

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 15, 2021
Start: 11:11 A.M.
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HELD AT: Remote Hearing, Virtual Room

B E F O R E: FERNANDO CABRERA
Chairperson

COUNCIL MEMBERS: Fernando Cabrera
Darma V. Diaz
Ben Kallos
Alan N. Maisel
Bill Perkins
Keith Powers
Ydanis Rodriguez
Kalman Yeger

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

Lisette Camilo
Commissioner
Department of Citywide Administrative
Services

Anthony Fiore
Deputy Commissioner for Energy Management

Mersida Ibric
Deputy Commissioner for Citywide
Procurement

Dawn Pinnock
Executive Deputy Commissioner

Keith Kerman
Deputy Commissioner for Fleet

Barbara Dannenberg
Deputy Commissioner for Human Capital

Beatrice Thuo
Real Estate Services Senior Advisor

James Johnson
Corporation Counsel
Law Department

Georgia Pestana
First Assistant Corporation Counsel
Law Department

Muriel Good-Trufant
Managing Attorney

Law Department

Kenneth Majerus
Chief of Administration
Law Department

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1 COMMITTEE ON @

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2 SERGEANT AT ARMS: Thank you.

3 SERGEANT AT ARMS: Cloud recording
4 started.

5 SERGEANT AT ARMS: Thank you, and
6 Sergeant Biando.

7 SERGEANT AT ARMS BIANDO: Good morning
8 and welcome to today's remote New York City Council
9 FY22 preliminary budget hearing for the Committee on
10 Governmental Operations. At this time would all
11 panelists please turn on their video for verification
12 purposes. Once again, all panelists please turn on
13 your video for verification purposes, and to minimize
14 disruptions please place all electronic devices to
15 vibrate or silent mode. If you would like to submit
16 testimony please send via email to
17 testimony@council.nyc.gov. Again, that is
18 testimony@council.nyc.gov. Thank you for your
19 cooperation. Chair Cabrera, we are ready to begin.

20 CHAIRPERSON CABRERA: Thank you so much.
21 Let me gavel in to this meeting [gavel]. Good
22 morning, everyone, and welcome to the city's
23 Government Operations Committee hearing on fiscal
24 2022 preliminary budget. My name is Fernando
25 Cabrera, chair of this committee. Today we will hear

1 testimony from the Department of Citywide
2 Administrative Services and the Law Department
3 regarding their fiscal 2021 and fiscal 2022 budgets.
4 The agencies testifying today carry out many of the
5 most important functions that keep the city running,
6 including managing the city's vehicle fleet,
7 defending us from lawsuits, among other important
8 functions. As chair of the Committee on Governmental
9 Operation, I want to ensure that the critical work
10 these agencies do is as effective and as efficient as
11 possible. In order to do so, I look forward to
12 hearing more detail regarding the agencies' budgets
13 and whether or not this funding is being used in the
14 best possible way. I would like to thank the
15 committee staff, senior finance analyst Sebastian
16 Bocchi, committee counsel Christopher Murray, senior
17 policy analyst Emily Forgione and Elizabeth Cronk, as
18 well as my own legislative communications director,
19 Claire Michael Vane, for their work in preparing for
20 this hearing. In addition, I would like to
21 acknowledge that we have been joined by council
22 members, ah, Darma Diaz, myself, Perkins, Rosenthal,
23 and Yeger. Now I would like to welcome Lisette
24 Camilo of the Department of Citywide Administrative
25

1 Services to testify before this committee. Thank you
2 so much, ah, Commissioner. Ah, DCAS fiscal 2022
3 preliminary budget totals 1.3 billion dollars in
4 personal services funding to support 2546 full-time
5 positions, 715.3 million dollars, or 55.1% of DCAS
6 overall budget is allocated to citywide heat, light,
7 and power. This is the city's utility bill which
8 DCAS manages and pays for all other city agencies
9 through its energy management division. Today I look
10 forward to discussing many aspects of DCAS
11 operations, included the state of the city's electric
12 vehicle fleet, a reveal of fiscal 2021 preliminary
13 mayor's management report, and the agency's work in
14 response to the ongoing COVID-19 pandemic, pandemic,
15 among other important topics. With that, I would
16 like to please ask the committee counsel to
17 administer the oath and swearing in to testifying
18 representatives.
19

20 COMMITTEE COUNSEL: Thank you, Chair.

21 CHAIRPERSON CABRERA: Thank you.

22 COMMITTEE COUNSEL: Ah, I am C. J.

23 Murray, counsel to the Committee on Governmental
24 Operations. Before we begin testimony I want to
25 remind everyone that you will be on mute until you

1
2 are called on to testify, at which point you will be
3 unmuted by the host. I will be calling on panelists
4 to testify, so please listen for your name to be
5 called. During the hearing if a council member would
6 like to ask a question of a specific panelist, please
7 use the Zoom raise hand function and I will call on
8 you in order. We will be limiting council member
9 questions to three minutes, which includes the time
10 it takes the panelist to answer your questions.
11 Please note that for ease of this virtual hearing
12 there will not be a second round of questioning
13 outside of questions from the committee chair. All
14 hearing participants may submit written testimony to
15 testimony@council.nyc.gov. Before we begin testimony
16 I will administer the oath to all representatives
17 from DCAS who will be providing testimony or
18 available for questions. Please raise your right
19 hand. I will read the oath once and call on each of
20 you individually for a response. Do you affirm to
21 tell the truth, the whole truth, and nothing but the
22 truth before this committee and to respond honestly
23 to council member questions? Commissioner Lisette
24 Camilo.

25 COMMISSIONER CAMILO: I do.

1 COMMITTEE ON GOVERNMENTAL OPERATIONS 8

2 COMMITTEE COUNSEL: Executive Deputy
3 Commissioner Quintin Haynes.

4 EXECUTIVE DEPUTY COMMISSIONER HAYNES: I
5 do.

6 COMMITTEE COUNSEL: Executive Deputy
7 Commissioner Dawn Pinnock.

8 EXECUTIVE DEPUTY COMMISSIONER PINNOCK: I
9 do.

10 COMMITTEE COUNSEL: Chief of staff
11 Carmine Rivetti.

12 CHIEF OF STAFF RIVETTI: I do.

13 COMMITTEE COUNSEL: Director of
14 communications, Nick Benson. Do we have Nick Benson
15 on the Zoom? We'll move on. Deputy Commissioner for
16 Administration Shameka Overton.

17 DEPUTY COMMISSIONER OVERTON: I do.

18 COMMITTEE COUNSEL: Deputy Commissioner
19 for Energy Management, Anthony Fiore.

20 DEPUTY COMMISSIONER FIORE: I do.

21 COMMITTEE COUNSEL: Diversity and EEO
22 officer Belinda French.

23 OFFICER FRENCH: I do.

24 COMMITTEE COUNSEL: Deputy Commissioner
25 for Fiscal and Business Management, Richard Thom.

1 COMMITTEE ON GOVERNMENTAL OPERATIONS

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2 DEPUTY COMMISSIONER THOM: I do.

3 COMMITTEE COUNSEL: Deputy Commissioner
4 for Fleet Management, Keith Kerman.

5 DEPUTY COMMISSIONER KERMAN: I do.

6 COMMITTEE COUNSEL: Deputy Commissioner
7 for Facility Management, Jerry Torres.

8 DEPUTY COMMISSIONER TORRES: I do.

9 COMMITTEE COUNSEL: Deputy Commissioner
10 for Human Capital, Barbara Dannenberg.

11 DEPUTY COMMISSIONER DANNENBERG: I do.

12 COMMITTEE COUNSEL: Deputy Commissioner
13 for Information Technology, Nitin Patel.

14 DEPUTY COMMISSIONER PATEL: I do.

15 COMMITTEE COUNSEL: Chief Equity and
16 Inclusion Officer Silvia Montalban.

17 OFFICER MONTALBAN: I do.

18 COMMITTEE COUNSEL: Deputy Commissioner
19 for Citywide Procurement, Mersida Ibric.

20 DEPUTY COMMISSIONER IBRIC: I do.

21 COMMITTEE COUNSEL: Legal Counsel Sanford
22 Cohen.

23 LEGAL COUNSEL COHEN: Do we have Sanford
24 Cohen [inaudible]?

25 LEGAL COUNSEL COHEN: I do.

2 COMMITTEE COUNSEL: Great. Thank you.
3 Senior Real Estate Services Advisor Beatrice Thrill.

4 SENIOR ADVISOR THRILL: I do.

5 COMMITTEE COUNSEL: And Assistant
6 Commissioner for Real Estate Services Spiro Antivas.

7 ASSISTANT COMMISSIONER ANTIVAS: I do.

8 COMMITTEE COUNSEL: Thank you.

9 Commissioner Camilo, you may begin your testimony.

10 COMMISSIONER CAMILO: Ah, good morning,
11 everyone. Ah, thank you, Chair Cabrera and members
12 of the Committee on Governmental Operations. I'm
13 Lisette Camilo, commissioner of the New York City
14 Department of Citywide Administrative Services, where
15 we provide effective shared services to support the
16 operations of city government. We approach our work
17 with a commitment to three core values - equity,
18 effectiveness, and sustainability. I'm pleased to be
19 here today to discuss the proposed DCAS budget for
20 fiscal year 2022. Since I was here with you last
21 year the world has dramatically changed. The COVID-
22 19 pandemic has presented city government with
23 enormous challenges and DCAS has been there every
24 step of the way. DCAS has played a role in procuring
25 critical supplies and equipment for those on the

1 front lines keeping us safe, safely managing 56
2 public buildings, including the custodial and trade
3 services provided by our staff, identifying locations
4 for COVID testing and vaccination sites, setting
5 citywide policy regarding leave, teleworking, time
6 off for vaccines, blood and plasma donation, and
7 directives regarding employees' use of face
8 coverings, and so much more. I'm also extremely
9 proud of the way our agency has successfully managed
10 to sustain ordinary government operations under the
11 most extraordinary circumstances. While our city has
12 had to marshall resources to confront the pandemic,
13 the wheels of government have continued to function.
14 While fiscal year 2021 is still under way, during
15 fiscal year 2020 DCAS increased the number of civil
16 service exams open for filing by 51%, going from 129
17 exams during FY19 to 195 exams during FY20. We
18 expanded the use of a new real estate management
19 database, known as Archivus, to better track and
20 inventory the city's real estate assets. The system
21 has helped us identify ways to utilize existing
22 office space before pursuing private leasing. We
23 surpassed for the third consecutive year 100 miles
24 per gallon fuel economy equivalent for light-duty
25

1 fleet vehicles purchased. We continue to organize
2 and participate in job fairs and educational events
3 about civil service, including virtual events that
4 reached over 200 employees between April and June
5 alone. We expanded the city's vehicle charging
6 infrastructure with over a thousand charging points
7 of ports available for fleet vehicles, including new
8 fast chargers that charge electric vehicles seven
9 times faster than traditional chargers. We expanded
10 the use of real time metering for electricity usage
11 in city buildings to over 500 locations, to ensure
12 more efficient energy management, both saving money
13 and reducing greenhouse gas emissions. We provided
14 critical information and training to agencies on
15 maintaining occupational self, health and safety
16 during the COVID-19 pandemic. And while I wish we
17 could name every individual achievement, this just
18 gives you a taste of our accomplishments during the
19 fiscal year. Today I'd like to focus on plans for
20 the upcoming fiscal year. And to put our budget into
21 perspective, it's important to understand that the
22 majority of DCAS' expenses cover utility costs for
23 city agencies. Out of our 1.3 billion dollar budget,
24 750 million is budgeted for the heat, light, and
25

1 power. These are fixed costs based on forecasted
2 energy usage and utility rates. And the good news is
3 that DCAS is working every day with agencies through
4 multiple programs to reduce energy use. The second-
5 largest expense is the salaries of our over 2500
6 employees. DCAS' work spans an array of different
7 responsibilities, so we employ everyone from
8 carpenters to procurement analysts to energy
9 management professionals, and everything in between.
10 In addition to these expenses, DCAS is tasked with
11 multiple duties in ensuring the life and safety of
12 city employees and members of the public. We use the
13 public buildings we manage. This includes cleaning
14 snow, performing maintenance, and custodial services.
15 Our agency received expense funds in FY21 and 22 for
16 life and safety initiatives to protect the New York
17 City government staff and the public that visit our
18 facilities. The funding includes the side projects
19 for various buildings in our portfolio, 6.6 million
20 dollars combined in FY21 and 22, and completion of
21 installation of safety nets at PSAC II at 1.4
22 million dollars in FY21, and installation of elevator
23 door locking monitoring devices at 330 Jay Street at
24 half a million dollars in FY21. DCAS also
25

1 administers the Nonpublic Security Reimbursement
2 Program. This program reimburses nonpublic schools
3 that are deemed eligible for expenses associated with
4 the use of unarmed contractual security guards.

5 While we are making new investments, DCAS, like every
6 city agency, has identified budget reduction
7 initiatives as requested by OMB to help eliminate the

8 historically large budget gaps caused by the COVID-19
9 pandemic. These initiatives include a 2.7 million
10 dollar reduction to our FY21 expenses for

11 Conservation and Efficiency Leadership Program, which
12 is also known as the Excel Program. This program

13 provides funds to city agencies for energy efficiency
14 projects, such as retrofit projects, operating and

15 maintenance improvements for facilities, and

16 specialized training for building operators. A

17 significant portion of this reduction can be directly
18 attributed to the pandemic. Due to COVID-19 various

19 agencies that received FY20 Excel funding encountered
20 delays in work because they could not access

21 buildings or facilities where work was being

22 completed in the last quarter of FY20. These

23 projects were subsequently rolled over to FY21,

24 causing a reduction of newly awarded FY21 projects
25

1 due to the affected agencies' capacity to start new
2 projects until the completion of the FY22 outstanding
3 work. A 1.8 million dollar reduction to our FY22
4 retro commissioning program, which provides funds to
5 city agencies to implement projects that will bring
6 existing building systems and equipment up to a state
7 of good repair. The projected 1.8 million dollar
8 savings will be achieved by renewing, by reviewing
9 energy efficiency report findings and identifying
10 projects that can be consolidated into larger capital
11 projects, a 6.4 million dollar reduction to our FY21
12 personnel services budget, which is attributed to
13 accrual savings caused by delays in hiring. In terms
14 of generating revenue the FY22 budget is 51.7 million
15 dollars, primarily due to three factors. One, a
16 projected 33.7 million dollars in private rentals of
17 city-owned properties, DCAS' largest source of
18 recurring revenue; two, 7.9 million dollars for the
19 sale of surplus vehicles and other city-owned
20 equipment; three, 3.8 million dollars from applicant
21 fee, applicant, applicant filing fees for civil
22 service exams. For our capital plan, the preliminary
23 budget reflects an updated four-year plan of 2.4
24 billion dollars from FY22 through FY25. This plan
25

1 includes maintenance and enhancements to DCAS
2 facilities, renovation of leased spaces, and
3 continuing our energy conservation work. The
4 preliminary budget for FY22 is 733 million dollars
5 and it will allow us to complete three core
6 initiatives. DCAS' capital construction program for
7 city-owned offices and court buildings total 185.5
8 million dollars in FY22. This includes the routine
9 operations and maintenance of our buildings. The
10 capital plan for FY22 includes 279 million dollars
11 for energy conservation and green energy projects.
12 This includes light, lighting retrofits, HVAC
13 upgrades, steam distribution improvements, and a
14 variety of clean energy projects. 7.5 million
15 dollars has been allocated in FY21 to continue the
16 installation of 150 fast electric vehicle chargers.
17 These chargers will speed up the charging process
18 which will reduce the amount of time fleet vehicles
19 are out of commission. It has been an extraordinary
20 challenging year but I am proud of the dedication of
21 our employees in supporting the city's COVID response
22 efforts and in sustaining government operations when
23 it's needed the most. I want to thank the City
24 Council for the resources and support you have
25

1 provided to DCAS. And I look forward to working with
2 you to build upon our success this year. Thank you
3 for the opportunity to testify, and I would be happy
4 to answer any questions.
5

6 CHAIRPERSON CABRERA: Commissioner, thank
7 you so much. Ah, I want to thank you for all of your
8 efforts, especially during the pandemic. I know you
9 took on and your staff took on extra huge
10 responsibilities and I want to personally thank you
11 for your level of efficiency and effectiveness in
12 which you were able to carry on that level of work
13 with very short time of preparation. So I, I salute,
14 ah, your team. Let me recognize, ah, we've been
15 joined by Council Member Perkins and Kallos. Let me
16 start with a few questions and then I'm going to turn
17 it over to my colleagues, and then I'll come back
18 with some closing question. As you know, DCAS
19 current fiscal year budget increased by 707.2 million
20 when compared to the fiscal 2021 adopted budget, and
21 this increase is primarily brought about by increases
22 in federal funding, primarily from FEMA, to combat
23 COVID-19 pandemic gripping the city. So two
24 questions related to that. Can you provide the
25 committee with an updated breakdown on how much you

1
2 have spent or committed to spend to date from this
3 pot of federal funding and, second, can you provide
4 the committee with an updated itemized breakdown of
5 the equipment your department has specifically
6 purchased to combat COVID-19 pandemic to date. So,
7 for example, ventilators, face masks, face shields,
8 gowns, cleaning supplies, and such.

9 COMMISSIONER CAMILO: Sure, um, and first
10 of all I appreciate your kind words about,
11 acknowledging the, the really hard work that the
12 team, um, undertook throughout the crisis. Um, I, I
13 too share that appreciation for everyone on my team
14 that, that worked so hard during that time. It was
15 awful [laughs].

16 CHAIRPERSON CABRERA: Yes.

17 COMMISSIONER CAMILO: Um, so, but to
18 answer some of your questions regarding the, the
19 federal funds, I'm gonna have Rich Thom, ah, our, my
20 deputy commissioner for fiscal, ah, and budget
21 management jump in if I misstate anything. So, ah,
22 I, I want to flag, ah, Rich to be ready to jump in.
23 So for, um, FY20 our commitments related to the, the
24 OTPS commitments related to COVID, ah, were 740
25 million dollars in FY20 and in FY21 310 million

1
2 dollars have been committed for the purchase of, um,
3 necessary equipment for the COVID response. Um, with
4 regard to a breakdown of what we have, ah, purchased,
5 I can give you high-level numbers. Ah, you know, we
6 can certainly offline drill down into any of the
7 information that you would like to have additional
8 information on. Um, I just want to make sure that I
9 have the, yes, OK. So for disposable masks, I just
10 want to make sure that I have, am looking at the
11 right. We have the following. So I'm gonna ask, ah,
12 Mersida to drill down a little bit more on the
13 medical side. But on the non-medical side, um,
14 meaning for, ah, for city workers, ah, we have, ah,
15 procured, um, for disposable masks we have, ah, about
16 300 million masks, ah, isolation gowns level three
17 about 40 million, ah, KN95s about 35.5 million, and
18 isolation gowns level two 12 million. N95 masks
19 about 51 million. Ah, hand sanitizer 11.7 million.
20 These are, I'm talking about items, ah, itemized...

21 CHAIRPERSON CABRERA: Yes.

22 COMMISSIONER CAMILO: ...how, in terms of
23 volume, not dollars. Um, isolation gowns level 1
24 about 8 million. Full-service ventilators, ah, about
25 3000, ah, and swab kits, ah, 9.3 million swab kits.

1
2 The corresponding totaled, ah, delivered amount as
3 well, we can certainly share this information in, you
4 know, offline, and if you have any other questions
5 that you want to kind of drill down on we're happy to
6 provide that.

7 CHAIRPERSON CABRERA: And, ah, this is
8 what you have spent already, disseminated already,
9 ah, can you break that down a little?

10 COMMISSIONER CAMILO: The, everything
11 that I just read off we, are ordered amounts.

12 CHAIRPERSON CABRERA: Ordered.

13 COMMISSIONER CAMILO: So, ordered. Um,
14 these are in various levels of stockpiles. As you
15 know, we, we purchased, um, to secure a stockpile
16 both from the medical, from a medical, ah, needs, so
17 that includes the surgical masks, the N95s, and the
18 ventilators. We have a, a 60-day, um, ah, stockpile
19 ready for that. And for our return to office, you
20 know, um, ah, employee safety and health we also have
21 a cache of, ah, a supply on hand, ah, ready in our
22 central storehouse for distribution. As you know,
23 there are many thousands of, I think, I believe it's
24 the majority of our city workforces has in, has been
25 showing up day to day, ah, doing their work and so

1 we've been supplying agencies all throughout the year
2 and, and last year with, um, protective personal
3 equipment for, for those workers as well. So we,
4 we've, we've been, we have both the stockpile and
5 have distributed, ah, to, to our agencies all
6 throughout.

8 CHAIRPERSON CABRERA: Did, have agencies
9 indicated to you, ah, when they're planning to go
10 back to their offices so you could be ready, ah, with
11 equipment that you need, ah, to disseminate?

12 COMMISSIONER CAMILO: So as the mayor
13 announced, um, the, the administration is planning
14 for a return to the office for those who have been
15 able to work remotely. Um, for May and, you know,
16 May will, we will start to see, um, workers return to
17 the office, um, in, in, in that money. Ah, we're
18 working on plans to make that, um, to make that, to
19 implement that plan, um, but we have been, you know,
20 in very close contact with all of our partners to
21 make sure that we have enough equipment and sourcing
22 to, to ensure that everybody has all of the PPE that
23 they need to, to effectively do their work and
24 safely. And I've said we have that stockpile in our
25 central storehouse with another, you know, ah,

1 everything teed up to continue to order more if
2 needed.

3
4 CHAIRPERSON CABRERA: You know, as far
5 as, ah, I thank you, Commissioner, as far as we can
6 see the DCAS fiscal 2022 preliminary budget as yet to
7 [inaudible] any funding related to the purchase of
8 personal, well, PPEs, and other sanitation products
9 to deal with the ongoing COVID-19 pandemic, can you
10 share with us how much funding do you anticipate will
11 be included in the DCAS fiscal 2022 budget for this
12 purpose, and when will these funds be included in
13 fiscal 2022?

14 COMMISSIONER CAMILO: Those are, those
15 are discussions that are ongoing with OMB to
16 determine what the needs are and what the, what, what
17 that amount will be. So I unfortunately don't have
18 anything to share at this point, but we're working
19 very closely with, with them to, to tease that out.

20 CHAIRPERSON CABRERA: So you'll have it,
21 ah, ah, I assume for the [inaudible] budget in May?

22 COMMISSIONER CAMILO: I hope to have more
23 information to share.

24 CHAIRPERSON CABRERA: Yes, OK. Let me
25 switch quickly to Riker's Island. As you know, the

1 council passed Local Law 16 of 2021, which transfers
2 the jurisdiction of portions of Riker's Island that
3 are not in active use as a jail site to DCAS
4 beginning on July 1, 2021, with a full transfer of
5 Riker's to DCAS to be completed by August 31, 2027.
6 Meanwhile, Local Law 17 of 21 requires a feasibility
7 study to be conducted regarding the construction and
8 renewable energy resources. So with that context
9 what resources would DCAS need in connection with the
10 first partial transitional jurisdiction of 2021, of
11 July 1, 2021? What benchmark would ensure the
12 success when completed transfer of Riker's Island by
13 2027? Can you provide additional information as to
14 the level DCAS involves, investment and this, ah,
15 feasibility study. And do you know which agencies
16 will be involved in this process?

18 COMMISSIONER CAMILO: So, um, we're,
19 we're, you know, working on implementing all the
20 requirements that the bill lays out. Um, we are
21 working with, you know, all of our, our, our partners
22 that both, that are named in the bill and, and folks
23 at City Hall and, um, the Mayor's Office of
24 Sustainability to work through those details. Um, so
25 I, I don't have anything concrete and specific to

1
2 point to and, and provide you with, but we are
3 working on sketching that out. Um, you know, it's
4 about, the, the bill only recently, um, was, ah,
5 enacted so, you know, we're, we're definitely having,
6 starting to have those discussions and sketch out
7 what that's going to look like, not just for us but
8 for all of the agencies involved. But it's a, it's
9 definitely, it's a multi-party effort to, to make all
10 of this happen. So we're engaging on all those
11 fronts.

12 CHAIRPERSON CABRERA: Do you have at
13 least a timeline for completion of the feasibility
14 study?

15 COMMISSIONER CAMILO: I do not.

16 CHAIRPERSON CABRERA: OK. Ah, let me
17 switch over to energy management, and let me
18 recognize we've also been joined by Council Member
19 Powers. Um, according to the Preliminary Mayor's
20 Management Report the number [inaudible]
21 communicative, ah, installed solar capacity for
22 fiscal 21 has only increased by 0.17 megawatts since
23 fiscal, ah, 2018. Ah, this barely shows any growth
24 over the fiscal year. Ah, what, why has the number
25 of megawatts installed increased by such a little

1 amount from fiscal 2018? Are there any projects in
2 the pipeline that are currently stalled due to COVID-
3 19? If so, please provide an itemized list of
4 project with readjustment completion timeline and
5 expected megawatts, mega wattage.
6

7 COMMISSIONER CAMILO: So I'll, I'll start
8 it off and then I'll kick it over to Deputy
9 Commissioner Anthony Fiore to give you more details.
10 But, yes, we have certainly encountered, even prior
11 to COVID, um, some, some challenges with bringing on,
12 um, ah, with, with the contractors that we had in,
13 into, um, ah, execute, excuse me, some of these
14 discussions that we're in negotiations with, with
15 Labor on a PLA, which Anthony will talk about that,
16 have been, have since been resolved. And certainly
17 during COVID there was, um, ah, cause delays in terms
18 of not being able to access certain buildings, first
19 of all construction had been paused and then having,
20 um, you know, difficulties, um, accessing those, um,
21 those functions certainly caused a delay. Now what I
22 can report, um, is that we have identified and have
23 been, um, ah, have started and then the pipeline, ah,
24 a number of projects that are either started or
25 about, you know, will, will start that we've

1 identified as projects to start, um, that we plan on
2 certainly pursuing aggressively, um, and in the mega
3 wattage associated with those in, either in progress
4 or in the pipeline has, we've identified about 40
5 megawatts of, of power. So, um, Anthony, I don't
6 know if you want to add additional details to that
7 answer. So I want to toss it to you, um, to speak
8 on, on this a little more granularly.

10 DEPUTY COMMISSIONER FIORE: Sure, thank
11 you, Commissioner, and, ah, good morning, Chair
12 Cabrera and the rest of the panel. Um, ah, we have
13 since, um, construction restart have been, installed
14 an additional one megawatt of solar and we expect
15 another two megawatts to be installed, ah, by the end
16 of the first quarter of this year. So while there
17 was a slowdown, um, which really was the result of
18 negotiations with many different stakeholders on, um,
19 different ways to deliver solar energy projects, we,
20 as the commissioner mentioned, we were able to secure
21 a project labor agreement, um, with the, with the
22 Building Construction Trade Council. Um, and we
23 think that, ah, is of great benefit. Um, we also,
24 ah, have added a number of members to our solar team
25 in DM, um, and we have, as the commissioner

1 mentioned, a growing pipeline of projects. Ah, 175
2 different projects in the pipeline that will total 42
3 megawatts and by the end of 2023 we, ah, expect to
4 have about 50 megawatts total installed.
5

6 CHAIRPERSON CABRERA: So will you reach,
7 ah, the 100 megawatts by 2025?

8 DEPUTY COMMISSIONER FIORE: We hope so.
9 That, I mean, that's certainly our intention, as I
10 mentioned. We expect to have 50 megawatts installed
11 by the end of 2023 and we're continuing to identify
12 the additional 50 megawatts that will be needed to
13 reach that 100 megawatt goal by the end of 2025.

14 CHAIRPERSON CABRERA: Is that realistic,
15 within two years to find 50?

16 DEPUTY COMMISSIONER FIORE: Ah, I believe
17 it's realistic to find it. The question is execution
18 of, of that. Obviously that depends on, on many,
19 many things. But, um, you know, we, I believe, have
20 made a transition in this program, um, to where we
21 can really ramp up, um, ah, the installations.

22 CHAIRPERSON CABRERA: So, so the main
23 issue, just to be clear, was, was it the access or
24 was it the labor agreement, or both?

1
2 DEPUTY COMMISSIONER FIORE: Um, there
3 were a couple things. One is, ah, there were many
4 stakeholders that wanted to see more solar projects,
5 um, delivered, um, through, ah, union labor. Um, and
6 that's where we negotiated the PLA. The other side
7 is where we deliver projects through, um, power
8 participant agreements with, with private developers.
9 There are issues with the private developers
10 securing, um, financing. Each project they finance
11 individually, which would then require us to go back
12 and, um, amend our contract and resubmit to the
13 comptroller because of the, ah, financing partner
14 name change. So we've worked hard to try to address
15 both, um, challenges on the, ah, capital project
16 delivery side as well as on the power purchase
17 agreement side.

18 CHAIRPERSON CABRERA: [inaudible], ah,
19 solar panels will take place in public schools?

20 DEPUTY COMMISSIONER FIORE: The majority
21 of, um, projects are on schools.

22 CHAIRPERSON CABRERA: On schools. Great.
23 I know my colleagues have, ah, questions. I'll come
24 back, ah, with more questions, ah, later on. So with
25 that lot let me take it, pass it on to C. J.

COMMITTEE COUNSEL: Thank you, Chair.

I'll now call on council members in the order they have used the Zoom raise hand function. Council members, if you'd like to ask a question and you've not yet raised your hand please do so now. You'll have a total of three minutes to ask your question and receive an answer from the panelist. Once I have called on you please wait until the sergeant has announced that you may begin before asking your question. Ah, I'd now like to welcome Council Member Kallos.

SERGEANT AT ARMS: Time starts now.

COUNCIL MEMBER KALLOS: Thank you, Chair Fernando Cabrera, for your leadership and partnership. I know that, ah, if it was up to you we wouldn't be risking our lives right now petitioning so, so I want to thank you for trying and, ah, people are getting coronavirus that shouldn't. Ah, if folks remember, I tend to ask all of my questions up front because I have a time limit on my questions, but you do not have a time limit on, ah, answers. So please pencils out. I want to start with a thank you to the DCAS team, including, ah, Deputy Commissioner for Citywide Procurement, Mersida Ibric, for, ah,

1
2 welcoming me to the, ah, warehouse, um, and even
3 giving me a chance to spy a little bit at Doras,
4 Doras. Ah, so my, ah, first question is, if anyone
5 is watching right now and they're working at a city
6 agency that doesn't have PPE or is being asked to
7 ration, approximately how much do we have in stock,
8 suffice to ask, ah, can the agency get them from you
9 for free? For Commissioner Lisette Camilo, ah, how
10 many [inaudible] restrictions are being considered
11 and what are their addresses? Ah, for Executive
12 Deputy Commissioner Dawn Pinnock, how many
13 provisional employees do we currently have? How many
14 have been hired? How many civil service exams and
15 promotional exams are scheduled for the next few
16 months, and to the one in five New Yorkers out there
17 who may be facing unemployment pay attention to this
18 one because this is where you could get some great
19 city jobs. Ah, for Deputy Commissioner Anthony
20 Fiore, ah, for [inaudible] management, Local Law 97,
21 the Climate Works For All legislation that we passed
22 did not apply to city buildings, but how far are our
23 buildings from applying? And last, but not least,
24 for Deputy Commissioner for Fleet, Keith Kerman, how
25

1 far are we from achieving an all-electric fleet? And
2 go.

3
4 COMMISSIONER CAMILO: Ah, so, I'll, I'll
5 jump in on my, on my question. [inaudible]
6 modifications, ah, we have, ah, a total of 19 that
7 have been filed. Sixteen are active. Um, let me
8 just, I want to make sure the [inaudible] is right.
9 Give me one second. Um, and let's see, a total of 19
10 entities have applied. We've got 13 requests that
11 are active, six that are inactive. Ah, we can,
12 there, they're pretty much, we can share the, the
13 addresses. We've already put in the notices, ah, for
14 the, ah, various elected officials that have, um,
15 that are, that are, um, that represent the areas that
16 are, um, ah, that are being, ah, requested to, to be
17 removed. I don't know if you want me to read through
18 them. 77, 7077 Rutland Road, East Flatbush; 932
19 Bedford Avenue, Crown Heights; 247 Bushwick Avenue...

20 COUNCIL MEMBER KALLOS: Ah, I think it's
21 1392. Ah, there are 12 listed...

22 COMMISSIONER CAMILO: Thirteen.

23 COUNCIL MEMBER KALLOS: ...on the open
24 data set on your page. But you've got, um, you've
25 got 16. So you've got four that are missing.

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SERGEANT AT ARMS: Time expired.

COUNCIL MEMBER KALLOS: So [inaudible]
you can read through the [inaudible] because we only
need to figure which four are missing from your...

COMMISSIONER CAMILO: Yeah, and we'll,
we'll update if necessary. So 247 Bushwick Avenue,
1277 Putnam Avenue, 149 Rockaway Avenue, 142 West
131st Street, 2432 Walton Avenue, 6601 Fleet Street,
2017 East 104th Street. Um, I'm not sure, ah, what
you're looking at. We might have, ah, ah, some that
have, excuse me, some that are there that, ah, have
not submitted enough documents. There are four that,
ah, have not, ah, submitting the documents for
initial review, um, that have applied. Um, and so
perhaps that's where the, um, discrepancy lies. So,
like I said, we would have, be happy to share this
with you and we'll make sure to update the website.
So, and you also asked how much we have in stock, ah,
PPEs in stock. Um, in terms of the numbers I will
turn it over to Mersida, but I will say so if, if a
city employee requires, ah, PPE, um, agencies will,
the process is that agencies will request what their
needs are, ah, to City Hall. Ah, we get the overall
need and we will disperse to agencies and deliver to

1 agencies, um, ah, depending on the need. Mersida, I
2 don't know if you have updated information on how
3 much we have, how many PPEs we have currently
4 stockpiled in our warehouse and if you have that
5 information, if you could share.

6
7 DEPUTY COMMISSIONER IBRIC: Yeah, I can
8 share some top line level, ah, numbers. Um, first of
9 all I wanted to thank you, Council Member, for
10 actually visiting the storehouse. I know you had a
11 great time, ah, seeing all of the stock and seeing
12 the work that we did, and it's certainly our staff,
13 ah, appreciated, you know, having, ah, having you
14 there and being able to sort of explain the work that
15 we do, ah, and, and certainly the pride that we take
16 in our work that we do. Um, so just some top line
17 numbers, ah, and also to reiterate the, the
18 commissioner's comments. Ah, to our knowledge all
19 city agencies are, you know, have all the PPEs that
20 they need, ah, and that they've requested. Ah, that
21 process is managed through, ah, through each of the
22 agencies, ah, you know, deputy mayors, ah, and then
23 we get those requests through the storehouse. Some
24 top line numbers that we have physically at the
25 storehouse available for distribution are, you know,

1
2 around 6 million KN95s masks, 3 million cloth masks,
3 um, and we've got something like, you know, over
4 300,000, ah, cleaning products available for, for
5 agency, ah, distribution. And it's a very long list
6 and I can always share that offline as well.

7 COMMISSIONER CAMILO: Ah, shifting to
8 your human capital question, I'll kick it off and
9 then turn it over to Deputy Commissioner Barbara
10 Dannenberg. So we continue to make progress on our
11 provisional count. Ah, it's continuing in the right
12 direction. Our current and most recent data shows
13 that we have 13,873 provisionals, ah, on, on, ah, in
14 the city's workforce, which compared to the beginning
15 of, ah, the, the previous plan or restarted, ah,
16 which was 23,296, we're definitely, um, you know,
17 headed in the right direction. Ah, with regard to
18 our schedules, ah, for exam I'll, I'll turn it over
19 to Barbara Dannenberg to speak a little bit about
20 this, but, as you can imagine, um, our, um, our
21 issues with, ah, social distancing and, and, and our
22 ability to provide in-person multiple-choice exams
23 have been stymied throughout the COVID-19 pandemic,
24 um, so we have, which means we have, we had to close
25 our CTACs, um, which has prevented us from

1 administering, um, the multiple-choice tests, um, at,
2 on site. Ah, we have continued to provide, um, non-
3 multiple-choice tests, so things like the QIE or
4 education and experience exams, thankfully, um, but
5 in terms of schedule I'll pass it on to Barbara
6 Dannenberg to talk a little bit about that now.

8 DEPUTY COMMISSIONER DANNENBERG: Thank
9 you, Commissioner. Um, I hope you can hear me. Um,
10 sorry, I have a pretty thick mask on. Um, ah, yes,
11 we, and good morning, um, Council. Um, yes, we have
12 a pretty aggressive schedule that we are attempting
13 to administer, um, while talking advantage of our
14 automated systems. Um, as the commissioner just, um,
15 stated, our testing centers have been closed. Um,
16 we, ah, we were only only, only able to open them for
17 a few short weeks back in the late fall, um, so
18 without those testing centers open we cannot, um,
19 administer our multiple-choice tests. However, um,
20 we are looking to, um, administer both to address the
21 backlog of exams that we have not been able to
22 administer and also to keep up with, um, what needs
23 to be given, um, in order for the city to continue
24 hiring, ah, when we're able to do so. So we're
25 looking at about 120-plus exams, um, over the next

1
2 few months to finish out the fiscal year. And those
3 exams includes our online education and experience
4 and also our online qualifying, um, incumbent exams
5 or QIEs.

6 COMMISSIONER CAMILO: Thank you, Barbara.
7 And then shifting to, ah, Deputy Commissioner Anthony
8 Fiore regarding, um, Council Member Kallos' Local Law
9 97 question, Anthony, do you want to take that?

10 DEPUTY COMMISSIONER FIORE: Sure. Good
11 morning, Council Member Kallos, thank you for the
12 question. Um, Local Law 97 actually does apply to
13 city buildings and it requires, ah, city government
14 to go further than the private sector. Um, we need
15 to achieve a 40% reduction by 2025 and a 50%
16 reduction by 2030. Um, whereas the bill for the
17 private sector, if all the buildings comply, we would
18 expect to get a 40% reduction by 2030. So the city
19 would be going 10% further than the private sector,
20 um, and as of the latest, ah, emission inventory the
21 city government operations have achieved a 23%
22 reduction in emissions as compared to 15% in the
23 private sector. So I, I think it really illustrates
24 that the investments the city are making are paying
25

1
2 off and demonstrates to the private sector that, that
3 we can do this. Thank you.

4 COMMISSIONER CAMILO: Thank you, Anthony.
5 And then, ah, Deputy Commissioner Keith Kerman, ah
6 regarding the question about, ah, the electric fleet.

7 DEPUTY COMMISSIONER KERMAN: Oh, OK. Um,
8 good morning. So we have about 2800, a little bit
9 more, electric vehicles now and 1020 electric
10 charging stations, both the largest programs in New
11 York State, um, and growing. Um, we just announced
12 we finished our first 65 of 100 fast chargers but we
13 will have by June, the project is doing really well,
14 and we should be seeing those fast chargers all over
15 the city. We'll have a hundred fast chargers, and
16 fast charging is really essential for this next phase
17 of expansion, and then what we're doing now working
18 with the Mercedes Group is we are bidding contracts
19 for a huge percentage of the fleet now, electric
20 SUVs, electric pickups, electric vans, electric
21 garbage trucks for the Parks Department, and we hope
22 to have something exciting about that to share very
23 soon, electric class 3 and 4 trucks. Just those
24 categories of contracts, all of which were bid in
25 2021, that would be over 10,000 fleet units that we

1
2 would then begin transitioning in our more or less 10
3 year replacement cycle into electric units. And
4 we've seen a really great move in the electric fleet
5 industry. I could, we could not have bid on an
6 electric pickup or van, um, contract and expected,
7 you know, viable results, even two years ago. Um, so
8 the plan, of course, is an all-electric fleet by
9 2040, but we will see a huge percentage of the fleet
10 with electric vehicle contracts through DCAS
11 procurement really hopefully by the end of the year
12 or early next year, so a lot of progress.

13 COUNCIL MEMBER KALLOS: Thank you.

14 COMMISSIONER CAMILO: And I think that
15 concludes all your questions, answers all your
16 questions.

17 CHAIRPERSON CABRERA: Thank you so much
18 for those questions and thank you, Council Member
19 Kallos, ah, you actually covered some of the ones
20 that I wanted to cover. So you helped me out there,
21 and thank you. Ah, as the former chair of Government
22 Operations, you really care about these issues, ah,
23 that we're talking about today. So thank you for
24 being a champion. Ah, I wanted to ask you about, ah,
25 I know, ah, Keith, we have spoken about some

1 previous, probable about a year ago or so, ah,
2 sanitation trucks. I believe back then the
3 technology was not there. Is there technology there,
4 ah, especially when it comes to, um, the removal,
5 actually, yeah, removal of snow or, you know, can
6 those truck handle the long hours, 12 hours, ah,
7 rotation?

9 DEPUTY COMMISSIONER KERMAN: Yeah, so
10 right now Sanitation is testing. We have a mapped 25
11 yard all-electric garbage truck and that's being
12 tested now through their truck, they have a great
13 sustainable truck lab over in Woodside, Queens, and
14 so that, you know, this is the first model of an all-
15 electric garbage truck. Obviously this would be the
16 most important project we could do, so much of our
17 fuel and maintenance costs come from the sanitation
18 2200 garbage trucks. So they're in that testing
19 phase now and one of the biggest questions, of
20 course, is, is plowing, is emergency operations. We
21 also will be testing soon an all-electric sweeper.
22 So if Sanitation is one of the largest, if not
23 largest users of street sweepers in the world. Um, I
24 think someone once told me half the street sweepers
25 in the United States are in New York. Um, so they're

1
2 going to be testing an all-electric sweeper and so,
3 you know, they're going through, they have a great
4 shop run by Spiro Katan, who is a [inaudible] and
5 terrifically committed to this. So they're in that
6 testing phase now, and so they're, we'll have the
7 core two units, the sweeper and the garbage truck.
8 They're going to be testing them to make sure they
9 can work and determine what changes or improvements
10 would need to be made to the models, and hopefully
11 that will begin the basis of the next phase, which we
12 hope would be to bid our replacement contracts, you
13 know, the long-term contract for replacement of
14 vehicles. So that's where we are now.

15 CHAIRPERSON CABRERA: Are you in
16 conversations with the Board of Education regarding
17 school buses? You know, the kids are breathing all
18 this combustion coming out of school buses. Um, and
19 I'm sure if we could do it, we could have that Mack
20 truck for Sanitation I'm sure there's school buses
21 that could go electrical.

22 DEPUTY COMMISSIONER KERMAN: Yeah, so we
23 recently received the first two of three all-electric
24 school buses. Um, and they're interesting both in
25 that they are the first all-electric school buses in,

1 in [inaudible], they're the first school buses the
2 City of New York has ever owned. The school bus
3 program is a lease program, contracted, so these are
4 the first two, so we are working now. In fact, I
5 think there's a draft in my inbox of an MOU to begin
6 operations with them and that would be the testing
7 phase and obviously there are obviously 10,600 school
8 buses, so that would be a huge move. But first, just
9 like with Sanitation, we need to make sure they work
10 and reliable. We don't want to be running out of
11 battery. You know, we don't want to be running out
12 of energy while kids are in the middle of a roadway.
13 Um, but we are in that, so we have our first two.
14 We'll have three, I believe the third is supposed to
15 arrive very soon. And then so we'll go into that
16 testing phase. We'll partner with school bus
17 operators to do that, um, and then go from there.
18 But, you know, tremendously exciting potential where
19 we are now. We have the initial units. We have to
20 make sure they work and figure out any operational,
21 maintenance, charging issues with.

23 CHAIRPERSON CABRERA: Ah, really quickly,
24 are, are, these hybrid or they're straight electric?
25 If they are straight electric...

1
2 DEPUTY COMMISSIONER KERMAN: Sanitation
3 and electric, the sanitation and the school buses I
4 just described are all electric. There's no gas,
5 there's no diesel.

6 CHAIRPERSON CABRERA: What would happen
7 if we will have, as we had some years ago where the
8 electrical grid went down for, for a substantial
9 amount of time, what, what would happen at that
10 point?

11 DEPUTY COMMISSIONER KERMAN: Well, it's a
12 great question. You know, one of the things that we
13 will have to do right, so if you have a power loss in
14 the city and obviously we've had that at different
15 times, after Sandy and other times, the blackout, and
16 currently the, the fleet isn't impacted. We have
17 generators for the fueling sites, the liquid fueling
18 sites. But obviously when you grow to an all-
19 electric fleet, now if you had a power loss you have
20 a different type of issue. So we've done a few
21 things. Number one, 88 of the units, 87, and we're
22 buying two more, so our 87th, are those solar car
23 ports, and you know we have one at the municipal
24 building, we have them all over the city. Those are
25 not tied to the grid. They are freestanding solar

1 car ports. So in a blackout they would all have
2 power, right, so they, they're completely off the
3 grid. They're not grid-dependent. So one is the
4 solar investment. We're buying two more as we speak
5 and we're looking to expand that. Then there's no
6 question that as we go into the big electrification
7 projects, sanitation trucks, school busing, policing,
8 um, fire department, you know, we're gonna have to
9 have more, more substantial emergency backup power,
10 maybe that's these old, there are huge diesel
11 generators for the buildings, maybe there is a more
12 sustainable backup power source. But we, we
13 absolutely have on the radar screen that as we go
14 further down these process backup energy supply at
15 these major facilities is going to have to be a part
16 of the mix.

18 CHAIRPERSON CABRERA: Thank you so much.
19 I'm, I have, Commissioner, just one last, ah, set of
20 questions related to commercial rents. Um, can you
21 provide us information as to why, ah, commercial rent
22 miscellaneous revenue has been declining since, ah,
23 fiscal 2018?

24 COMMISSIONER CAMILO: So I, I can
25 certainly talk through the most recent decrease in

1 commercial rents. Um, from 21 to 22 we had one
2 particularly set, under the terms of the lease went
3 from rent payments to, ah, pilot. Um, that's the
4 Grand Hyatt Hotel. So that doesn't count as revenue.
5 So you'll see a significant chunk because of that.
6 Um, and I think that there have been some other, um,
7 ah, some other, larger, um, leases that have also
8 come offline, either through, either switching from,
9 um, either, you know, expiration, switching to pilot,
10 or just changing the, in the terms. Um, Beatrice,
11 ah, are you, I think you're on, um, or even Rich
12 Thom. I don't know if you can speak to the, the
13 overarching declines since 18. Um, do we have
14 information on that, on that question?

16 DEPUTY COMMISSIONER THOM: Well, I would
17 say that, ah, the Grand Hyatt is the, ah, is the
18 variable on that because the revenue on that is based
19 on percentage of occupancy and all, so there has been
20 varying, varying amounts each year. It's not a fixed
21 amount.

22 CHAIRPERSON CABRERA: Got it. Ah, and on
23 20, the, January 2021 oversight hearing DCAS
24 testified that 25 of its tenant requested a rent
25 payment extension. Has this number changed at all

1 since January and what's the total value of past rent
2 due to the, ah, to the city?
3

4 COMMISSIONER CAMILO: Um, I know that the
5 rehab had some requests for, ah, reduction which we
6 have certainly engaged in discussions, but, um, have,
7 have negotiated, um, an extension for time to pay for
8 many of the ones that we've, ah, been requested. So,
9 um, Beatrice or Rich, I'm not sure if we have any
10 additional increases in those requests since January.
11 I can certainly get back to you and, and give you
12 specifics if they have. I don't know, I don't have
13 them on hand. But if anyone does please share.

14 SENIOR ADVISOR THUO: Sure. The number
15 has basically stayed the same, but we, in terms of
16 what amount and as the Commissioner said, it's more a
17 deferment of the rent and then they'll pay the rent
18 over around like a 12-month period. But the number
19 has stayed the same. In terms of the exact amount we
20 can get that number for you.

21 CHAIRPERSON CABRERA: Ah, we had Council
22 Member Rosenthal before she asked for question, this
23 is my last one so I don't have to come back, ah, and
24 asking question. Is, the graffiti problem, ah, in
25 our public buildings. It is chronic. It's beyond

1 chronic. It's, it's, it's disheartening. Ah, what
2 can we do? We gotta get some funds to clean. It, it
3 just making New York City a very unattractive place.
4 Can we restore funding, ah, to get this graffiti out
5 of our public buildings?
6

7 COMMISSIONER CAMILO: Well, I mean, I, I,
8 you know, that certainly is something that, ah, you
9 know, we've, we've had in our portfolio. We only
10 have, we only manage indirectly, you know, and deal
11 with 56 buildings, which we unfortunately, um,
12 certainly during last summer's, um, ah, you know,
13 civic or, you know, protests there were a lot of,
14 there was a lot of graffiti, um, on our buildings,
15 which took a, a lot of time and money from our team,
16 um, who did extra work to, to clean them and
17 definitely was a heavy lift. I can only speak to our
18 portfolio, um, ah, so I can't speak to the broader
19 city, um, city initiative and funding. But, you
20 know, I think that's something that, um, I'm sure is
21 being discussed with OMB, um, yeah. So I can't speak
22 to the broader city initiative. But, you know, we
23 understand, it's, it's incredibly, it, it took us a
24 long time and a lot of elbow grease and a lot of, um,
25 work to, to remove that graffiti from our beautiful,

1
2 you know, landmarked, um, buildings and, and, and the
3 facilities team does a great job at, you know,
4 addressing them immediately when it comes up and, you
5 know, our, our capital construction, ah, team when
6 it's, when it's a little too, when it's not easily
7 removed having to, you know, bring in vendors to, you
8 know, painstakingly restore some of these buildings.
9 So it, it, it's definitely a big, a big ordeal. We
10 understand.

11 CHAIRPERSON CABRERA: And thank you,
12 thank you for getting on it right away, ah, in terms
13 of the 56 buildings that, that you do manage, because
14 it just make, I, one of my pet peeves. I can't
15 stand, ah, graffitis in public property. I mean,
16 people want to graffiti their own building, they own
17 it, that's another thing. I love art, love it. I
18 love it when it's done right. Ah, but, not in public
19 buildings. Ah, let me pass it on to, ah, Council
20 Member Rosenthal. Thank you for your patience.

21 COUNCIL MEMBER ROSENTHAL: Thank you so
22 much, Chair...

23 SERGEANT AT ARMS: Time starts now.

24 COUNCIL MEMBER ROSENTHAL: Thank you so
25 much, Chair Cabrera. You really hit, um, all the

1
2 main questions I wanted to ask. So one reason I
3 wanted to get on was just to thank, ah, Commissioner
4 Camilo for all her work. Um, especially during the
5 pandemic, ah, you know, thank goodness you, you've
6 been there, um, 'cause I know that you give really
7 steady leadership. Um, I'm gonna ask a question that
8 I know you're not going to know the answer to, but
9 I'm hoping you'll get back to me on it. There's a
10 coalition group called Climate Change for All and
11 they have issued a report, um, a really terrific
12 report that they issued in October 2020 that talks
13 about creating 100,000 climate jobs and, um, they,
14 ah, they have in, in that plan an expectation of
15 spending over a period of time. I think it's, um,
16 180 million a year for five or 10 years at, again,
17 I'm not totally facile with the numbers. But have
18 you tried to do a comparison and would you consider
19 doing a comparison to their suggested strategic plan
20 compared to what the city has laid out?

21 COMMISSIONER CAMILO: Ah, so, first of
22 all, thank you so much for the kind words, ah,
23 Council Member. Um, all praise is to the team. They
24 did, you know, they, they truly did amazing work, um,
25 and I can talk for another two hours just on those

1 efforts. But I won't, as I know we're time limited.

2 Um, regarding your question, I'm not familiar with

3 this report. I don't know if Deputy Commissioner

4 Fiore has been. I, we're certainly, I'm certainly

5 open to reviewing the report, seeing what they lay

6 out, and seeing if we can, um, you know, how, how the

7 two plans compare.

8
9 COUNCIL MEMBER ROSENTHAL: Yeah.

10 COMMISSIONER CAMILO: Um, Anthony, do,

11 are you familiar with the report by any chance?

12 DEPUTY COMMISSIONER FIORE: Um, I'm not

13 familiar with the report. But what I can tell us is

14 that, um, since fiscal year 14, um, the investments

15 that we've made are estimated to, um, produce or

16 retain about 3300 jobs, um, and obviously there's a

17 broader, um, green jobs program that's happening, um,

18 across the city that, ah, you know, we are a, a

19 portion of. So, um, happy to look into that, that

20 report, um, and see if...

21 COUNCIL MEMBER ROSENTHAL: Great.

22 DEPUTY COMMISSIONER FIORE: ...[inaudible]

23 or that we could do. So thank you, ah, Council

24 Member Rosenthal.

2 COUNCIL MEMBER ROSENTHAL: Sure. And
3 I'll ask the committee staff if it's OK with you,
4 Chair Cabrera, to send that over. Um, and then
5 secondly, and again forgive, um, my ignorance...

6 SERGEANT AT ARMS: Time expired.

7 COUNCIL MEMBER ROSENTHAL: ...about this.
8 Chair, may I continue? This is the last question.

9 CHAIRPERSON CABRERA: Absolutely,
10 absolutely.

11 COUNCIL MEMBER ROSENTHAL: OK. Um, we, I
12 vaguely recall in the cobwebs of my brain having a
13 hearing perhaps with Sanitation talking about
14 implement, no, not the one with Sanitation. It was
15 with the DCAS committee back in my first term and,
16 um, talking about implementation of solar. And how
17 that was going to be laid out. And I, I don't quite
18 remember what the criteria is for measurement every
19 year, but at that point you were, you know, at a
20 certain percentage, um, and it was all, um, PPAs.
21 And I'm wondering where you are along that continuum
22 for PPA and PLAs, and the chair may have asked that
23 earlier, but I'm curious.

24 COMMISSIONER CAMILO: Ah, so I remember
25 that, ah, that discussion, and there were, it wasn't

1
2 exclusive PPAs back then. We, we definitely had some
3 capital, ah, solar projects that had been delivered
4 and had been working on. Um, and, and we did talk
5 briefly about this and Anthony, you know, take it,
6 you can take it and talk through what some of those
7 details are. But over the past couple of years we've
8 actually been working with Labor, with the PCTC on,
9 um, entering into a PLA specifically focused on
10 solar.

11 COUNCIL MEMBER ROSENTHAL: Oh, OK.

12 COMMISSIONER CAMILO: So, so to address
13 some of those labor concerns, um, but Anthony, you
14 know, feel free to fill in some of the details.

15 DEPUTY COMMISSIONER FIORE: Yeah, I mean,
16 we, we can get back to you with, you know, kind of
17 the quantitative numbers of capital versus PPA
18 projects. Um, we have such an aggressive goal as, as
19 we spoke about. Back during your first term that,
20 um, you know we really need to take advantage of
21 every project delivery vehicle that we have available
22 to us, um, and as the Commissioner mentioned we
23 worked long and hard, ah, with Labor to come up with
24 a project labor agreement that would cover, um, not
25 only capital, ah, projects but also power purchase

1
2 agreements. Um, we established a prequalified list,
3 um, for solar developers that is subject to the
4 project labor agreement. We've had difficulty with
5 getting, um, union, ah, electrical contractors to,
6 um, respond to that solicitation. We spent a lot of
7 time doing outreach with, um, the Electric
8 Contractors Association Group, um, as well as Local
9 3, um, and, and really highlighting that, you know,
10 the availability and opportunity to participate in
11 our programs through the prequalified list. Um, that
12 was just, ah, reissued and unfortunately some of the
13 previous solar firms that were on there did not
14 respond, um, and we've continued to do outreach with
15 them, ah, ah, to get them to, to participate. Ah,
16 but we, we can get back to you on kind of completed
17 projects, um, PPAs versus capital work. Ah, as
18 well...

19 COUNCIL MEMBER ROSENTHAL: That'd be
20 great. My, my concern is just timing. You know,
21 that you've, you've gotten so far over the last five
22 years and then the expectation for the next five
23 years is sort of much more and, um, yeah, that's what
24 I'm curious about.

25 DEPUTY COMMISSIONER FIORE: OK.

1 COMMITTEE ON GOVERNMENTAL OPERATIONS 53
2 COUNCIL MEMBER ROSENTHAL: As well as the
3 PLAs. Thank you so much. Thank you, Chair.

4 CHAIRPERSON CABRERA: Thank you so much.
5 Ah, I want to thank you, Commissioner, to your staff,
6 again I want to echo what we've been saying all along
7 from the very beginning and, ah, and what Council
8 Member Rosenthal as well, ah, the great work that you
9 guys have done during this time, under pressure,
10 unexpectedly you were placed with, you know, a
11 tremendous responsibility and, ah, you did a great
12 job, as always. So I salute you. I honor your team
13 and, ah, looking forward, ah, to working together,
14 ah, so we could, ah, finish what we have started.

15 COMMISSIONER CAMILO: Thank you so much,
16 ah, Chair and, and, and council members. Ah, we
17 really take that appreciation to heart, um, and
18 certainly on behalf of the team, um, you know, we
19 thank you, too for the support. And of course, as
20 always, you know, ah, we look forward to continuing
21 that partnership. So thank you.

22 CHAIRPERSON CABRERA: Thank you. And now
23 I would like to welcome corporation counsel, James
24 Johnson, the head of the Law Department, to testify
25 before this committee. Thank you for testifying

1 before the committee today. The Law Department's
2 fiscal 2022 preliminary budget totals 240.9 million,
3 including 165.9 million personal funding to support
4 1788 full-time positions. Today we look forward to
5 discussing many aspects of the Law Department's
6 operations, including its package of new needs in the
7 preliminary financial plan and its miscellaneous
8 revenue, among other important topics. With that I
9 would like to please ask the committee counsel to
10 administer the oath and swear in testifying
11 representatives.
12

13 COMMITTEE COUNSEL: Thank you, Chair. To
14 all representatives from the Law Department who will
15 be providing testimony or available for questions,
16 please raise your right hand. I will read the oath
17 once and then call on each of you individually for a
18 response. Do you affirm to tell the truth, the
19 whole truth, and nothing but the truth before this
20 committee and to respond honestly to council member
21 questions? Corporation Counsel James Johnson.

22 CORPORATION COUNSEL JOHNSON: I do.

23 COMMITTEE COUNSEL: First Assistant
24 Corporation Counsel Georgia Pestana.
25

2 FIRST ASSISTANT CORPORATION COUNSEL

3 PESTANA: I do.

4 COMMITTEE COUNSEL: Managing Attorney

5 Muriel Good-Trufant.

6 MANAGING ATTORNEY GOOD TRUFANT: I do.

7 COMMITTEE COUNSEL: Chief of

8 Administration Kenneth Majerus.

9 CHIEF OF ADMINISTRATION MAJERUS: I do.

10 COMMITTEE COUNSEL: Thank you.

11 Corporation Counsel Johnson, you may begin your
12 testimony.

13 CORPORATION COUNSEL JOHNSON: Thank you

14 and good afternoon, Chair Cabrera, and distinguished

15 members of the Government Operations Committee. It

16 is a pleasure to come before you to discuss the Law

17 Department's fiscal year 2022 preliminary budget. Um,

18 as we've just seen during the swearing in, I'm joined

19 by First Assistant Corporation Counsel Georgia

20 Pestana, Managing Attorney Muriel Good-Trufant, and

21 Chief of Administration Ken Majerus. Between them

22 they have over 90 years of service to the city and

23 the Law Department. I'm grateful to be testifying

24 with them, but after this last year I am grateful to

25 have been able to serve with them. Um, every year

1 their wisdom has really been put to use, um, in a
2 year of extraordinary service. The city, obviously,
3 as you all know, is vast with more than 8.6 million
4 residents, more than 300,000 public servants, one of
5 the nation's largest fleets of civilian vehicles, and
6 more public buildings than any other city in the
7 country. The city has a broad array of civil and
8 commercial legal matters and the Law Department is
9 responsible for all of them, to some degree. The
10 department represents the city, um, the mayor, other
11 elected officials, including the City Council, and
12 city agencies in all affirmative and defensive civil
13 litigation. As the prosecuting agency, the
14 department represents the city in proceedings brought
15 in Family Court, alleging violations of criminal law
16 and in proceedings filed in criminal court to enforce
17 the city's administrative code. Law Department
18 attorneys draft and review local and state
19 legislation, real estate leases, procurement, ah,
20 contracts, which was particularly important during,
21 ah, the pandemic, and financial instruments for the
22 sale of municipal bonds. The department also
23 provides legal counsel to city officials on a wide
24 range of issues, such as civil rights, on education,
25

1 intellectual property, land use, and environmental
2 policy. The department's work embraces all city
3 entities and operations. And our impact has been and
4 can be tremendous. In a typical year the work
5 reflects the talent and the work ethic of a
6 phenomenal group of public servants. But 2020 was
7 no typical year. And as I will discuss below, the
8 work reflects the very best, in my view, of public
9 service - character, perseverance, and an all-
10 consuming commitment to duty. Um, as the chair
11 mentioned, the department currently has on board 934
12 assistant corporation counsels and 770 legal support
13 professionals. Approximately 30% of our team is
14 ethnically diverse and 59% are women. Indeed the
15 department's 16 legal divisions, of those 16 nine are
16 lead by a woman, which makes the department a leader
17 in the legal profession and the beneficiary of a lot
18 of recognized talent. The Law Department plays an
19 important role in advocating for the common good,
20 protecting the rule of law, and enhancing our city's
21 fiscal strength. And I want to run through a couple
22 of examples of how we have either won the city money
23 or have saved, ah, city funds, um, during the last
24 year. Through the work of our affirmative litigation
25

1
2 division in this fiscal year already we've already
3 brought in 40 million dollars into the city treasury
4 when UPS paid, after a bench trial and our victory on
5 appeal, damages and penalties for the delivery of
6 untaxed, unstamped cigarettes to customers in the
7 city. This was the largest judgment in the Southern
8 District of New York last year. Our team also
9 brought suit against US Department of Energy, rather,
10 education secretary, Betsy DeVoss, and we obtained an
11 order striking the rule of that unlawfully diverted
12 federal CARES Act funds to private schools. In that
13 case we ensured that over 50 million dollars went to
14 the New York City Board of Education for economically
15 disadvantaged students in K-12 public schools, and
16 not to private schools. We recently added another 25
17 million dollar payment into the city treasury in
18 connection with the settlement of a false claims law,
19 act lawsuit. That suit involved a hedge funds
20 manager who failed to report state and city taxes on
21 deferred fees. Further, consistent with past
22 practice, we anticipate saving the city approximately
23 200 million dollars in payments, payouts, from the
24 judgment and claims fund through our continuing
25 litigation to compel insurance companies to defend

1 and indemnify the city. In these cases we are
2 enforcing coverage against lawsuits arising out of
3 the work performed by private contractors and
4 permittees. As a city, we should have little
5 tolerance for insurance companies that reportedly
6 force us to expend vital city resources, time, and
7 money just to get them to defend claims that they had
8 previously agreed to cover. The Law Department is
9 currently reviewing our options regarding these
10 companies. We're successful in these cases, but they
11 are cases that we believe we shouldn't have to bring,
12 and we may come back to you with additional thoughts
13 on how we can ensure that city contractors only sign
14 policies with reliable insurers. A further example
15 of our defense of the city [inaudible] is in our
16 commercial and real estate legal, ah, litigation
17 division. This division defends the city in a wide
18 range of contractual disputes. These disputes fall
19 into three rough categories, to include three rough
20 categories - contracts with private companies to
21 build and repair the city's infrastructure, leases of
22 important public properties, and contracts for all
23 types of goods and services. These claims are
24 largely based upon negotiated terms of pre-existing
25

1 agreements and typically involve significant exposure
2 to the city. In the first six months of FY21 alone
3 the division resolved 175 million dollars in claims
4 for 25 million dollars. Clearly, that's a savings of
5 150 million dollars. Similarly, our tax and
6 bankruptcy divisions, defense of real property tax
7 assessment, protected approximately 63 million
8 dollars in property tax receipts in fiscal year 20,
9 and another 26 million during the first half of
10 fiscal year 2021. It is vitally important that we
11 protect the city treasury against filed claims. In
12 our view, however, that's not enough. One of the
13 most important assets any government has is the trust
14 of its citizens. That can be hurt when any agent,
15 when an agent of the city injures a person, whether
16 or not negligently or recklessly. Accordingly, the
17 Law Department works with other city agencies to
18 identify and mitigate risks of harm. That causes
19 savings of money but also savings of trust. Our
20 strategy turns on the work of our risk management
21 unit. Our risk management approach to local
22 government asks not only how we can bring our costs
23 down, but how to address conduct that may harm our
24 citizens. At the Law Department we have a risk unit
25

1 that works with agencies across the city to identify
2 city policies and practices which create risks and
3 liabilities and to collaboratively take steps to
4 control, reduce, and where possible eliminate these
5 risks. Identifying, assessing, and mitigating risk
6 depends on the access to high-quality information
7 about municipal service, services, and government
8 operations. And given where we stand in the
9 information low, the Law Department is uniquely put,
10 placed, to lead these citywide efforts. One of the
11 things that we've done is we formed an interagency
12 steering committee or council to address citywide
13 risks. Together, our risk management efforts have,
14 among other things, helped improved the information
15 flow, um, helped us enhance our ability to solve
16 problems, ah, effectively together, and its assisted
17 agencies with identifying and remediating risks. Ah,
18 we don't yet have a sense of the total impact of
19 these efforts, um, but we can see them in practical
20 terms, ah, and we know over time as we develop our
21 metrics we will get a better sense of the impact of
22 this, this work, and we enhance our ability to do
23 more going forward. One of the risks that we are
24 concerned about is posed by the federal stimulus
25

1
2 package that's, that's coming in. We believe that
3 many of us are looking to do, ah, in the city will be
4 looking to do quite good things and necessary things
5 with it. But we also know that there are those would
6 be looking to profit for what, from what they see as
7 a large quantity of money coming in. Ah, we view
8 this as a strong risk and we want to make it very
9 clear that for anyone who wishes to defraud the city,
10 the Law Department will not hesitate to pursue all
11 legal avenues against them, including referrals to
12 the appropriate district attorney. Last year forced
13 us to respond to unprecedented burdens that afflicted
14 the city.

15 CHAIRPERSON CABRERA: Corporation
16 Counsel?

17 CORPORATION COUNSEL JOHNSON: Yes, sir?

18 CHAIRPERSON CABRERA: Give me like the
19 shorter version, if you don't mind, only because we
20 only have a certain amount of time and I know we had
21 council members who would like to ask questions.

22 CORPORATION COUNSEL JOHNSON: OK.

23 CHAIRPERSON CABRERA: I really appreciate
24 that.

1
2 CORPORATION COUNSEL JOHNSON: I will
3 shorten it.

4 CHAIRPERSON CABRERA: Thank you.

5 CORPORATION COUNSEL JOHNSON: Um, so in
6 the last year we were faced with, um, as all of us,
7 we were faced with, ah, the consequences of the
8 pandemic. What that required us, us to do was, um,
9 as you just heard from the DCAS commissioner, um, be
10 quite nimble in response. Ah, we increased our
11 coordination with, um, all of the general counsels in
12 the city and rather than meeting periodically once or
13 twice a year we met once every week to solve the
14 problems related to the turnaround. Um, related both
15 to, to the defense of the city in terms of providing
16 public safety, and public support to, to public
17 health officials, ah, and to develop new mechanisms
18 for, um, for moving forward. We, um, ah, and have
19 continued those efforts as we're thinking through how
20 do we return, ah, to work. Um, and then finally, ah,
21 and then finally, um, what we have done with, um, in
22 the last year, rather what we were doing going
23 forward is, um, we were also focusing on, um, the
24 work of Family Court. Ah, we have more
25 responsibilities from the, from Family Court as a

1
2 result of Raise the Age and we're pushing to think
3 more creatively about how to, um, serve both the
4 needs of public safety but to make sure that the
5 youth that become, ah, justice involved, um, have the
6 support that they need to get their lives back on
7 track. Ah, I apologize for going over, over length.

8 CHAIRPERSON CABRERA: It's all good.

9 CORPORATION COUNSEL JOHNSON: That was
10 just a short, ah, really a short summary of all
11 that's been done and I look forward to answering your
12 questions.

13 CHAIRPERSON CABRERA: Thank you so much,
14 Corporation Counsel and, and I know it's frustrating
15 seeing the other side because you're doing so much
16 work and you like to share it. Ah, but we'll
17 definitely, ah, have your testimony for the record.
18 Ah, and so, so with that I'd like to, ah, first thank
19 you, thank you for your stand and, ah, not allowing
20 people who would like defraud the city or
21 misrepresent themselves or having supposedly viable
22 insurance when they don't, ah, thank you. Thank you
23 for being that firewall that, that we so need, ah,
24 because we have seen, um, we have seen, you know,
25 this lawsuit, I've been in the council for 11 years

1
2 and it seems like these numbers keep climbing. As a
3 matter of fact, in the preliminary plan,
4 miscellaneous revenue for fiscal 2021 spikes to 63.6
5 million, with an increase of 42 point million since
6 budget adoption. Ah, can you share with us why, ah,
7 these miscellaneous revenue spiked, ah, by this large
8 amount in fiscal 2021? Is this, ah, related to
9 revenue originating from case settlement and if so
10 can you provide which cases are related to?

11 CORPORATION COUNSEL JOHNSON: One of the
12 major cases that this, they, they are related to
13 either wins in court or case settlement and the
14 significant, um, amount is largely attributable to
15 the UPS one that I discussed in my opening statement.

16 CHAIRPERSON CABRERA: OK, great. Um, of
17 the number of ECB judgment referred to the Law
18 Department for collection roughly what percentage are
19 deemed uncollectable because the summons of,
20 although, ah, facially valid, including a defect,
21 such as an incorrect name, ah, how much money does
22 these represent? Would the use of an electronic
23 summonses devices by issuing agencies mitigate this
24 issue?

2 CORPORATION COUNSEL JOHNSON: Well, we
3 only, um, collect, ah, approximately, I think, about
4 1.9 million, ah, last year. Um, I don't have a
5 perceive number of, um, of what can be, um, ah,
6 what's uncollectable or hasn't been collected and we
7 can come back to you on that.

8 CHAIRPERSON CABRERA: OK.

9 CORPORATION COUNSEL JOHNSON: My sense,
10 though, is that anything we can do to expedite the,
11 the summonses process, including making it electric,
12 um, is something that would at the end of the day
13 probably help us in recovery.

14 CHAIRPERSON CABRERA: Do you use a
15 collection agency to assist in the collecting of ECB,
16 ah, debt?

17 CORPORATION COUNSEL JOHNSON: Ah, yes we
18 use some. We use outside agencies outside law firms
19 to help, um, to collect the debt. Um, and that
20 enables us to, um, put that, those debt, that
21 activity into one bucket and help us deal with what
22 is a very large workload in many of the other, um,
23 the other areas.

24 CHAIRPERSON CABRERA: Have you thought of
25 having, you know, the other day I wrote a, an

1 article. As a matter of fact, it was supported by
2 Crane's New York regarding having amnesty, ah, where
3 the penalties are waived and they only paid 75%.
4 Last time we had amnesty for the entire city, I know
5 that this doesn't apply to everything related, ah,
6 to, ah, your purview. Ah, but we were able to
7 collect 160 million dollars. Ah, 'cause it feels
8 like there's, its reachable, right, like a reachable
9 goal. Have you thought about, um, that approach?

11 CORPORATION COUNSEL JOHNSON: It isn't an
12 approach that I've, that I've kicked around with
13 staff, ah, with our team, ah, recently. But it's
14 worthwhile. One thing that I would be, um, you know,
15 we have to make an, an evaluation. Um, we
16 definitely need the funds to come in, ah,
17 particularly now, um, and, um, it is even relevant to
18 the issue of, of restarting the economy in terms of
19 the, so, it's not only a question of bringing the
20 funds in, but also some of the other policy concerns
21 that we would want to balance, um, and it's worth it,
22 definitely worth considering.

23 CHAIRPERSON CABRERA: In terms of when
24 collecting, and, and you're on point there, ah, we,
25 we gotta connect those dots. Ah, when collecting ECB

1
2 debt does the Law Department seek to determine
3 whether the debt, debtor is a vendor that's doing
4 business with the city?

5 CORPORATION COUNSEL JOHNSON: Um, I am
6 not as close in on that issue as some of my
7 colleagues may be and perhaps, um, ah, Georgia Muriel
8 might, ah, might be able to provide some insight on
9 that.

10 MANAGING ATTORNEY GOOD-TRUFANT: Ah, I'm
11 not familiar with it. We get ECB debt after they've
12 been through the hearing process and the judgment is
13 entered so by the, once we get it, it's been through,
14 ah, a pretty lengthy process. But we can look up and
15 see who, if anyone does the check on whether or not
16 they're a vendor for the city.

17 CHAIRPERSON CABRERA: Maybe we could have
18 a system in place. This way we don't have somebody
19 who, ah, he's doing business with the city, has
20 tremendous contracts, and some of them making
21 millions of dollars, and yet they're not paying their
22 debt. This might be a way to assure that, ah, we get
23 what is due to the city. Ah, let me move on to units
24 of appropriation. As you know, the council has
25 repeatedly called on the administration to create

1 additional units of appropriation for the Law
2 Department budget, ah, to reflect the numerous
3 division, including, as I mentioned before, over 1700
4 staff that make up the department. Our job in the
5 council is to increase transparency of the Law
6 Department to 140 million budget and hold the
7 government accountable to its spending. Would you
8 agree to include additional units of appropriation to
9 better reflect the nature of your department and is
10 there a barrier as to now why not create these
11 additional units of appropriation?
12

13 CORPORATION COUNSEL JOHNSON: Sure,
14 thanks for that question and it's, I think it's an
15 important one and I know that it's been, it's a
16 perennial question, um, and one of the things that we
17 have to do is actually strike a balance. We are
18 fairly detailed in the information that we provide,
19 but one of the challenges is, um, we are also not
20 only would we be disclosing information to the city
21 council but we would be disclosing certain
22 information to, um, parties that are opposed to us
23 who might get a sense of our key strategies based on
24 how we are, um, ah, deciding to put resources into
25 cases, particularly on affirmative litigation and

1
2 what we're trying to do. So having some flexibility,
3 um, within the current construct to, ah, provide the
4 information, um, to counsel but not be completely
5 transparent about how we're making choices that
6 reflect our litigation strategy I think is, is a, is a,
7 ah, is the balance that we've been trying to, to do,
8 um, all the while mindful of the, the debt we all owe
9 to the public to be accountable. But it's this sort
10 of thing that enables us to actually get more
11 judgments like the 40 million dollar judgment we got
12 in UPS.

13 CHAIRPERSON CABRERA: Indeed, and we
14 don't want to put you in a vulnerable position, ah,
15 where, ah, it shows where you could, ah, be target,
16 ah, ah, I would imagine there might be some
17 categories that we could work on and we could have a
18 meeting of the minds. I'm looking forward to that
19 level of conversation.

20 CORPORATION COUNSEL JOHNSON: Yes.

21 CHAIRPERSON CABRERA: Ah...

22 CORPORATION COUNSEL JOHNSON: I think
23 you're right and we will definitely engage in that
24 conversation with you.

25

2 CHAIRPERSON CABRERA: Thank you so much.
3 And, and I, I want to, ah, pass it on now to Council
4 Member Rosenthal, ah, for questions, and then I'll
5 come back with just one set of questions.

6 SERGEANT AT ARMS: Time starts now.

7 COUNCIL MEMBER ROSENTHAL: Thank you so
8 much Chair Cabrera. Um, it's so good to see you,
9 Director Johnson. I'm so glad you're here. I mean,
10 you're gonna hear in my summary comment how much I'm
11 glad you're here. But I have three questions. Chair
12 Cabrera, would you rather that I ask the three and
13 wait for the answer, or should I go through each one?

14 CHAIRPERSON CABRERA: Ah, whatever you
15 prefer.

16 COUNCIL MEMBER ROSENTHAL: You're very
17 kind. Um, OK, let's get started. Um, so thank you
18 for your great work over such a short period of time.
19 You've been her for like a minute, and I can tell
20 you're already bringing some accountability and
21 accountability measurements and criteria, all the
22 stuff that I love. Um, first question is, do you
23 settle the NYCHA construction contracts?

24 CORPORATION COUNSEL JOHNSON: Have we
25 been involved in settlements of them?

2 COUNCIL MEMBER ROSENTHAL: Yeah, in other
3 words, like I, maybe it's just my bad luck, but in my
4 district there are often times, um, contracts where
5 the workers don't do what's expected, they have to
6 cancel that contract and move on to the next
7 contract. Um, and I'm wondering if you work on those
8 cases.

9 CORPORATION COUNSEL JOHNSON: Most often
10 not directly. But, Georgia, there may be some comes,
11 cases that we take on. Is that correct?

12 COUNCIL MEMBER ROSENTHAL: I think she
13 needs unmute.

14 MANAGING ATTORNEY GOOD-TRUFANT: Um, no,
15 we do not work on NYCHA construction cases.

16 COUNCIL MEMBER ROSENTHAL: OK.

17 MANAGING ATTORNEY GOOD-TRUFANT: NYCHA is
18 an entity...

19 COUNCIL MEMBER ROSENTHAL: Right.

20 MANAGING ATTORNEY GOOD-TRUFANT: ...and
21 has its own legal department and its own judgment and
22 claims, so we do not work at all on any of those
23 cases.

24 COUNCIL MEMBER ROSENTHAL: OK. Have you,
25 you know, one thing you might want to consider is

1
2 having like peer mentorship where maybe, you know,
3 you could have meetings together and, you know, share
4 good best practices on things. Just an idea.

5 MANAGING ATTORNEY GOOD-TRUFANT: Yeah,
6 there's a new general [inaudible], not so new
7 anymore, and they hired a managing attorney who is a
8 former, ah, person from the Law Department...

9 COUNCIL MEMBER ROSENTHAL: Nice.

10 MANAGING ATTORNEY GOOD-TRUFANT: ...who we
11 have a good relationship with...

12 COUNCIL MEMBER ROSENTHAL: Nice.

13 MANAGING ATTORNEY GOOD-TRUFANT: ...so
14 those conversations have started and are...

15 COUNCIL MEMBER ROSENTHAL: Good.

16 MANAGING ATTORNEY GOOD-TRUFANT:
17 ...[inaudible].

18 COUNCIL MEMBER ROSENTHAL: Good, good,
19 good. Secondly, um, does your office collect data on
20 how much police bad behavior costs the city. And I'm
21 confident that there's a, there are different tiers
22 of police bad behavior and different technical words
23 for it so, you know, cut me some slack here. But I'm
24 just thinking like for the Gardener family I think
25 the city settled for 6 million-ish dollars, um, and

1
2 I'm just asking do, and I don't even need to know the
3 total number, but do you collect that number, that
4 annual number?

5 SERGEANT AT ARMS: Time expired.

6 CORPORATION COUNSEL JOHNSON: We collect,
7 ah, we collect the data on cases where we represent
8 the police department...

9 COUNCIL MEMBER ROSENTHAL: Yep.

10 CORPORATION COUNSEL JOHNSON: ...
11 [inaudible] police employees. Um, so, for instance,
12 last year the, um, total amount paid out for J&C was
13 more than 166 million dollars. The last five years
14 the payout was over a billion dollars cumulatively.

15 COUNCIL MEMBER ROSENTHAL: Um-hmm. And
16 thank you. Um, ah, can I just ask what is the
17 comptroller's role in that? Do they just cut the
18 check? Or do they have a bigger role?

19 CORPORATION COUNSEL JOHNSON: Well,
20 depending on the nature of the claim, um, sometimes
21 the comptroller may settle out the claims even before
22 it gets to litigation, um, other instance, in other
23 instances, um, um, there is, ah, at least some
24 dialogue between this department, the Law Department
25

2 and the comptroller, ah, because at the end of the
3 day, ah, the comptroller has to sign off.

4 COUNCIL MEMBER ROSENTHAL: OK. I hope to
5 learn...

6 CORPORATION COUNSEL JOHNSON: I'm not
7 sure if Georgia Muriel wanted to add.

8 COUNCIL MEMBER ROSENTHAL: Yeah, I'd love
9 to learn more about it, but not on this Zoom. Did
10 you say a billion over the past five years?

11 CORPORATION COUNSEL JOHNSON: Yes.

12 COUNCIL MEMBER ROSENTHAL: OK. Great.
13 Last question. You were talking about risk
14 management and it sounded like, um, sounded like you
15 were, um, finding criteria by which to measure your
16 success. You were saying that, you know, and, and
17 pretty soon we'll be able to really, you know,
18 identify how, how much money that, that this work
19 yields. Can I just ask was that an idea that you
20 brought and so you just started instituting it or has
21 that always been there?

22 CORPORATION COUNSEL JOHNSON: Um, the
23 issue of risk management has been in the department
24 for some time....

25 COUNCIL MEMBER ROSENTHAL: Yes, yes.

2 CORPORATION COUNSEL JOHNSON:

3 ...[inaudible] since, um, um, Michael Cardozo, that
4 is the corporation counsel. What I've done in the
5 last year is I think elevate the profile and done
6 what I can to encourage interagency cooperation, um,
7 on these issues, ah, and so we have, we provided, um,
8 more focus throughout the department on this, but
9 this an initiative that's been within the department
10 for [inaudible]...

11 COUNCIL MEMBER ROSENTHAL: Right, right.

12 CORPORATION COUNSEL JOHNSON: ...

13 [inaudible].

14 COUNCIL MEMBER ROSENTHAL: You had just
15 mentioned at the end there that in a few years you'd
16 be able to measure the success and I was wondering
17 why in a few years, why not now?

18 CORPORATION COUNSEL JOHNSON: Well, we
19 are at, we made, I don't want to over-promise and
20 under-deliver. I'd rather...

21 COUNCIL MEMBER ROSENTHAL: For sure.

22 CORPORATION COUNSEL JOHNSON:

23 ...[inaudible], ah, and these things take some time.
24 Ah, but we have a number of, ah, interagency groups
25 that are...

2 COUNCIL MEMBER ROSENTHAL: Got it.

3 DIRECTOR JOHNSON: ...[inaudible] on first
4 collecting the data...

5 COUNCIL MEMBER ROSENTHAL: Got it. Sure,
6 sure.

7 CORPORATION COUNSEL JOHNSON: ...and then
8 we'll be able to see what the results are.

9 COUNCIL MEMBER ROSENTHAL: Great. Last,
10 can you just give one example of, um, something that,
11 that group identified and that you either got an
12 agency to implement or, um, are working with an
13 agency to, to implement in order to, you know, to
14 prevent these things from happening again?

15 CORPORATION COUNSEL JOHNSON: Well, one
16 of the things we're thinking through is where you can
17 get data from DEP and data from Transit, ah, and put
18 them together and look at them to see whether or not
19 you can start to predict where potholes will come.

20 COUNCIL MEMBER ROSENTHAL: Ah.

21 CORPORATION COUNSEL JOHNSON: It's not
22 yet, but that's an important thing for us to do
23 because not only would it enable you to predict
24 potholes, but also, um, transit data and the, and
25 the, and the potholes may give you an early warning

1
2 system for, um, [inaudible]. So it's the sort of
3 thing thinking that we're in the middle of right now.

4 COUNCIL MEMBER ROSENTHAL: Wait a minute.
5 So you're saying all those times I hit a pothole and
6 that I could actually sue the city? I'm just
7 kidding, just kidding.

8 CORPORATION COUNSEL JOHNSON: No, not
9 all.

10 COUNCIL MEMBER ROSENTHAL: Don't do that.

11 CORPORATION COUNSEL JOHNSON: What I want
12 to, what I want to do is get to the point that you're
13 not hitting potholes.

14 COUNCIL MEMBER ROSENTHAL: That's right.

15 CORPORATION COUNSEL JOHNSON: That's our
16 goal.

17 COUNCIL MEMBER ROSENTHAL: That's right,
18 thank you for that. And thank you, Chair Cabrera,
19 for the extended time.

20 CHAIRPERSON CABRERA: Thank you, ah,
21 Council Member. Ah, for just point of clarity, ah,
22 if there is a pothole and I get a flat...

23 COUNCIL MEMBER ROSENTHAL: [laughs]
24
25

2 CHAIRPERSON CABRERA: [laughs] I said
3 I'll try to get more people to put a request, but I
4 just want a point of clarity here.

5 CORPORATION COUNSEL JOHNSON: Point of
6 clarity, I, represent the City Council. We represent
7 the City Council in some things, but not in pothole
8 litigation against the city.

9 CHAIRPERSON CABRERA: There ya go,
10 indeed. And I just want more, ah, just remind me
11 here. You mentioned that last year we paid out 150
12 million dollars with lawsuits related to the NYPD.
13 Was that correct?

14 CORPORATION COUNSEL JOHNSON: In, in
15 FY20, um, it was 166 million dollars, in either
16 settlements or judgments.

17 CHAIRPERSON CABRERA: Are those, are
18 those due to large cases or you have many smaller
19 cases?

20 CORPORATION COUNSEL JOHNSON: There are,
21 um, in terms of dollar amounts it's more of a
22 collection of, it's not one huge case but, but, aha
23 significant number of cases.

24 CHAIRPERSON CABRERA: Do you happen to
25 know how many cases? I'm just [inaudible]...

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2 CORPORATION COUNSEL JOHNSON: Off the top
3 of my head I don't, but, um, um, I think that a
4 member of my team might have, ah, the number off the
5 top of the their head.

6 MANAGING ATTORNEY GOOD-TRUFANT: It is a
7 hundred, I'm sorry, 1522 cases.

8 CHAIRPERSON CABRERA: So, wow. So the
9 average payout is, is over \$100,000, if you were to
10 break it down, a hundred and something thousand.
11 That's a substantial amount of cases. Is there
12 anything that we could do working with NYPD, ah,
13 practices that Corporation Counsel could give advice
14 to NYPD, ah, to better prepare ourselves and not
15 being sued so many times?

16 CORPORATION COUNSEL JOHNSON: Well, we
17 routinely give, ah, advice to the NYPD in, in a
18 variety of ways, and one of the things that's being
19 developed right now, ah, and you've seen, ah, and I
20 know that, um, um, the mayor and his team at City
21 Hall are working with the council on this is the, um,
22 the police reform packages. And some of the issues
23 raised in, in the, um, proposals would address, ah,
24 some of these. Because at the end of the day, um,

1
2 specific needs in fiscal 2021. Can you provide an
3 itemized breakdown of this total or the specific
4 cases that this funding is going to? Ah, and do you
5 anticipate that you would need additional resources
6 in executive financial plan for these specific cases,
7 and if so can you provide the committee with an
8 explanation?

9 CORPORATION COUNSEL JOHNSON: You know,
10 we're very much committing to continuing our work
11 with OMB through these, these numbers. Um, and that
12 work is ongoing and we'll, we'll see how it shakes
13 out at the end of the day. Um, as you know, all of
14 us, all agencies are really faced with, um, some big
15 challenges, um, on our needs. But we are working
16 through that process with OMB. Um, Muriel may want
17 to address this a little bit further, our managing
18 attorney. Um, but I think that's, that's our status
19 right now. It's still fluid.

20 MANAGING ATTORNEY GOOD-TRUFANT: The 18
21 million is for certain case-specific needs. Ah,
22 [inaudible] portion is for the NYCHA monitorship.
23 Also included are funds for Galino, Floy, Bokin, and
24 Nunez which are cases in which there are large
25 litigations that may also have monitorships.

2 CHAIRPERSON CABRERA: Thank you so much.
3 Well, I believe I'm going to as our counsel do we
4 have any other council members that have questions?

5 COMMITTEE COUNSEL: No other hands are
6 raised at this time, Chair.

7 CHAIRPERSON CABRERA: So I believe, ah,
8 that, ah, we have, ah, come to an end. Ah, Director
9 Johnson, thank you.

10 CORPORATION COUNSEL JOHNSON: Thank you.

11 CHAIRPERSON CABRERA: Ah, you do an
12 amazing work and I want to thank your staff, ah, for
13 again, being that firewall. Ah, we, we've spent a
14 lot of money in these litigations that take place in
15 the city, a substantial amount, and, ah, we've got to
16 protect the city from frivolous, of frivolous one and
17 those that are due should be due. Ah, indeed, and so
18 we got to strike that balance. But I thank you
19 again, very informative, and looking forward, ah, to
20 seeing you again at the executive, ah, hearing.

21 CORPORATION COUNSEL JOHNSON: Thank you
22 so much, Mr. Chair.

23 CHAIRPERSON CABRERA: Thank you so much.
24 And with that it concludes, ah, today's hearing. I
25 want to thank the staff, our staff, our dream team

2 staff, they always do a fabulous, fabulous job, ah,
3 they make my job so much easier. And with that I
4 want to wish everyone a fantastic day. Thank you,
5 Council Member Rosenthal, you stuck to the very end.
6 I always, ah, like to praise those who do. Thank you
7 so much. Have a great day.

8 CORPORATION COUNSEL JOHNSON: Thank you,
9 take care, bye-bye.

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C E R T I F I C A T E

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



Date May 2, 2021