you.

14 CHAIRPERSON FERNANDO CABRERA: Can you
15 tell us how far along they are on that?

16 LAURA RINGELHEIM: Not far along.

17 DANEEK MILER: Okay great. Thank you
18 very much. Thank you, Mr. Chairman.

19 CHAIRPERSON FERNANDO CABRERA: Thank you
20 so much. How much are they looking to spend per
21 square feet?

22 LAURA RINGELEHEIM: As little as
23 possible.

24 CHAIRPERSON FERNANDO CABRERA:

25

2 What's the ballpark? This last time the
3 number was astronomical.

4 LAURA RINGELHEIM: Right, so we are
5 really in early stages of negotiation to the
6 landlord, in fact the spaces that have become
7 available, I believe they are both subleases. So,
8 other corporations that are leaving that site. So,
9 we may be able to negotiate with the landlord and
10 have a direct lease. We may have to do a sublease.
11 We may not do anything if the price isn't right uhm
12 so it's, it's too early to say what that cost is
13 going to be.

14 CHAIRPERSON FERNANDO CABRERA: Do you
15 agree that they need more space?

16 LAURA RINGELHEIM: They def... we have
17 toured that space several times. They definitely
18 have people that they can't fit and can't see and
19 don't.

20 CHAIRPERSON FERNANDO CABRERA: Were they
21 standing during the day?

22 LAURA RINGELHEIM: They are not in a
23 space that meets even the city requirements which we
24 have already you know squeezed down to people being
25 in.

2 DANEEK MILLER: They are there right and
3 they are working.

4 LAURA RINGELHEIM: They are currently
5 there.

6 DANEEK MILLER: So, if they don't hire
7 any more people, they are in those four walls they
8 are okay, right?

9 LAURA RINGELHEIM: I think, you would
10 have to ask CFB directly, I think they have not
11 hired. They've not. I think they are unable to hire
12 because they don't have enough seats.

13 DANEEK MILLER: Okay, so they can't hire.
14 But the people that they have they have room for the
15 people that they have?

16 LAURA RINGELHEIM: Some of the people are
17 not in spaces that we would consider adequate work
18 spaces for those people.

19 DANEEK MILLER: Maybe we should take a
20 site visit over there and see what is going on
21 because I, I work in a tiny room across the street
22 and I'm doing just fine.

23 LAURA RINGELHEIM: Right, right, they
24 have maximized the space. That they uhm that they
25 are able to use every inch of that space.

2 DANEEK MILLER: They set money on fire
3 over there in that Agency. Every single day they set
4 taxpayer money on fire. I would love if your Agency
5 can help them stop doing that. Thank you.

6 CHAIRPERSON FERNANDO CABRERA: Thank you
7 so much and Commissioner thank you, thank you for
8 your testimony. I commend you again for all of the
9 progress that you have made. Fantastic. I want to
10 recognize that we are being joined by Council Member
11 Powers and we are going to ask for Corporation
12 Counsel to come. I want to... (background noise). And
13 to my colleagues I want to thank you for sticking to
14 time. We are looking to finish uhm this next round
15 by 12 o'clock. 12 o'clock. (long pause). Welcome I
16 would like to please welcome Corporation Counsel,
17 Zachary Carter, the head of the Law Department.
18 Thank you, Corporation Counsel for testifying before
19 us today, the Law Department Fiscal 2020 Preliminary
20 Budget. The total is \$253 million including \$181
21 million in personnel services, funding to support
22 1951 full-time positions. The New York City Law
23 Department is responsible for all of the legal
24 affairs of the City, it represents the City, the
25 Mayor, other elected officials and the City's many

2 agencies in all affirmative and defenses, civil
3 litigation. The Department is composed of 16 legal
4 divisions and four support units that cover a broad
5 array of legal matters, vital to the City's interest.
6 The Family Court Division investigations juvenile
7 delinquency matters and handles matters related to
8 interstate child support payment. The TORT
9 divisions, the Law Department's largest, represent
10 the City in TORT Claims or lawsuits against the City.
11 Other divisions focus on labor law, real estate
12 litigation, affirmative legal actions initiated by
13 the City and a variety of other legal matters. At
14 today's hearing we would like to get a broad update
15 on the implementation of the first phase of Raise the
16 Age as well as what's the Department is doing to
17 prepare for the second phase of Raise the Age which
18 goes into effect in October. In addition, we would
19 like to discuss the trends in affirmative litigation,
20 the Law Department's defense of the City in TORT
21 claims and various other topics of report. With that
22 I would like to ask the Committee Counsel to
23 administer the oath.

24 COUNSEL: If you could all raise your
25 right hand. Do you affirm to tell the truth, the

2 whole truth and nothing but the truth in your
3 testimony before this Committee and to respond
4 honestly to Council Member questions?

5 ALL: I do.

6 ZACHARY CARTER: Make sure we are on.

7 Thank you. Can you hear me? Thank you. Uhm good
8 morning Chairman Cabrera and distinguished members of
9 the Government Operations Committee. It is my
10 pleasure to come before you to discuss the Law
11 Department's Fiscal Year 2020 Preliminary Budget. As
12 a Corporation Counsel I have been engaged with the
13 Law Department staff on numerous matters with
14 enormous liability, policy and operational
15 invocations for the City and its constituent
16 agencies. Our attorneys work across a variety of
17 areas critical to the City. They advance important
18 City policy initiatives, such as those concerning
19 immigration, homelessness and affordable housing.
20 They work on public safety, quality of life issues
21 and the City's contractual relationships with various
22 service providers. Still others raise important
23 issues concerning access to services. On every
24 occasion, I have never failed to be impressed by the
25 professionalism, hard work, depth of knowledge and

2 expertise and dedication of our lawyers and the
3 extraordinary staff that uhm supports them.

4 Ultimately, our Mission is to vigorously defend the
5 legal interest of the City with an appreciation for
6 the importance of fair outcomes to enhance public
7 confidence in city government. Corporation Counsel
8 is the attorney for the City and its agencies and has
9 a responsibility for all litigation and other legal
10 matters involving the City. The Department currently
11 has on board approximately 946 attorneys and 759
12 professional support staff. Let me add that of our
13 attorneys approximately 29% are ethnically diverse
14 and 58% are women. Indeed, of the Departments 16
15 legal divisions, 10 are headed by women which makes
16 the Department a leader in the Legal Profession. The
17 Law Department consists of 16 legal and five support
18 divisions. We handle extraordinary array of cases
19 and non-litigation matters from TORT to tax, from
20 environmental and administrative issues to economic
21 development and municipal finance. We also represent
22 the City as a Plaintiff in a wide variety of
23 affirmative matters. The Law Department's Division
24 of Legal Counsel works collaboratively with the City
25 Council, the Mayor's Office and City Agencies on

2 crafting local laws to benefit the city and its
3 residents. A total of 233 local laws were adopted in
4 calendar 2018 and already nearly 50 have been
5 calendared this year which puts us on track to exceed
6 last years total. In March 2018, our office created
7 the strategic initiative uhm I'm sorry the Strategic
8 Advocacy Initiative to expand the Law Department's
9 pursuit of Impact Litigation and Strategy Advocacy.
10 Impact Litigation and Strategic Advocacy is the
11 strategic process of selecting and pursuing legal
12 actions to achieve far reaching and last effects
13 beyond the particular case involved. Strategic
14 Impact Advocacy combines legal, political and non-
15 litigation tactics as an engagement with City
16 agencies, advocacy, organizations, other
17 municipalities, State's Attorney General Office, law
18 firms and academic institutions to protect the City's
19 interest. Since the initiative was announced, we
20 have commenced litigation challenging two Trump
21 Administration Initiatives that harm the City. The
22 Department of Justice's new requirement that the City
23 certify compliance with Immigration Enforcement
24 Conditions in order to receive a Byrne JAG grant that
25 the City has received to fund law enforcement

2 initiatives since the programs in session and the
3 Secretary of Commerce's decision to aid a Citizenship
4 Question to the 2020 the Decennial Census. In both
5 cases, the City along with partners with the State
6 Attorney General's Office and other states of cities
7 around the country were successful at the Trial
8 Court. The work of the Law Department protects the
9 City's FISK by a variety of means, our commercial and
10 real estate litigation division defends the City in a
11 wide range of contractual disputes arranging from
12 contracts with private companies to build or repair
13 the City's infrastructure, to leases of important
14 public properties. Uhm to contracts for all types of
15 goods and services. Because the claims largely are
16 based upon pre-existing agreements, the amounts at
17 issue present a particular risk to the City; however,
18 in Fiscal Year '18, Division, affirmative litigation
19 division resolved \$103 million in claims for \$18
20 million resulting in an \$85 million savings.
21 Similarly, our Tax and Bankruptcy Division defense of
22 Real Property Tax assessments protected \$137 million
23 in property tax receipts in Fiscal Year 2018. As the
24 presentment agency in all juvenile delinquency cases
25 filed in the City's Family Court, our family court

2 division endeavors to achieve dispositions that serve
3 the needs of each individual youth brought before the
4 court while at the same time protecting the interest
5 of individual crime victims and ensuring the safety
6 of the Community at large. Last year, the Division
7 of Juvenile Delinquency Prosecution Unit handled
8 approximately 283 new juvenile delinquency referrals.
9 As you are aware, the first phase of the New York
10 State's Raise the Age Legislation went into effect on
11 October 1, 2018 which extended jurisdiction of the
12 Family Court and Juvenile Delinquency Cases to cover
13 16 years Olds in this initial phase and with 17-year
14 Olds to be covered October 1st of this year. As the
15 policy has been implemented, the volume of Raise the
16 Age cases has steadily increased each month since
17 October 1st. As you know, misdemeanor cases come
18 directly to the family court and get referred to us
19 by the Department of Probation if they make a
20 determination not to adjust or actually divert the
21 cases. Uhm the felony cases originating in the youth
22 part and may get transferred to Family Court. From
23 October 1 to December 31, 63% of these cases were
24 transferred to Family Court. Our volume is dependent
25 on many factors, including juvenile delinquency

2 offense rates, arrest decisions, probations

3 adjustment rate and the youth part transfer rate.

4 The percentage of referrals of 16-year-old youth from

5 October 1, 2018 through January 31, 2019 has steadily

6 increased starting with 30% of all youth in October,

7 33% in November, 35% in December and 38% in January

8 2019. Uhm this current, this past January showed a

9 marked increase in the number of referrals and

10 exceeds the number of referrals in any month uhm

11 since in Fiscal Year 2018. We are keeping a close

12 eye on those trends as we prepare for the transition

13 of 17 years old youth into the Family Court System as

14 of October 1, 2019. From October 1, 2018 through

15 December 3, 2018 the number of arrests for 17-year-

16 old youth constitutes 62% of the total arrests of 16

17 and 17-year-old. Thus, we are anticipating a large

18 number of referrals in phase 2. The mandate for

19 afterhours processing of youth who are detained upon

20 arrest requires coverage by our staff of attorneys

21 and support staff 7 days a week, 365 days a year.

22 This night court requirement is new and was not fully

23 anticipated but the Law Department has allocated

24 coverage of the staffing obligation from existing

25 Raise the Age resources. Finally, attorneys have

2 been designated on a daily rotation to cover the
3 youth part. This rotation allows us to conference
4 the matters with District Attorney's Offices to
5 facilitate an efficient removal process. Our
6 participation in the youth part permits us to request
7 promptly a temporary order of protection on behalf of
8 the victims in these cases. The volume of Civil
9 Litigation matters pending against the City presents
10 a substantial challenge. The TORT Division alone
11 defends more than 22,000 active cases currently
12 pending against its agencies and employees. With
13 Counsel's assistance the Law Department has increased
14 staffing in the Brooklyn and Bronx offices of TORT
15 Division to improve case handling and case outcomes.
16 Staffing sufficient to improve early case assessment,
17 discovery and strategic governments, better enabling
18 successful motion and trial outcomes as well as early
19 settlements on terms favorable to the City. Since
20 the beginning of this initiative in Fiscal Year '17
21 incoming cases have remained below the prior annual
22 rate of more than 7500 new TORT actions per year for
23 an estimated savings of more than \$100 million based
24 on historic settlement trend. This approach to TORT
25 litigation is similar to the program BEGUN uh to

2 address Federal Civil Rights cases in Fiscal Year
3 2012 which has resulted in a significant decrease in
4 filings as well as a substantial increase of cases
5 concluded in trial. While the City is a party in
6 only 7% of new Federal Civil Filings our Special
7 Federal Litigation Division participates in
8 approximately 22% of all Federal Civil Trials in New
9 York City with 43 jury trials and a win rate of 88%
10 in 2018 alone. I thank you for the support of the
11 Law Department and look forward to our continued
12 collaboration. I would be happy to answer any of
13 your questions.

14 CHAIRPERSON FERNANDO CABRERA: Thank you
15 so much. What I'm going to do is I'm going to leave
16 my questions for last because I know that my
17 colleagues are anxious to answer questions.

18 BEN KALLOS: You are such a kind chair
19 and I think you so much so I'm going to put my Civil
20 Service hat on and good morning sir, how are you? It
21 is always a pleasure to see you and your team. So,
22 what I notice had not been mentioned unless I was
23 remiss and did not see in your testimony was any
24 comments or statements pertaining to Workers
25 Compensation. I know that Workers Compensation has

2 increased over the past few years and yet the
3 Legislation that was passed some years back and we
4 are looking at some revisions now because the, the
5 reporting of the injuries have been woefully
6 insufficient in that we cannot prepare or prevent
7 this from happening again. So, my question is about
8 what is the City doing if anything to address the
9 escalating cost of Worker's Compensation and and how
10 do we address the issues of transparency and uhm
11 providing when and where these accidents are
12 occurring? What they are so we can get better in the
13 future?

14 ZACHARY CARTER: Uhm certainly, we
15 constantly track the uhm nature and source of
16 Worker's Compensation Claims in the extent that they
17 are disproportionately in one agency or another. Uhm
18 we track and certainly report that and any of that
19 information in more detail we can make available to
20 the uhm to the Council. It is a concern of ours,
21 part of the problem is baked into the law itself, uhm
22 which permits recovery for uhm injuries that are
23 labeled debilitating but it still permits someone to
24 work while they are receiving disability payments.

2 That is a weakness in the law and uhm and probably
3 should be addressed.

4 BEN KALLOS: And certainly, I'm seeing
5 that also in, in terms of how payments are done in
6 terms of whether or not someone is entitled to an MRI
7 leading to a surgery or each, each exam uhm each
8 visit or each uhm time they deal with a practitioner
9 has its specific requirement according to the law.
10 It would sometimes, it stems, quite often it extends
11 the amount of that that we are able to get people the
12 medical attention that they deserve and get them back
13 to work. Sometimes, that you, you know it's written
14 into the law that you have to have five weeks of
15 physical therapy before you get an MRI and all of
16 these other things happen and you are in your 8th
17 month and they decide well you really have a broken
18 leg and you need a surgery. Before you know it, you
19 are in your one year and you are sitting on the side,
20 recovering and out of a job. That is not the most
21 efficient way to deliver those services. Have we
22 examined that? And what can we do in the future?

23 ZACHARY CARTER: Well like one of the
24 things that, that is in the process of happening is
25 increased automation of the, of the data collection

2 and uhm I think that we will be in a better position
3 to. First of all, efficiently address claims, uhm so
4 that people are promptly compensated, uh but also in
5 order to be able to detect uhm concerns about
6 possible fraud when we are able to be able to discern
7 a pattern and in order to discern those patterns, you
8 need data. And right now, so much of that data is
9 collected manually. Uhm that that, that becomes a
10 bit of, a bit of an overwhelming problem.

11 BEN KALLOS: So, let me just say that
12 there are certain uhm occupational hazards and I'm
13 coming off of a, a triple cervical discectomy last
14 year, which is a 15 to 20-year-old injury.

15 ZACHARY CARTER: That hurts to even hear
16 it.

17 BEN KALLOS: Which was a, absolutely and
18 it is fused and all of that and it is an 18-year-old
19 Worker's Compensation case which is industry kind of
20 standard but there's no. We collected data but we
21 are not doing anything about it because the, the
22 circumstances that caused this for a New York City
23 Bus Operator or Train Operator or many others that
24 find themselves in an ergonomically challenged
25 position to do their job you know, without air seats

2 or in restricted areas. If we are still doing the
3 same thing, 20, 30 years later, receiving the same
4 results when we have this type of information
5 available how do we make it more efficient? Not just
6 to say that we are saving the city money so that
7 people don't have to live with these lifetimes of
8 injuries? There are ways across the board, whether
9 it is in the classroom or on the road, uhm that we
10 can be better in how we deliver services but provide
11 uhm through this data provide the type of ergonomics
12 to make sure that people are safe and are we using it
13 in that way? And then finally, uhm there was a
14 complaint that vendors were not getting paid and
15 after months of not getting paid they are not seeing
16 clients and people definitely cannot get better that
17 way.

18 ZACHARY CARTER: Well, again I'm not
19 suggesting that automation is a panacea for all of
20 the problems that you have raised but it would be, it
21 is a giant step forward, aside from collecting uhm
22 data through automation. There is also the issue of
23 analysis with data so that we can discern patterns,
24 so that if there is a kind of injury that is
25 characteristic of a particular function at a

2 particular agency, that we can, we can better find
3 strategies for addressing those particular uhm those
4 particular claims and again getting worthy claimants,
5 you know with bonified claims that are verified
6 medically, the attention they deserve as quickly as
7 possible.

8 KEITH POWERS: Thank you. Thank you for
9 the testimony. I wanted to ask about a recent
10 opinion, the but, the Council issue related to the
11 Board of Corrections, the Department of Corrections,
12 is that something you are familiar with?

13 ZACHARY CARTER: Yes, I am.

14 KEITH POWERS: Uhm relate to serious
15 injuries it the jails and the board has raised
16 concerns around, uhm circumventing, what they believe
17 is a circumvention of their minimum standards around
18 serious injuries which they have stated, I know
19 you've heard, their belief that it undermines their
20 ability to continue to provide independent oversight.
21 Can you, can you share some details around the
22 decision to make?

23 ZACHARY CARTER: Sure.

24 KEITH POWERS: The Right to Know.
25

2 ZACHARY CARTER: The way this arose was
3 that a variance was sought. That is a variance that
4 had been in place since I believe 2013. That related
5 to the sharing of private uhm inmate patient medical
6 information. Uhm and the, and the restrictions on
7 the sharing of that information. And so, the
8 consistently and without condition, these variances
9 had been granted. Uhm this was the first time that
10 that particular variance had been brought to my
11 personal attention and I had an opportunity to review
12 that variance with fresh eyes. Now there are broad
13 categories of medical information. It can be, it can
14 be about communicable disease, it can be about all
15 kinds of, of medical conditions but to the extent
16 that they include injuries that were sustained while
17 in Corrections Custody and possibly as a result of
18 either force being used by correction staff or force
19 used by one inmate on another, that information is
20 fundamentally necessary to any thorough investigation
21 by the Department of, of Correction and as I think
22 anyone in the field would assure you uhm that there
23 are probably Twin Towers of two things that are
24 considered fundamentally necessary to, to ensuring
25 the reduction of violence, particularly this, this,

2 talk at one category. The possible misuse of force
3 by correction staff on inmates. One is training but
4 two is investigation and discipline. So these, so
5 the, the capacity to share information about injuries
6 sustained while at a correction facility is
7 fundamentally necessary to investigators and we know
8 that that information has been regularly shared
9 because the Law Department defends uhm the Department
10 of Corrections and Correction Staff in Civil
11 Litigation and we know that, that information has
12 historically bene part of the investigative report.
13 So with respect to that narrow category of patient,
14 private patient information, it was my uhm, view
15 based on my review of the, the language of the
16 variance viewed in the context of the, of history
17 that it was never intended that information
18 concerning the diagnosis, the specific diagnosis of
19 injury was ever intended to be covered and then
20 consequently it was my opinion that no variance was
21 required for that narrow category of information.
22 With respect to all other patient confidential
23 information, the variant still applies.

24 KEITH POWERS: But can't, and I just
25 because I have limited time here. So, don't mean to

1 cut you off. I think that a concern raise and I
2 understand that you can isolate one particular
3 scenario and say this is only and I think the board,
4 I am in agreement with them our concern about that
5 specific instance but even on a broader scale to your
6 point about the two most important things here is
7 around training and around investigation and I would
8 say oversight to that. The board is exactly that, it
9 is the oversight entity that does an important
10 function in the city. They provide the Council, the
11 ability to get information and to Legislate around
12 safety in our jails and I share their concern that
13 essentially the Department is able to find a work
14 around to circumvent the board in this particular
15 instance that will then lead them to being able to do
16 another incident.

18 ZACHARY CARTER: Well I understand your
19 concern but unfortunately, I think you may, uhm based
20 on the information that you provided have the facts
21 in reverse. The conditions that the board sought to
22 impose on the last variance request were completely
23 unrelated to the subject matter of the variance. The
24 Law Department supports in substance all of the
25 things that the board proposed as rules to be imposed

2 by, by the Board of Corrections on the Department of
3 Corrections. Each and every one of the four
4 conditions on the merits made sense. But the proper
5 way of imposing those rules on the Department of
6 Corrections is through the rule making process. The
7 only time conditions should be attached to a variance
8 is when there is a subject matter relationship
9 between the conditions and those rules. So, if you
10 are concerned about circumvention of the rules it was
11 not the Law Department that was engaged in that
12 circumvention. I will leave it at that.

13 KEITH POWERS: I will leave it at that
14 because my time is up.

15 CHAIRPERSON FERNANDO CABRERA: Uhm
16 Council Member Powers if you need more time?

17 KEITH POWERS: Okay uhm great. Uhm let
18 me just uhm let me go back to your testimony, uhm you
19 mentioned since the initiative was announced we had
20 commenced litigation challenging two Trump
21 Administration Initiative, that harm the City. Uhm
22 can you let us know how much funding went toward
23 that?

2 ZACHARY CARTER: There was no additional
3 funding that was appropriated for it. I did it with
4 existing resources.

5 KEITH POWERS: And what, what were those
6 resources? What were those resources?

7 ZACHARY CARTER: They are human resource.
8 That is basically the redeployment of personnel. We
9 created a, a second Deputy Division Chief of the
10 Affirmative Litigation Division, uhm to, to Tonya
11 Jenerette who is an extremely experienced and gifted
12 attorney, indeed, she is the attorney primarily
13 responsible for our trial win in the Census Case in
14 the Federal Court. To take charge of that initiative
15 and to coordinate her efforts with others, not only
16 within the Law Department but within City Government
17 and with Advocacy Groups and with other uhm, uhm City
18 Law Departments and States Attorney Generals around
19 the country to look for opportunities to advance the
20 City's interest both affirmatively but also frankly
21 defensively given some of the, of the unfortunate
22 policies issued, issuing out of Washington.

23 KEITH POWERS: Yeah, I'm, I'm not
24 doubting the merits. I think it was the right thing
25 to do, absolutely, I'm just curious as to in other

2 cases, do we allocate funding when it comes to
3 affirmative litigation that it goes specifically to
4 cases or do you just have long line budget, this is
5 my team? And from there we decide how, how do we
6 measure where the resources are going in terms?

7 ZACHARY CARTER: We deploy the resources
8 in accordance with function and to be honest we
9 focus, we focus almost entirely on, on function and,
10 and delivering results and not a Budget Consequences
11 with respect to this particular initiative and
12 frankly it is kind of characteristic of how we deploy
13 and re-deploy resources within the Law Department,
14 particularly in litigation matters.

15 KEITH POWERS: So, I'm asking because I,
16 I'm not entire sure to the answer to this. So, when
17 you are doing the Budget is there any time when you
18 have a specific case that in the Budget you are line,
19 you put a line item, this is where it is going to go
20 in terms of this case that is going to cost so many
21 millions or do you basically you know ask for funding
22 in this amount and then from there later on you
23 decide which cases you are going to do or do you have
24 a mixture of the two?

2 ZACHARY CARTER: Well very often in these
3 cases and and it is fortunate that we have a New York
4 Legal Community on the private side that is generous
5 with their pro bono time but there is no shortage of
6 well, uhm, qualified law firms of excellent attorneys
7 who volunteer their services. And also, we have also
8 partnered with firms that uhm work on a contingency
9 fee basis and so there is no outlay of City resources
10 for some of these cases where we take on private law
11 firms.

12 KEITH POWERS: So, was this case done pro
13 bono by an outside entity or, in house?

14 ZACHARY CARTER: Not this case.

15 KEITH POWERS: Okay let me go back to uhm
16 Raise the Age, uhm are you feeling confident
17 regarding phase 2 moving forward. Uhm. In terms of
18 timing, resources, uhm let me leave it like that for,
19 for now.

20 ZACHARY CARTER: I think that our
21 resources are, are adequate to meet the challenge of
22 the new influx of 17-year Olds uhm in, in October.
23 Uhm as I said in my, in my initial remarks, the one
24 unanticipated obligation was the, the coverage on a
25 24-hour basis of, of reports where these cases are,

2 are initially heard on an initial appearance but
3 we've managed that because fortunately there is a bit
4 of a lag when you flip the switch to raise the age
5 because it is the, date of the offense that is the
6 triggering event, so that, so that uhm so that the
7 build up in case load has been gradual.

8 KEITH POWERS: But once we get into the
9 normal rhythm are you going to need more funding in
10 order to fulfill that obligation?

11 ZACHARY CARTER: That's an irresistible
12 question, I'm going to... to which I am going to answer
13 responsibly for the foreseeable future, I don't think
14 so.

15 KEITH POWERS: You don't think so,
16 alright. Uhm in terms of a notice that we are
17 projecting to generate \$25 million in revenue for an
18 affirmative litigation in Fiscal '19, that is much
19 higher than the previous year. Can you give us more
20 details where we are anticipating to? You know the
21 source and the catalyst for the increase? And if I
22 could just help out here.

23 ZACHARY CARTER: In terms of the, the uhm
24 breakdown.

25 KEITH POWERS: Uh-huh.

2 ZACHARY CARTER: \$8.8 million is
3 attributable to the FedEx case alone. That is the
4 case in which we sued FedEx for the transportation of
5 untaxed cigarettes, over \$15 million recovered in
6 connection with False Claims Act Tax Case brought
7 against the Hedge Fund manager who failed to properly
8 apportion performance fees. The City recovered
9 nearly \$8 million in the first half of this Fiscal
10 year for funds owed to, to the, to City Agencies
11 including Department of Finance and uncollected
12 fines. Uhm, the, it, collections in connection with
13 Housing Code Enforcement Actions. We also have our
14 continuing program that originated a few years ago,
15 uhm in which the City is actually enforcing the
16 obligations and the contract for insurance coverage
17 that had not been done routinely in the past and now
18 it has become a staple of what the Affirmative
19 Litigation Division does, since the inception of that
20 program, some \$1.5 billion in insurance proceeds have
21 been collected and this and it's the first half of
22 Fiscal '19, \$65 million has been collected.

23 CHAIRPERSON FERNANDO CABRERA: I'm sorry,
24 let me go back to uhm, to the night court

2 requirement, how many employees do you need to do the
3 night shift?

4 ZACHARY CARTER: 13.

5 CHAIRPERSON FERNANDO CABRERA: 13, thank
6 you. Okay thank you. Uhm I'm just curious and I'm
7 going to ask this question. I should have asked in
8 the last, uhm panel that we had. Has the Mayor's
9 office been in touch with you regarding a plan to
10 make sure that the people, who interact with the Law
11 Department are informed about the census? Are
12 informed about censuses? The upcoming census?

13 ZACHARY CARTER: Well, the Mayor has
14 established an office, a head of an office that
15 focuses quite specifically on encouraging cooperation
16 with the census. Julie Menin has a, is in charge of
17 that uhm initiative.

18 CHAIRPERSON FERNANDO CABRERA: But have
19 they reached out to you and see uhm, have they
20 collaborated with you in any level at all at that
21 point.

22 ZACHARY CARTER: I'm sorry, I'm not
23 understanding who they are.

24 CHAIRPERSON FERNANDO CABRERA: The
25 census. The new Commissioner Julie Menin.

2 ZACHARY CARTER: Oh yes.

3 CHAIRPERSON FERNANDO CABRERA: She has?

4 ZACHARY CARTER: Yes.

5 CHAIRPERSON FERNANDO CABRERA: And what
6 has been the, the interaction? What's the nature of
7 interaction?

8 ZACHARY CARTER: Well so far that census
9 initiative functions independently from the, the Law
10 Department.

11 CHAIRPERSON FERNANDO CABRERA: No, no I
12 get it.

13 ZACHARY CARTER: I mean she has a dual
14 designation because she is also part of our Executive
15 Staff and part of our Affirmative uhm, uhm our
16 Strategic Advocacy Initiative, but the census is
17 totally separate enterprise.

18 LISETTE CAMILO: Julie Menin has reached
19 out to and has been working and talking to the
20 attorney who handled the census litigation about the
21 contacts that they made in the community and advocacy
22 groups and ideas for generating more support and, and
23 gathering people to participate in the census as well
24 as advising on what actions would be unlawful to take

25

2 so there is that communication, has been going on
3 pretty, uhm regularly I would say.

4 CHAIRPERSON FERNANDO CABRERA: And so
5 that will say. That is what I was looking for.
6 Thank you so much it was really, really helpful. Let
7 me uhm just pass it on now to Council Member Yeger
8 and then after that Council Member Powers.

9 KALMAN YEGER: Thank you Mr. Chairman.
10 Uhm good morning sir.

11 ZACHARY CARTER: Morning.

12 KALMAN YEGER: Uhm just wanted to
13 followup on Mr. Chairman's questions regarding the
14 Raise the Age implementation and I think we started
15 talking about this a little bit last year. I don't
16 expect you to remember all of our wonderful
17 conversations. As the Corp Counsel's Office continues
18 to build up to implement Raise the Age and hiring
19 more people, spending more money do you see and with
20 the, with the qualifications, that I know the
21 District Attorney's do not work for you and they are
22 not your agencies but do you see a resulting
23 reduction in their anticipated needs? And then not
24 looking for you to throw anybody under the bus, but
25 you know as the Corp Counsel becomes a petitioner in

2 cases that the people are no longer prosecuting, you
3 are picking up the tab with human beings who are
4 presenting the case on behalf of your agency.

5 Somewhere those cases are not being prosecuted in the
6 District Attorney Offices. Is there a way to kind of
7 see how that, how that translates?

8 ZACHARY CARTER: Yes uhm and I believe in
9 both worlds I was an Executive Assistant DA in
10 Brooklyn back in the 80s under this wholesome and so
11 I know the demands on a busy uhm District Attorney's
12 Office with tens and thousands of cases particularly
13 in, in criminal court so that when there is uhm some
14 relief that comes with a shifting of case load away
15 from a District Attorney's Office it just means that,
16 that the attention that they wish they could pay to
17 cases that aren't necessarily getting the attention
18 that would be ideal, they get a chance to pay with
19 the, with the staffing that they have so I can't say
20 that uhm, uhm, case for case that my case was
21 transferred to the Family Court that it represents a,
22 a, a less of a need uhm for, for resources by the Das
23 office. I suppose there could come a point where the
24 shift was so dramatic you could make that case but
25 uhm most, in most busy DAs offices where they are

2 kind of barely holding on with the staffs that they
3 have.

4 KALMAN YEGER: That is fair enough and I
5 recognize that your answer is a little bit that the
6 DAs Offices tend to move Jell-O in a bathtub and I
7 get that they, they do a lot with less than what uhm
8 what they really do need in many respects but at some
9 point and I think the number that I am reading is.

10 Is what I am reading, 254 positions were added to the
11 Law Department's FY19 Budget specifically related to
12 Raise the Age. I'm not questioning that at all
13 because I know that you have five different family
14 courts, you've got to spread your wealth around but
15 at some point and I know that it may not be a dollar
16 for dollar, person for person, uhm and family court
17 cases are very different from prosecuted cases by
18 District Attorneys but at some point there has to be
19 some.

20 CHAIRMAN FERNANDO CABRERA: Maybe there
21 doesn't. Maybe there isn't really a relief of
22 personnel in. I don't know the answer. I mean you
23 are indicating sir that it really doesn't make a
24 difference. You are taking work away from the DAs
25

2 offices but that just means that they can... do a
3 better job.

4 KALMAN YEGER: I'll take that, that's good
5 enough for me. Thank you, thank you sir, thank you
6 Mr. Chairman.

7 KEITH POWERS: Thank you just one more
8 question, not DOC related at this time. Uhm I know
9 this has come up in other hearings, Budget Hearings
10 just about uhm what are your responsibilities around
11 family court which you mentioned in your testimony,
12 uhm around obtaining records on child support on non-
13 custodial parents in New York City.

14 ZACHARY CARTER: Yes.

15 KEITH POWERS: Uhm which is obviously
16 very, very important. Do you have data in terms of
17 tracking your success in terms of obtaining out of
18 state, out of state support orders for New York City
19 residents?

20 ZACHARY CARTER: Alright we.

21 KEITH POWERS: And how success that unit
22 is.

23 ZACHARY CARTER: So, for this current
24 Fiscal Year, for the first four months, of, of, 2019
25 we've achieved a collection rate of 72% uhm which is

2 an increase from the same period in the last Fiscal
3 Year.

4 KEITH POWERS: What was it the last
5 Fiscal Year?

6 ZACHARY CARTER: Do you have the number?

7 KEITH POWERS: A comparative data, I
8 guess.

9 ZACHARY CARTER: We will provide that to
10 you I don't have the exact number.

11 KEITH POWERS: Okay, and, and do you feel
12 like that unit is adequately resourced and staffed?
13 I think I'm hearing it.

14 LISETTE CAMILO: 70.

15 KEITH POWERS: It was 70 the last year,
16 72% this year.

17 ZACHARY CARTER: Yes.

18 KEITH POWERS: Okay so in the ballpark a
19 little bit higher?

20 ZACHARY CARTER: Right.

21 KEITH POWERS: And is that a small
22 increment of success or improvement is that due to,
23 is that, due to any new resources or? Is it just?
24 Just, better success at obtaining outcome?

2 ZACHARY CARTER: Well it is, it is uhm
3 more reflective of the kind of irreducible challenges
4 of, of collection. Uhm in these interstate child
5 support cases. Uhm securing jurisdiction over the,
6 the non-custodial parent who is delinquent is often
7 difficult. Identifying and locating requires
8 resources. We do, we do not invariably have the
9 cooperation of the of the custodial parent uhm and so
10 there are, there are challenge that are kind of built
11 in, in to, into the system. And while we would also
12 like to improve uhm the rate in which we hold non-
13 custodial parents, responsible. I think based on our
14 historical experience, 72% is, is a robust rate. Uhm
15 we want to improve on it but it is a, it is a pretty
16 good rate.

17 KEITH POWERS: Okay thank you, thanks to
18 the Chair.

19 KALMAN YEGER: I want to thank our Chair
20 Fernando Cabrera, I want to thank my colleague on the
21 east side, Council Member Powers for asking questions
22 about the uhm child support payments. Uhm we've been
23 asking that for a couple of years. How can you get
24 us? How do we make sure that every child who is
25 entitled to child support gets it? Uhm and I guess

2 the question is what is the Law Department doing for
3 those families that you are failing where they still
4 need that money? How are they getting it? Do you
5 have social work services? How do we help these
6 families?

7 ZACHARY CARTER: These are families of
8 out of, these are out of state residents by
9 definition and so we are attempting in cooperation,
10 in reciprocal cooperation with other jurisdiction to
11 identify delinquent non-custodial parents who are
12 located in our jurisdiction and just as in our, in,
13 in New York City it is the primary responsibility of
14 our Social Service Agencies to provide the kind of
15 safety net services for, for families who are
16 struggling in the, in the wake of not getting the
17 support that uhm that they are legally entitled to
18 from noncustodial parents. It is similarly the
19 obligation of the, of the government where the
20 custodial parent is located to provide those
21 services.

22 KALMAN YEGER: And so does, do, does the
23 Law Department have relationships with the HRA or
24 Mayor's Office of Operations, the Office of Economic
25 Opportunity and AccessNYC to connect parents and

2 families that aren't getting support, child support
3 payments, where we are not succeeding that to their
4 services or would you be willing to create that
5 partnership?

6 ZACHARY CARTER: Are you talking about
7 out of state parents?

8 KALMAN YEGER: In state.

9 ZACHARY CARTER: Maybe I'm
10 misunderstanding here.

11 KALMAN YEGER: Got it, it's okay. We'll,
12 we'll, we'll continue. In terms of juvenile success,
13 we refer to measure service to a Juvenile Success we
14 referred to a diversion program with no new
15 delinquency trouble within one year. The FY18 Actual
16 is 86%, that is a great number but for next year you
17 only want to do 75%, uhm you've been in the high 80s,
18 would you agree with me to set it at 90%?

19 ZACHARY CARTER: Because we want to be
20 realistic. I, I, I mean I believe in setting stretch
21 goals but I believe in setting realistic goals. And
22 the, I know we've, we've had this discussion
23 frequently over, over my appearances over the last
24 five years uhm but diversion is a product of intake.
25 When intake is reduced, diversions go down and that

2 is a good thing, not a bad thing, it's a good thing
3 so hoping that diversions go up is not always the,
4 the sound policy direction that you want things to
5 proceed. You want to make sure that there is a high
6 percentage of cases that are suitable for diversion
7 that are diverted but if you are getting a smaller
8 percentage of cases that are suitable for diversion
9 that are introduced into the system in the first
10 place, then diversions are going to go down.

11 KALMAN YEGER: So, I'm going to give you
12 the last three questions. One is just the judgment
13 and claims. We keep investing in you. We are
14 getting good results. The number this year is
15 smaller than ever before but you are predicting to
16 spend more and more on judgment and claims. We had
17 this conversation about three years ago and you
18 flattened things out. Right now, we are looking at
19 things going up by at least \$50 million over the next
20 three to four years. Uhm if we are spending this
21 much money on new folks, you are going from 1700 up
22 to 2000 like, we are investing in you and if we are
23 hiring lawyers the goals are to win more law suits?
24 That's one piece, will you realign your judgment and
25 claims to reflect, reflect our investment in your

1 staffing. Similarly, what is the final legal cost
2 all in for Rivington and everything that we ended up
3 paying out for everyone? And I think uhm I think
4 those were it.
5

6 ZACHARY CARTER: In judgement and claims.
7 First of all, the figures you have include not only
8 judgment and claims that are attributable to the law
9 department but also the cases that were settled by
10 the controller on the, on the notice of claim. And
11 that is an enterprise that is, that is done
12 cooperatively with the, with the controller. Our
13 staff have had, we had great synergy and, in working
14 hard to make sure that cases are settled on, on
15 reasonable terms, both separately by the controller's
16 office and then by the law department in consultation
17 with the controller's office but as I've, I've, said
18 uhm to the Council on prior occasions, uhm the one of
19 the unpredictable parts of civil practice,
20 particularly in the state courts is that cases have
21 incredibly long shelf lives and that you cannot
22 predict with certainty when cases that are anomalous
23 in terms of the size of the liability that the City
24 faces are going to be converted into a final
25 judgment. Uhm there are years in which there are

2 going to be, there are peaks and there are years when
3 there are going to be valleys. But when you subtract
4 out the outliers, our Judgment and Claims History has
5 been pretty consistent from year to year.

6 KALMAN YEGER: Thank you, Mr. Chairman,
7 real quickly sir. On the IFSA cases, the interstate
8 family support cases uhm we talked about this last
9 year a little bit but I want to make sure that you
10 said it this year as well. It is actually
11 statistically impossible for you to ever get to 100%?
12 Right?

13 ZACHARY CARTER: Correct.

14 KALMAN YEGER: Because?

15 ZACHARY CARTER: Because there is going
16 to be, unfortunately there are going to be
17 noncustodial parents who are not going to be found.
18 Uhm they are going to be, because they are interstate
19 in nature there are going to be process glitches in
20 the system.

21 KALMAN YEGER: Or because not every case
22 is winnable? It's, really ultimately what it boils
23 down to. These are litigations and not every single
24 case that is litigated is always a winnable case.
25 Sometimes things just are not winnable for a variety

2 of reasons, so you've kept it, uhm you know in the
3 70s but do you think that that is pretty much where
4 it could be.

5 ZACHARY CARTER: Can't get to much higher
6 than that. Let me put it this way, I don't believe
7 we can get much higher than that but we are committed
8 to always trying to improve.

9 KALMAN YEGER: Okay, I just want to also
10 point out the 100% filing rate within 60 days of
11 referral that your agency was able to achieve in the
12 four-month comparison that was done recently. Uhm
13 the target uhm between 19 and 20 was 85% but your
14 actual has hovered in the 96% range which means that
15 60% of cases that are coming from out of state into
16 New York and where is an agency from another state is
17 asking the corporation counsel to help out and find
18 the noncustodial parent and make them pay, you do the
19 best you can but within 60 days you are filing a
20 case?

21 ZACHARY CARTER: That's correct.

22 KALMAN YEGER: Okay alright thank you
23 sir, thank you Mr. Chairman.

24 CHARIMAN FERNANDO CABRERA: Thank you uhm
25 I just have one final question, uhm the Law

2 Department was given a peg target of \$7.4 million.

3 Is that correct?

4 ZACHARY CARTER: Is that correct? Yes.

5 CHAIRPERSON FERNANDO CABRERA: Okay. Can
6 you help me understand or give us a preview on how
7 you are planning to achieve these, these savings?

8 LISETTE CAMILO: We are still working
9 with OMB in regard to that.

10 CHAIRPERSON FERNANDO CABRERA: It is
11 looking good?

12 LISETTE CAMILO: We are hopeful.

13 CHAIRPERSON FERNANDO CABRERA: You are
14 hopeful so we hear, so you will come back in May?

15 LISETTA CAMILO: Yes sir.

16 CHAIRPERSON FERNANDO CABRERA: Okay,
17 it's, it's a feeling, are you getting the feeling
18 that this is going to be a hardship on your
19 department?

20 LISETTE CAMILO: We, we, endeavor to do
21 our share.

22 CHAIRPERSON FERNANDO CABRERA: You are so
23 good. Lawyers, lawyers never cease to impress me.
24 Okay, I'll, I'll go easy. Well I want to thank you
25 again as always it is a joy and a pleasure to hear

2 you and with that we conclude. Keep up the great
3 work and, and your leadership you are providing in
4 the department.

5 ZACHARY CARTER: Thank you very much. I
6 appreciate it.

7 CHAIRPERSON FERNANDO CABRERA: Have a
8 wonderful day sir. So, we are waiting for the Board
9 of Elections, are they here? Is the Board of
10 Elections here? Not all of you, should we wait for.
11 (long pause). Mike... are you ready? Okay we are
12 ready to get started here. We've been literally on
13 time an entire day. Now I would like to Executive
14 Director Michael J. Ryan, Executive Director of the
15 Board of Elections or the BOE. Thank you, Executive
16 Director for testifying before us today. The Board
17 of Elections Fiscal 2020 Preliminary Budget total
18 \$98.5 million including \$40.3 million in personnel
19 services, funding to support 517 full-time positions.
20 The Board is responsible for conducting all elections
21 in the City of New York, Federal, State and Local.
22 It registers voters, maintains the City voter
23 registration list and maintains and operates the poll
24 sites amongst various other election related tasks.
25 The New York State Legislature recently passed a

2 major package of electoral reforms that will have a
3 dramatic impact on the way elections are conducted in
4 the State of New York including early voting, uhm
5 federal and state primaries and registration for
6 ability across the state. We would like to hear from
7 the Board about the logistics of implementing this
8 reform as well as the cost. In addition, we would
9 also like to discuss the cost of recent election,
10 strategies to come back, poll site overcrowding,
11 language access at poll sites among other topics.
12 With that, I would like to now ask the Committee
13 Counsel to administer the oath.

14 COUNSEL: Please raise your hand. Do you
15 affirm to tell the truth, the whole truth and nothing
16 but the truth in your testimony before this Committee
17 and to respond honestly to Council Member questions?

18 MICHAEL RYAN: Yes. Uhm the Board has
19 prepared written testimony which has been submitted.
20 How does the Chair wish to proceed? Would you like
21 me to verbally deliver the, the remarks or?

22 CHAIRPERSON FERNANDO CABRERA: Whatever
23 you prefer.

24 MICHAEL RYAN: Alright so what I will do
25 is, I will do a little bit of a ... uhm...

2 CHAIRPERSON FERNANDO CABRERA:

3 Highlights.

4 MICHAEL RYAN: Exactly right, we will do
5 an overview of the, of the testimony and rely on the
6 written testimony. Uhm first of all, thank you Chair
7 Cabrera and members of the Committee. I will have
8 additional staff joining me momentarily. Uhm thank
9 you for giving us an opportunity to discuss the
10 Fiscal needs of the Board of Elections in the, in the
11 upcoming Fiscal year, 2019, 2020. Uhm for starters
12 the Mayor had recently on October 29, 2018 issued an
13 Executive order raising the rate of pay for poll
14 workers for regular poll workers from \$200 to \$250
15 and for coordinators from \$300 to \$350. The Board
16 will renew its request to go the next step and make
17 the raise to \$300 and \$400. That is consistent with
18 years of testimony. We are grateful that this first
19 step, a little bit of a down payment to poll worker
20 recruiting and retention has been made but we are
21 certainly asking for consideration to move forward to
22 the next step and raise it \$300 and \$400. Especially
23 in light of the changes that are coming and we also
24 recognize that coming to a final conclusion on that
25 math in the present moment is difficult until all of

1 the plans for early voting are resolved and we have a
2 full handle on the staffing requirements but that so,
3 at this point that is a placeholder for us. As a, as
4 a bit of good news, the State Legislature has passed
5 a combined primary date and we will no longer be
6 conducting at September primary for Federal Election
7 years. The State and Local Primaries will be joined
8 with the Federal Primary in June and for state and
9 local years only it will also be June. It will be
10 the last Tuesday. We are hoping that has minimal
11 impact on the schools, although this year it happens
12 to be on the last day of school so it is going to be
13 a little bit of challenge for us and the Department
14 of Education but we still think its more physically
15 prudent it makes more sense for the voters. It also
16 makes more sense for the schools because the
17 September primarily typically falls in either the
18 first or second week of school so it presented some
19 challenges there. Our overall Projected Budget
20 inclusive of new needs is \$164.5 million. We have
21 developed I believe a very good working cadence and
22 working relationship with the Administration and the
23 City Council, meeting the basic operation needs. We
24 also recognize that agencies sometimes project higher
25

1 because there is new initiatives that they would
2 like, would like to do and sometimes those are
3 possible and sometimes they need to be deferred based
4 on the overall needs of the Budget, so we are
5 cognizant of that. One of the things that we would
6 like to bring to the Council's attention and it is
7 gone over in some detail here is we are requesting a
8 little shy of \$1.8, about \$1.7 million to establish a
9 Cybersecurity Unit within the Board of Elections
10 which would include essentially a CISO for us, Chief
11 Information Security Officer as well as we would call
12 it a Deputy but that is the function would be, as
13 well as having Cybersecurity Staff in the General
14 Office and in the Borough Offices so that we can more
15 limberly respond to any potential threat. That
16 having been said, we work very closely with City
17 Cybercommand and Jeff Brown and Jeff has told us, or
18 Mr. Brown has told us that he travels all over the
19 country and New York City and our working
20 relationship with the Administration is the most
21 fortified Cybersecurity Elections Administrations in
22 the Country as far as he can assess. Now that
23 doesn't mean that there are no risks. That means
24 that we are doing everything that we can in
25

1 conjunction with the City on an ongoing bases to
2 avert any threats. And one of the things that is
3 working very well through a contract with
4 Cybercommand we have a consultant that has been
5 provided. They provide 24 x 7 x 365 Cybersecurity
6 oversight and remedial assistance if, if necessary.
7 That has been going well although that funding was
8 not put into our Budget, it comes out of the
9 Cybercommand Budget. We act as the contract manager,
10 so we have a direct interface and that's, that's
11 working very well. The other thing that we do with
12 the State, Federal and City Cyber Officials in events
13 of major election events, we do a full-on tabletop
14 exercise uhm complete with injection points where we
15 simulate election day and we come up with game plans
16 and we are constantly updating the contact
17 information for who needs to be spoken to. Uhm the
18 most important thing that has come out of those uh
19 meetings are the necessity for coordinated messaging
20 in the event that something, some outside entity
21 attempted to wreak havoc on the elections process.
22 It is very important for all levels of government to
23 be speaking the same language and reassuring the
24 public that the steps that need to be taken for
25

2 appropriate remediation are occurring and that we are
3 not stepping on each other's message and that process
4 I think has gone very well. I touched on the, on the
5 election day compensation. We would also like to do
6 and perhaps this will both tell more directly with
7 the efforts for early voting uhm but we are asking
8 for an additional \$840,000 to do poll worker
9 outreach, so that we can recruit and retain poll
10 workers as needed in various locations. We also
11 understand that early voting is going to tax this
12 process literally and figuratively and that we may be
13 folding some of those efforts into the early voting.
14 We also want to move forward. Good afternoon
15 Council, we want to move forward with procuring there
16 is a vendor that would also be vendor that has
17 received clearance from New York State or
18 Certification I should say to audit the elections
19 process that would streamline the post-election. We
20 are mandated by law to a 3% audit post-election which
21 escalates. So, if you found an, an issue it would be
22 3% and then an additional 5% moving along you know
23 potentially to 100%. I don't believe it happened, it
24 might have happened early in my tenure as Executive
25 Director but there was only instance where we

1 actually had to move beyond the 3% and I believe that
2 was in the Chair's home borough of the Bronx and it
3 only happened one time. But in any event, the post-
4 election audit process is cumbersome and the purchase
5 of this audit tool would allow for us to do it in a
6 much more streamlined way and it would also reduce
7 the amount of person hours at the back end of the
8 elections process that would be required to complete
9 the task and as you can imagine our staff is usually
10 quite tired by the end of the election process so if
11 we can streamline that, that would be much better.

12 So. Uhm there are several pages in the testimony
13 regarding early voting. None of which have specifics
14 with respect to dollar amounts. I can tell you there
15 are a few reasons for that. One, we don't know if
16 electronic poll books are going to be permissible to
17 use for the uhm for this year. There is a Bill that
18 has passed the New York State Senate, we understand
19 that it may pass the house latest date that I'm
20 hearing is maybe sometime between April 1st and April
21 3rd. The Senate Bill requires the State Board to
22 authorize the vendors that could be used for
23 electronic poll books. So, we have been doing our
24 due diligence and through our Agency Chief
25

1 Contracting Officer we have been bringing in
2 Electronic Poll Book vendors for demonstrations;
3 however, given the limitations of the PPB rules on
4 City Entities we are not discussing a price. That is
5 not to say that we don't have some idea of what the
6 price might be but in a formal way price has been
7 discussed. And until such time as the State Acts
8 Electronic Poll Books are not a reality to us so uhm
9 so we are in the process of making several different
10 plans for early voting for November depending on what
11 is available after the State Board and the State
12 Legislature Acts. As a high hit issue the statute
13 that passed early voting says that it much commences
14 in November of 2019. We have to have one early
15 voting site for every 50,000 voters; however, it does
16 not require any Board of Elections to have more than
17 7 in an individual County. So, that's step one, step
18 two is they moved the poll site designation date from
19 May 1st until March 15. That is the reason why we
20 are not having a Tuesday meeting this week and we are
21 having a Friday meeting with the Board of
22 Commissioners so that the Borough Offices can visit,
23 finalize their poll site designations for the year.
24 And what that means to us is those are the sites that
25

1 we can, as of right, designate schools, other
2 government buildings and private entities with
3 qualifying tax exemptions that would allow us to
4 designate as a matter of right. So, we have to do
5 that work by March 15th, that shaved six weeks off of
6 our normal schedule so it is no longer May 1 it is
7 now March 15; however, we do have until May 1 to
8 notify the voters what, what the early voting sites
9 will be. So, we are in the process of completing
10 that work. It is quite cumbersome as you can imagine
11 and oh by the way, we happen to have a citywide
12 special election thrown into the mix on February 26th
13 and in all likelihood will be having another special
14 election for 92,000 voters in Brooklyn probably in
15 the last week of April or the first week of May I
16 think it is probably going to be by May 7 although I
17 think that is ultimately the, the Mayor's call on
18 that once the vacancy is created after you colleague
19 Jumaane Williams takes the helm at the at the Office
20 of the Public Advocate. So, elec... early voting.
21 Have to have early voting for every election event
22 moving forward after November 2019 and it will be for
23 a period of nine days ending the Sunday before the
24 Tuesday so it's not 9 days of 16-hour days it's
25

2 between 8 and 5 and 5- and 8-hour days and the
3 weekend hours can be a little bit shorter. All of
4 that is going to have to be evaluated by the borough
5 chiefs and deputies as well as Executive Management
6 and we will be putting the final touches on our
7 Preliminary Plans with the Commissioners and then
8 ultimately the Board of Commissioners will make a
9 determination how many sites and how many days. All
10 of that is challenging to us given that there are
11 still some unanswered questions coming out of Albany.
12 Another issue that we have is we have over 4000
13 ballot stiles for general election if you can imagine
14 in New York City spread out over five counties. Uhm
15 we have posed a question to the State Board of
16 Elections, actually a couple. Pertinent to that
17 issue, one is there is a voting system that would do
18 away with the preprinted ballots and it would be a
19 touch screen with a paper record. That might be
20 available for acquisition at some point however the
21 State Board of Elections is still in the process of
22 finalizing the certification and we haven't received
23 a date as to when that might be available. So, we
24 are going to move forward presuming that that is not
25 an available option for early voting or for any

2 voting of that matter and then that would leave us to
3 two, two options. One is what they call pick and
4 pull. That would be that we would have to print,
5 basically double the amount of ballots that we
6 presently print and have all of the ballot stiles
7 available in however many not that they would all be
8 available at the individual early voting sites but
9 the election districts that are designated for that
10 early voting site would have to have all of the
11 ballot stiles that would be there. So, that could be
12 you know several hundred ballot stiles in a
13 particular location where people would have to go off
14 of shelves and, and sort them and hand deliver them.
15 We have also asked for a ruling from the State Board
16 of Elections as to whether or not a ballot on demand
17 system could be used at the poll site, at the early
18 voting sites. The reason that that becomes an issue
19 is because the current State Legislation says that
20 early voting sites must be conducted in the same
21 manner as, as election day. So, if we had a ballot
22 on demand system at the early voting sites, we could
23 print up that same big piece of paper. The wrinkle
24 seems to be here, whether or not a perforated stub is
25 required. Uhm and yes, we have made a suggestion

2 that given the marriage between the electronic system
3 of voter registration known as AVID and the fact that
4 you have to be present in AVID in order for the
5 system to be able to generate a ballot on demand that
6 that essentially serves as an electronic stub. I
7 don't know that our creative thought process in that
8 regard has been met with completely open arms but
9 they are still, the State Board is still in the
10 process of evaluating that and then telling us
11 ultimately what we can do. So, we are hopeful that
12 we don't have to go with the pull and pick, pick and
13 pull method because that would be a major step
14 backwards, I think for the voters and for the cost
15 associated with elections. And we are also hopeful
16 that electronic poll books may actually be a thing of
17 the present as opposed to a thing of the future. I
18 will tell you as an election Administrator it is
19 becoming increasingly frustrating seeing the future
20 of elections and not being able to touch it. There
21 are machines out there that can help us. Electronic
22 poll books. You know some type of a touch free
23 voting system regardless of vendor that would allow
24 the voters to go in to vote privately to allow the
25 members of the accessibility community to once and

2 for all vote in an integrated way, uhm freely and
3 independently exercising the franchise as well as
4 using modern interpretation technology that could be
5 present on a machine and allow folks in all
6 languages, any language that is serviced by Google
7 translator to read the instructions in some of the
8 complicated verbiage associated with elections in
9 their own language right on the street and that would
10 also solve a myriad of problems that we have in the
11 City as diverse as New York. So our conclusion is
12 that we are going to continue to work with the City
13 to plan for these issues as they arise and hopefully
14 as we get more information about what is going to be
15 available to us and with that said I'm certain that
16 some of the Committee Members and the Chair have
17 questions and we are ready to answer them as we can.

18 CHAIRPERSON FERNANDO CABRERA:

19 Absolutely. Thank you so much for your testimony. I
20 first want to recognize we've also been joined by
21 Council Member Rodriguez, Rose, Treyger and I'm just
22 going to ask one question because I know we have
23 quite a few that have of my colleagues that have
24 questions and I'll come back in the tail end so they
25 can ask their questions. But can you, can you do

1
2 early voting uhm without electronic poll books. We
3 are developing plans to for that reality. Uhm there
4 are several plans that have been discussed,
5 ultimately as I said the Commissioners would have to
6 approve one. The answer is we will half to if they
7 are not made available to us but I also want to
8 stress that time is starting to get short on us uhm
9 because New York City is quite large so we have been
10 waiting to see if there is going to be a State OGS
11 Contract that allows for the implementation of early,
12 of electronic poll books. If there is no our ACKO
13 has already done the homework necessary to determine
14 those jurisdictions that already have contracts in
15 place that meet the PPB requirement and that we would
16 be able to piggyback off of one of those contracts
17 and abridge the procurement process exponentially
18 because of that. That said, we are still behind the
19 State Board of Elections in terms of authority. They
20 would have to authorize the use of a particular
21 vendor so even though we are doing our homework and
22 we have the vendors coming in and we are getting
23 demonstrations and we like what we see, you know,
24 from some of them we cannot make a final choice even
25 if we are going to go with the City Procurement

1 process. We cannot make a final choice until the
2 State Board of Elections says here is your list of
3 vendors that are acceptable to be used in New York.
4 And I think y 'all in an extension of that. I was
5 wondering what was going to be the Budget, you are
6 saying that you can't calculate but you should be
7 prepared to have two Budgets, two potential Budgets,
8 do you have that at this moment? Because one without
9 the polls, one without electronic books and one with
10 it. I mean because as you stated we are running out
11 of time.

12
13 MICHAEL RYAN: So, so what I can is and
14 I'm not being circumspect I'm being deferential and
15 respective to the City PP... so we will take a step
16 back and say not a city procurement. The high-water
17 mark number that we got from the State Board of
18 Elections for the most expensive electronic poll book
19 with no discount for volume is approximately \$3000
20 per unit. Now we believe that at a final number it
21 would be substantially south of that but I don't want
22 to mention a specific vendor or a specific price
23 point because we don't want to interfere with the
24 City PPB rolls in the event that we have to go that
25 direction. So, if we took a number of say

2 approximately full implementation of approximately
3 7,000 times, you know 7,000 units needed which might
4 be low but I'm trying to be fair in terms of a
5 number, so if we go with a low number on the number
6 of poll books that we need and the higher number on
7 the price point we are talking about \$21 million, I
8 believe that that is the ceiling and it would work
9 backwards from there. So, for example, if there was
10 a vendor that was able to do it for half of the price
11 given volume that price would be cut in half but
12 there might be adjusted slightly back upwards because
13 we decided that we need more units. Once we discuss
14 with them the final plans for implementation and what
15 real through put should be expected at a poll site.

16 CHAIRPERSON FERNANDO CABRERA: But is
17 that your big anticipated cost coming up? Are its
18 electronic poll books? For me it was seeing that the
19 early voting context that we are going to be working
20 and how much more would that be?

21 MICHAEL RYAN: There is uhm a bunch of
22 different costs. Uhm one is that, is the electronic
23 poll books. The other one is availability of poll
24 sites and what sites are going to be available nine
25 straight days. Are the schools going to be available

2 to us uhm or are we going to have to go private site
3 acquisition and if we have to go private site
4 acquisition and we cannot designate them as of right,
5 then we are going to be in a standard business
6 negotiation rate which could move the price point up.
7 Uhm ballot on demand systems. Uhm Ballot on Demand
8 Systems or a replacement of the voting systems for
9 early voting purposes are also a significant cost.
10 So, and then on top of that we are taking saying a 3-
11 election year we would be typically aiming for three
12 election dates. Now in a three-election year, we are
13 going to be aiming for 30 election days. Nine days
14 of early voting for each election event plus the
15 election event itself. So, our, our days now have
16 been times 10 so we are also assuming that is going
17 to require additional full-time staff and if it
18 requires additional full-time staff uhm I think that
19 they frown on having employees sit on each other's
20 laps so we are going to have to acquire additional
21 space. Uhm the cost is exponential and it is the
22 gift that keeps on giving and ...

23 CHAIRPERSON FERNANDO CABRERA: Mike what
24 I am looking is for a number. I'm a numbers kind of

2 a person. What would that number that you have
3 estimated that would be really helpful?

4 MICHAEL RYAN: We have estimated
5 internally numbers of upwards of \$100 million but
6 that is based on full implementation and that would
7 be, that was also based on what our gold standard
8 would be in terms of the number of sites available
9 upon election day because all of the, what I think is
10 important here for us to do and for us to understand
11 that the exercise that we are engaging is, is
12 establishing unit costs. Right? How much does an
13 individual Ballot on Demand System cost? How much
14 does an individual poll book cost? What's it going
15 to cost us for an individual poll site and then we
16 can scale up and scale down based on what's
17 realistically available. We might want to have a
18 high number of poll sites available at a particular
19 borough. Those suitable sites might not be available
20 once we start having those conversations and if they
21 are not and we are forced to drop back to a floor to
22 get off the ground and get this process moving
23 forward then we are going to do that and that was why
24 respectfully uhm Mr. Chairman we spoke with the
25 Administration and we refrained for the purposes of

2 today. Not for the purposes of forever but for today
3 so let's continue to do our work and see what we are
4 really talking about so we are not just through out a
5 number for the City Budget that is going to have to
6 absorb and we might be way off of the market low or
7 we might be over estimating it way too much in terms
8 of what is realistic to be implemented for November.

9 CHAIRPERSON FERNANDO CABRERA: And I'm
10 glad to have any discussions for the Administration
11 because my biggest concern is the number, they are
12 putting for is very low to what you... I'm trying to be
13 helpful here.

14 MICHAEL RYAN: Yes, no I understand. And
15 so, I, I think the earlier that we can have the
16 discussion to have you know this is you know scenario
17 A, B or C uhm so as we move forward getting closer,
18 we already have these numbers in place. I, I have...
19 and might I just add one more thing. We also don't
20 know what is forthcoming from, from the state in
21 terms of the state budget. I don't think it's a
22 coincidence that we've been told that electronic poll
23 books may pass you know sometime between April 1st
24 and April 3rd and the Fiscal Year starts for the

2 State on April 1st. Those things seem to line up to
3 me but that is their separate process.

4 CHAIRPERSON FERNANDO CABRERA: Okay so
5 I'm going to pass it on to Council Member Rodriguez,
6 followed by Council Member Kallos and then Council
7 Member Treyger.

8 YDANIS RODRIGUEZ: What does it take for
9 the City to for the Board of Election to put a poll
10 sites in college, hospital, and detention centers?

11 MICHAEL RYAN: The detentions centers,
12 that is a what is precluded by State law so detention
13 centers are off, off the, off the list. Uhm any site
14 that is privately owned that is willing to serve as a
15 poll site and if it is helpful to the community,
16 certainly and it could be location, we will evaluate
17 any site.

18 YDANIS RODRIGUEZ: So, so, I fear that we
19 as a Council should be exploring to pull the
20 resources in for you guys to look at. Because if we
21 want to include the Board in participation, we have
22 high school, but we have the senior students, we
23 should accommodate the real... they should be voting in
24 their own schools. We have hospitals, we have
25 thousands of people, that the patient, the family, I

2 think those are sites that as we are going to be
3 exploring and I know everything is a dollar amount.
4 What I feel in areas, where we have a large
5 concentration of people and again looking at high
6 school, college and hospital and I'm pretty sure this
7 is about we having the will and I am saying we, I'm
8 not saying you and your relationship it is about we as
9 a City. Like what are we waiting to say, City 21
10 campus, the largest student population, they vote,
11 not only should we be able to do a good campaign but
12 also, we, no one would have a lack from the student
13 to the college to put a logistic in place. I know
14 that this would mean money and I know that this is
15 something where we as a Council have to play a part
16 but I hope again as we are looking at this Budget and
17 we prepare for a future election that we look at the
18 possibility to identify the colleges, high school,
19 hospital and you already said about detention center,
20 place it where we can span the polling sites.

21 MICHAEL RYAN: So, I appreciate you you
22 bringing that up Councilman. This really is going to
23 be an all hands-on deck approach. This isn't the,
24 the Board of Elections putting on early voting. This
25 is going to be the City of New York putting on early

2 voting and our regular election day that we, that we
3 already do.

4 YDANIS RODRIGUEZ: It is more than that.

5 MICHAEL RYAN: Right.

6 YDANIS RODRIGUEZ: Let's put aside the
7 early voting piece.

8 MICHAEL RYAN: Right.

9 YDANIS RODRIGUEZ: Let's look that we
10 don't get it. Let's say that we still have to work
11 and plan on what we have been doing but and here's
12 the thing, if the institution has a good will and if
13 we as a City say let's put the Budget because it's
14 not only to say that 21 campus at CUNY, they should
15 be open. It's not only to say that Columbia pays NYU
16 but it's also to say where are those resources. So,
17 assuming that we can work with you guys that
18 logically stated and therefore those are places that
19 we should be at least to have a discussion about.

20 Identify a site where we can span the polling sites.

21 MICHAEL RYAN: You are 100% correct and
22 any assistance that we could get that breaks a little
23 bit of a log jam and the resistance on some on you
24 know on the part of some institutions, we are not a
25 welcomed tenant in, in this regard, particularly with

2 respect to special elections. Uhm because these
3 institutions plan their own annual schedule and then
4 all of a sudden, we are coming up on a relatively
5 short notice and trying to throw a special election
6 at them and there are also as Ms. Sandow said,
7 security issues. None of them.

8 YDANIS RODRIGUEZ: But we, but we have.

9 MICHAEL RYAN: None of it should be
10 insurmountable.

11 YDANIS RODRIGUEZ: But, but.

12 MICHAEL RYAN: insurmountable. And we are
13 speaking the same language here, absolutely, we need
14 all of the help that we can get in identifying sites
15 and, and also the influence of your respective
16 offices and the respect that you have within your uhm
17 respective districts and communities also helps,
18 because a request you know from somebody in an
19 important position that would say hey this is
20 important to my constituents. You are also a member
21 of our community here, let's work together.

22 YDANIS RODRIGUEZ: But again, because this
23 is about the Budget piece and I thought that you
24 know, I know that this is important for the Chairman
25 to to expand the voting participation. And knowing

2 then that the City of New York there is not a polling
3 site that we have in a hospital. So, there is not
4 one that we have on a college campus.

5 MICHAEL RYAN: It is still. We do have
6 some college campuses and which on... and on Roosevelt
7 Island we have a hospital. But we have a lot more
8 than a hospital.

9 YDANIS RODRIGUEZ: But that is not
10 something that we are look. So, let's see because it
11 is not only about a local, you know about for me. On
12 a City Guide you know let's bring what you have
13 identified or something that is important for the
14 constituents, citywide polls. The last, my last
15 piece is about I'm looking at February 2017 in in
16 College Park, Maryland they did allow Green card
17 Holders to elect the local elected officials. I will
18 be introducing, re-introducing the Bill very soon
19 when I look in to allow New Yorkers who are Green
20 card Holders and working permits to be able to vote
21 in the local election to elect the Mayor, Controller,
22 Public Advocate and Council Member. If we will pass
23 a Bill that we will make those changes, is the Board
24 of Election in a position to organize that election

2 in a way that will allow that group again, in a
3 different City?

4 MICHAEL RYAN: Assuming that what is
5 passed out of this Chamber and signed into Law is, is
6 legally permissible under the umbrella of the State
7 law, in a prior uhm iteration of local law there were
8 separate school board elections and separate voter
9 rolls had to be kept and maintained for voters who
10 were eligible to vote in school board elections. So,
11 I would imagine we would have to look to the past uhm
12 to help us figure out how we maintain those records
13 for the future moving forward.

14 CHAIRPERSON FERNANDO CABRERA: Thank you
15 so much. Uhm I'm going to encourage my colleagues,
16 we've been doing a fantastic job of being on time and
17 conclude the starting time, concluding time so let's,
18 let's continue with that today. I am going to pass
19 it on to Council Member Kallos immediately after that
20 is Council Member Treyger and Yeger.

21 BEN KALLOS: Uhm thank you to uhm Chair
22 Cabrera, you are running a very good hearing, keep
23 everyone on that five minutes. I'm going to start
24 off by uhm thanking my uhm unofficial election law
25 counsel, uhm Mr. Yeger. Uhm we are looking at the

2 State enabling Legislation and just to be clear about
3 it whether your lawyer and my lawyer agree, this is
4 when we are talking about that 50,000 mark, that's
5 all voters including active and inactive, is that
6 your reading of that as well?

7 MICHAEL RYAN: Right, so yes, it is, it
8 is all voters.

9 BEN KALLOS: Okay uhm in your testimony
10 you did not give us a number which concerns me just
11 at least for the deployment, uhm so you are saying
12 that under the state law, a maximum threshold is 7 so
13 in Richmond County we have 313,930 registered voters,
14 active and inactive across both parties for, divided
15 by 50,000 is 6.2786, do you round up or do you round
16 down?

17 MICHAEL RYAN: We would round down but if..
18 irrespective. So, but I see my colleague from
19 Richmond uhm County, so matter what Richmond County
20 will have six early voting sites if it passes.

21 BEN KALLOS: Assuming that your numbers
22 are correct and I will take them at face value.

23 MICHAEL RYAN: I am taking them from the
24 State Board of Elections February Administration
25 numbers. So then, we started with Richmond which is

2 uhm now the next one up is Bronx, the second most
3 populist is at 819,141 divided by 50,000, comes out
4 to 16, are you going to give us 16 or are we getting
5 7?

6 BEN KALLOS: So. You've got a meeting
7 coming up at the end of the week.

8 MICHAEL RYAN: Councilman unfortunately,
9 the timing of this hearing based on what you all need
10 to do to get your work done is what it is. It
11 doesn't square up nicely with the recent Legislative
12 action, so we are in the process of evaluating all of
13 those concerns and some of those concerns will be,
14 how we address the will be dependent upon what is
15 available to us for tools to carry off uhm an
16 election which will also include suitable poll sites
17 and whether we can identify sufficient locations uhm
18 throughout the City to do that. Uhm and in any
19 event, the State Law requires us to designate those
20 early voting sites by May 1st. That was built into
21 the new scheme and we would be jumping the shark at
22 this point if we started to announce what we were
23 going to do before we even completed our analysis and
24 our evaluation.

2 BEN KALLOS: In New York County, we have
3 1.1... 1,181,425 voters divided by 50,000 that, that
4 means New York County should be getting 24 uhm early
5 voting sites. If you give us just 7, that means
6 168,775 voters would have to share one location and
7 uhm I, do you will you commit to doing more than 7,
8 will you commit to doing 24 or 23 in Manhattan.

9 MICHAEL RYAN: I will commit to
10 completing the analysis, discussing this matter with
11 the Board of Commissioners. They are the legal
12 authority that designates the poll sites and.

13 BEN KALLOS: Sorry, sorry, I'm on a clock
14 so I'm sorry to interrupt, I know it is rude, if we
15 did just 7 poll sites of statutorily allowed, that
16 would be 168,775, that would be processing, assuming
17 everyone turns out 18,752 voters a day over 9 days.
18 Could you even do that?

19 MICHAEL RYAN: Probably not, however, we
20 are still in the process of conducting our
21 evaluation. This has just happened uhm within the
22 last couple of weeks and we still don't have answers
23 that we need from the State Board of Elections and
24 the State Legislature to finalize our planning. So I
25 can tell you, we know how to divide and we know how

2 to add, and we are evaluating all of these things and
3 not the least of which is the possibility of having
4 to use one set of paper poll books that will be
5 delivered to sites throughout the City and then
6 collecting them from Sunday night and re-delivering
7 them by 5 o'clock on Tuesday morning so, so I will
8 say this. And this Council should be rest assured
9 that no one is more concerned about this logistics
10 and the service than the Board of Elections. You all
11 may be as equally concerned but ultimately it falls
12 to the Board to make all of this happen, on, very,
13 very short notice for the purposes of this hearing.

14 BEN KALLOS: I want to thank the Chair
15 for the last question. I'm concerned about 50,000
16 people let alone 168,000 people descending on a
17 single, early voting site. Uhm my District has had
18 long lines uhm because of the long lines people are
19 waiting in the rain. Uhm that rain ended up getting
20 on to the belts. There was a hearing that I was not
21 able to stay for the whole time but would the Board
22 of Elections? Would you as Executive Director uhm be
23 willing to work with me to, and my Community Board to
24 identify additional poll sites so that if we have a
25 poll site that maybe doesn't, let's have a building

1 with 1,000 units in it or just 500, maybe it's not
2 2,000 but just say folks you know what we have a poll
3 site with 15 or 10 election Districts in it which
4 means we've got 30,000 people trying to vote in this
5 place and you know if we can, if we can pull out
6 2,000 here and there and get it from 30,000 voters to
7 maybe 15,000 voters that would be a good thing.
8 Would you commit to working with us, getting us a
9 pivot table of the biggest uhm locations and old
10 sites and I don't mind picking up the phone and
11 calling Real Estate Developers who I don't take
12 campaign contributions for to be like hey, I never
13 asked you for anything would you, would you give me a
14 poll site in your building, three times, twice a year
15 because we just got rid of the unconsolidated
16 primaries.

18 MICHAEL RYAN: As I have said not only to
19 you Council Member but to this Committee, we will
20 work to establish poll sites wherever we can uhm
21 within the resources uhm that we provided. We, we
22 will have our final list of designated poll sites at
23 our Friday meeting. That's where we are at. It's
24 just, it's just a calendar quirk that we are here
25 today because if we were hear next week, I'd have a

2 better understanding of what, what might be available
3 to us. So, you have to figure, we are going to have
4 our designated sites. They might not all be
5 sufficient or even able to be used for early voting.
6 So, we are concentrating on early voting but the law
7 requires us to designate all of our sites by March
8 15. If we don't designate them by March 15th, we
9 lose us as of right ability to do designate.

10 BEN KALLOS: May 1st or March 15.

11 MICHAEL RYAN: March 15th they have to be
12 designated. Then as a subset of that list from March
13 15, by May 1st, we have to pluck from that list the
14 sites that we are going to use.

15 BEN KALLOS: Okay.

16 MICHAEL RYAN: For early voting.

17 BEN KALLOS: Final question.

18 MICHAEL RYAN: Sure.

19 BEN KALLOS: I thank the Chair for the
20 indulgence. March 15th is three days away.

21 MICHAEL RYAN: Correct.

22 BEN KALLOS: I believe you currently know
23 a ballpark for how many sites you are presenting on
24 Friday. Will you please tell us what the ballpark
25

2 number is? Are we talking about uhm 35, because it's
3 5 x 7 or are we talking about 103 or 107 sites?

4 MICHAEL RYAN: I can tell you that our
5 uhm Counsel is here uhm and they go over this list
6 finality and it is up to the Commissioners to
7 designate the sites. They are my bosses. I am not
8 stepping out ahead of their authority to designate
9 the poll sites on March 15 for the purposes of
10 today's hearing. We will have an understanding, that
11 will begin to shape for us, what's our, what is going
12 to be available to us for early voting, and I suspect
13 that we may have to come back not only to you
14 Councilman but to others to say hey we have these
15 sites. This particular school in this area has all
16 these events going on. They might not be suitable
17 for early voting. We need another site in that
18 location.

19 BEN KALLOS: Is it closer to 35 or closer
20 to 100?

21 MICHAEL RYAN: It really de... it really
22 depends.

23 BEN KALLOS: More or less than 60?

24 MICHAEL RYAN: I can't answer that
25 question today.

2 BEN KALLOS: But certain.

3 MICHAEL RYAN: I am not trying to be
4 circumspect. This is thrown at us, at a uhm in very
5 short order and I have to respect my internal
6 process.

7 CHAIRPERSON FERNANDO CABRERA: Yeah, so
8 Mr. Ryan uhm so really quickly I think you are
9 getting the sense from the Council if but you can
10 relay their message.

11 MICHAEL RYAN: Yes.

12 CHAIRPERSON FERNANDO CABRERA: But we
13 want as many as possible. What we don't want is long
14 lines of people who are going to be discouraged in
15 their very first experience of early voting in the
16 history of New York. I say no. I mean you can
17 better tell me if this is the first time, I believe
18 it is. Uhm so we don't want people to get turned
19 off. We want it to be a good experience. We want
20 it, especially in those first days to create a
21 momentum where people say hey wow, I didn't have to
22 wait, it was quick uhm and then we create a buzz
23 excitement. I believe you have the same desire. We
24 had many conversations about.

25 MICHAEL RYAN: Absolutely.

2 CHAIRPERSON FERNANDO CABRERA: Regarding
3 that and uhm and I have a question related to this at
4 the very end but I want to uhm Council Member Treyger
5 you have been waiting so patiently, thank you so much
6 I hand it off to you.

7 MARK TREYGER: Thank you Chair Cabrera,
8 welcome back. Thank you again Director for all you.
9 I think you have an idea of where my line of
10 questioning will go. Uhm Director on the, the Board
11 of Elections filed suit against the City of New York
12 uhm prior the day before the special election for
13 Public Advocate, is that correct? The filed suit in
14 court.

15 MICHAEL RYAN: We were in court the day
16 before the election, yes. I don't know the suit was
17 probably filed you know a couple of days before that.

18 MARK TREYGER: Right, uhm correct, right.
19 And what was the ruling of the court?

20 MICHAEL RYAN: Well the limited ruling
21 was that there was no ruling on the merits of the
22 case. It was simply a ruling on a temporary uhm
23 restraining order, whether or not the City would be
24 joined and the Court ruled that the application made
25

2 by the Board did not meet the standards for a
3 temporary restraining order.

4 MARK TREYGER: Which means that the
5 interpreters were allowed to serve inside the poll
6 sites uhm during the special election, is that
7 correct?

8 MICHAEL RYAN: Inside the buildings but
9 not in the room themselves that there were. The City
10 identified locations uhm outside of the rooms and
11 those individuals were inside the building so they
12 were not exposed to the elements if that is your
13 question.

14 MARK TREYGER: So, we will get back to
15 that point so the, so the ruling did not prohibit the
16 interpreters from being inside the physical space
17 during special elections is that correct?

18 MICHAEL RYAN: It pro... they were. So,
19 they were in the buildings but not in the poll rooms
20 themselves.

21 MARK TREYGER: So, we will get back to
22 that. Because I want to tell you that when I
23 visited.

24

25

2 CHAIRPERSON FERNANDO CABRERA: Council
3 Member just, just for the sake of floridity if we
4 could swear you in so.

5 COUNSEL: Do you affirm to tell the
6 truth, the whole truth and nothing but the truth in
7 your testimony before this Committee and to respond
8 honestly to Council Member questions?

9 DAWN SANDOW: I do.

10 CHAIRPERSON FERNANDO CABRERA: Thank you
11 so much.

12 MARK TREYGER: Thank you Chair. Uhm I
13 want to share with you what I heard from the
14 interpreter at PS188 in Coney Island where when she
15 showed up to work in the morning, she was told by BOE
16 personnel, Board of Elections not DOE, Board of
17 Elections personnel that she cannot come inside the
18 building or the school gymnasium. It wasn't until
19 she called her supervisor which is not the Board of
20 Elections that she was told that she could go inside
21 the physical space. Can you explain, how and why
22 would the Board of Elections after, and this is just
23 one example, I'm hearing anecdotally of more. Can
24 you explain that after a court decision that allowed
25 them to be inside the physical space and we will get

1
2 to where in the space in a moment, why would BOE
3 staff continue to deny access and entry to
4 interpreters serving people?

5 MICHAEL RYAN: I believe that we worked
6 closely with the Administration to do what we could
7 do on short notice to comply with the Court Order.
8 We did not get the list of poll sites from the City
9 until very late in the game but despite that and one
10 the court came down with its ruling, we worked
11 together to make it happen. One thing that we did
12 was we pushed out a message beginning at 5 o'clock in
13 the morning and running every half hour until 7
14 o'clock in the morning to the tablets at all of the
15 poll sites that were affected to let them know about
16 the court ruling. I could get you the exact
17 verbiage, I drafted it myself and we, we pushed it
18 out to let the poll workers know that this should not
19 happen. When it did happen and we were informed of a
20 few instances of it we worked very closely with the
21 Chief Democracy Officer and her staff to make sure
22 that the poll workers received the proper
23 instruction. Now I was out in the field on election
24 day, I dealt with some issues directly and Ms. Ms.
25 Sandow was back at the office and I believe she has

2 some insight as to how that communication went and
3 how some of those isolated problems were remedied.

4 MARK TREYGER: In the interest of time,
5 what time did the court render its decision?

6 MICHAEL RYAN: It was probably close to 4
7 o'clock by the time we got out of there, 3:30, 4:00.

8 MARK TREYGER: 3:30, 4:00 the day before.

9 MICHAEL RYAN: Before special election.

10 MARK TREYGER: Correct. And what time did
11 you send out notices to staff that folks were allowed
12 to serve.

13 MICHAEL RYAN: Well, we don't, we don't
14 have communication with our poll workers until they
15 come.

16 DAWN SANDOW: Until the morning of.

17 MICHAEL RYAN: Until the morning of.

18 MARK TREYGER: And so, you know is there
19 like some sort of an email list, some sort of like a
20 robocall list of some sort. How did, how did we
21 notify them that people have a right to interpret
22 inside the poll site?

23 MICHAEL RYAN: What we did was we sent
24 out a message on the poll site tablet system.

2 MARK TREYGER: Where the coordinators are
3 supposed to get that information. And it started at
4 5 a.m. and it went every half hour from 5 a.m. to 7
5 a.m. uhm on a repeated message and of course if they
6 didn't delete it, it was there you know for the
7 entire day. If I could be granted just a moment,
8 moments this is really important I think for the
9 Chair. Uh now I am still really disappointed that we
10 lost precious time in the morning due to this
11 confusion that should have never happened. Because I
12 wanted, let's see the physical space where, where in
13 the rules or in the regulations did it state that the
14 interpreters cannot be placed inside the poll site
15 because what I, what I observed was that they were
16 placed in a lobby. In some schools, I heard they
17 were placed in a third-floor classroom and the last
18 time I checked voters don't vote on the 3rd floor of
19 schools. Maybe not in my District I don't know about
20 other Districts I don't know but certainly not in my,
21 in my part of town. So, no one even knew that they
22 were there, that they existed and so where in the
23 rules and regulations does it state that they cannot
24 be placed inside the poll site?

1
2 MICHAEL RYAN: Well, there are a couple
3 of concerns there, one is what the definition of the
4 guardrail? And the Law department opinion as far as
5 I understand established that they would not be in
6 the poll rooms themselves and that was an element of,
7 of the court order as well, so we followed uhm the
8 court order and we worked with the City to facilitate
9 the, the translators being able to come into the
10 poll rooms within individuals. As a matter of face,
11 we prepared a, and we've done it for a few elections
12 now, where we have a combined affidavit and oath,
13 required by law, the oath is for the voter that says
14 I need services and the affidavit is for the
15 individual providing those services that says that
16 they are not going to unduly interfere with the
17 elections process. That was not a form that existed
18 prior to the uhm, to the introduction of, of these
19 translators and we've done that and we make sure that
20 they are distributed and available at the poll sites
21 where the translators are going to be. And in this
22 particular case, that required us hand delivering
23 those forms separately because of the late hour that
24 we got the uh.

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2 MARK TREYGER: So, Director Ryan, just to
3 be clear, you are saying that the court order, the
4 court order said you cannot have the interpreters
5 inside the poll site, am I hearing you correctly?

6 MICHAEL RYAN: Right. So, in the, it's a
7 combination of two things, the Election Law uhm
8 defines the guardrail and says where the guardrail
9 is.

10 MARK TREYGER: That is State Election Law,
11 right?

12 MICHAEL RYAN: Yes.

13 MARK TREYGER: And the Law Department's
14 opinion.

15 MICHAEL RYAN: Right.

16 MARK TREYGER: Was that the guardrail
17 extends to the entire poll room?

18 MICHAEL RYAN: The Law Department's
19 opinion?

20 MARK TREYGER: Yeah. Your Law Department?

21 MICHAEL RYAN: No, no the New York City
22 Law Department.

23 MARK TREYGER: Right.

24 MICHAEL RYAN: Issued an opinion
25 regarding this matter, which was distributed to us

1 and it said that the poll site, the poll room was
2 inside the guardrail and that the, the interpreters
3 would not be within the poll site or to obstruct the
4 pathway. Now the other thing is, and I appreciate
5 the sensitivity of this issue and I appreciate your
6 passion with respect to it. But there is another
7 element to this. All of our poll sites are surveyed
8 under a Federal Court Order, uhm and a consent decree
9 with respect to ADA accessibility. So even from a
10 practical perspective if you left the, if you left
11 the legal issues off to the side and those
12 interpretations off to the side, uhm we would not be
13 able to on short order incorporates additional staff
14 into the poll sites without surveying those sites uhm
15 as required by the Federal Consent Decree. So,
16 there's a lot of moving parts to this. It did kind
17 of come up, we had been told that we were going to
18 get information further in advance of the election
19 than we had in the past but each time and I presume
20 it will get better, presuming the court doesn't
21 overturn the, the interpreters right. If it is going
22 to keep happening, we need the information further in
23 advance.
24

2 MARK TREYGER: Director Ryan the reason
3 why I am confused by your testimony today is because
4 the City Administration, the Mayor's Office was not
5 happy when they heard that interpreters were placed
6 on 3rd floor classrooms, they were not happy about
7 and I don't even know who made that decision, who
8 makes that call?

9 DAWN SANDOW: We did not make that
10 decision. We didn't tell the where they needed to
11 sit. Where the tables needed to go, that decision
12 came from the Mayor's Office, the Administration.

13 MARK TREYGER: That is not what we are
14 hearing from the interpreters. The interpret that I
15 spoke with in my District, I can't speak for the
16 third-floor classroom person but the person I spoke
17 with in my District said a BOE staffer told her she
18 could not enter the, the gym where they were voting
19 that morning. She had to call her supervisor which
20 was not the BOE, supervisor came down and said you
21 are allowed to enter the site and they lost precious
22 time waiting for this exchange to happen and then
23 they agreed because the BOE person contested where
24 they can go, they put her into the lobby. Now it
25 just so happens that the lobby was an access point to

2 the poll site so in that location it wasn't terrible
3 but I heard in other locations like the school in
4 Williamsburg, the interpreters were placed in a
5 third-floor classroom and no one knew that they were
6 there. And I, I don't believe the interpreter just
7 said hey I feel like going up to the third floor
8 today. That's, that's not how that happened.

9 MICHAEL RYAN: So, I think that the two
10 issues that we are discussing here are in fact
11 separate. One is an issue of communication and
12 effective communication whether that happened
13 properly on election morning. The issue of where the
14 interpreters were assigned to sit, were, was made by
15 someone on the City side of government, not in the
16 Board of Elections. We had no access to these
17 individuals, we don't know how they were trained or,
18 or where they came from and I will tell you this
19 Councilman, after we got out of the court in Brooklyn
20 at 360 Adam Street at about 3:30, 4:00 in the
21 afternoon, I was first given the surveys, some of
22 them were detailed, some of them were sketched you
23 know, on, on paper, and we were told what poll sites
24 there were going to be and specifically where the uhm
25 where the interpreters were going to be located.

2 MARK TREYGER: How much, how much did the
3 lawsuit cost the BOE?

4 MICHAEL RYAN: We, it's ongoing, so we
5 have not received a Bill for legal services yet at
6 this point. Uhm but we do have outside counsel and
7 that was authorized pursuant to the outside Counsel
8 authorization process established by the Law
9 Department.

10 MARK TREYGER: And you have no idea how
11 much that's going to cost? No estimate, no invoices
12 filed in yet?

13 MICHAEL RYAN: Not yet. We, it's, we
14 just did an emergency application and I believe this
15 morning there was a conference, a court conference,
16 attorney's conference.

17 MARK TREYGER: So, I just want to
18 conclude. I thank the Chair for providing me
19 gracious time.

20 MICHAEL RYAN: But Council Member I do
21 want to, I do want to point out one thing.

22 MARK TREYGER: Yes.

23 MICHAEL RYAN: After we got these
24 surveys, the night before the election which you can
25 imagine you know Board people try to get home at a

2 decent hour because you have to get up and be up 24
3 hours the next day. We stayed, executive management
4 stayed and we went on to our system and we printed up
5 all of the surveys uhm that we have for each one of
6 these site and we included that for a package for a
7 special delivery to these poll sites for the
8 following morning so that the poll workers would have
9 as much up to date information as we did. So, so
10 from an Executive Management perspective and we did
11 not shuck our responsibilities with respect to the,
12 to the court order once the litigation was concluded,
13 in fact we took an extra, you know numerous extra
14 steps and did our best to make sure that we complied
15 with the court order. Uhm that we complied not only
16 with it you know technically but the spirit of it and
17 we did our best uhm to cooperate.

18 MARK TREYGER: Director Ryan is it fair
19 to say that we've been spending more than a year,
20 even more than two years on this issue of
21 interpreters at poll sites is that fair to say?

22 MICHAEL RYAN: Yes.

23 MARK TREYGER: Yeah so, so the issue that
24 there was still a communication breakdown and look I
25 am not excusing anyone's behavior here but the bottom

2 line for me and for, and for us policy makers is to
3 make sure that our residents, our, our voters are
4 empowered to make, to make good choices, and
5 decisions. And the fact is that we put in government
6 unnecessary barriers in that way and I want to share
7 with you for the record and for my colleagues to hear
8 because I spoke to some interpreters, I want to share
9 with you what I took down as notes as some of the
10 questions voters asked them. Some voters or
11 immigrant communities were asking questions such as I
12 am a Democrat am, I allowed to vote today? Would you
13 call that a good question, Director Ryan?

14 MICHAEL RYAN: Yes.

15 MARK TREYGER: Fair question, right?

16 Another voter asked, since this is a special election
17 are all the poll sites open? Can I vote here today?
18 Fair question, Director Ryan?

19 MICHAEL RYAN: Yes.

20 MARK TREYGER: Very fair question. And of
21 course, with questions I predicted such as am I in
22 the right place? Over and over and over again, that
23 is why we push for interpreters because if no one was
24 able to help answer these very basic questions, we
25 would have lost them Director Ryan and we've been

2 losing voters year after year after year and nothing

3 I am not an attorney I am just a former civics

4 teacher but I will tell you this. I read the

5 Voting's Right Act; nothing prohibits the Board of

6 Elections from adding additional languages. The

7 Voting's Right Act is the floor, it is not the

8 ceiling. States and localities have the power to add

9 more languages and add more services. It is shameful

10 in the year 2019 we are not providing this service to

11 our communities. I thank the Chair for his time.

12 CHAIRPERSON FERNANDO CABRERA: Thank you

13 so much I just have a quick followup question. You,

14 you had a contract with the outside counsel, is there

15 a contract written?

16 MICHAEL RYAN: We had a meeting with uhm

17 the Law Department and obviously it was in Executive

18 Session that attorney-client privilege, right? But

19 the process is that we had to have a meeting with the

20 Law Department. The Law Department determined that

21 it could not represent...

22 CHAIRPERSON FERNANDO CABRERA: Right.

23 No, we get that part.

24 MICHAEL RYAN: The City and us.

25 CHAIRPERSON FERNANDO CABRERA: Yeah.

2 MICHAEL RYAN: And then it went up the
3 chain within the Law Department authorizing outside
4 counsel. Now the way that that works is they got to
5 come to us and tell us here is a list of lawyers that
6 you can hire. They determined that no lawyers on
7 their list has Elections Law expertise and then they
8 gave us authorization to..

9 CHAIRPERSON FERNANDO CABRERA: I get all
10 of that part. The part that I am getting to, is you
11 had a contract, right? There was a contract written.

12 DAWN SANDOW: Engagement.

13 MICHAEL RYAN: It's an engagement.

14 CHAIRPERSON FERNANDO CABRERA: Okay, I
15 apologize. What happens in that engagement contract,
16 is there a ceiling of costs or just however much?

17 MICHAEL RYAN: It's an hourly rate.

18 CHAIRPERSON FERNANDO CABRERA: And what's
19 the hourly rate?

20 MICHAEL RYAN: \$350 an hour.

21 CHAIRPERSON FERNANDO CABRERA: \$350 and
22 how many hours do you anticipate you will spend on
23 this. Maybe your legal counsel will know? What is
24 the average on something like this?

2 MICHAEL RYAN: It really depends on when
3 it concludes. So, there was, there was a preliminary
4 injunction hearing uhm the day before election day
5 and there was a single attorney's conference date
6 today. So, it's like.

7 CHAIRPERSON FERNANDO CABRERA: Maybe
8 \$10,000, is that a ballpark?

9 MICHAEL RYAN: I was an attorney in
10 private practice and we were already reticent to put
11 a final number on it.

12 CHAIRPERSON FERNANDO CABRERA: Okay. I
13 am not looking for a final.

14 MICHAEL RYAN: Because then you will say
15 you said it was going to be this.

16 CHAIRPERSON FERNANDO CABRERA: Yeah, I'm
17 not looking for a final. I don't think he was
18 either. I just a ballpark. I mean was this a, the
19 first 24 hours you, what this person was hired on
20 that day or a couple of days before.

21 MICHAEL RYAN: It came down to the wire.

22 CHAIRPERSON FERNANDO CABRERA: Okay.

23 MICHAEL RYAN: We had a meeting on
24 Tuesday. I think the process; you know the previous
25 week and then the process was finalized on either

2 Wednesday or Thursday of that week and then they had
3 to put the papers together and get into court for
4 Monday so it all happened relatively quickly.

5 CHAIRPERSON FERNANDO CABRERA: Okay so I
6 am going to pass it on to Council Member Yeger and he
7 is very familiar with this type of cost being a
8 lawyer.

9 KALMAN YEGER: Thank you Mr. Chairman.

10 CHAIRPERSON FERNANDO CABRERA: With
11 elections.

12 KALMAN YEGER: Uhm just uhm for
13 clarification I did not charge my good colleague from
14 Manhattan for any of the advice that I gave earlier,
15 so that was free. Mr. Director, good afternoon,
16 Madam Deputy Director, how are you? Uhm I am going
17 to try to roll through this quick, I know the clock
18 is late and we have other agencies waiting and I
19 appreciate Mr. Chairman's indulgence. Uhm just
20 really quick on early voting, uhm you don't
21 anticipate that all of the uhm number of voters for
22 each site are going to vote at the same exact minute
23 on the same exact day of the nine day early voting
24 period, do you?

2 MICHAEL RYAN: I'm anticipating that the
3 voters will likely ease in to it and that will depend
4 on how aggressively we are able to make the public
5 roll out.

6 KALMAN YEGER: So, if there are 120,000
7 voters allocated for one particular voting site you
8 don't expect that they are all going to show up at 9
9 a.m. on Tuesday, right?

10 MICHAEL RYAN: I would certainly hope not
11 and what we should do is do an effective public
12 education plan to let folks know that it is spread
13 out over nine days and oh by the way if you miss any
14 of those nine days, there is ...

15 KALMAN YEGER: There is an actually an
16 election day.

17 MICHAEL RYAN: There is still actually an
18 election day that's correct.

19 KALMAN YEGER: That brings me to my next
20 question when the uhm our wise colleagues up to the
21 north bestowed upon us the gift of Democracy did that
22 come with a check?

23 MICHAEL RYAN: Not yet.
24
25

2 KALMAN YEGER: Okay so uhm I think we
3 call that an unfunded mandate, is that something that
4 you would call?

5 MICHAEL RYAN: That's what it is in its
6 present state.

7 KALMAN YEGER: Uhm okay so, they've given
8 us early voting, right now we have to pull that off
9 and uhm I apologize by the way for those whole bunch
10 of special elections. I did my best that I could
11 this year to make that not happen for you but big
12 failure on my part. But they are also giving us the
13 auto voter reg, electronic poll books, not paying for
14 any of that right? To your knowledge, so far.

15 MICHAEL RYAN: No, they have a couple of
16 weeks left to finalize the State Budget so it is
17 still time.

18 KALMAN YEGER: And hopes bring eternal.
19 Uhm just to clarify on the question of outside
20 counsel as uhm Mr. Chairman asked. Just to be very
21 clear and not to get into the internal decision-
22 making processes of why the Board chooses to engage
23 in a particular litigation but simply the question of
24 engaging outside counsel to do so. Before an agency,
25 I've had this conversation with Corporation Counsel

2 at previous hearings. Before an agency engages
3 outside Counsel you have to ask the Corporate Counsel
4 basically has to tell you we cannot represent you as
5 a matter of uhm conflicts of interest there is
6 nothing that we can do, is that correct?

7 MICHAEL RYAN: That is correct.

8 KALMAN YEGER: Did Corporate Counsel tell
9 you that?

10 MICHAEL RYAN: Yes.

11 KALMAN YEGER: Okay so then if the Board
12 as a matter of policy decided that it was going to
13 engage in litigation, what was your choice? Did you
14 have? You can't handle it inhouse can you? I mean
15 Mr. Richmond there. He is a wonderful but.

16 MICHAEL RYAN: No.

17 KALMAN YEGER: This time big time
18 lawyers, right.

19 MICHAEL RYAN: Absent to outside Counsel
20 there would have to be a special designation again by
21 the Corporation Counsel for say an agency, General
22 Counsel, a Deputy General Counsel to serve as.

23 KALMAN YEGER: Serve as a special.

24 MICHAEL RYAN: Correct.

2 KALMAN YEGER: For that purpose. So, you
3 were left with very little options other than to go
4 private, right?

5 MICHAEL RYAN: Correct, and as a matter
6 of fact in a prior life I was especially designated
7 assistant corporation counsel representing the
8 Mayor's office for Writs of Habeas Corpus for to get
9 paid.

10 KALMAN YEGER: Did you get \$350 an hour?

11 MICHAEL RYAN: No, I got my salary. My
12 salary at the time but none of the lawyers over here
13 have gotten \$350 an hour.

14 KALMAN YEGER: I wanted to ask you about
15 uhm online voter registration. My good colleague uhm
16 Mr. Kallos passed a Bill two years ago that would
17 require an agency here in the City, the Campaign
18 Finance Board to uhm engage in, engage in an online
19 voter registration program. As I understand the
20 calendar, the 18 months of effective date following
21 enactment is pretty much biting us on the nose.

22 MICHAEL RYAN: Yes.

23 KALMAN YEGER: Have you any information
24 about where they are up to?

2 MICHAEL RYAN: We recently received
3 communication just prior to the, lead up to the
4 special election. We recently received communication
5 from the Campaign Finance Board, uhm to this minute
6 there has been no followup by the Board of Elections
7 on that because our attention uhm was diverted to the
8 elections uh process. We have asked for and off the
9 top of my head I'm not recalling what the guidance
10 was, we were asking for guidance from the State Board
11 of Elections with respect to this particularly uhm
12 matter of, matter of the law and what our ability is
13 to accept a digitally marked signature. And I want..
14 and we've had this conversation with Councilman
15 Kallos and this body before. The elections
16 registration system although we maintain our own
17 records is not ours. The official repository of
18 election registration information is the State Board
19 of Elections. As a matter of fact, there was
20 recently uhm Legislation passed that is going to now
21 require the transfer of registrations between
22 counties. Interestingly enough, they looked to New
23 York City because we already do it. We transfer in
24 between the five boroughs. So, we have provided our
25 procedures for that which I believe is going to

2 become the foundation of such procedures for the
3 State. So, if uhm whatever passes legal muster with
4 the State the New York City Board of Elections will
5 do in its Administrative Administerial Capacity.

6 KALMAN YEGER: Alright I am asking you
7 this question because the Agency that asked with this
8 mission doesn't uhm, doesn't bother us with visits
9 the time of year so we are stuck asking you but what
10 my question really is is to be more specific? Are
11 they ready to go?

12 MICHAEL RYAN: Uhm I don't know.

13 KALMAN YEGER: Fair enough.

14 MICHAEL RYAN: Where they are at. I can
15 tell you that we have under Executive order 1 of 2014
16 uhm which was promulgated in July of 2014 uhm we
17 began a process with the City of New York to exchange
18 electronic data but not uh electronic signature
19 images, um to get this process moving along so that
20 when the State Board of Elections and the State
21 Legislature tells us its okay to accept a signature
22 in that form, we will be ready to go. Our system is
23 ready on our end and has been ready probably since
24 the spring of 2015. Uhm in response to the local law

2 29 Executive Order that was supposed to enhance this
3 procedure.

4 KALMAN YEGER: To your knowledge, has the
5 Campaign Finance Board been talking to the State Board
6 of Elections about checking them? You don't know,
7 okay.

8 MICHAEL RYAN: No, I don't know.

9 KALMAN YEGER: Okay one last question you
10 uhm mentioned in your printed testimony that the
11 Mayor very wisely and long overdue but he did this
12 and he had acknowledged that this was needed, raised
13 the rate of pay for election day workers. Do you
14 know if that rate of pay is the minimum wage or
15 equals to the minimum wage when you divide it into
16 hours?

17 MICHAEL RYAN: It depends on how many
18 hours you work.

19 KALMAN YEGER: Well, assuming that it is
20 the full day of the approximately 5:30 and change to
21 approximately 9:30 or thereabouts, does it work out?
22 I'm not asking you to do the math. I guess I can do
23 the math.

24

25

2 MICHAEL RYAN: I think it's in excess of
3 the minimum wage but not, does not always meet the
4 standard of the \$15 and hour.

5 KALMAN YEGER: And you have asked. In
6 your testimony you have asked the Council to work
7 with the Mayor to raise poll worker compensation
8 which is an estimated cost of \$5.8 million an hour to
9 what, would you, okay, I see here. You are asking
10 for an additional increase of \$100 a day to poll
11 workers and \$50 a day.. okay. Uhm you're also asked.
12 Uhm you've renewed your request. I know we've
13 engaged in this, in this dialog. You have renewed a
14 request to implement the Municipal Workers as Poll
15 Workers program, we've talked about this at previous
16 hearings. I've only been here for 14 and change
17 months but I think we've had this conversation
18 several times here, any movement?

19 MICHAEL RYAN: Uhm no but we.

20 KALMAN YEGER: Okay.

21 MICHAEL RYAN: Are taking this public
22 opportunity to once again renew our commitment to
23 making a program work. I have uhm several ideas I
24 think that would not impact uhm any organ fringe in
25 any way on, on unions and the ability to uhm get

2 volunteers. I think kind of obviates any concerns
3 you know on part of the units.

4 KALMAN YEGER: Other than, other than
5 this conversation here at the Council and what you've
6 recommended I guess in your ideas are I'm are you
7 getting any feedback from the Administration that
8 they have some movement there, that they are talking
9 but we now have this wonderful civic engagement thing
10 that the people of every District except mine voted
11 for, um that I assume maybe can kind of help move
12 this along somehow?

13 MICHAEL RYAN: We have had conversations.

14 KALMAN YEGER: Uhm very informal but
15 again along the lines of we are talking about
16 something else, we have a special election coming up
17 and oh by the way you know with this early voting
18 thing coming we are really going to need, we are
19 going to need more assistance and certainly municipal
20 workers uhm as poll workers would be helpful. It is
21 also in our State Legislative Package because we
22 don't want to limit it necessarily to City Workers,
23 if there are State Workers that could fall into that
24 same category and especially with logistics and
25 technology that is coming, you know having a reliable

2 work force that we could have access to on an ongoing
3 basis throughout the year, for either enhanced
4 training or if the person didn't perform well, we go
5 to their supervisor and say they didn't perform well
6 and then there's a consequence to them you know not,
7 not performing well. And to be clear Director, we
8 are not talking about indentured servitude here, we
9 are talking about these are people who are going to
10 be compensated, they are well compensated. They know
11 how to change the toner cartridges in printers and we
12 engaged in this conversation following the ring
13 issues of the last election and saying you know we
14 know that there are agencies that have guys who know
15 how to unclog scanners and why aren't we using them?

16 MICHAEL RYAN: So within.

17 DAWN SANDOW: I'm with the Board since
18 2010, we've been asking since 2010.

19 MICHAEL RYAN: Right, well like I just
20 got here.

21 DAWN SANDOW: 2010, it's been in the
22 Legislative packet and we've been asking at the City
23 Council Hearing since 2010.

24 KALMAN YEGER: So, I piggyback. There
25 Madam Deputy, is there a cost to it, I mean that you

2 know of that, what do you suppose, and I don't know
3 I'm just asking you to guess but what do you suppose
4 are the hinderances to getting it done? It's not,
5 it's not an Executive Order by itself is there some
6 kind of cost that is missing, does it, does it
7 require enabling Legislation. Is there something
8 that?

9 MICHAEL RYAN: So, I think it depends on
10 how you are going to do it. If you are going to pay
11 them as poll workers using the poll worker pay scale
12 you might be encountering one set of problems but if
13 we open this up to city workers who wanted to
14 volunteer to work on election day to assist the Board
15 of Elections, I believe that we could do it at the
16 current rate of pay, come with a math calculation,
17 put that money into a restricted Budget code in the
18 Board of Elections and simply have the agency
19 essentially invoice us for the services of their
20 workers on that day and then we can make the agency
21 whole, the worker gets paid uhm whatever rate of pay
22 the worker gets. There's no, there's no, uhm union
23 issue at that point and I would think even if you
24 just left it to regular election days, considering
25 that when November hit the December plan is breathing

2 down the Agencies' necks and they are planning for
3 January to June and overtime starts to become scarce.
4 I would imagine that there might be some workers that
5 would be happy to get a boost in their salary from a
6 November date that might hit at their, either their
7 end of November paycheck or the first week in
8 December paycheck and might offset some of the
9 holiday bills that will be undoubtedly coming, you
10 know toward the end of December.

11 KALMAN YEGER: Okay, alright thank you.

12 Thank you. Thank you, Mr. Chairman.

13 BEN KALLOS: Uhm thank you to the Chair,
14 thank you to my co-council over here uhm Council
15 Member Yeger, I want to follow up on the uhm
16 implementation of online voter registration. Uhm as
17 you may be aware at the Bill signing, I actually had
18 impression that might be coming. I actually built
19 the an entire online voter registration system that
20 you can actually check out on your phone using free
21 of open source software, it took me about, it took me
22 about three hours because I was actually trying to
23 make sure that it was exactly like the state system
24 which also has a fillable online form but you have to
25 print it out and have you. As I recall, following us

2 passing the Law, the City Board of Elections,
3 Executive Director was directed to send a letter
4 seeking guidance for Albany and as I recall you got
5 two letters back from the State Board of Elections.

6 MICHAEL RYAN: You know you are actually
7 refreshing my recollection.

8 BEN KALLOS: Your received two letters
9 and Doug Kelner, uhm the Commissioner who I feel is
10 always right said to move forward with it; however,
11 another Commissioner and uhm their corresponding
12 Executive Member felt that not only was our uhm law
13 not to be followed but I think they went as far as
14 saying that the motor voter law uhm was not to be
15 followed either. Has there been any further response
16 and if on in June you receive a Voter registration
17 from the Campaign Finance Board will you register
18 that voter, will that voter be disenfranchised?

19 MICHAEL RYAN: Well first I don't
20 specifically recall your characterization, although I
21 am not disputing it. Likely the communication came
22 from the co-executive directors, that would be likely
23 where we got the letters from.

24 BEN KALLOS: That is correct.
25

2 MICHAEL RYAN: Although I am not
3 remembering the, you know the specifically, but in
4 any event as I have said and I've said it. We're not
5 trying to be extraserous, the voter registration
6 system isn't ours. The voter registration system is
7 wholly owned by the New York State Board of Elections
8 and we have to follow the rules for putting people on
9 the list and taking them off the list that are
10 established by State Statute and State Board
11 Regulation. So, a split decision if you will doesn't
12 help us. Uhm that, that having been said, the. A
13 printed signature still is required as far as we
14 understand it. That may change with this transfer
15 rules that are being amended, it may also change by
16 State Legislation and provide clarification. And if
17 it does, we will follow the, the law and I think this
18 is one of those situations Council Member,
19 respectfully, that we get stuck between he will of
20 the city and the will of the State and we would like
21 nothing better than the City and the State to be on
22 the same page and then we don't have to answer these
23 questions. Whatever the rule is, they are, tell us
24 what they are and we will follow.

2 BEN KALLOS: Uhm the, are you familiar
3 with an opinion that was authored by the New York
4 State Attorney General uhm to an election, the Board
5 of Election in Nassau County when, another attorney
6 that I've had the chance to work with some, Tom Gary
7 indicating that this was in fact a law and I guess I
8 don't know if it is okay to dig in on your answer but
9 you indicated that since the State Registration
10 System is maintained by the State, uhm would you be
11 willing to accept it and then pass it along to the
12 State for them to uhm dispute it or, I think we.

13 MICHAEL RYAN: I suppose what we would
14 have to do is confer with them if we had something
15 that obviously did not contain an ink signature. And
16 I understand the informal decision from the State
17 Attorney General was actually Suffolk, not Nassau.

18 BEN KALLOS: Forgive me.

19 MICHAEL RYAN: No, it's okay but it also
20 I understand that what was promulgated from here
21 attempted to mirror that decision by the State
22 Attorney General's Office, but here is always the
23 rule.

24 BEN KALLOS: Is Suffolk doing it now or?
25

2 MICHAEL RYAN: I don't know, we don't
3 typically call other jurisdictions and compare notes
4 with them.

5 BEN KALLOS: That might be a good thing.
6 So, one question just as I run the clock and again
7 thank you to the Chair, this is.

8 MICHAEL RYAN: Trying to run it out.

9 BEN KALLOS: This is a Budget hearing but
10 it sounds like coming in June you don't have the
11 pathway forward for compliance which sounds like you
12 are about to get sued by the New York State Attorney
13 General uhm over noncompliance with the prior
14 opinion, how much will that cost you?

15 MICHAEL RYAN: I don't think we are there
16 yet. I think that there are some open questions. I
17 can tell you on our end, we have the infrastructure
18 in place to accept the electronic data. The question
19 becomes what about the signature, so we're about 95%
20 or better there in terms of the technology that we
21 needed to develop on our end and we did it without
22 additional funding. We did it because it was the
23 right thing to do in preparation of what might be
24 coming over the horizon. The real question is here,
25 can the City and the State Legislature get on the

2 same page? And if they can then there is no
3 controversy.

4 BEN KALLOS: Thank you. Thank you Mr.
5 Chairman I just want to have one last followup and
6 then you can go about your merry way and get ready
7 for all of those elections.

8 MICHAEL RYAN: You presume that I am
9 merry these days, do you?

10 BEN KALLOS: Yes Director, I always
11 assume that you are merry. Just to be clear and I
12 want to make sure that it is said in as open and very
13 clear way as possible, we are not the boss of you
14 right, we can write all the laws we want. The
15 Election Law governs the Board of Elections in the
16 City of New York and how you operate?

17 MICHAEL RYAN: Correct.

18 BEN KALLOS: Okay we can tell you you
19 can, you got to take voter registration on purple
20 paper or you have to take it with just beamed to you
21 that I want to be registered and you got to write it
22 down on a notepad instead of making me register, none
23 of that means anything.

24 MICHAEL RYAN: Correct.

2 BEN KALLOS: State Law, Election Law
3 that's what makes the law right?

4 MICHAEL RYAN: Correct.

5 BEN KALLOS: Got it okay thank you very
6 much Mr. Chairman.

7 CHAIRPERSON FERNANDO CABRERA: Uhm one
8 last question because we have two more panels coming
9 through and I wanted, we had Dr. Ryan we had uhm
10 Director Ryan I just graduated you to doctor, uhm we
11 had a discussion one time not to long ago about poll
12 site rental payment, uhm and I was entertaining I was
13 proposing actually that we should have more sites and
14 one of the hindrances that I see is that these sites
15 are only paid. These organizations are paid how
16 much? \$250.

17 MICHAEL RYAN: The private sites are paid
18 \$70 per election district per election event. So, if
19 you have 5 sites it's \$350. I mean if you have 5
20 election districts within a single site, it's \$350,
21 if you have one election district, we don't have many
22 of them but that would be \$70.

23 CHAIRPERSON FERNANDO CABRERA: Would you
24 agree that's to a whole. That's not an incentive.

2 MICHAEL RYAN: It seems to be below
3 market rate.

4 CHAIRPERSON FERNANDO CABRERA: Alright
5 are you are entertaining for this Budget around we
6 talked about, what would it look like if we had 1000
7 more sites or even 500 more sites, where the lines
8 are reduced. I know we are going to have early
9 voting but the culture is still going to be out there
10 that most people are going to wait until the very
11 end. So, is that something that, will you entertain?

12 MICHAEL RYAN: Yes, and I want to just be
13 clear the process that we are engaging in this week
14 is only for those site that we can designate as a
15 matter of Law. This is not negotiation for private
16 sites so that would be in a separate process and the
17 more of those sites that could potentially be
18 available for our evaluation, mainly does it comply
19 with the Americans with Disabilities Act but there
20 are other factors as well, you know community
21 convenience and such yes. We would like to work with
22 everyone to broaden our horizons with respect to
23 available poll sites and then if we know what's
24 available, we can plan towards that availability and
25 if it means getting more equipment it means getting

2 more equipment. If it means getting more poll workers
3 then the municipal workers as poll workers things
4 starts to become a more pressing need.

5 CHAIRPERSON FERNANDO CABRERA: So, the
6 number that I have in my head will be something more
7 closely to \$200 per PD.

8 MICHAEL RYAN: Right.

9 CHAIRPERSON FERNANDO CABRERA: So, which
10 if you have five, you know we are talking about
11 \$1000. Because I'll be honest with you the average
12 nonprofit is going to say hey you want me to turn the
13 heater on. Let's say a house of worship normally is
14 not turned on during the day from 5 o'clock in the
15 morning all the way to 10 o'clock at night.

16 MICHAEL RYAN: Right.

17 CHAIRPERSON FERNANDO CABRERA: Plus.

18 MICHAEL RYAN: If the site does have some
19 additional costs that would be owner is the
20 Commissioners do have some discretion to work with
21 those sites you know to give them a little bit you
22 know above the \$70 but you are right raising the
23 standard is ultimately a better way to go and if the
24 funding is available there's you are not going to get
25 an argument from us.

2 CHAIRPERSON FERNANDO CABRERA: The thing
3 is the way that we have it set up right now, you are
4 not creating a buzz. You know people are it's not
5 like you know what I heard. You know what's
6 happening over here. You know what I was able to get
7 you know as a result of. You are not creating a buzz
8 it's not an attractional you know position that you
9 are working from so I want to encourage you this time
10 around more sites, less problems for you.

11 MICHAEL RYAN: Correct.

12 CHAIRPERSON FERNANDO CABRERA: At the end
13 of the day because you have less and whenever we do
14 have problems with machines you know the lines
15 wouldn't be accumulating you know so long where
16 people get discouraged to leave.

17 MICHAEL RYAN: But I will say we can see
18 the future of elections and we are just hoping that
19 the process catches up that allows us to use some of
20 these technological advancements, the electronic poll
21 books and such so that we and better serve the
22 voters. We are using paper, cumbersome paper ballots
23 and paper poll books on the jurisdictions are light
24 years ahead of where we are and what is available to
25 them. We would like to join them.

2 CHAIRPERSON FERNANDO CABRERA: Archaic,
3 it's archaic. I hear you and I'm with you. I wish
4 we had more power here to deal with that but its with
5 our colleagues at the State level. And so.

6 MICHAEL RYAN: I think Councilman Kallos
7 joins you in that regard.

8 CHAIRPERSON FERNANDO CABRERA: You are
9 prophesying Commissioner; I can see that. Uhm
10 alright so thank you so much, Director, uhm thank you
11 for the work that you both are doing and uhm looking
12 forward to continuing with this.

13 MICHAEL RYAN: Great.

14 CHAIRPERSON FERNANDO CABRERA: And with
15 that we are going to move quickly to inviting OATH to
16 come forward and I'm going to... (long pause). Now I
17 would like welcome Commissioner. Let me try that
18 again. I would like to welcome OATH the Office of
19 Administrative Trials and Hearing Fiscal Year 2020
20 Preliminary Budget, totals \$52.4 million including
21 \$38.1 million personnel services funding to support
22 315 full-time positions. OATH is the City Central
23 Independent Administrator Law court, conducting
24 hearings for City Agencies, Commissioners and
25 Boroughs. Of its subdivided into two divisions, a

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2 trial division and the hearings division. The trials
3 division adjudicates on a wide variety of issues
4 referred by any City Agency or Borough or Commission
5 including cases brought by agencies against Civil
6 Service employees, cases involving contractors and
7 holders of City licenses and hearings involving the
8 police department and seizures of vehicles of drivers
9 accused of crime. The hearings division conducts
10 hearings on summons brought before it regarding
11 alleged violations of City rules and regulation
12 including building code violations, sanitation
13 violations, restaurant health code violations and
14 many others. Notably the hearings division does not
15 conduct hearings on parking tickets which are
16 conducted by the Department of Finance. Today we
17 look forward to hearing more about OATH is how OATH
18 is managing the expansion in summons it receives from
19 City Agencies it has grown from 700,000 in Fiscal in
20 2014 to 870,000 in Fiscal 2018 an increase of about
21 25%. Additionally, we would like to hear about OATH
22 grow in the process of collecting administrative
23 fines, the use of alternative adjudication methods
24 and of hearing officers staffing needs. I would now

25

2 like to please ask the Committee Council to
3 administer the oath.

4 COUNSEL: Do you affirm to tell the
5 truth, if you can put your hands, do you affirm to
6 tell the truth, the whole truth and nothing but the
7 truth in your testimony before this Committee and to
8 respond honestly to Council Member questions?

9 JOHN CASTELLI: Yes. Thank you, Mr.
10 Chairman. Mr. Chairman I would like to begin as
11 always, it's great to see you. Also, I want to
12 commend you because I know we work very closely with
13 your Committee and under your leadership we have
14 accomplished a tremendous number of good things at
15 OATH. Your guidance, your wisdom and all the things
16 that you have done have left an impact on our agency
17 and we look forward to continuing that as we work
18 together in the future. I'm going to just give you
19 some key points. I also want to mention that with me
20 today. I'm Deputy Commissioner John Castelli, Deputy
21 Commissioner Marisa Senigo and Deputy Commissioner
22 Linda May. I want to, we've submitted testimony and
23 I'm just going to make some key points about uhm some
24 throw some numbers right now and I don't want to
25 overload you with numbers but they are, they are very

2 significant points and I will just break it down.

3 Uhm the Trials Division where we have 11

4 administrative law judges in the past year, we

5 resolved 1,919 cases and of the 1919 cases 383 were

6 trials and 1536 were settlement conferences. 99.1%

7 of the decisions and these are recommended decisions

8 in the trials division they are not final decisions

9 they are recommended decisions to the Agency head but

10 99.1% of those decisions were upheld by the agency

11 head. Now as far as the hearing's division, we've

12 had an increase in the number of hearings, uhm from

13 we've had more than 330,000 hearings, that's 32,000

14 more than Fiscal year '17, 2017 and we attribute that

15 to a number of factors. One of which has to do with

16 we have been doing conducting a lot of outreach,

17 getting the word out there and working in partnership

18 with the Council and we commend the Council and give

19 the Council a lot of credit for helping us get the

20 word out there. Council Members like yourself have

21 you know subscribed to the notion that getting people

22 the procedural access to justice, getting them

23 greater access to justice is pivotal and it sets the,

24 it sets the mark for a City where one standard of

25 justice is applied to everyone so we seen that, we

1 attributed it to that. We also, we attributed it to
2 remote hearings, making it easier for people to get
3 the, have a hearing and we have some good point to
4 discuss about remote hearings and we've also uhm what
5 we are conducting at the Hearings Division is what we
6 call to enhance due process, default review so what
7 we do is with defaults, we check to see and it is
8 required by law the Agencies that issue the summons
9 have to properly serve those summons. So what
10 happens is in the case of a default if an individual
11 or a resident or a small business gets a sum... is not
12 properly served with a summons we have the hearing
13 officer check that summons to see whether or not it
14 was properly served and we've, we've dismissed 16,675
15 default summons that were reviewed by a hearing
16 officer for improper service and that's important
17 because this has never been done in the history of
18 the Administrative Law court in the City and this is
19 something that we started you know a few years ago
20 and it is something that we, we consider is very,
21 very important to keep, due process, the core value
22 of OATH. Now, uhm, we have obviously with the
23 criminal justice reform act, we have since 2017,
24 we've had, basically, we've received nearly 100,000
25

1 summons that were issued from the NYPD, Parks and
2 Sanitation. We have also taken; we have what's a
3 community service option for individuals who for
4 whatever reason either they can't afford to pay the
5 monetary fine for a jury summons and they decide that
6 they don't want to pay and they would rather do the
7 community service. We have that option that has been
8 given and again it is something that is new in the
9 history of our City and we are very proud of that and
10 it is something that we like to brag again because an
11 Administrative Law Court giving an option for
12 community service. That is not the type of community
13 service that you hear about or read about in the
14 criminal court world where it is punitive and they
15 are it's to clean parks or subways. This is an
16 educational experience and it is an Emodule where you
17 can and at OATH location it's an Emodule where you
18 can watch, and, and learn about the individual whose,
19 whose, alleged to have committed the violation, learn
20 about why it is important not to do these things and
21 it's about correcting behavior and that's what,
22 that's what issuing summons is about, correcting
23 behavior, not about anything but correcting behavior.
24 So, what we've done also with the clerk's office is
25

1 we have, we now have a front line of people who are
2 there to help people who come in and we've replicated
3 the clerk's office based on the model that New York
4 State Office of Court Administration has for its
5 courts and those clerks are there, available to
6 answer any questions. So that is something that are
7 also very, very proud of. Now in terms of remote
8 hearings, we have, I'm going to throw some stats out,
9 give some stats, for one click hearings and those are
10 hearings by computer, we conducted 16,638 in 2018 and
11 more than 70,000 since launching the one click
12 hearing options. Hearings by mail have gone down,
13 hard mail and that's something that, that has gone
14 down but hearings by phone have gone, have gone up
15 slightly. We had 5,236 hearings by phone and more
16 than 20,000 since launching. As far as webcam
17 technology. We have webcam technology available in
18 all five boroughs for the enforcement agencies and we
19 make it available and it is up to the enforcement
20 agencies to determine whether or not they want to use
21 the webcam technology so that's important and we are
22 always working to try to, working with the Mayor's
23 Office of Operations and the agencies to try to
24 improve on that. So, we also use them in all five
25

1
2 boroughs, so in terms of you now can get webcam, have
3 access to webcam tec... webcam hearings in all five
4 boroughs. We are very proud of that. And what's
5 also important here is before the end of this year,
6 we will, I mean we will continue to work towards,
7 seeing whether or not we can have webcam technology
8 implemented for small desk top, lap top computers;
9 however, we can work towards that and get that
10 hopefully as we continue.

11 MARISA SENIGO: Let me just clarify that,
12 we do have webcam technology available for the
13 agencies which allows us to conduct hearings in the
14 outer boroughs so that agency representatives can be
15 present at the hearing through the webcam technology.
16 We also offer it to respondents to use it with us uhm
17 so we do use that technology in two different ways,
18 for instance when DCA when we took over those cases
19 in 2016, they required all of their respondents to
20 come to lower Manhattan to fight their summons in
21 person, now we hear DCA cases in the Bronx, Brooklyn,
22 Queens and Manhattan and this year we are going to
23 expand that to Staten Island and we look forward to
24 doing that but it is the webcam technology that is
25 enabling us to do that.

2 JOHN CASTELLI: So one of the other
3 things to talk about is the, we have what we created
4 the Ombudsperson/Pro Se Clerk and with the Help
5 Center and we have help centers in all boroughs and
6 it is the job of the Ombudsperson to take complaints,
7 complaints against whether they are complaints about
8 the process, whether there are complaints about the
9 summons that are issued, whether or not they believe
10 they may be a target of a lot of number of summons.
11 Whatever issue they raise they bring it to the
12 ombudsperson through the procedural justice
13 coordinators who work for the ombudsperson and
14 ombudsperson answers directly to the Commissioner and
15 the ombudsperson's job is to investigate those
16 inquiries and determine if they are, if there is an
17 issue to resolve it. So that is very important and
18 it is also, the ombudsperson is also there to ensure
19 fair and equitable treatment for the
20 underrepresented. So, individuals come in and they
21 don't have any idea what the process is about and the
22 ombudsperson is there to walk them through the
23 process, help them navigate the process, understand
24 what the summons says. They don't give them legal
25 advice but they give them the information that they

1 need so they can feel empowered themselves. When
2 individuals have choices, they have a greater level
3 of feeling of empowerment that they can do something
4 that they are in control. They have some sort of
5 control on what they can, in dealing with the problem
6 and that is important. So, we've had with the help
7 center in the last year we've had 99,616 connections.
8 We track individuals who go to the help center and
9 who are helped by the procedural justice coordinators
10 that work for the Ombudsperson. Of the 99,616
11 connections, 69,554 were helped, 30,062 opted not to
12 get that help. Now we also do CGRA, the help center,
13 there were 8,510 connected and 8,360 of them were
14 helped, 150 opted not to receive any help.

16 MARISA SENIGO: Clearly I think that is
17 an indication that people are getting to know the
18 process through the CGRA at OATH, they may have
19 through the criminal court process and so only 150
20 people that had CGRA type summons declined help which
21 means I think those people who are getting the CGRA
22 summons are interested in learning what that OATH
23 process is and what their options are, so we hope
24 that we are giving them that information.

2 JOHN CASTILLO: So, and then a couple of
3 more points and then, because we don't want to. A
4 Neighborhood Popup Court. Now the concept of a
5 Neighborhood Popup Court was to bring, was to
6 identify it's consistent with the idea that Mayor,
7 Mayor Bill de Blasio wanted for greater access to
8 justice for everybody so having, having a
9 Neighborhood Popup or having a Popup Court in the
10 Neighborhood makes it, makes it the accessibility and
11 the convenience for residents and small businesses,
12 it makes it, it allows them to rather than to have to
13 go travel distances from areas that area known as
14 transportation deserts, there are plenty of places
15 where it is very difficult even with public
16 transportation to get to and from. The Popup Courts
17 are there to provide in the neighborhood and we are
18 working and this is what we are very proud of, we are
19 working directly with Council Members and the Council
20 Members and the beauty and the fantastic thing about
21 it is Council Members have given, they have offered
22 their offices, the use of their offices as space to
23 have the popup courts and the residents and small
24 businesses they feel very comfortable because they
25 know their local Council Member and it, they come in

2 and the responses that we are getting are tremendous.

3 I, I would point out that the types of summons that
4 we are doing right now are strictly sanitation
5 summons and one type of department DOHMH Summons for
6 pest control.

7 MARISA SENIGO: And the CGRA summons.

8 JOHN CASTELLI: And the CGRA summons,
9 yes. So, it's, it's somewhat that we have been
10 building up, we've done a dozen of them. We have
11 popup courts scheduled all the way into 2020. We
12 keep getting requests for popup courts. We are out
13 now visiting districts, looking at districts to see
14 where we are going to do another popup court and if
15 we haven't done a popup court in your district we
16 will be doing a popup court in your district and
17 looking forward to working with you to make sure that
18 that popup court gets the most, that we get the most
19 number of people there. Now point out one thing and
20 then Deputy Commissioner Senigo can elaborate on it
21 better than I can but what we do is through her
22 division is we send, she sends out letters, we
23 identify who got a summons and we once we identify
24 them, we actually, we mail to those individuals to
25 let them know that there is a popup court say at

2 Councilman Yeger's office on such and such date and
3 you can go to that popup court in Councilman Yeger's
4 Office, it is co-sponsored by Councilman Yeger and
5 OATH making a greater convenience so they can come to
6 your office and they can, but the neighborhood we've
7 sent out 2,000 letters in once instance, correct?

8 MARISA SENIGO: Yeah in the Bronx.

9 JOHN CASTELLI: In the Bronx, so we send
10 them out and the letter is an invitation from the
11 Council Member and OATH for greater convenience to
12 come to your office where you can challenge that
13 summons.

14 MARISA SENIGO: Another great thing about
15 the letter is that it informs them of all of their
16 options because all of these summons are the types
17 that our agencies do not appear, so we remind them
18 that they can do it online, they can do it by phone,
19 they can do it by webcam or mail, they can also go to
20 their regularly scheduled hearing if they want to at
21 the, on the date of the summons that is listed on the
22 summons and we also remind them what the penalties
23 will be if they don't respond at all. So this is
24 just another way of getting the message out there
25 that uhm you know uhm typically it's not the court,

2 you know sending out letters and saying hey come to
3 court it is usually what the summons document does
4 but uhm we find that people are appreciative of the
5 extra effort and outreach and I think that it is
6 indicative of the access court to rather than summons
7 people to us to go to them. Which is really what the
8 popups is all about.

9 JOHN CASTELLI: Yes and we look forward
10 in the future of expanding the spectrum of the types
11 of summons that we can adjudicate at the popup courts
12 and obviously increase number of popup courts over
13 time is something that we think is, it's something
14 that we think is going to just continue to, we lay
15 the foundation it is going to continue to grow but it
16 grows because of the partnership that we have with
17 the Council. The Council members are a very, and I
18 can't put enough emphasis on the fact that it is the
19 Council Members that are, front and center, helping
20 us to get the word out about the popup courts and
21 getting greater access to justice to fulfill the goal
22 that Mayor de Blasio provided for all of us. So uhm
23 okay just going to finish up with the head counts
24 with the financial stuff here, the Budget stuff, the
25 exciting stuff, right? The headcount for Fiscal year

2 2020 remains at 315. And it doesn't include, we have
3 315 full time employees, it doesn't include the 316
4 per diem hearing officers. Now just to give you an
5 idea, we have in the trial's division, we have full
6 time administrative law judges who are appointed by
7 the Chief Administrative Law Judge Commissioner.
8 They are appointed for five-year terms and their
9 Civil Service Title is Administrative Law Judge. And
10 then we have in the hearing division, we have hearing
11 officers who are appointed by the Chief
12 Administrative Law Judge as a per diem which means
13 they can work on a per diem basis up to 1000 hours
14 per year so that is the difference and we have and we
15 have a schedule of, of those 361 per diem hearing
16 officers. As far as revenue, uhm the again OATH,
17 OATH provides, OATH is focused on fair and impartial
18 hearing. We are focused on due process. We are not,
19 our focus is not revenue. It would be antithetical
20 for us to focus on revenue and try to maintain due
21 process concurrently they are just items in two
22 separate universes and I will point out that what we
23 did in OATH was we've taken, we've created what's
24 called a Penalty Processing Unit, we've taken revenue
25 collection out of the hearings division where it was

2 before we came here and we, and it was ic.. it was
3 basically put in the clerk's office, again similar to
4 what is done by the New York State Office of Court
5 Administration where the clerks deal with collection
6 of revenue. Uhm so that's an important part. OATH
7 has no play in revenue collection other than
8 providing a practical convenience, okay for small
9 businesses and residents who if they don't go to a
10 hearing, they want to pay the, pay the summons or
11 they want to pay for it and plea to the violation.
12 OATH will collect that again as a practical means or
13 for indivi... for residents of small businesses who
14 come to an OATH hearing center and they have a
15 hearing and they are found in violation they can pay
16 as a matter of convenience there at the OATH Hearing
17 Center, but that money goes directly to the
18 Department of Finance.

19 MARISA SENIGO: The checks are actually
20 made out to the Commissioner of Finance.

21 JOHN CASTELLI: They are made out to the
22 Commissioner of Finance, they are not made out to
23 OATH and that's important that we, that we make that
24 point. Uhm and the other thing is if someone doesn't
25 pay and if it goes into, after a period of time if it

2 goes into default, collection then automatically
3 reverts to the Department of Finance entirely. So,
4 so I want to keep that, make that point also. So uhm
5 in terms of the number of summons that we are
6 admitted, by responded 31.8%, its roughly, 1/3, 1/3,
7 1/3, 31% admit, 30, roughly 30-33% go to a hearing
8 and then 30%, 30 and change go to default. Do not,
9 do not appear for whatever reason. Uhm the dismissal
10 rate, OATH dismissal rate is 47 approximately 47%.
11 The budget, the total Preliminary Budget for Fiscal
12 Year 2020 is \$52.4 million which represents an
13 increase of \$1.5 million from the current Fiscal
14 Year's Budget for a collective bargaining service.
15 The PS is \$38.1 million and the OTPS is \$14.3
16 million. If you have any detailed questions about
17 that I'm going to defer it to Deputy Commissioner
18 Linda May who is the expert on this. I, that's,
19 that's the highlights there. Thank you, Mr.
20 Chairman.

21 CHAIRPERSON FERNANDO CABRERA: Thank you
22 and I want to say uhm right off the bat that OATH,
23 the leadership in OATH including all of you, you have
24 done an amazing job. This is a pleasure really
25 collaborating with you. Uhm, I'm excited about the

1 popup courts. I had one in my District, uhm well
2 attended, I encourage my colleagues that if they have
3 not done it to go ahead and do it because it saves
4 that trip going downtown. Uhm it just makes it a
5 lot. They are in a familiar place. It is less
6 intimidating; nobody wants to go to court in a court
7 setting. It's a scary kind of a proposition for
8 many, for a lot of people. I have a few questions.
9 I don't have a lot of questions but they are really
10 important so the first one is relying to the growth
11 of summons. What Agencies and type of summons are we
12 seeing the greater increase, because we went from uhm
13 704,213 in Fiscal 2014 to 872,364 in Fiscal Year
14 2018?

16 MARISA SENIGO: So, when you are looking
17 at the Fiscal from like 14, from a couple of years
18 back. You have to keep in mind that we take over
19 caseloads pretty frequently, so for instance in 2016
20 if the Mayor signed an executive order transferring
21 DCAs caseload to OATH, so those summonses are now
22 heard with us. Uhm also what I mentioned, the CJRA,
23 the Criminal Justice Reform Act transferred, you know
24 gave NYPD and Parks Department and DEP jurisdiction
25 to send things that normally or historically rather

1 went to criminal court. That now comes to us. So,
2 those would be the increases that you see, uhm other
3 than that they typically stay around. I mean the
4 numbers may rise uhm you know per agency but in terms
5 of like the percentage and the slip of the pie those
6 tend to stay the same. Like sanitation is always our
7 biggest customer so to speak. We always have the
8 most sanitation summons. That is never going to
9 change so I hope that answered your question. In
10 terms of drivers of growth, we can't say why an
11 agency is increased enforcement or not increased
12 enforcement. Uhm that is obviously an Agency
13 enforcement policy and priorities protocol issue but
14 we obviously welcome the increased participation in
15 the hearing process and we hope that you know when
16 people are getting summons that they are uhm feeling
17 like they can get a fair shake and their day court.
18 Clearly, a 47% dismissal rate, uhm means that they
19 can and we hope that people are getting that message.
20

21 JOHN CASTELLI: I do want to add too
22 Council Member uhm we've seen in the first four
23 months of the PMMR we've seen actually an increase in
24 the number of trails that we've had, I'm sorry
25 hearings, hearings we've had. 13,300 more hearings

2 in the first four months of the of the uhm PMMR,
3 Fiscal Year 2019 PMMR and we attribute that to a few
4 factors. One is the word is out there that you can
5 get a fair hearing and that is based on a lot of the
6 outreach that we do. We are out in communities
7 throughout the entire City and in fact we have, we
8 are doing an access event this, this, Thursday
9 evening in Chinatown with the Borough President and
10 Council Member Chin which accesses the acronym for
11 the Administrative Local Committee Education Service
12 and the focus is to educate communities that have a
13 larger number of new Americans and educate them about
14 the Administrative Law Court because for a lot of
15 people, the first experience that they have for, for
16 many is they, they get a summons and they don't know
17 what to do with it and sometimes because they are not
18 familiar with a lot of things are new to them. They
19 will turn to someone who will take advantage of them.
20 And we, try to, try to through access make sure that
21 people understand that they, they can come to, the
22 free resources that are available to them at OATH and
23 the people are there to help them so they are not
24 taken advantage of.

2 CHAIRPERSON FERNANDO CABRERA: I have
3 community boards waiting for the next panel so if you
4 could give me the concise version to this next
5 question. One is should the Department of Finance
6 play a bigger role when it comes to the collection of
7 revenue, final revenue? Uhm that maybe you are doing
8 it right now? What kind of reform should be looking
9 for that will make this more effective and efficient?

10 MARISA SENIGO: So, in terms of
11 collections, those are outstanding summons, that are
12 outstanding payments. What happens is 60 days after
13 the hearing date we will document summons that have
14 not been paid or hearing decisions that have not been
15 paid as uhm judgment in New York City Civil Court.
16 At that time jurisdiction is transferred to the
17 Department of Finance. Uhm and they are the
18 collection body. So, like we said there is revenue.

19 CHAIRPERSON FERNANDO CABRERA: You don't
20 do any type of collection?

21 MARISA SENIGO: We don't do any formal
22 collection activities. Uhm they may you know hire
23 outside collection agencies or the like but you would
24 have to ask them what their, what their status is on
25 collecting on the outstanding debt.

2 CHAIRPERSON FERNANDO CABRERA: And you
3 don't do any uhm collection? Also, from summons that
4 are not contested, either, right?

5 MARISA SENIGO: Correct. So.

6 CHAIRPERSON FERNANDO CABRERA: It is all
7 within the Department of Finance.

8 MARISA SENIGO: I think after the hearing
9 date, like 60 days after the hearing date is when
10 they would default and go into the civil court.

11 CHAIRPERSON FERNANDO CABRERA: Okay uhm
12 and my last question. My colleague has a question
13 but currently parking tickets are collected and
14 processed by the Department of Finance and generate
15 over \$500 million in revenue annually. The
16 Department of Finance also adjudicates hearings when
17 someone wants to dispute a parking ticket through the
18 Parking Violation Bureau. So, here's my question,
19 will OATH be able, be capable of absorbing this
20 function of the Department of Finance?

21 JOHN CASTELLI: That's a good question
22 uhm Mr. Chairman.

23 CHAIRPERSON FERNANDO CABRERA: And then
24 let me just put both together that way you can answer
25

1
2 them in one shot. Would it be interested in doing so
3 and what would be the pros and cons in doing so.

4 JOHN CASTELLI: Well this is, there is a
5 two-fold answer to that question. Uhm one it the
6 legal question and in terms of the legal bases for
7 parking violations bureau related types of
8 violations, that's uhm pursuant to the vehicle and
9 tri-state vehicle and traffic laws. Which has a lot
10 of specificities in it, especially in terms of the
11 structure of the Parking Violations Bureau. And
12 within the VTL you have, you actually have
13 requirement as to the ... they are actually, the, the,
14 the titles and the positions are actually in there in
15 the middle level positions prescribed by State Law as
16 to who gets appointed to what, uhm who appoints the
17 Chief Commissioner, the Law Judge appoints, of PVVB
18 appoints those individuals and they are required to
19 do it so they are defined in state law, so, in terms
20 of structure we are not sure what impact that would
21 have. On, on OAT so that's, that's, that's a
22 complicated issue there. In terms of, that goes into
23 the operational question. Again, Parking violations
24 are from my understanding is that they get over a
25

2 million summons a year. And OATH already has, we
3 have roughly.

4 MARISA SENIGO: Doubled our...

5 JOHN CASTELLI: We have roughly. We've,
6 we've doubled our size and it would I am not sure
7 what the impact would be we've never, we've never, I
8 mean the environment of the controller when it was
9 functionally transferred over to OATH. It is not as
10 large as, as parking violations. So uhm I'm not sure
11 exactly what, what the pros and cons are unless we
12 look more into it and study it and see what the
13 models are.

14 MARISA SENIGO: One thing that I would
15 also just add quickly is that under this
16 Administration and our Commissioner has uhm made
17 every effort to streamline all of our processes and
18 I'm not sure if we could streamline our processes so
19 that they acted the same way for these types of
20 tickets since they are controlled legally by a
21 different uhm statute of the state laws but also too,
22 we are in the process of transferring all of our
23 cases into one computer system. When my Commissioner
24 came on there are three and we have created now the
25 hearings division which is one hearings division so

2 that every single summons despite the agency that
3 issues it is subject to the same rules, procedures
4 and everything can be found in one system and I am
5 not sure how our system would be able to handle
6 doubling that in size every year. Uhm, they could
7 certainly look into it but it might also be not only
8 operationally a big challenge but also may require
9 significant funding.

10 JOHN CASTELLI: Yes.

11 CHAIRPERSON FERNANDO CABRERA: Okay so
12 let me turn it over now to Council Member Yeger,
13 first round of questions.

14 KALMAN YEGER: Thank you Mr. Chairman.
15 Good afternoon Deputies. I, your, your uhm. The
16 City is issuing more and more summons. You are doing
17 more and more hearings. You are seeing multiple of
18 thousands of more and more activity and you've
19 identified needs for additional funds for new hearing
20 officers yet the Administration has asked you to find
21 a PEG Target of \$3 million. Where are you going to
22 get the \$3 million to cut from your Budget.

23 LINDA MAY: So, over the next couple of
24 weeks we will working with OMB to identify ways to
25

2 find savings without having any operational impact on
3 the agency.

4 KALMAN YEGER: So as of today, how much
5 of that \$3 million have you identified?

6 LINDA MAY: We haven't started working
7 with them yet.

8 KALMAN YEGER: Okay

9 LINDA MAY: That's where we will be going
10 after the hearing.

11 KALMAN YEGER: Alright, good luck to you.
12 Thank you, Mr. Chairman.

13 CHAIRPERSON FERNANDO CABRERA: Thank you
14 so much and I want to thank you. Please continue
15 doing the fantastic work that you do. At the end of
16 the day you are at the last line of defense for
17 justice.

18 JOHN CASTELLI: Thank you Mr. Chairman.

19 CHAIRPERSON FERNANDO CABRERA: I
20 appreciate the work and integrity in which you do so.
21 Thank you.

22 JOHN CASTELLI: Thank you.

23 LINDA MAY: We are very proud of the work
24 that we do.

2 KALMAN YEGER: Thank you, we are very
3 proud that you work hard.

4 CHAIRPERSON FERNANDO CABRERA: Thank you
5 Councilman Yeger. And with that we are starting.
6 Wow, we did fantastically well. Councilman Yeger.
7 This is great with the timing. Who does this? With
8 the timing? Who does this? What Committee does this
9 that you have? Oh no, you are going to make me blush
10 now. So, we are going to call upon the Community
11 Boards to come forward and we are going to do in the
12 order in which you came. So, we can have uhm and we
13 are going to give you three minutes. I will have an
14 opening statement so we will start. We will call
15 upon Anna Simpson, uhm John Sanchez, Committee Board
16 6, John Sanchez. Uhm Anna Simpson from Community
17 Board 6 also is here. Laura Singer, Laura Singer
18 Brooklyn Community Board 15 and Josephine Beckman
19 from Community Board 10 from Brooklyn so we have. We
20 have the BMB from Brooklyn and the Bronx and another
21 one from Brooklyn CB 14 Shawn Campbell. So, we have
22 five chairs. Let me have those so I can call. Yeah.
23 Let me just call the names again, Shawn Campbell,
24 Josephine Beckman, Laura Singer, Anna Simpson and
25 John Sanchez. I would like to welcome, reference

2 centers City's 59 Community Boards. This is one that
3 I have been looking forward all day, all day, look
4 for the cherry and the top. So, the Community Boards
5 serve as the City Government ensuring that the
6 concerns of each New York City Neighborhood are
7 addressed. Make sure that the voice of the
8 communities is heard concerning land use decision
9 with practical implementation and policy and what
10 funding is needed involved expensing Capital Budgets.
11 The work that Community Boards do is vital to the
12 City's operation. That's why last year, the Council
13 decided to allocate an additional 42,500 OTPS funds
14 to each board's budget in Fiscal 2019 to fund
15 important initiatives that the boards have not been
16 able to finance for years. Including the
17 modernization of all technology they are refurbishing
18 of office equipment and the contracting of land use
19 consulting services. On February 25, 2019, the
20 Committee of Governmental Operation held a hearing
21 which we listened to how the Community Boards have
22 spent this \$42,500 in additional Council-sponsored
23 funding. We came away with the impression that this
24 funding has been immensely useful in improving the
25 work that the Community Boards do and today I would

2 like to advocate that the Administration. I want the
3 Administration to hear this loud and clear, that the
4 Administration baselined its funding going forward.
5 In addition, we would like to hear from the Boards
6 about their general funding and operational needs and
7 how the Council can continue to advocate for
8 additional funds for New York City Institution. I
9 want to thank a moment to thank the Speaker who just
10 went out. I approached him last year the
11 Administration was not willing baseline or to include
12 it in the Budget at all. It was the speaker at the
13 1159 hour that came through and we were able to get
14 this only one added initiative last year so I want to
15 commend him publicly for that. And so, with that, I
16 would like to please ask the Committee Counsel to
17 Administer the Oath.

18 COUNSEL: Just to clarify, if everyone an
19 appointed member or is someone not an appointed
20 member? Okay but employees are appointed members.
21 Okay great so everyone who is an employee or an
22 appointed manager or an appointed employee go ahead
23 and raise your hand to be sworn in. Uhm do you
24 affirm to tell the truth the whole truth and nothing
25

2 but the truth in your testimony before this Committee
3 and to respond honestly to Council Member questions?

4 ALL: Yes.

5 COUNSEL: Okay.

6 CHAIRPERSON FERNANDO CABRERA: Okay so
7 what I'm going to do, I'm going to give you three
8 minutes because really, we have questions and I'd
9 like to spend the vast majority of the time for us to
10 be able to ask questions, so, we will start from my
11 right to your left. Is that good? Thank you, so
12 exciting to be able to hear y 'all.

13 JOSEPHINE BECKMAN: We are very excited
14 as well and thank you Council Member Cabrera and for
15 your leadership in the Committees, working with our
16 Community Boards. My name is Josephine Beckman I am
17 the District Manager of Community Board 10 in
18 Brooklyn, New York. And including the Communities of
19 Bay Ridge, Dagger Heights and Fort Hamilton. I am
20 pleased to present the testimony of Community Board
21 10 on behalf of our Chair Doris Ann Cruz. Community
22 Board 10 is delighted to be here today. Our
23 Community Board has two full time staffers and one
24 part time uhm staff member and often struggles to
25 meet the needs of an active and engaged community.

2 In addition to administering the needs of Board
3 Members who meet as a board once a month at least
4 four of our Committees also meet monthly. The
5 District Office is a full-time government office
6 opened 9 to 5 serving the residents of the District.
7 In FY2018, Council-initiative funding was extremely
8 helpful to our Board. Brooklyn CB 10 members voted
9 to use the funds to improve technology in the office
10 and expand outreach into the Community. We increased
11 broad band service, upgraded technology, purchased
12 computers, a large screen display and new digital
13 phone system. More and more city agencies are
14 digitizing filings and without proper tech support we
15 too much prepare for those changes. Community boards
16 have not been able to secure a license for CRM a
17 Customer Related Management Software Program similar
18 to that used by City Council's Counsel Staff but
19 thanks to our advocacy with Brooklyn Boards and
20 thanks to Nova Hidalgo for being at NYC we are
21 actually going to be purchasing a CRM tailored to
22 Community Boards. This is a big achievement and will
23 help our Board a great deal as technology advances
24 uhm and our Community Boards have lagged behind. Our
25 Board tracks data with spreadsheets and paper binders

1 in a time when the way in which we receive
2 communications has evolved their 3-1-1 email and
3 social media. So, we also have technology training
4 needs, Open Data is a tool that is underutilized. It
5 offers so much to assist Community Boards to prepare
6 District needs statements; however, training is
7 really needed to maximize what community boards can
8 learn and share with their Community District. Did
9 you know that Do It has only one staff member, we
10 discussed at the previous hearing to service all 59
11 Community Boards, and while our liaison is dedicated
12 and hardworking, additional tech help and guidance is
13 really needed at the Community Board Level. CD10
14 Brooklyn has also expanded funding to broaden public
15 outreach by utilizing the United States Post Office
16 EDDM Every Door Direct Mailing and recently for
17 example we mailed about 400 residential units
18 regarding a DOT Bicycle Workshop and 75 residents
19 attended with the majority coming out as a result of
20 our mailing. We have also uhm instituted an email
21 newsletter, we have sponsored public forums and
22 special events. We will be hosting a Senior Resource
23 Forum this spring as part of our age friendly
24 initiative with local seniors and our business
25

2 community. We will also be releasing a Senior
3 Resource Guide at the event. We would not have been
4 able to produce these important guides for our
5 residents without Council Funding. So, Community
6 Boards again are the eyes and ears of our Community.
7 We are many town halls and appreciate your support.
8 I will just wrap up. I submitted my, my testimony,
9 thank you.

10 SHAWN CAMPBELL: Good afternoon. Shawn
11 Campbell from Community Board 14, Brooklyn District
12 Manager. I am glad to be here on behalf of my board.
13 It is great to be before the Committee, the
14 Chairperson, Council Member Cabrera and our great
15 Community Partner, Council Member Yeger. Uhm as we
16 discussed when I was before the Committee, the
17 oversight hearing a couple of weeks ago. The money
18 that was provided to our Board for this Fiscal Year
19 was used on supporting the Youth Conference, our 11th
20 Annual. It is taking place this Thursday. I just
21 found out today we have 700 registered young people
22 who will be joining us at Brooklyn College on
23 Thursday. As well as a nonprofit forum which is
24 upcoming in May which will assist us with a long-term
25 project to support our Community-based organizations

1 and ensure we have a more complete census count in
2 2020. We have also, my colleague has outlined the
3 importance of the CRM system, we met actually just
4 today at our Borough Service Cabinet Meeting with
5 Naidoo and we are entering the contract phase of that
6 expenditure. Uhm but as I testified a couple of
7 weeks ago, that investment is going to have
8 diminishing returns if we don't have ongoing baseline
9 budgeting to support the system and support the
10 ongoing training that changing staff and changing
11 board members, uhm will necessitate. Uhm we also
12 would use an increase in our baseline budget for
13 personnel support. We right now have one full-time
14 community associate and one part-time community
15 associate. Uhm the dedication and skills that they
16 bring to the job are invaluable. We are up against
17 the point where we can no longer provide them m with
18 the raises that they so deserve. Uhm we, we, the,
19 it's not an unreasonable concern to think that they
20 may take those skills and move elsewhere with them
21 and for that to happen we would sacrifice the skills
22 and knowledge of the community as well as the high
23 degree of report that they have with their Board and
24 our Community Members. Furthermore, the past few
25

1 years have hoisted new functions onto the Community
2 Board, new responsibilities such as time keeping
3 responsibilities, the budgeting responsibilities and
4 privacy officer responsibilities. Uhm these
5 additional responsibilities have put a strain on the
6 productivity of our three-person office and a budget
7 increase could offer the ability to expand the staff,
8 so we could also take on special projects that we've
9 been dependent upon. Short term planning fellows
10 for. So updated equipment, technology, support for
11 events and programs that help serve our youth, our
12 nonprofit organizations and our community at large as
13 well as a fairly compensated staff all necessitate an
14 adequate budget. Without an increase, we fear we are
15 currently up against that limit. Again, Brooklyn
16 community board 14 is grateful for this opportunity
17 to express this urgent need for an increase in our
18 baseline budget and I look forward to any questions.

19
20 ANNA SIMPSON: Good afternoon Chairman
21 Cabrera and members of the Committee on Governmental
22 Operations. My name is Anna Simpson and I am a
23 Junior at New York University, studying sustainable
24 urbanism and I'm an intern at Bronx Community Board
25 6. I am here to request that funding be baselined in

2 the City's FY2020 Budget so that students like myself
3 can benefit from local government internships. This
4 paid internship was made possible due to the Board
5 receiving extra funding and has allowed me to gain
6 real world experience in local government and make an
7 impact in the community. I have learned about the
8 City Budget Process by working on the Board's Letter
9 of Comment, learned about real estate development by
10 meeting with developers, met an elected official and
11 I am now testifying before the governmental
12 operations committee at the New York City Council.
13 This opportunity has helped confirm my interest in
14 pursuing urban planning and provides a key foundation
15 for my career path. This internship has had a large
16 impact on me and more students like, myself should be
17 able to have this experience as well. In addition to
18 career experience, my internship at the board has
19 also provided me with the opportunity to serve a
20 community. I am currently helping to plan the
21 Board's first five K event set to take place in
22 Tremont Park this May and proceeds will go directly
23 to charity to Lupus Research. I have gained insight
24 and experience into how the local government serves
25 its residents. Many students are looking for an

2 experience to serve a community without having to
3 sacrifice financial stability. Local government
4 internships are usually unpaid, depriving students
5 from valuable learning experiences that they often
6 pass up for opportunities in the private sector
7 instead. These internships typically lead to jobs
8 and careers, further redirecting students from the
9 local government field. Paid local government
10 internships allow students to take their first steps
11 in local government which provides the initial
12 experience and confidence needed for students to
13 continue to pursue governmental careers. These paid
14 internships function as an investment because they
15 attract students, teach students and encourage these
16 students to enter careers in local government. Thus,
17 strengthening the local government as a whole. I
18 have benefited greatly from my internship experience
19 and plan on continuing my education in graduate
20 school for urban planning so that I can pursue this
21 career path. I hope to see many more students
22 benefit from this valuable experience as well. Thank
23 you for your time and consideration.

24 JOHN SANCHEZ: Good afternoon, Chair

25 Cabrera and members of the Committee, my name is John

2 Sanchez and I am the District Manager of Bronx
3 Community Board 6. Community Board are the most
4 local form of government and expected to be
5 responsive to...

6 CHAIRPERSON FERNANDO CABRERA: I don't
7 know if your mic is on.

8 JOHN SANCHEZ: Is it on now? Yeah.

9 CHAIRPERSON FERNANDO CABRERA: You have a
10 powerful voice we want to hear it.

11 JOHN SANCHEZ: Uhm good afternoon Chair
12 Cabrera and members of the Governmental Operations
13 Committee. My name is John Sanchez and I am the
14 District Manager of the Bronx Community Board 6.
15 Community Boards are the most local form of
16 government and expect it to be responsive to
17 Community Boards needs and have the flexibility and
18 autonomy to provide services quickly. With the
19 additional 42,500 we received Bronx Community Board 6
20 was able to make change, both big and small. After
21 the tragic death of Junior Guzman many youths in our
22 community were afraid to play outside during the
23 summer. We were able to sponsor more than 100 teams
24 to play basketball on summer nights on Tuesday and
25 Thursday which was very successful. We continued

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2 that in the winter when we had the FDNY and NYPD and
3 EMS workers lead volleyball workshops with more than
4 100 students participated every Saturday which was
5 great for us. Bronx Community Board 6 like many
6 communities in our City is under banked and many
7 people live paycheck to paycheck. As a result, we
8 hosted financial literacy workshops for five
9 Saturdays in a row for more than 2 dozen residents to
10 ensure that they knew about Budgeting, expense
11 tracking, home buying and even investment basics.
12 People were consistently attending and it showed that
13 this funding allowed us to provide programming where
14 people were. Too often community programming is only
15 available during the week but not on the weekends
16 when people are out of school and they are watching
17 their children. Also, this extra funding allowed us
18 to continue our paid internship program. As Anna
19 mentioned, we previously to having this funding we
20 only had our paid internship program in the summer
21 but now we are able to have it year-round which is a
22 great opportunity. One of my former interns is now a
23 paid staff member at the Community Board. Past
24 interns have gone on to work at the New York State
25 Assembly, New York City Council, nonprofit and gone

2 on to graduate school which shows the importance of
3 this extra funding. We can extend the opportunity to
4 more people from under represented communities so
5 they can learn about local government which is what
6 we need. And finally, we are living in an age where
7 people desire to be civically involved and especially
8 get involved in their local community. It would be
9 unfortunate and disappointing for the City of New
10 York not to invest in the most local forms of
11 government. That's why we are urging the City
12 Council Delegation to push the mayoral administration
13 to ensure that we receive this extra funding and that
14 it is baselined. The Community Boards are only
15 asking for an extra \$2.5 million and the return on
16 investment is nearly 10-fold. We will see increased
17 community activities, more engaged communities and
18 more importantly an increased number of people being
19 served. Thank you for your time and consideration.

20 LAURA SINGER: Thank you, good afternoon
21 Chairman Cabrera. Thank you for this opportunity.
22 Thank you to the Committee on Governmental
23 Operations. My name is Laura Singer. I'm the
24 District Manager for Community Board 15 in Brooklyn
25 which is Sheep's Head Bay, Manhattan Beach, Garriton

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2 Beach and Graves End. The CB 15 District office's
3 primary function is to process citizen complaints and
4 to request for services and to shed the community's
5 point of view on matters before us by offering
6 recommendations on new proposals, zoning, land use,
7 permits and policies along with our elected
8 officials. The District Office is usually the first
9 place the Community reaches out toward the address
10 the Community issue. In addition, we process street
11 activity permits, block party street closures,
12 requests for tree plantings, public trash
13 reciprocals, and monitor and delivery the municipal
14 services. Overall, we act as a one stop shopping
15 point for information and referrals pertaining to all
16 City Government matters. Just about any complaint
17 that involves a municipal service can be called into
18 our district office. We serve as the conduit to
19 enhance the quality of life of our community
20 residents yet we operate on a very low budget, are
21 often understaffed with any offices working with
22 maybe 2-3 full-time staff members. Our Districts are
23 large and our aging infrastructure needs a lot of
24 repairs and so we serve as a vital role in alerting
25 the property agencies as to what areas in our

2 district need immediate attention. Our office allows
3 our Committee Members to have a voice. We work
4 diligently to make sure that these issues are
5 addressed and by the proper agency in a timely
6 fashion. To achieve this with limited man power and
7 on equipment that is not up to today's technical
8 standards doesn't seem fair. We don't have the
9 proper funding to purchase a system to help us track
10 complaint calls. Many of us are still using Excel
11 spreadsheets and paper complaint forms. Our offices
12 are throwbacks to yesteryear yet we have to perform
13 in a City that functions on high speed internet,
14 email, white board presentation, social media,
15 digital recording and digitalized documents,
16 electronic calendaring and live streaming nearly of
17 all of which have far exceeded what our budgets will
18 allow us to do. It is my understanding that the
19 Brooklyn Community Boards were the last to tackle and
20 take on their own bookkeeping effective immediately A
21 task which was previously formed with the aid of the
22 Brooklyn Borough President's Office. This very
23 detailed task utilizes a very complicated
24 computerized accounting system, which requires an
25 individual's undivided attention. So, our already

2 overtaxed staff will take, will have to take on the
3 daunting task of bookkeeping while preparing for
4 public meetings and assisting constituents. We don't
5 have the mean to hire a person even part-time to
6 handle bookkeeping. No other governmental agency
7 would survive working in the stone ages and with
8 limited resources. It is time to bring our Community
9 Boards into the 21st Century. We serve a vital role
10 in the Community and deserve to be recognized as an
11 important partner agency within local government. We
12 respectfully request you hear our plea and give us
13 the funding we need to hire additional staff, bring
14 our technologies up to date and overall allow us to
15 better serve our communities. Investing in our
16 Community Board is an investment in our Communities.
17 It will be assuring that our Board offices will be
18 able to perform with quality, accessibility and with
19 proper tools needed to resolve our resident's
20 problems expeditiously. We are entrusted to service
21 and protect the welfare of our communities, allowing
22 us to achieve this with the proper funding as one of
23 the most important things that we can do to ensure a
24 brighter future for New York. Thank you for your
25 time today.

2 CHAIRPERSON FERNANDO CABRERA: Tell you
3 all to go ahead and try to mic but need to mic. Uhm
4 you had really stated so well the need for this
5 funding, uhm to come back but not only be reinstated
6 but to be baseline and that leads me to our first
7 question here, uhm when it comes to salary increase,
8 as we know right now you cannot apply this funding
9 for salary increase or to hire part-timers. I was
10 unaware that this new responsibility, when did that
11 new responsibility of?

12 SHAWN CAMPBELL: We were trained in
13 November for a day and in January we were to take it
14 on ourselves and we are still kind of in training.

15 CHAIRPERSON FERNANDO CABRERA: You are
16 retraining? And, and what did uhm was anything
17 expressed to you in terms of giving you any type of
18 help uhm other than the training? I mean you could
19 tell somebody what to do but.

20 SHAWN CAMPBELL: We, the training was
21 supposed to be the help. We've been offered some on
22 site training. We had to close our office for a day
23 to, to be trained on the system. We are slowly but
24 surely taking it over but it is very time consuming.
25 It is several additional steps. We were also told

2 that when this responsibility, maybe I should turn it
3 over to you Josephine. The responsibility had been
4 punted to Borough Hall. There is funding that went
5 with it but since that, since then that funding
6 because fungible in another budget line. We haven't
7 been able to identify it and so it didn't come back
8 to us.

9 CHAIRPERSON FERNANDO CABRERA: Now I'm
10 mad.

11 SHAWN CAMPBELL: Me too.

12 CHAIRPERSON FERNANDO CABRERA: Because
13 wait a second, so basically, they transfer work
14 without the resources and so you are telling me the
15 Borough President's office and still having that line
16 of work, is that what I hear? They still have. It
17 is, it is still in the Budget so. So, they still
18 have it and I'm not picking on the Borough
19 presidents, they do, they have a lot of work to do,
20 they need extra funding as it is but what I'm seeing
21 here is the work was transferred but no money comes
22 with that, no funding. No funding.

23 SHEAN CAMPBELL: No funding.

24 JOSEPHINE BECKMAN: No funding.

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2 CHAIRPERSON FERNANDO CABRERA: Okay and
3 you were going to say.

4 JOSEPHINE BECKMAN: No, what I was going
5 to add, is that you know for many years, the Boroughs
6 all had exclusively handled our personnel services as
7 well as our OTPS and we have been told by District
8 Managers before us that that was a decision that was
9 made when Community Boards were first formed. And in
10 the borough of Brooklyn, those Boards voted for the
11 borough president's office to have those supports for
12 our Brooklyn District, Appleton Districts and that
13 had gone up until recently, up until a few months ago
14 so it was a really big change for us.

15 CHAIRPERSON FERNANDO CABRERA: How many
16 hours did you expect that this will take to do on a
17 weekly basis?

18 JOSEPHINE BECKMAN: I think from office
19 to office it may vary but for Community Board 10, we,
20 I have one person dedicated to doing it and it takes
21 at least one day per week for her to process out our
22 bills.

23 CHAIRPERSON FERNANDO CABRERA: Wow.

24 JOSEPHINE BECKMAN: It is a very archaic
25 system.

2 SHAWN CAMPBELL: It is a three-prong
3 system. It's not one person.

4 JOSEPHINE BECKMAN: Right.

5 SHAWN CAMPBELL: So, we have one person
6 that inputs it and then there are two approvals uhm
7 that go along you know as part of the process.

8 CHAIRPERSON FERNANDO CABRERA: I'm a
9 little baffled why we don't use the same system that
10 we use for the Council? Something for us.

11 JOSEPHINE BECKMAN: The Council system, I
12 worked at the Council, it's a lot more streamlined,
13 easier because you have processing people who take
14 care of the FMS for you. Uhm, but we have to code
15 that. We have to make sure that there is money in
16 individual codes and it is not as simple. Not
17 streamlined.

18 CHAIRPERSON FERNANDO CABRERA: That is
19 shocking. I'm glad you, thank you for that bit of
20 information because we will definitely be talking to
21 our administration regarding this new, you know a lot
22 of work, I mean prior to this you only had an
23 increase, as I recall from 2011 into last year of
24 \$27,000, that was it. Uhm in order for you to
25

2 increase salaries, so basically your salaries have
3 been flatliner for a while, right? Is that?

4 SHAWN CAMPBELL: Flows.

5 CHAIRPERSON FERNANDO CABRERA: It's not
6 very small. It was a Mayoral, Mayoral increase. So,
7 so, you know, that's it's just peanuts that really,
8 you've, you've been getting so. So, we, we
9 definitely, I'm going to turn it over to my
10 colleagues do you have questions? Council Members
11 Yeger, Kallos. Briefly. I know we got more Boards.

12 KALMAN YEGER: Uhm thank you Mr.
13 Chairman, uhm I just wanted to recognize uhm my home
14 Community Board, Board 14 where I served for 18 years
15 and my back up home Community Board, Board 15, I
16 represent both of you. Uhm when the, we discussed
17 this a little bit uhm District Manager Campbell at
18 the last hearing a couple of weeks ago, when the
19 City, when the Council asked the Administration, came
20 to an agreement that we would put an additional
21 \$42,500 in each borough, in each Community Board's
22 Budget and obviously it was DPS, we, we talked at the
23 last hearing different boards did different things
24 but do you find that you know anything that you know,
25 you alluded to in the testimony but this is really

2 for everybody. But are you able to put into play any
3 long-term, long-term project? You can't use it for
4 salaries and you can't really count on it on a year
5 to year basis and it is not baselined are you able to
6 plan for how you are going to repeat, whatever it is
7 that you did with the \$42,500 last year into the next
8 year? I mean are you currently?

9 JOSEPHINE BECKMAN: Well, certainly you
10 have concerns about being to make, maintain the level
11 of service with the events that I mentioned. The
12 CRM, we, we are working on the prototype for that.
13 So, without, without additional funding in the
14 upcoming years, we would, that wouldn't be able to
15 develop beyond what we are using. So, we, it could
16 become a, a, there could be limits on its utility if
17 there isn't continued funding that said.

18 KALMAN YEGER: Because if it just shows
19 up.

20 JOSEPHINE BECKMAN: That said if you show
21 more utility than excel spreadsheet.

22 KALMAN YEGER: Right I mean if it just
23 shows up in your budget and you don't really have a
24 plan for it because you don't know that it is coming,
25

2 you are leaving money on the table in effect because
3 you may not be able to spend it.

4 JOSEPHINE BECKMAN: Right, absolutely,
5 and like I said it would still be an improvement over
6 what we are using now.

7 KALMAN YEGER: Uhm I, I know that the
8 issue of the budgeting being done locally uhm as
9 opposed through the borough president's office as
10 mentioned but is that citywide or is that just
11 Brooklyn.

12 JOSEPHINE BECKMAN: I think we are the
13 last, we were the last borough to go over. I think
14 Queens is already doing that. I can't speak for the
15 Bronx but I know other boards were already taking on
16 their bookkeeping. We are the last borough.

17 KALMAN YEGER: So, the Bronx is doing it.

18 JOHN SANCHEZ: The Bronx has been doing
19 it for at least a decade. At least a decade.

20 KALMAN YEGER: Okay.

21 JOSEPHIEN BECKMAN: Again, we don't know
22 though if Brooklyn had been allotted additional funds
23 for Brooklyn Boards. It depends on who you ask.

24 KALMAN YEGER: Well you clearly haven't
25 because you haven't seen it.

2 JOSEPHINE BECKMAN: Right. I mean
3 because this is the first year that we have had to do
4 on it our own.

5 KALMAN YEGER: And the Borough
6 President's Office hasn't indicated, no borough
7 president's office has indicated that they are going
8 to somehow supplement with, with financing, your
9 ability to do this work?

10 JOSEPHINE BECKMAN: No.

11 KALMAN YEGER: Alright Mr. Chairman,
12 thank you very much, thank you.

13 BEN KALLOS: I want to thank all of you
14 for coming to testify and for taking time out to be
15 here. In 20... wow for a second in 2006 I built a CRM
16 background backbone for Community Board 8 which I
17 served on using a product called Civi CRM. It is a
18 free license because it is free and open source. Uhm
19 they kept using the site that I built them in '08
20 until way after I got elected. I think they just
21 transitioned over 10 years later. That same platform
22 is the same platform that another group of people
23 called the New York State Senate use for 63 senators.
24 They use the same software that I use and since I've
25 been elected, I've been adding features to that tool

1 set, uhm where I said I want to be able to make
2 documents, docs instead of pdfs and so I used about
3 \$20,000 in member item funding to make that change
4 and I rolled it out to every single city CRN on the
5 planet. Before that cost we can add features like
6 that. Can you tell me a little bit about some of the
7 challenges you are facing on the CRMs? Because
8 literally standing up to CRM is for me is a couple of
9 minutes or hours for others it might not be but how
10 could we end this. And the public advocacy uses CIVI
11 CRM. What can we do to help get you online with the
12 CRM?
13

14 JOSEPHINE BECKMAN: So, a lot of us are
15 not tech savvy and each of us have different needs
16 and it seems so daunting to us and we had requested
17 from the Department of Information and Technology,
18 you know the Council, the City Council has Councils
19 that. Is it possible for us to buy a license similar
20 to that and put it on our equipment because you know
21 many of us feel that as long as we have some type of
22 software system that we can purchase and then learn
23 to use it would help us? We haven't been able to
24 even cross that bridge. You mentioned what you did
25 for yourself and the other using it. It seems

2 daunting to me that as a non tech person. I think it
3 just needs a little help and just advice in how to
4 get it and we've been asking for so long, frustrated,
5 with an inability of having a tech person to do that
6 uhm and now we have no Hidalgo from beta NYC who has
7 crossed a lot of bridges for us and, and has really
8 advocated and heard our pleas for a CRM. Able to
9 build one for us is just great news. Uhm I'm not
10 familiar with that, you've used up all we wanted was
11 a system that would help us with our constituent
12 management services.

13 BEN KALLOS: Sure, I'll just flag for our
14 Finance Staff. The issue that we are running into
15 and I tried to buy CIVI CRM for. The issue is the
16 code is free, the license is free, but having a
17 person like me to do it, takes, costs a lot of money
18 so the issue is, member, elected officials have very
19 less expense money than they have capital money. So,
20 I think the issue that we are dealing with is they
21 are using I believe Capital money to buy the 3-1-1
22 system because somehow that software is capitally
23 eligible but buying the CIVI CRM framework for 59
24 community boards which is probably somewhere between
25 \$100,000 and a half a million dollars the City is

2 saying is not capitally eligible so if we can get an
3 answer on it, this is capitally eligible I'll show in
4 the half million myself to buy it for every single
5 community board in the city.

6 JOSEPHINE BECKMAN: That would be
7 awesome.

8 SHAWN CAMPBELL: That would be wonderful.

9 CHAIRPERSON FERNANDO CABRERA: Well I've
10 glad that you mentioned that because I talked to
11 Hidalgo and I was going to put the half a million
12 dollars, now I don't have to put the whole half a
13 million dollars.

14 BEN KALLOS: We can do it together and we
15 can give them \$1 million and do better.

16 CHAIRPERSON FERNANDO CABRERA: That would
17 be fantastic I would love to do that. Uhm and we see
18 the smiling face, all happy day.

19 BEN KALLOS: But I think the challenge
20 here is we have, we have half a million in Capital
21 but the City is saying no you can't use capital you
22 have to use this expense funding which is much, much
23 more limited. We have 1/10 of the expense money that
24 we have for capital money.

2 CHAIRPERSON FERNANDO CABRERA: I spoke to
3 Hidalgo and he shared that he found a way to for us
4 to do it on the capital. So, I'm having a meeting
5 with him soon. I would love for us to get together
6 in that meeting uhm and if we have to reschedule so
7 we could.

8 BEN KALLOS: I will make my schedule work
9 for it. I think we may also need to bring the
10 controller in to make sure that he approves it.

11 CHAIRPERSON FERNANDO CABRERA: Thank you
12 so much. I know we got more community boards. Keep
13 up the great work. I know you have to give back to
14 your Community Boards but feel free to stay around
15 and with that. We are going to all for Pam Fila,
16 Community Board 4. I'm sorry if I, uh, Susan
17 Stitzer, Community Board 3, Wally Ruben Community
18 Board 5, Jessie Boude, Community Board 4, and Angel
19 Miscaine from Manhattan Community Board 11. (long
20 pause). Feel free uhm to start, who would like to
21 start first, ladies first.

22 SUSAN STITZER: Thank you, my name is
23 Susan.

24 CHAIRPERSON FERNANDO CABRERA: Okay, well
25 I'm sorry, I made a mistake go ahead Counsel.

2 COUNSEL: We will swear in all of our
3 Community Boards, if everyone could just raise their
4 right hand. Do you affirm to tell the truth, the
5 whole truthing and nothing but the truth in your
6 testimony before this Committee and to respond
7 honestly to Council Member questions?

8 SUSAN STITZER: My name is Susan Stitzer,
9 I am District Manager of Community Board 3 in
10 Manhattan. Community Boards are the city's biggest
11 bang for the buck. Our very small offices and 50
12 volunteers both partners with City Agencies to best
13 help navigate Community needs and provide a structure
14 for the Community to participate and planning. Our
15 current budget without the 1 shot increase is not
16 enough to serve our communities properly. It was
17 earing during an economic downturn. When there's is
18 literal construction or development but we cannot on
19 the same Budget in the current climate. Community
20 boars must outreach and inform. But we cannot
21 operate on the same budget in the current climate.
22 Community Boards must outreach and inform
23 communities, uhm we must wait for them to DEIS for
24 them and other technical reports with technical
25 reports with technical response. We must do research

2 to protect in a plan. We must have both expertise
3 and electronic tools. This year our Board responded
4 to two bridges AIS, Manhattan Detention Center Scope
5 and we will be responding to the ULURP Action. We
6 have two major resiliency projects, an L-train shut
7 down, loss of services with the Mt. Sinai downsizing.
8 We are planning a special District in one session to
9 support small businesses and prevent increasing
10 storefronts and we are about to a tentative planning
11 task force and we are interviewing planning
12 facilitator was out on medical leave for several
13 months we are able to hire parttime help to cover
14 administrative expenses. The charter provides for
15 Urban Planning Expertise for Community Boards but
16 does not fund it. I have hired an urban planner with
17 the master's as my assistant District Manager. His
18 salary is higher than it would be for one who is not
19 a planner but is not high enough to keep the for any
20 length of time. Having a planner has added great
21 value to the Board. But because much time is now
22 spent on planning, we really need more staff or
23 increased every day operations in the office.
24 Community Board responsibilities are incredibly
25 important and this I'll translate into CBs needing an

2 increase on the baseline budget. It needs to be
3 baseline so that we a hire and pay proper salaries
4 and be able to plan responsibly. Thank you.

5 WALLY RUBEN: Good afternoon and thank
6 you for allowing us the opportunity to say a few
7 words about our Budget. I am Wally Ruben the District
8 Manager of Community Board 5 in Manhattan. Manhattan
9 Community Board 5 is mapped to represent the city's
10 central business district within our boundaries are
11 10 business improvement districts. We have Times
12 Square, Central Park South, East Midtown, Herald
13 Square. Both of our City's in our nation's greatest
14 transit hubs, Grand Central Station and Penn Station,
15 Brian Park, Union Square, the Diamond District, the
16 Garment District, the Rockerfeller Center to name a
17 few. We have super tall towers popping up like weds
18 throughout our district. In just the last few weeks
19 we have been meetings with developers from JP Morgan
20 Chase, to Harry Clow, to TF Cornerstone who have come
21 to us with their freshly laid plans. Yet with our
22 miniscule budget barely enough to pay for three full
23 time employees, we are unable to hire even a single
24 land use or Planning Expert to help us navigate this
25 difficulty terrain. Our members as you know are all

2 volunteers without the time, skill or background even
3 remotely comfortable to that of the big shot
4 corporate lawyers and architects who come and present
5 their every more extravagant plans to us. We don't
6 expect a completely level playing field but we would
7 like with spring arriving to at least feel to get a
8 change of getting on for space. One hit might be
9 nice and that's where you come in. While we are
10 grateful for the one-time allotment that was given to
11 us in the current Fiscal Year only if the money is
12 baselined will we, will we be able to put these
13 resources to best use. We hope you will consider our
14 plea and thank you for your time.

15 PAUL PHILLIPS: Uhm good afternoon, Uhm
16 Council Member Cabrera, Chair Cabrera, Committee
17 members. My name is Paul Phillips and I'm the
18 District manager for community board 4 in the Bronx.
19 Today I am here to provide some testimony as related
20 to additional funding that was provided in the
21 previous Fiscal Year. First, I want to thank Council
22 Member Cabrera, the speaker and the Council for
23 allow... allocating us additional funding. Um with
24 these funds the board was able to upgrade computer
25 equipment. We sponsored a number of events including

2 a holiday toy drive, a back to school back pack
3 event, a spring event for autistic children. Family
4 day in one of our local parks. Free swim lessons for
5 100 residents. Finance literally workshop and
6 training on parliamentary procedure for our board
7 numbers. Um this is just to name a few. While these
8 funds have been extremely helpful in supporting
9 programs and providing additional resources within
10 the District, these funds are not baseline and
11 therefore we cannot plan long-term for any of these
12 or make them an ongoing part of our work. Community
13 Boards play an important role in neighborhoods, I
14 represent more than 154,000 people. My District
15 encompasses the Bronx County Court System, over 150
16 park properties, the most in the in our borough. The
17 Bronx Museum of Art. The future home of the Bronx
18 Children's Museum, future home of the HipHop Museum,
19 home of the New York Yankees and potential home of
20 the New York City football club. That being said
21 there are a number of limitations. My office is
22 currently comprised of two apartments that had been
23 converted to offices on the 11th floor of a
24 residential building. I invite any of you to come
25 for a visit. Please bring DCAS and OMB as I have

2 made several overtures to get my office relocated to
3 more state-of-the-art facility. Our server is
4 comprised of a drobo which is a small box which sits
5 on the Community Associates desk. If we want
6 programs such as Adobe Acrobat or Illustrator, we
7 have to purchase those on an individual basis. My
8 office currently is not handicapped accessible. Uhm
9 we have to manage our own website and as mentioned
10 before there is one person from Do It who manages
11 all, serves all 59 community districts. Does this
12 sound like a state-of-the-art city agency located in
13 one of the fastest growing and busiest districts in
14 the City of New York? My colleagues and I are doing
15 yoman's work on a shoestring budget. Last year the
16 Council passed a number of revisions to the City
17 Charter, the Charter Commission is currently
18 contemplating a number of additional revisions. Many
19 foci on strengthening the Community Board which
20 myself and my peers support. I would ask that you
21 seek to implement those revisions. You consider the
22 physical counterparts that would support Community
23 Board's work. I will give you an example, in 2017 my
24 Board along with Community Board 5 approved the
25 Jerome Avenue Rezoning with a series of lengthy

1
2 considerations. Pursuant to the uniformed land use
3 review procedure, we are currently allocated 60 days
4 to review an application and submit a recommendation.
5 The Environmental Review document alone was more than
6 1,000. We got 60 days to review a document that can
7 have long-standing impacts to neighborhoods for
8 decades. Sounds about right. I will note that I
9 have two staffers in my office who have no knowledge
10 of land use or environmental review. I happen to be
11 a professional planner, I have a Master's degree, so
12 that was very helpful but every board does not have
13 that luxury. Uhm we made it work but we should be
14 empowered with the tools and resources to serve our
15 constituents. Uhm a line enters for consultants
16 and/or staff to assist with things like that ULURP,
17 secret landmarks BSA, applications are one of the
18 many examples of how increased budget can serve all
19 boards and districts. Uh I will just close out. Uhm
20 over the last five years, this City has invested
21 hundreds of millions of dollars of affordable
22 housing, parks, mental health, and homeless to name a
23 few. A permanent increase in Community Board Budget
24 ensure that we are not just fulfilling our mission as
25 a board but that we can go above and beyond for

2 residents of the world's greatest City. Thank you
3 for your time and consideration.

4 Good afternoon Chair Cabrera, Speaker
5 Johnson and he fellow members of the committee on
6 Governmental Operations. My name is Jessie Bodine
7 and I have the privilege to be the District manager
8 for Manhattan Community boards, Clinton and Hell's
9 Kitchen. Firstly, before I would like to thank Chair
10 Cabrera and speaker Johnson for the increase in the
11 OTPS Budget for Fiscal Year 2019; however, the
12 Administration's choice not to baseline any portion
13 of the increased OTPS funding and the City Council
14 provided in FY19 is concerning and displays the
15 Administration's lack of priority when it comes to
16 Community Boards. Similar to many Community Boards
17 CB 4 finds itself in a reactionary position to the
18 varying issues impacting the neighborhood it
19 represents. The increase to the OTPS Budget allows
20 CB4 to transition away from simply reactionary
21 responses to rezoning the proposals towards a
22 proactive approach to ongoing challenges such as
23 gentrification and quality of life issues. I will
24 provide two examples. For over a decade the
25 community of Hell's Kitchen has advocated for the

1 creation of a Hell's Kitchen in the historic
2 district. This district highlights the rich
3 immigrant history of the neighborhood and preserves
4 the tenement row houses-built environment. Over the
5 years, CB4 has worked to organize the material needed
6 for a formal preservation report to be submitted to
7 LBC. With the increase in OPTS funds, the board can
8 hire a consultant to produce a report to be reviewed
9 by the Community and eventually be submitted to the
10 Landmark Preservation Commission to help preserve the
11 vital history of our community. Additionally, CB4
12 has four special zoning districts within its borders
13 that include anti-harassment and demolition
14 restrictions, residential buildings; however, CB4 has
15 witnessed over the last 3 years, 10 buildings that
16 were improperly demolished or partially demolished
17 resulting in the loss of over 100 residential units.
18 With an increase in OPTS funding, CB4 has begun
19 conversations with our local tenant's rights and
20 housing organizations to conduct targeted tenant
21 education outreach to the remaining buildings. To be
22 clear, the decision not to baseline the current OPTS
23 funding will result in Community Boards not being
24 able to plan strategically for the future and limit
25

2 their ability to proactively meet their charter
3 mandated responsibilities.

4 ANGEL MESCAINE: Good afternoon Chairman
5 Cabrera and members of the Governmental Operations
6 Committee. As well as our own Council Member Ben
7 Kallos. Hey Ben. Uhm my name is Angel Mescaine and
8 I am the District Manager of Manhattan Community
9 Board 11 which proudly represents East Harlem. I
10 would like to thank again, uhm Chairman Cabrera and
11 the Committee for the opportunity to address you
12 today in support of Community Boards across the City
13 and the work that they do to improve the quality of
14 life of New Yorkers. For many of our neighbors,
15 Community Boards are the face of New York City
16 Government. We facilitate civic participation in
17 effective meaningful ways and provide a forum for
18 residents to be heard on a variety of issues
19 affecting our communities. For those of us that work
20 for Community Boards and our members are thankful for
21 the ongoing support that the Council has provided and
22 continues to provide us with each year but the fact
23 remains that in order to achieve our Charter Mandated
24 rolls and planning and reviewing land use
25 applications and participating in a meaningful way in

2 the City's Budget process while also assessing our
3 Community needs through often constant change and
4 providing necessary services to our constituents.
5 Our level of funding is just not enough. Community
6 Boards see an endless number of applications,
7 constituent complaints, public hearing notices and
8 community planning exercises while also being
9 responsible for providing its membership and
10 constituency with the necessary information they are
11 required to meaningfully participate in those
12 processes and respond to project proposals. All of
13 this is done with what are often just three staff
14 members including the District Manager. While we are
15 very thankful for Chairman Cabrera and this Committee
16 and Speaker Johnson's ongoing advocacy and support of
17 Community Boards and for the \$42,500 that the Council
18 was able to allocate us as part of the Fiscal Year
19 2019 Budget these funds have been and are being
20 utilized in a variety of useful ways to address the
21 needs of individual boards across the City; however,
22 because these funds were a one time allocation from
23 Council-initiative funds and could not be used for
24 personal services, uhm adding professional staff that
25 would greatly benefit our operations in our offices

2 was not possible. We request the Council consider a
3 baseline increase to the annual budget of Community
4 Boards which would allow us to hire additional
5 professional staff as well as invest in necessary
6 technology to better perform our duties as staff and
7 Board members. It would allow us to purchase and
8 maintain a constituent management system that would
9 enhance communication with constituents, track
10 service requests, identify and analyze issue trends
11 to better inform Board recommendations and advocacy
12 as well as a records database to more easily catalog
13 and retrieve project records and Board resolutions
14 while sustaining the institutional knowledge of our
15 Board staff and members. Additional funds would also
16 allow us the opportunity to provide regular
17 professional trainings for our members, to give them
18 the tools to navigate, to better navigate the
19 Municipal Budget, service delivery and land use
20 processes that are fundamental to the work of
21 Community Boards. We respectfully request that the
22 Council consider these increases to allow us to
23 enhance our resources so that we may better serve, we
24 may be better able to perform our City-charter

2 mandated responsibilities and service of the
3 Communities that we proudly represent. Thank you.

4 CHAIRPERSON FERNANDO CABRERA: Quick
5 questions regarding, you mentioned CB4, we know the
6 situation, 11th floor, is anybody else facing any
7 other office space challenges? I know CB8 in the
8 Bronx does as well as we are working with the them to
9 help them out but yes, what's your situation?

10 WALLY RUBEN: Sure, and I want to be
11 clear, it's not an emergency but the process in which
12 new office space is acquired is through DCAS and that
13 takes a, it's a process and so you can. There are
14 plenty examples of Community Boards offices being,
15 having to be stuck in unique in different ways. We
16 are fortunate enough to not be about a year away from
17 that but it is still very concerning to us. So we
18 right now, we are in a hold over situation in our
19 current lease because we are a subtenant of the
20 master tenant who has a hold over with the landlord
21 so now we are, currently still not signed, a signed
22 leased for the hold over so we are about a half a
23 year or a little more of back rent because we can't
24 get the funds to pay, to pay for it along with the
25 issue of having to find a new location at the same

2 time. So, uhm but I think it's not that unique but
3 it is a concern so we are six months past due and
4 less than a year away from having to find a new place
5 to be called an office.

6 CHAIRPERSON FERNANDO CABRERA: Wow.

7 SUSAN STITZER: CB3 has been working with
8 DCAS about 12 years to find a new office.

9 CHAIRPERSON FERNANDO CABRERA: I don't
10 know who is going to hold the record, your CB or...

11 SUSAN STITZER: Pardon me?

12 CHAIRPERSON FERNANDO CABRERA: Your CB or
13 CB4 I don't know who is going to hold the record for
14 it.

15 SUSAN STITZER: Not 4, 3. This is 3 our
16 rents are very high.

17 CHAIRPERSON FERNANDO CABRERA: No, no but
18 CB4 they are in the 11th floor. I...

19 SUSAN STITZER: Oh, I'm sad. That's
20 okay. I'll give you. Hopefully they, well, we will
21 both see a resolution.

22 CHAIRPERSON FERNANDO CABRERA: Yes.

23 SUSAN STITZER: We are either trying to
24 get a new space or have ours renovated and you know
25 we think we are getting some place and then total

2 silence everything stops. So, it's, it's very
3 frustrating and it is very difficult to keep on top
4 of it when you are also trying to do your other work.

5 CHAIRPERSON FERNANDO CABRERA: Uhm I
6 think that our next step will be to do, we will do a
7 survey with all of our CBs and then request a meeting
8 with the DCAS Commissioner, I think would that be
9 helpful?

10 SUSAN STITZER: I think it would probably
11 be very helpful.

12 WALLY RUBEN: Right and you can come to
13 our Board office anytime you like; you can bring the
14 Commissioner.

15 CHAIRPERSON FERNANDO CABRERA: Okay.

16 PAUL PHILLIPS: Council Member that would
17 be helpful. I just want to say that the borough
18 president of Manhattan at least, has done that in the
19 past and I do think what Susan is talking about is
20 the problem is that we are each individually having
21 to chase down or followup with DCAS individually.
22 And in terms of I'm sure DCAS you know chain of what
23 are the hierarchy of what, what they are dealing
24 with. They are dealing with probably multiple
25 agencies and multiple divisions all over the place

2 and we are very tiny, right. And so, I think it
3 would be helpful to have an advocate that handles all
4 of that for the Boards.

5 CHAIRPERSON FERNANDO CABRERA: That's
6 good.

7 PAUL PHILLIPS: So, whether it would be
8 on your end or whether it would be somewhere else but
9 that sees us as one entity and therefore it is not
10 just one little office here, 1500 square feet or
11 three staffers there. It's 59 Community Boards and
12 the whole thing.

13 CHAIRPERSON FERNANDO CABRERA: That makes
14 a lot of sense. You wanted to say?

15 JESSIE BOUDE: I was going to say.

16 CHAIRPERSON FERNANDO CABRERA: Speak into
17 the mic.

18 JESSIE BOUDE: Sorry, the challenge for
19 us over the years is that our rent is so cheap that
20 D, like DCAS kinda like they, you know they go
21 through some of the motions but they won't really
22 entertain it and again I mean I'm in two apartments
23 so you know we've done, we've spruced it up, we've
24 painted but you can't really do full on renovations.
25 You know wiring, I mean there's just, the list goes

2 on and on and on. So, you if we are going to fulfill
3 our mission as a Community Board and be accessible,
4 we need to be someplace where people you know want to
5 get to. There are two elevators which are always
6 broken. So, if there is one elevator, there are 13
7 floors of offices. They floor or 12, 13 and above of
8 residents. It is 20 floors. Those are all offices
9 Bronx Unlimited is our tenant and we are very
10 grateful but it just at a certain pain becomes you
11 know not really feasible.

12 CHAIRPERSON FERNANDO CABRERA: Yeah
13 visibility and accessibility programs. Uhm Council
14 Member Kallos.

15 BEN KALLOS: Good to see so many of the
16 folks thank you for your partnership. So, Angel you
17 have kind of between myself and previously I know
18 Dickens and others there is some modest funding for
19 an urban planner. Uhm Susan your reportation
20 precedes you but you mentioned that you have been
21 able to only acquire an urban planner below market,
22 above market for an ADM but below market for an urban
23 planner and concerns for being able to keep them and
24 that the, I believe the one shot is not able to be
25 used to maintain and then while you are on the

2 unenviable position of having done an enormous amount
3 of work with your unsigned task for and some members
4 who frankly have a lot of expertise that can
5 sometimes scare me a little bit uhm but how, how
6 would additional resources and an urban planner
7 change the landscape in the planning process for your
8 community boards based on your varying levels of
9 experience.

10 SUSAN STITZER: As I said in the
11 testimony it would be huge. You know we deal with
12 essential business district. We are dealing with
13 huge 1500 square foot projects, 2000 square foot
14 projects, huge buildings and it is just completely
15 daunting. We do as you said have one member who has
16 the time and a certain amount of expertise but other
17 than that it is, incredible challenge just to
18 understand what the projects are let along be able to
19 actually compute what our point of view should be,
20 having somebody to be able to help us through that
21 process would be game changing.

22 WALLY RUBEN: Could I just say one thing.
23 I am a planner by trade, I worked at the Department
24 of City Planning for 10 years before I took this job.
25 One of the reasons I got hired and when I talked

2 about the Jerome Avenue study what I would say is
3 that if I hadn't been in this job or Board 5 didn't
4 have a District Manager so both boards would have
5 been sort of you know floating out there on this
6 huge, huge land use application with no real help at
7 resources so you know a planner full time for all of
8 these Boards would be a huge, huge resource. I mean
9 again the environmental review documents, land use
10 review applications, landmark status, all of those
11 things you know a planner could really do and help
12 and lend that expertise to the boards and to the
13 District Manager so.

14 BEN KALLOS: And if one of you.

15 WALLY RUBEN: Susan?

16 SUSAN STITZER: I'm going to say that it
17 makes all of the difference in the world on whether
18 we can be a competent office to to serve both the
19 Committees and the members, we are doing, we have, I
20 just a huge amount of planning, it is both reactive
21 in dealing with these 1000 page DISs which we are
22 completely unable to do without technical expertise
23 and also the planning. I've talked about like for a
24 special district to help support small businesses.
25 It's both reactive. We must react to the

2 applications but we also must be proactive and plan
3 and we absolutely cannot do that without technical
4 expertise.

5 BEN KALLOS: Angel?

6 ANGEL MISCAINE: So uhm so yes we have
7 been at Community Board 11 incredibly fortunate uhm
8 to find the support of you know Council Member Kallos
9 and Council Member Perkins in the past and Council
10 Member Dickens and providing the funding that we've
11 been able to utilize to hire a land use consultant
12 which Council Member Kallos is very frequent in you
13 know praising uhm this gentleman that we've been
14 using for the last five years whose done incredible
15 work for the Community Boards and a couple of other
16 Boards too but he is one person. Uhm and you know so
17 far, we've been very lucky to keep him on but it
18 would be, it would be game changing if we were able
19 to have on staff a planner, on staff a licensed
20 social worker, uhm professional staff that can do all
21 the tasks of Community Boards on a full-time basis.
22 That we are not counting on a consultant no matter
23 how incredible they are. The fact of the matter is,
24 is the consultant you know can do many things like
25 ours, happens to do, I don't want to minimize him.

2 He's pretty remarkable uhm but you know if he shared
3 with all of his other clients. Right? You know it
4 is better to have someone on staff. A couple of
5 years the com... East Harlem went through the East
6 Harlem Neighborhood Planning Process and the East
7 Harlem Rezoning which was gigantic. You know tons of
8 people, 100 people worked on that project and we were
9 very fortunate at that time to have our consultant
10 but also have a planner on staff. It made a lot of
11 difference in the recommendations that were issued.
12 Everyone looked to the Community Board for what do
13 you want economic development, what do you want in
14 terms of planning, what do you want in terms of
15 parks? And that all came out of our office because
16 we had the, because we had the expertise and the
17 skill on staff and in our office to be able to inform
18 and respond to all of those questions.

19 BEN KALLOS: Thank you and we will, we
20 will join you in the advocacy and somebody please
21 text Gail that I am late. I am on the way to go see
22 her.

23 CHAIRPERSON FERNANDO CABRERA: Thank you
24 so much for all that you do uhm and you are free.
25 Thank you, thank you for all that you do. You are

2 doing an amazing work. We will continue to advocacy
3 and we will get back to your offices so we could work
4 together with DCAS. Uhm the last panel and if there
5 is anybody who would like to testify today, uhm
6 please see the Sargeant at Arms so you can fill out
7 the form. We are asking for Celestine Liam for
8 Community Board, Brooklyn Community Board 4, William
9 Rivera Community Board 9 from the Bronx and Darlene
10 Jackson District 18. Alright and we will swear in
11 our Community Board members and staff.

12 CONSEL: Do you affirm, do you affirm to
13 tell the truth, the whole truth and nothing but the
14 truth in your testimony before this Committee and to
15 respond honestly to Council Member questions?

16 CHAIRPERSON FERNANDO CABRERA: You may
17 begin whoever would like to go first. If you could
18 turn the mic on please.

19 CELESTINE LIAM: Good afternoon, my name
20 is Celestine Liam and I am the District Manager of
21 Brooklyn Community Board 4 which covers the
22 neighborhood of Bushwick. I am joined here by my
23 Chairperson Mr. Robert Comacho although I will be
24 speaking today. As you may be familiar, Bushwick in
25 the past decade like similar communities of color

2 across the city has seen an exponential increase in
3 rents, construction and population density primarily
4 due to gentrification. The resulting changes often
5 become pressures as opposed to opportunities for our
6 most vulnerable neighbors, friends and family. Our
7 office continues to respond and work to resolve these
8 complaints and partnership with our other City Agency
9 colleagues and elected officials however in doing so
10 we also face unnecessary intraoffice challenges due
11 to limited technology and capacity to secure
12 additional resources. The 20th of this month marks 2
13 years that I've been working with the Community
14 Board. In that time, I've found in partnership with
15 our Chairpersons and the larger board that technology
16 and resources to train staff are greatly needed.
17 Technology is now a given foundational component in
18 most offices; however, it appears that Community
19 Boards have been left behind. On behalf of the board
20 in our office I would like to thank Council Member
21 Cabrera for his support of the boards and the effort
22 to secure the Budget increase for Fiscal Year 2018.
23 We have used those funds to begin filling the gap in
24 technology including internet upgrades to accommodate
25 a new VOIP phone system and to invest in the creation

2 of a customer relationship management CRM software
3 along with other deeply needed communication
4 upgrades. The above measures will have a profound
5 impact on our efficiency as an Agency as a whole and
6 ultimately better serving the entire District. As
7 always, we still have plenty of work to do to
8 continue building on our foundation. Just as
9 Bushwick slowly rebuilt itself after the blackout of
10 1977 and the difficult years that followed to bring
11 us into the present and we are also responsible for
12 vocalizing the needs to help us better serve the
13 families, individuals and even businesses now
14 threatened with displacement and related hardships.
15 We respectfully request that the City Council
16 continue to advocate for additional investment in the
17 Community Boards for us to have the necessary tools
18 to serve our district including but not limited to an
19 increase in baseline funding for staff and support
20 for technology upgrades. Thank you for the
21 opportunity to speak. That concludes our testimony.

22 WILLIAM RIVERA: Hello Council Member, my
23 name is William Rivera. I am the District Manager of
24 Bronx Community Board. Now in the Bronx we are
25 currently the largest Community Board by population

2 with nearly 200,000 residents. We play a critical
3 role in service delivery. Since I was a chairperson
4 and a Board member for now nine years and now the
5 District Manager of my Community Board, we have
6 undertaken a major re-engineering approach to reform
7 our Community Board into the 21st Century. Today I
8 came here just to drive two points. One our
9 Community Board services a District 3 times larger
10 than some of the smaller boards but we all receive
11 the same funding. Our residents have less resources
12 than other community districts, affecting service
13 greatly. Therefore, boards that have a larger size
14 or need additional funding should get more resources.
15 My second point, we need to increase the funding.
16 Not only for boards that require more resources but
17 baseline funding. Previously the one time increase
18 of \$42,500 which you know and thank you for that for
19 Fiscal Year 2019. We used this funding for upgrade
20 equipment, better material, supplies, much needed
21 community initiatives, better outreach which is
22 important on our Social Media platform especially,
23 staff development and more importantly we built a
24 tracking system and software for management already
25 called Community Board Managing Systems. We've been

2 working on this for a year and we actually launched
3 tonight. It's, it's a coincident that other
4 initiatives are starting after I exposed to do it in
5 the Department of Information Technology but for a
6 fraction of the cost of the \$10,000 that I saw which
7 I will be more than happy to share that with the City
8 Council. This took about a year, was made by
9 Community Board and Community Board District Mangers
10 and I did speak to all of the District Managers in
11 the work and more than working together. I'm also
12 requesting a meeting with the other outfit I forgot
13 the name of it. Uhm I want to say something that is
14 important as per the New York City Comptrollers
15 Office last Fiscal Year the Community Boards returned
16 \$2 million of unused funds. Uhm \$2 million of unused
17 funds were returned from \$13.8 million of Community
18 Board operations. Uh hearing this number, a lay
19 person may be reluctant to give an increase but all
20 boards do not operate the same. We are not the same
21 size and require more resources. A cookie cutter
22 approach will not work. Uhm it is imperative that
23 near the end of the Fiscal Year boards that require
24 additional funding or resources such as mine can
25 request funding from left over funds. Unused funds

2 at the end of the Fiscal Year should be reinvested to
3 a Community Board and I have several ideas. Thank
4 you for your time.

5 DARLENE JACKSON: Alright I'm so glad
6 that he said that. I'm sorry my name is Darlene
7 Jackson and uhm like I'm a strong believer of
8 Community Boards I feel that the, uhm local community
9 boards are an entry level civil engagement. I was
10 here on the 25th of February merely to get some
11 clarifications around oversight uhm. In the two
12 years that I was employed at a local community board
13 in East Harlem there was a lack of oversight. We
14 barely had constituent visits, calls. The Community
15 Board members, there is training available for the
16 borough presidents office but it is not mandated and
17 it should, it should be mandated because these are
18 folks that are volunteers and they have they have a
19 full-time obligation outside of the scope of their
20 commitment. They should be able to be equipped with
21 the tools that they need to be able to serve as their
22 community. So, it should be mandated and the BPs
23 office doesn't have like a tracking record. Things
24 that I want to call them and say like who needs a
25 refresher course after six months or who is a new

1 Board Member that needs to have training. They don't
2 have anything on a database to let folks know who
3 actually took a training and who is up for a
4 refresher course. And so, for instance for new Board
5 Members it should be mandated for folks to know how
6 the Community Board functions. So, my question is
7 that I was informed at the last meeting on the 25th
8 that the BPs office sort of kind of provides
9 oversight which is not necessarily the fact. I would
10 say the Manhattan Borough President is probably the
11 most, the biggest champion for Community Boards. Out
12 of the other four who are not as vocal and she is a
13 big supporter, but uhm as you know often things can
14 run drastically different and the functionality is
15 completely different so I would argue for a baseline
16 budget. Folks shouldn't come here every year you
17 know begging for money to be able to better serve the
18 Community. There should be a baseline budget and
19 there should be an oversight consultant providing
20 oversight to ensure that when you guys do a lot of
21 funding for a community board it is actually being
22 utilized and not, not mismanaged as uhm William was
23 saying and he is actually my Community Board in the
24 Bronx and they do a lot of great work and they even
25

1 need the support services too to be able to function
2 and serve as my Community in the Bronx. But in the
3 end, there is no oversight. There are no people
4 making sure that the staff is equipped with the tools
5 that he needs, receiving training. All of these
6 technologies that are available to them. Who is
7 ensuring that it is actually being implemented, no
8 one because you guys told me last meeting that you
9 guys don't do? That you guys that is not a
10 responsibility for this Committee, it is the BP but
11 the BP does not provide, doesn't have the capacity to
12 do that and for every testimony that I heard
13 previous, the previous panel and right now they are
14 all saying that we need funding to be able to do, to
15 be able to provide adequate services for our
16 Community but yet there is no one, there is no
17 oversight to ensure that they provided with the
18 source and the tools that they are actually using
19 effectively. So, I would say put a baseline funding
20 but also have a permanent consultant oversight to
21 ensure that the Community Boards, all 59 of them are
22 not actually the service but actually empowering
23 folks to get involved in the Community. Mr. Chair?

2 PAUL PHILLIPS: I just want to, we have a
3 young lady, she's been two years on our Board, we
4 want the young people to take over. I've been on a
5 board 30 years of volunteering my service. I've been
6 the chairperson for a year so technology is key. We
7 have two employees, one with 15 years, she is almost
8 about to retire. She has been on here. Another one
9 with 30 years, so he's almost gone. So, we are going
10 to need young kids to do all of this computer stuff
11 because I'm not computer sassy. You know I'm old
12 school, paperwork you know and that's what we are
13 doing at the board now. Uhm we need to upgrade to
14 computer stuff to new areas, she's teaching me. I'm
15 learning how to deal with some of the issues and I
16 got to give her something for her to do her job and
17 if you can make it easier on her and easier on the
18 board members because now as you see the postal
19 service. You never get the mail; you get when
20 there's a meeting. So if we can get a tool where we
21 can make it easier for everybody to come and
22 volunteer and come to the meetings and do their
23 Committee reports and get then it will be key for us
24 to do our job and her to do her job and also a lot of
25 District Managers here to do their job. I haven't

1 seen a lot of chairpersons come up. I don't know if
2 I was, she told me I wanted to be here to support her
3 and help her and guide her and give her whatever
4 tools she needs but as in the community all my life I
5 have seen the dramatic change. So, we have to change
6 the same way as you know, four years we are going to
7 be term out. You know after the next four years and
8 then you are going to have new people in here and who
9 knows you guys might not be there so maybe you can
10 train the next person that comes on and keep, and
11 keep history going and not eliminated. You know we
12 need 3-1-1. It was invented. I hope it wasn't to
13 take our job or to take us away. If we can get a
14 tool where someone gives a complaint and we could go
15 online and help them and guide them instead of
16 waiting for the person to come three days later and
17 give a report and not found it when we can go there
18 and say yes, it is. We have it here; you know it's
19 about helping our community it is not going back the
20 old way it was. So, we need you guys to help us to
21 help them do their job better. Thank you.

23 CHAIRPERSON FERNANDO CABRERA: Thank you
24 so much indeed and this is why we want to provide the
25 funding and baseline it so you can make some good

1 projections, you can make strategic plans that are
2 secure. The problem with the funding. The good
3 thing is you have the funding for this year. Nothing
4 is promised for the next Budget but you know the
5 challenge before us if we don't have it baselined
6 number 1 you can't use it for staffing that you
7 greatly need. As we heard from the other community
8 boards as well but it makes it very hard to plan like
9 Council Member Yeger was mentioning earlier to be
10 able to say hey we have this funding now for the next
11 five years, six years and so forth when it comes to
12 technology. If you have to pay a consultant or there
13 are fees for software and so forth. So, in terms of
14 your question, Council Member Yeger was the one who
15 answered your question, the borough president is the
16 one who provides technical support. They are the
17 ones who assign and all of the community board
18 meetings. They have somebody there who is there to
19 answer all of the uhm bylaws issues they may have,
20 etc. uhm to provide that kind of support. He makes
21 most of the appointments, Community Board. He makes
22 half of all of the appointments, he or she. Provides
23 half of the appointments and then the respective
24 Council Member representing that area if you have two
25

2 or three, they are divided, divide the other Council
3 Members that are there. In terms of their Budget,
4 they are better able to speak about this than I do
5 but for example this funding that is here uhm you
6 know the City is going to hold them accountable how
7 they use it. There are some things that they can use
8 this, some things they cannot use it for and so
9 that's where the financial accountability which I
10 think you were, part of you were talking about but in
11 terms of reappointment it comes down to the person
12 who made that appointment and ultimately responsible
13 in whether they are going to do their jobs, are they
14 going to be reappointed. If they are not, you know
15 most likely they are not going to be appointed,
16 probably should not be reappointed so that's where
17 that accountability factor. I don't know Council
18 Member Yeger you addressed this issue before but I
19 don't know if you want to chime in. Okay. I did
20 such a great job. Oh man, amazing.

21 DARLENE JACKSON: So again, it brings me
22 back to what you were saying that just was it last
23 year that he said \$2 million was returned back from
24 59 Community Boards that were underutilized. So
25 again, we come here, Community board members and

2 staff come here every year advocating for additional
3 funding and so they could provide adequate services.

4 But yet uhm how would you ensure that the funding
5 that they received last year was actually used

6 because at the end of the Fiscal Year they turned
7 back like a lot of money back. So, then they come

8 back again and ask for additional funding. So, what

9 I am saying that is the BPs office who is supposed to
10 be providing oversight they are not providing support

11 of how to utilize that the funding adequately so

12 there is no money to be turning back. Because at the

13 end of the day the one hurting is, is the community

14 that they charged to represent and serve. It's a

15 disturbance. It is a waste of tax paying money.

16 CHAIRPERSON FERNANDO CABRERA: So, I hear

17 what you are saying but at the end of the day they

18 have autonomy under the Charter and we don't want to

19 take that away. I mean to be honest with you they

20 need to be in power even more as it is they are

21 asking for more power and in the Charter so for the

22 danger of the structure that you are suggesting

23 possibly here is that they will be disempowered and

24 then to be honest with you then you will have more

25 politics. Into the mix which is going to disempower

2 volunteer members. I am a former Community Board
3 member. And I have to tell you that as it is right
4 now, I feel some pressure and to add even more
5 pressure maybe the Chair or the DMs could address
6 that right now is really to be honest with you unfair
7 to them if they are going to have the power and the
8 control to determine on their own destiny as a
9 governess body.

10 DARLENE JACKSON: Let me just clarify it.
11 So, the oversight consultant is more like you see how
12 folks advocated for us like a city planner,
13 consultant or land use to be able to help them
14 through advocations. If something more like is more
15 of a benefit as far as capacity building. That
16 should tell them how to dictate of how it should
17 function in the Community Board but to provide them
18 support services of how to utilize and uhm expect and
19 sort of use the money.

20 CHAIRPERSON FERNANDO CABRERA: So yeah,
21 you know I hear you have the experts right next to
22 you and so maybe they could address it.

23 WILLIAM RIVERA: Uhm I just want to
24 interject on something she was mentioning. The \$2
25 million that was left over last Fiscal Year. I was

2 talking to former Council Member Jimmy Baca who was a
3 District Manager for 25 years and board 10 in the
4 Bronx. He said it is a great idea near the end of
5 the Fiscal Year, I know the City Agency do ask for
6 Board to turn in and request money for things that
7 they may need temporarily for that Fiscal Year. That
8 money was allocated for Community Boards there is no
9 reason that money could be reinvested back into
10 Community Boards. Some Boards operate like you just
11 mentioned. They have their own autotomy. They
12 operate differently. Some boards may not need it
13 some boards do need it. A lot of boards, you are
14 talking about \$14 million only around \$2 million were
15 put back so its in the perspective its not. It's a
16 lot but its not half.

17 CHAIRPERSON FERNANDO CABRERA: Correct.

18 WILLIAM RIVERA: So I think that is one
19 point if we do not get the increase, we need the
20 increase but how we dip into that money that is
21 unused because or it could be used citywide if there
22 is a citywide initiative like the management system
23 or new phone upgrade or technology upgrade, that \$2
24 million could be used for a citywide aspect better
25 than individual boards. What I suggest to you Mr.

2 Chairman and the City Council is some years ago the
3 Bronx did a task force and brought all the District
4 Managers together and Chair persons and it went
5 really well. Kind of faded off. I think you should
6 do something citywide. There is a lot of intelligent
7 minds, they can't come down here to Manhattan. I
8 don't know if you want to do it borough wide or
9 citywide. Not on a phone call but like face to face.
10 You are going to hear a lot of great things that
11 other Boards do that we can work together. Sometimes
12 the Bronx District Managers get together when we can
13 and the conversations we come up with we help each
14 other out and I think that will be huge to do
15 something citywide, hear their voice and you are
16 going to get a lot of great ideas and find out things
17 like this because a lot of District Managers didn't
18 know \$2 million were unused last Fiscal Year.

19 CHAIRPERSON FERNANDO CABRERA: Uhm that's
20 a fantastic idea. We will followup with that. As
21 you know we convene a phone conference every three or
22 four months to hear your needs and to give you
23 updates in the legislation and how we can collaborate
24 together so that's, that's a fantastic idea and I
25 hear you are going to pay for the first, uhm the meal

2 for the next meeting of us. No just kidding, I was
3 just kidding. Yes.

4 DARLENE JACKSON: So, to briefly touch on
5 your, your mention of oversight. So, something that
6 we have done recently in speaking with borough
7 President Adams and this was specifically for
8 technology so all Boards are very different when it
9 comes to technology, some know exactly what to go
10 find and get for their offices. Some don't have that
11 expertise. So, we've already heard that not all
12 boards have tech savvy but at the end of the day we
13 ask for an independent survey for technology coming
14 into the offices for those that would like to
15 participate making it optional. Not everybody may
16 want to be involved but coming in, seeing what the
17 boards do have, what they don't have and then making
18 recommendations for how we can improve technology
19 wise in the office. If it is computers, software,
20 equipment, you know smart boards, how are we better
21 able to equip our offices to serve the community and
22 our community board members? And additionally,
23 something that I would suggest to the tool to explore
24 potentially. We have 59 boards but how are we
25 communicating with one another. If there was some

2 sort of digital platform or other forum for us to
3 really speak to one another or post things that we
4 may be able to, you know better understand as a group
5 as opposed to right now we are limited to phone and
6 email and granted we may not necessarily know each
7 other its kind like throwing something into the ether
8 and hoping that we get a pleasant response so I think
9 exploring opportunities to better connect the board
10 so that way we can build solidarity and resolve some
11 of these issues together is also a benefit.

12 CHAIRPERSON FERNANDO CABRERA: Very good.
13 Thanks.

14 WILLIAM RIVERA: And also, it I just like
15 cats, cats are spreads so we are on a borderline of
16 best eye so if I don't know, I go across the street.
17 I'm in best ... I don't know their issues and their
18 concerns, eventually it trickles to mine. As you see
19 development when it starts over and then we are aware
20 and we know what's coming to us you know not just
21 wait until it hits. So, we all can talk among each
22 other, all the District Managers and find out how can
23 we link to make things work better because that's
24 what we are here for. We are here for the community
25 and my, I needed a question you said that it can't be

2 for staffing but I think that it should be because I
3 have two people that are getting ready to retire.
4 You know if I can if we can mold someone that is in
5 regards to our needs and what we do instead of just
6 picking someone that out blank that doesn't know and
7 then we got to wait until he learns. Instead we have
8 someone and they know and we guide them through like
9 young kids that we want on the board that are 18 and
10 19 and they sit down and they know what its like to
11 be on a Board on a Committee and put recommendations
12 forward and he will know. He will learn it too
13 because I started when I was young. I got someone to
14 tell me guess what instead of you being in the street
15 and doing something negative, come here, this is how
16 it works. This is the tool that you need to get
17 things done. We are not in the 60s anymore. We can
18 go set things on fire and not assault people anymore.
19 That was in the 60s. Now it is something different.
20 You have a tool that you have, a computer, a place,
21 now they go, these kids go online and they can get
22 you 300 or 400 kids, they threw a blast and I'm like
23 wow what's this. Something that we never had. We had
24 to go door to door knocking and talk and these people
25 do it now and they get you 400, 500 people so we need

2 to get that tool, to, to, to start employees, young
3 kids in here. She's a young girl. I want more like
4 so she can continue staying in Butcher and giving us
5 the stuff. I'll be gone, to have a young crew there.
6 Maybe guide her through, we can work together to make
7 things happen but we need your support and the only
8 way to it is with money man.

9 CHAIRPERSON FERNANDO CABRERA: Yes
10 indeed.

11 WILLIAM RIVERA: Money is the bad thing,
12 makes the world go around. But you know what is
13 happening now is that we are getting disenfranchised,
14 the rent is going up, everything is going up. People
15 are not there anymore. We are volunteers, we are not
16 getting paid. Who want to do this work? I go to
17 every committee, we go to, we volunteer. We have
18 people 80, 90 years old on the Board, 70 years old on
19 the board and they want to stay there and I want to
20 mold them so that we can bring young kids in so god
21 forbid they go to heaven we know that you got
22 somebody who is going to represent you and your
23 needs, not your pocket needs or just disenfranchise
24 to put you out to bring other people in. That's what
25 we need to do.

2 CHAIRPERSON FERNANDO CABRERA: So that's
3 exactly what we're inviting you to come. The reason
4 why right now we the funding that we provided this
5 last year the \$42,500 the reason it cannot go to
6 staffing is literally out of our hands because if we
7 give it this year. Since we gave it this year, uhm
8 out of the Council but if it is not restored next
9 year how, what happens to the staff. Are we going to
10 tell them we will give you a 10% increase and now we
11 are going to reduce it the year after? And that's
12 what we started last year, sorry last year talking to
13 Administration and we pushed as hard as we could to
14 get them baseline meaning it is in the Budget, it
15 comes from the Mayor's Office. It, it, and so he
16 didn't want to do it. The administration did not
17 want to do it. We are fighting it so I'm so glad
18 that we have a Community Boards, so many of you
19 represented here today because we seen in a loud
20 voice, what a lot more Community Boards this year
21 than we did last year. Uhm we had a hearing related
22 to Community Boards. We have a series of
23 legislations that are about to come out that are
24 going to favor Community Boards so this is why we are
25 doing right now, sending a loud message to the

2 Administration that we want to baseline it so that
3 the staff and you could hire more staff however the
4 Committee Board sees fit. So, we are in the same
5 course, we are in the same choir in harmony singing
6 together. And so, I have two quick questions and
7 then we will be closing this year. Have you begun
8 sharing information about the 2020 census? Has the
9 Mayor's office been in touch regarding a plan to make
10 sure that anyone who interacts with your board is
11 informed about the census?

12 DARLENE JACKSON: And so yes, we have
13 already had them come and present at one of our board
14 meetings in January and so they've engaged the
15 community and additionally we have received
16 correspondence from the borough president's office
17 about the borough meetings for the census.

18 CHAIRPERSON FERNANDO CABRERA: Fantastic.

19 WILLIAM RIVERA: And also, employment.
20 And make sure that the people that do the census are
21 the people that live in the community. The
22 stakeholder, when they knock on the door, they can
23 recognize the face, because a lot of times like you
24 see, a lot of time we knock on the door and we think
25 it's the popo and so we close the door and then we

2 look okay its somebody we know and you open and door
3 and you know you can sign on. Because a lot of people
4 don't like. But we need that but what happens too is
5 it's a lot to transition. People move in one year
6 and then when their lease is up, we stood there
7 forever. My grandmother is going to be 103 still in
8 Bushwick. So, I've been in Bushwick, my whole family
9 has been in Bushwick was Bushwick. Now you see
10 everybody wants to come here. So, we need, we need
11 the stuff and we need that census to count like that
12 we can get services here. A lot of people don't see
13 that. If you let us know and we count and also, they
14 make a little money \$25 an hour is good money man
15 compared to when I was a kid, I was making \$5-6 an
16 hour. So.

17 CHAIRPERSON FERNANDO CABRERA: Thank you
18 that indeed we need that. What about your Community
19 Board?

20 PAUL PHILLIPS: Yes, they sent the
21 representative and had a meeting with our Assistant
22 District Manager. They came to a board meeting and
23 we disseminated that information on our social media.

24 CHAIRPERSON FERNANDO CABRERA: Fantastic.
25 Here's my last question I don't know if Council

2 Member Yeger has any question but the newly. I asked
3 this question last time we got together uhm and the
4 answer was a negative and so I'm wondering if there
5 has been a change. The newly created Civic
6 Engagement Commission which will be formed April 1 of
7 this year is directed to provide additional resources
8 and expertise to CBs citywide. Has your board in
9 communication with the Mayor's Office concerning the
10 Civic Engagement Commission?

11 DARLANE JACKSON: We have yet to hear
12 from them in reference to the Commission.

13 CHAIRPERSON FERNANDO CABRERA: Wow. The
14 first that I'm hear about.

15 WILLIAM RIVERA: And if you don't please
16 send them by because we have a lot of stuff to tell
17 them.

18 CHAIRPERSON FERNANDO CABRERA: Yes, they,
19 they are supposed to come your way and so that's why
20 we keep asking and they know that uhm we are putting
21 this information out in these hearings giving them an
22 opportunity to respond so hopefully they will get to
23 you in the very, very near future. Council Member
24 Yeger any questions? No. I want to thank you. You
25 stuck it out from the very beginning to the very end.

2 Thank you he as promised food and so the Community
3 board is not going to be providing that. (laughing).
4 You have Community Boards in here, right thank you
5 and so you were always here from the very beginning
6 to the very end. It matters and I know it matters to
7 you that the Council Members are here. I want to
8 thank all of the staff. You are amazing in getting
9 us ready for this hearing that started literally at
10 10 o'clock this morning. It's 3:35 and I want to say
11 thank you to the Community Boards you are our local
12 champions. Thank you, you do amazing work. Your
13 work matters, you are making a difference and with
14 that we conclude today's hearing. (gavel pounding)

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COMMITTEE ON GOVERNMENTAL OPERATIONS

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 <INSERT TRANSCRIPTION DATE>