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Charter Review Committee Hearing

Moderated by Lorraine Grillo

Thursday, July 11, 2024

5:18 p.m.

Fordham University

441 East Fordham Road

Bronx, NY, 10458

Reported by: Thea Popko

JOB NO: 6766110

1 A P P E A R A N C E S

2 List of Attendees:

3 Lorraine Grillo, Commissioner

4 Edward Kiernan, General Counsel

5 Kyle Bragg, Commissioner

6 Stephanie McGraw, Commissioner

7 Jackie Rowe-Adams, Commissioner

8 Christopher Lynch, Commissioner (by videoconference)

9 Ken Ngai, Commissioner (by videoconference)

10 Ruben Diaz, Commissioner

11 Carlo Scissura, Chair (by videoconference)

12 Reverend Herbert Daughtry, Commissioner

13 Francisco Moya, Public Commenter

14 Jason Otano, Public Commenter

15 Joshua Goodman, Public Commenter

16 Patricia Murphy, Public Commenter

17 Richard Lee, Public Commenter

18 Charles Callaway, Public Commenter

19 Curtis Silwa, Public Commenter (by videoconference)

20 Vanessa Gibson, Borough President

21 Karen Wharton, Public Commenter

22 Francisco Navarro, Public Commenter

23 Sharlene Jackson Mendez, Public Commenter

24 Alejandro Madi-Cerrada, Public Commenter

25 Roxanne Delgado, Public Commenter

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A P P E A R A N C E S (Cont'd.)

Ms. Hurley, Public Commenter

John Felci, Public Commenter (by videoconference)

Karl Beecher, Public Commenter

Bernadette Ferrara, Public Commenter

1 P R O C E E D I N G S

2 MS. GRILLO: Well, thank you all for
3 coming in. In the interest of time, I want to move
4 this forward as quickly as we possibly could. I know
5 it was a bit of a challenge for everybody to get here
6 tonight for some reason or another. Okay. So welcome
7 to the 11th public hearing of the New York City
8 Charter Revision Commission. My name is Lorraine
9 Grillo. I am a commissioner and I will be serving as
10 chair tonight. Our chair, Carlo Scissura, is joining
11 us -- I think, trying to join us tonight on Zoom if
12 possible. I'd like to recognize the commissioners in
13 attendance -- a few of them on Zoom. I think Ken Ngai
14 is on Zoom. He's our secretary. Kyle Bragg is with
15 us. Ruben Diaz, Jr. is in transit, still trying to
16 get here. Christopher Lynch, also on Zoom. Jackie
17 Rowe-Adams and Stephanie McGraw are both with us. And
18 I'd like to ask each of the commissioners that are
19 here and on Zoom if they would like to introduce
20 themselves before we get started.

21 Kyle, why don't you start?

22 MR. BRAGG: Good evening. It's a
23 pleasure to be here in the Bronx where I spent a lot
24 of time during my former career. I'm happy that you
25 turned out tonight to talk about this charter revision

1 and the things that will make our city run better and
2 more equitable for all New Yorkers. So thank you so
3 much.

4 MS. GRILLO: Jackie, you want to take
5 a ...

6 MS. ROWE-ADAMS: Good evening everyone.
7 I've got to turn my mic on. Okay. He did say the
8 middle or something. All right.

9 MS. GRILLO: The right --

10 MS. ROWE-ADAMS: Hi, could you
11 hear -- yes, you can hear me. Good evening, Bronx.
12 How are y'all doing? So I am honored to be here, and
13 I'm honored because it is so important for the
14 community up here in the Bronx, and all city -- all of
15 the city to hear what's going on and give us a chance
16 to hear your concerns, because oftentimes we don't
17 have that opportunity. So this is an opportunity to
18 let your voices be heard and give us a chance to hear
19 what's going on in our city and in our communities.
20 So I thank you so much for coming out.

21 MS. GRILLO: Thank you, Jackie.
22 Stephanie?

23 MS. MCGRAW: Yes. Hello, Bronx. The
24 movie Down Bronx -- hi, my name is Stephanie McGraw.
25 I'm so honored to be here, and I'd like to thank Mayor

1 Adams for putting this charter revision together. And
2 the Bronx is a special place for me. I lived in the
3 Bronx for many years. And to see you all here, to
4 hear your concerns, to talk about the issues -- you
5 know, this is the most diverse, amazing, beautiful
6 city in the world. From every country around the
7 world, you can at least find one of that nationality
8 here in New York City. So to be able to be the voice
9 for the voiceless, to hear you all and hear your
10 concerns, we're here. And I'm so happy to be here.
11 Thank you very much.

12 MS. GRILLO: Thank you, Stephanie.
13 On Zoom, Ken, would you like to say a
14 few words?

15 MR. NGAI: Thank you very much. Good
16 evening to the Bronx. I'm honored to join you via
17 Zoom tonight, and as always, eager to actively listen
18 to the testimony of each speaker. And I would love to
19 hear your concerns and issues and welcome any
20 questions and thoughts you may have. Thank you very
21 much.

22 MS. GRILLO: And Chris Lynch? Okay.
23 All right.

24 MR. LYNCH: -- everyone. I'm happy to
25 be here. Actually, I'm on my way. I'm stuck in

1 traffic on the JFK Bridge -- out there. So I'm
2 looking forward to your testimony -- in the Bronx this
3 evening. Thank you all for coming out to share your
4 concerns and your issues that you're experiencing here
5 in your borough. And thank you for your time. I
6 appreciate you.

7 MS. GRILLO: Thank you, Chris.

8 And then of course for our Bronx man on
9 on the commission, our friend Ruben Diaz, Jr.

10 MR. DIAZ: Thank you, Lorraine, and the
11 other commissioners.

12 Like Christopher said, I don't know
13 what's happening out here, but it's almost like Friday
14 traffic, and so I'll be there momentarily. I'm so
15 happy that tonight we are at the historic Fordham
16 University with this hearing. This is the opportunity
17 where we are able to get from the community, from the
18 Bronx and from all throughout the city about how we
19 can change, amend, or do something differently in our
20 New York City charter which is, you know, the New York
21 City constitution. This doesn't happen all the time,
22 but when it does, I think that we need to take
23 advantage of it to make sure that whatever we -- that
24 we do moving forward is beneficial to as many New
25 Yorkers as possible. I look to see you all in a

1 couple minutes. Be right there.

2 MS. GRILLO: Thank you, Ruben.

3 So I would like to thank the president
4 of Fordham University, Tania Tetlow, for hosting us
5 today. And we're here to continue the the
6 commission's citywide listening tour. We have
7 traveled all five boroughs, most of them multiple
8 times so far, to hear suggestions from members of the
9 public and experts on how we can change our city
10 charter to improve the lives of all New Yorkers. So
11 far, we have had almost 650 New Yorkers attend our
12 previous hearings, with over 180 presenting testimony
13 on a variety of topics, either in person or via Zoom.
14 Our charter, which serves as the constitution for the
15 city, and is a blueprint for city agencies that touch
16 our lives every day. That's why it's so important to
17 hear from members of the public, elected officials,
18 and representatives of city agencies as we consider
19 what recommendations to present to the voters at the
20 general election on November 5th.

21 I encourage everyone here who has not
22 already done so to please look at the commissioner's
23 preliminary report that includes a summary of what we
24 have heard over the last month and staff
25 recommendations. We look forward to hearing from

1 everyone here tonight, and we'll be considering new
2 suggestions until our final public hearing on July
3 22nd. Future hearing dates will be on our website,
4 www.nyc.gov/charter, and comments may be submitted in
5 writing to charterinfo -- that's one
6 word -- @citycharter.nyc.gov. And those
7 recommendations should be sent between now and 5 p.m.
8 tomorrow, July 12th.

9 So why don't we get started? We are
10 going to get started with our elected officials
11 present. So I'd like to start with our council member
12 from Queens, council member Francisco Moya.

13 Council member?

14 MR. MOYA: Here we go. Good evening,
15 commissioner. Good to see everyone. Although virtual
16 to my brother Ruben Diaz. You wouldn't have that
17 problem if we were having it in Queens. I just want
18 to say thank you to everyone and good evening to all
19 the members of the commission. I'm council member
20 Francisco Moya, and I truly appreciate the opportunity
21 to come before you tonight. This preliminary report
22 contains a proposal, a proposal that the commission is
23 evaluating whether to amend the charter to give the
24 mayor greater flexibility on how to use the Department
25 of Sanitation to clean city property and to enforce

1 both cleanliness violations, like illegal dumping and
2 venue rules of any kind on city property. I urge the
3 commission to put the proposal on the ballot for
4 voters as it will greatly benefit districts like mine,
5 which has a history of street vending and chronic
6 illegal dumping on sidewalks, street corners and
7 parks.

8 BSNY is the city agency equipped for
9 cleaning and cleanliness enforcement, and the City
10 should be able to use its resources across any city
11 property for cleaning and enforcement. This proposal
12 would be a smart change, giving DSNY and future
13 administrations greater latitude in utilizing the
14 Department of Sanitation to address the cleaning
15 issues in our city. And with that, I thank you and
16 all the commissioners for the opportunity to speak
17 with all of you tonight. Thank you.

18 MS. GRILLO: Thank you, council member.

19 There is -- okay, we'll come back. I
20 know council member Marmorato is here but not
21 available right this minute, so we'll come back to
22 her.

23 Okay, we're going to start with our
24 public comments. Jason Otano, general counsel for New
25 York City Council. Thank you.

1 MR. OTANO: Good evening. So good
2 evening, Acting Chair Grillo and members of the
3 commission. I am Jason Otana, and I serve as the
4 general counsel of the New York City Council, a
5 position I've held since 2016. Prior to my time at
6 the city council, I served as general counsel to the
7 office of the Brooklyn borough president from 2008 and
8 2012. It is an honor to testify on behalf of the
9 speaker in her role as the leader of the city council
10 today. Today my comments will be focused on the
11 fiscal responsibility section of your preliminary
12 report, with specific attention to the first two staff
13 recommendations in that section.

14 But before I begin my discussion on
15 these recommendations, I would like to take a step
16 back to make some broader observations concerning the
17 council's place in city government, and how that role
18 is contemplated by the charter and by state law.
19 First, it is impossible to consider the structure of
20 city government without due consideration to the fact
21 that the city is a creation of the state. The charter
22 does not exist in a vacuum, but is in fact animated by
23 a body of state law. Principal in that body of law is
24 the state constitution, which preserves the principle
25 of home rule for cities, and provides for a bill of

1 rights of local governments. The first enumerated
2 right provided in the constitution is that a local
3 government shall have a legislative body elected by
4 the people thereof, with the power to adopt local
5 laws. The principle that local governments should be
6 guaranteed a representative legislative body is key to
7 our discussion. To achieve effective local
8 self-government and intergovernmental cooperation, the
9 state constitution mandates that there be a local
10 legislature.

11 Of course, in our city that follows a
12 strong mayor model -- a strong mayor model of local
13 government, where the mayor has exclusive control over
14 the city's day-to-day operations, the integrity of the
15 local legislative body is all the more essential.
16 Indeed, the highest court in our state has held that
17 the charter unequivocally provides for distinct
18 legislative and executive branches of New York City
19 government, with the city council as the sole
20 legislative branch of city government, fulfilling the
21 state's constitutional mandate.

22 It is long-settled law that our form of
23 government requires a steadfast adherence to the
24 separation of powers doctrine, where co-equal branches
25 of government are charged with performing particular

1 functions. The structure requires that the council
2 make the critical policy decisions, while the mayor
3 implements those policies. The importance of an
4 independent legislative branch was emphasized in the
5 1989 charter revision.

6 In reality, the council as we currently
7 know it didn't exist before that. It was that charter
8 revision that realigned the city government's power
9 structure to make the council a more powerful, more
10 representative co-equal counterpart to the mayor, to
11 meet a key American principle that a legislature
12 serves as a check and balance to the executive branch.
13 It's also true when it came to budgetary matters,
14 during a hearing similar to this one back in 1989, the
15 chair of that charter revision commission eloquently
16 remarked that a budget is not lifeless. It's not a
17 lifeless, boring accountant's document. A budget is
18 the heart and soul of the values of the people who
19 live in New York. To further cement the council's
20 role as sole legislative body for the city in line
21 with state constitutional requirements, and to bring
22 city government in line with the historical
23 understanding that fiscal matters are primarily a
24 legislative prerogative, the council was given plenary
25 power to adapt -- adopt the city budget, and as a

1 result, set spending policy. At the 1989 revisions'
2 core was the recognition that the council must be able
3 to carry out its role of identifying services to be
4 delivered to the public, and decide their level of
5 funding without undue interference from the executive.
6 Along with the expansion of council power was a focus
7 on increased accountability to the public. This came
8 in the form of fair representation, which was brought
9 about by expanding the number of members from 35 to
10 51. This expansion was founded in the notion that
11 representatives of smaller districts would be more
12 reflective of and responsive to their respective
13 constituencies.

14 Today the council fulfills the 1989
15 commission's vision of a more diverse and
16 representative council, one that boasts a woman
17 majority. It is the most historically diverse,
18 consisting of myriad, traditionally underrepresented
19 groups, and counts amongst its ranks adherence to
20 positions along the entire political spectrum.

21 It is this more representative body
22 that the framers of the current charter empowered to
23 be the policymaking body of our city. It is through
24 this lens of a balanced and representative government
25 that I ask you to evaluate the specific staff

1 recommendations made in the fiscal responsibility
2 section of your preliminary report.

3 Of particular concern to the council
4 are the first two. The first staff recommendation
5 calls for changes to legislative fiscal impact
6 statements, or FIS requirements, in the charter that
7 will require them to be produced earlier in the
8 legislative process, and with the inclusion of
9 additional parties. The council regards this
10 recommendation as imprudent and constitutionally
11 untenable. Changes to the FIS requirements as advanced
12 by certain interest groups that have come before this
13 commission should be seen as unworkable and
14 undermining the effectiveness and efficiency of the
15 legislative branch. While they are presented as
16 common sense reforms intended to bring about
17 transparency to the legislative process, they actually
18 serve the purpose of stymieing the work of the
19 legislative body, thereby upsetting the balance of
20 powers that are meant to ensure good governance and
21 protect against executive overreach.

22 The flippant notion that an SFIS should
23 be done earlier in the legislative process because it
24 will be done anyway is entirely misleading. That
25 legislation has been introduced, or that it's even

1 subject of a hearing, in no way guarantees that it
2 would be considered for action by a committee or the
3 council, let alone come before the body for a vote.
4 During the course of a given legislative term, of the
5 legislation that is introduced, only about half get
6 calendared for a hearing. And of those items that are
7 heard, only half of those actually make it to the
8 floor for a council vote.

9 Placing onerous requirements at the
10 outset of the legislative process only serves to deter
11 the work of the legislative body, and is likely to
12 cause a chilling effect on the exchange of ideas that
13 is central to the innovation that has made -- that has
14 been a hallmark of our city's government.

15 Operationally, this recommendation is
16 problematic. The council already relies on numbers
17 and estimates provided to us directly by city agencies
18 and the Office of Management and Budget when assessing
19 the fiscal impacts of legislation. Generally, these
20 assessments are not initiated until the council
21 receives these estimates. And even then, a
22 negotiation between the council and the administration
23 usually ensues. Historically, some estimates provided
24 by OMB and city agencies, which are often provided to
25 the council in delay, have been unreliable and at

1 times inflated as part of a negotiation tactic.
2 Sometimes the council does take these numbers as
3 presented. Other times we disagree. In fact, in
4 practice, the the council often concedes that city
5 agencies have more information than we do, and
6 accordingly, heavily rely on their input in our
7 formation of an FIS. With this, many of the FIS that
8 we issue already have the imprint of OMB and the
9 relevant agency.

10 But by forcing this requirement -- this
11 requirement before legislation is in its final form,
12 you are putting the cart before the horse.
13 Legislation passed by the council is oftentimes very
14 different than the legislation that was initially
15 introduced, a byproduct of the negotiation between the
16 administration, input from stakeholders and general
17 public, as well as discussions amongst council
18 members. Undoubtedly, an FIS produced before public
19 hearings would need to be amended with each new
20 version of the bill, wasting resources and potentially
21 generating confusion. All of this would just require
22 busy work on the part of both parties, the
23 administration, and the council. The administration
24 would have to provide the council with numbers and
25 estimates on every version of a piece of legislation,

1 all to end up where we already are, with the need of
2 an FIS assessing the fiscal impact of the final
3 version of legislation. Even more problematic is the
4 proposal that additional parties be involved in the
5 FIS assessment process.

6 In your preliminary report, references
7 made to a proposal to mandate the involvement of the
8 independent budget office, OMB, and council finance
9 division in -- formation of an FIS. Requiring this
10 tripartite FIS with input by external parties,
11 particularly the city's executive branch, as a
12 prerequisite to legislative action would violate the
13 separation of powers doctrine, the power of
14 policymaking. The council's constitutional
15 prerogative includes the power of control over all
16 levers along the legislative process, from the idea's
17 inception until passage of the local law. For good
18 reason, the executive's role is limited to the ability
19 to veto legislation once it is passed out of the
20 legislative body, either through a lack of resources
21 or willful attempt to slow down the work of the
22 council. The inclusion of outside parties in this
23 process would be tantamount to creating a unlawful de
24 facto veto on local legislation.

25 Under the current FIS process, nothing

1 prevents OMB from providing their input as to the
2 fiscal impacts of proposed legislation. Further, the
3 charter already authorizes IBO to provide their own
4 FIS. Yet a requirement that these three entities must
5 agree upon an FIS for legislation that is yet to be
6 placed on a committee's agenda is an invitation for
7 impasse and obstruction.

8 The second recommendation of fiscal
9 impact section of your preliminary report calls for
10 the harmonization of the budget process with the
11 council's power to pass legislation with budget
12 impacts outside the annual appropriations process.
13 This proposal fundamentally misunderstands the
14 council's role in the budget process and how budget
15 making inherently intersects with policy making. They
16 are two sides of the same coin of legislative power.
17 The budget is not a one and done process for an entire
18 fiscal year. While much is made of the passage of the
19 budget for a particular fiscal year, the reality is
20 that the city's budget process is a dance that
21 continues to move to the rhythm of changing conditions
22 over an entire fiscal year. During the fiscal year,
23 the administration and the council continue to
24 negotiate changes, and from time to time, legislation
25 passed by the council becomes the focal point of these

1 negotiations. Since the charter does not allow for
2 expenditures that have not been allocated in the
3 budget, and requires a balanced budget, the question
4 of whether and how much to fund specific programs,
5 even programs recently created by council legislation,
6 are matters negotiated throughout a fiscal year. The
7 leverage that the power of the purse provides the
8 council is integral to maintaining the balance of
9 powers necessary to sound policy making. The
10 negotiation between a mayoral administration and the
11 city council for ongoing budget modifications, the
12 next fiscal year budget, and legislation do not occur
13 in their own respective silos. They're all part of a
14 larger set of negotiations that are the heartbeat of
15 the checks and balances that make our representative
16 government work.

17 Because of these ongoing overlapping
18 processes, it's disingenuous, ahistorical -- imprudent
19 to characterize the legislative process as outside the
20 annual appropriations process. And calls to harmonize
21 the budget and the legislative process are themselves
22 out of tune, as budget making and legislation are the
23 two notes that make up the music of policy making. If
24 the so-called "harmonization" contemplated by this
25 recommendation creates any requisite to legislative

1 action, it would also on its face be unconstitutional.
2 Because the budget and budget modification processes
3 can only be initiated by the mayor, the requirement
4 that any budgetary process be completed before the
5 council can pass a local law would be in violation of
6 separation of powers and fly in the face of the
7 state's constitution. It is wordy that the types of
8 limitations to legislative authorities found in these
9 two staff recommendations I discussed do not exist in
10 our sister cities. Not Los Angeles. Not Chicago.
11 Not Philadelphia. Not San Francisco. Before this
12 commission suggested of voters that such limitations
13 are good policy. We urge your staff to do a deep dive
14 into this issue and ask why have no other similar
15 situated municipalities imposed comparable limitations
16 on the legislative process. The answer to
17 these -- the answer is that these limitations pose
18 serious and troubling separation of powers and
19 operational problems that undermine democracy, the
20 public interest, and are problematic for the public.

21 I thank you.

22 MS. GRILLO: Thank you, Jason. If you
23 wouldn't mind, a few questions?

24 Why don't we ask the members of the
25 commission first if they have questions or comments.

1 Jackie?

2 MS. ROWE-ADAMS: So I know you talked
3 about the budget, but I had a concern, a question I
4 don't know if you know could answer. But when the
5 city council did the -- How Many Stop acts, bill, we
6 were not allowed to testify. So I'm just asking that
7 question. I don't know if you have the answer to
8 that, but we came down and we were not allowed to
9 testify. So that's one of my concerns.

10 MR. OTANO: So to give you a bit more
11 background on how the council is presenting, I will
12 be -- I will be dealing with the fiscal impacts aspect
13 and our issues there. At your next meeting, the
14 director -- the deputy chief of staff for legislation
15 will be presenting for you, and he will be able to
16 address the entire process that occurred during the
17 passage of that.

18 MS. ROWE-ADAMS: Excellent,
19 excellent --

20 MR. OTANO: Yes, absolutey.

21 MS. ROWE-ADAMS: Thank you so much.

22 MR. OTANO: Yeah. We wanted to make
23 sure that, for specific issues, we're able to present
24 you with the best possible members of the staff.

25 MS. ROWE-ADAMS: And you did a very

1 good job.

2 MR. OTANO: I appreciate it. Thank
3 you.

4 MS. GRILLO: -- so go ahead -- please.

5 MR. BRAGG: I just wanted to go over
6 the -- you had stated that the budget is negotiated,
7 particularly when there are additions to -- fiscal
8 additions to the budget, like the legislation that has
9 passed that gets negotiated between the council and
10 and the administration.

11 MR. OTANO: That's correct.

12 MR. BRAGG: And I'm trying to
13 understand if that is after the fact or before the
14 fact. because you -- it seemed that -- it appeared to
15 me that -- That's a negotiation that takes place after
16 the legislation has passed and after the impact of
17 that legislation is already on the budget that might
18 have already been passed or not. And so I'm trying to
19 understand if there was any negotiations around the
20 impact of any legislation that the council passes, and
21 the impact of the legislation fiscally on the city.

22 MR. OTANO: So during the course of all
23 legislation, the city -- the mayor's administration,
24 right, and the city council negotiate legislation.
25 There will be disagreements throughout that entire

1 process as to what that -- those programs or
2 requirements of those local laws would cost. Right?
3 And that's just not specific to any one piece of
4 legislation that we passed. I think it would
5 be -- arguable -- easy to say that probably a large
6 portion. But that goes to what I was discussing
7 before, which is the core of the legislative power.
8 And how the City spends money is a matter of public
9 policy. And that policy is empowered in the charter
10 to be set by the council. And so when the council
11 passes a law that may cost the city money -- let's
12 take a step back and say maybe it's Fair Fares; right?
13 Or an increase of legislation that requires some type
14 of increase of access to our elderly to transportation
15 services.

16 All of this, right, comes with a
17 dollar -- a price tag to it. Right? And so the
18 question of whether or not we'd wait for the next
19 year's budget or even for a budget modification to
20 pass, as part of passing what would be considered good
21 policy would hurt the people of the city of New York.
22 So the fact of the matter is is that that's why we
23 revisit the budget quarterly and we review how much
24 the City has received, how much the City has spent,
25 and whether or not budget modifications can happen.

1 And so if the council then passed a law
2 that will cost the city more money, it's at that point
3 where we're going to be able to see through that
4 budget modification whether the city can actually pay
5 for it. Right? But to wait for -- it's an ongoing
6 negotiation is the bottom line. And all legislation
7 costs money.

8 MR. BRAGG: I'm trying to understand
9 your response. So let me -- OMB is the one that looks
10 at the legislation and -- and it comes back with, you
11 know, estimates of what the course will be. And I'm
12 trying to understand, is this a process that takes
13 place before the legislation is passed? Because it
14 does have an impact on the city's fiscal --

15 MR. OTANO: Yes -- yes it does --

16 MR. BRAGG: It can have an impact on
17 the city's fiscal standing. And then if it does, then
18 you have to figure out how to then pay for it. And it
19 could also have a impact against the citizens of the
20 city because money has to come from somewhere.

21 MR. OTANO: That's right. Right.

22 MR. BRAGG: So if it's taking -- if the
23 legislation is costing the city X amount, then -- and
24 the budget is X amount, then they have to figure out
25 where that money comes from. And it might impact

1 other programs or other services. So I'm just trying
2 to understand the process and how do we make sure that
3 legislation -- before it's actually passed, we
4 understand the impact and the cost, and impact against
5 not the administration, not the council, but the
6 citizens of New York because the money has to come
7 from somewhere. So I'm just trying to understand --

8 MR. OTANO: The charter currently
9 requires that a fiscal impact statement be provided by
10 the council right before voting.

11 MR. BRAGG: And the timing of that
12 and -- I guess that's my real question. The timing of
13 that impact statement is how long before -- actual
14 vote of the legislation and then negotiations.

15 MR. OTANO: The law just requires that
16 it be done before the vote -- but --

17 MR. BRAGG: Before the vote --

18 MR. OTANO: But
19 negotiations -- negotiations between the
20 administration and the council are oftentimes ongoing
21 up until aging of a bill. And so estimating whether
22 or not we are going to put 100 people onto an issue or
23 50 people onto an issue will result in different
24 fiscal impacts. And if you haven't like basically
25 agreed to the final version of the bill, then you're

1 talking about two separate numbers of fiscal impacts
2 that you're asking these city agencies to keep going
3 back for.

4 MR. BRAGG: Okay. Well, thank you.
5 Thank you. Appreciate it.

6 MS. GRILLO: If no one else has
7 comments, I just have a -- you know, I've been in city
8 government for 40 years, so I kind of have a sense of
9 this. And it seems to me, and maybe you can tell me
10 I'm wrong, that none of these cost estimates for these
11 bills come out until the eve of the passage of the
12 bill. True, not true?

13 MR. OTANO: They come out and
14 that's -- the fiscal impact statement does. But the
15 conception that the administration hasn't been
16 involved in discussions for the bill and the cost of
17 the bill -- the administration has the information on
18 an introduced bill at the same time the rest of the
19 world does. And the administration has a lot of
20 resources at its fingertips. It has OMB that is able
21 to read an introduced bill and start working on an
22 impact statement. And during the course of the
23 negotiation for a piece of legislation, there's
24 nothing that stops the administration from saying,
25 "You want a thousand widgets here, it's going to cost

1 X. We think you need to reduce the number of widgets
2 here to Y. And that's part of the negotiation
3 process.

4 The fact that the fiscal impact
5 statement comes out before the vote is just a matter
6 of -- these are the -- this is where we've landed on a
7 piece of legislation and this is going to be the
8 fiscal impact. But the idea that -- the idea that the
9 numbers are just, you know, just appearing out of thin
10 air right before we pass the vote is extremely
11 disingenuous, because anybody who -- having worked in
12 city government for this long, you know that the
13 City -- that, whether it's OMB, whether it's the
14 mayor's office, whether it's the law department, there
15 is constant and continuous conversations about the
16 version of the bills and the impacts that
17 these -- these bills will have.

18 And so while folks can look at the
19 fiscal impact statement that's released prior to the
20 passage of a bill and say, "Well, this is -- in the
21 11th hour, you haven't really considered this," that's
22 just not true.

23 MS. GRILLO: So just to clarify, what
24 you're saying is the fiscal impact statement that
25 comes out, whether it's the eve of the passage of the

1 bill or not, is from negotiations already held with
2 city agencies and the executive branch?

3 MR. OTANO: We would not be able to
4 apply any numbers to a fiscal impact statement without
5 receiving those numbers from the administration.

6 MS. GRILLO: It's interesting because
7 we've heard, I think -- and that's what I think the
8 concern is here. We've heard from good government
9 groups, Citizens Union, Citizens Budget Commission,
10 that the current process is flawed.

11 MR. OTANO: That's not true. On
12 Monday, Citizens Union urged you against
13 changing -- against these two proposals.

14 MS. GRILLO: Wow. That's not how I
15 remember, but I'm sure I'll be -- that'll be
16 clarified.

17 MR. OTANO: They did. There were two
18 interest groups that were in support, but Citizens
19 Union did come before you on Monday and urged against
20 the change to this policy.

21 MS. GRILLO: But Citizens Budget
22 Commission was opposed to this policy.

23 MR. OTANO: I understand that. But
24 they also misrepresent the process.

25 MS. GRILLO: OKay. Alright. But thank

1 you. Thank you for your time.

2 MR. OTANO: Absolutely

3 MS. GRILLO: Appreciate it.

4 MR. DIAZ: I have quite a couple
5 questions -- how are you?

6 MR. OTANO: All right.

7 MR. DIAZ: Let me just say for the
8 record, I'm coming from Queens, so I know, I
9 heard --Francisco Moya talk about it. This was in
10 Queens. No disrespect to Queens, but the traffic over
11 there was what stopped me from getting here on time --

12 MR. OTANO: -- so I took the Metro
13 North --

14 MR. DIAZ: -- we have four more
15 stations coming to the Bronx. I appreciate you being
16 here today. I was listening to your testimony the
17 best I could while I was on Zoom, and -- I lost some
18 of it. So forgive me if you addressed this and I
19 didn't, you know, hear it.

20 So number one, so when you speak of
21 this issue, you had gave us a wonderful history of the
22 relationship between the city council, what happened
23 in 1989, before we had the board of estimates. And
24 then how you have what you said, co-equal -- you know,
25 parts of government. So are you saying that if

1 something like this was to move forward, it would
2 diminish or it would hinder the ability of the
3 council? Would it speak to the -- to the powers --

4 MR. OTANO: Separation of powers?

5 MR. DIAZ: Yes, of the council.

6 MR. OTANO: Again, currently the
7 recommendations are amorphous and for me, all I can do
8 is assume the worst. Right?

9 But in any instance, what I said during
10 my statement was, if you're changing who has a control
11 over a specific lever of the legislative process
12 before passage, then you're infringing upon the
13 legislative body's ability to conduct its work as a
14 separate body in government. And that's one of the
15 reasons why, fundamentally in the end, the board
16 investment didn't work right, and why the Supreme
17 Court knocked it down and why -- and since the charter
18 revision in '89, there's been a number of -- there's
19 been a set of court cases between us and the mayor.
20 We're always fighting. Right It's whether it's done
21 at a charter revision, whether it's done during
22 negotiation, or in the court. We've had our conflicts
23 about those powers.

24 The Court of the State of New York has
25 specifically said that, you know, the way the charter

1 is and the way we contemplate it gives to the council
2 full legislative power. And so the same way we can
3 infringe upon the mayor's actual management, right? I
4 mean, we can present laws, but it's up to the
5 administration to set those rules in the -- and for
6 managers and subordinates of the mayor to actually
7 effectuate those things. It's a similar thing
8 to -- on the day to day. And I consider, if you put
9 some type of prerequisite to legislative action that
10 requires some type of outside actor to come in and
11 press a button or approve or put some kind of check or
12 stamp of approval to it, by doing that, you have
13 diminished the power of the legislature. And you may
14 possibly be violating the separation of powers.

15 MR. DIAZ: So whether the mayor or the
16 city council -- I always believed in, you know, my
17 history and the power of the people. And a lot of
18 times folks have a distrust in government because
19 they'll say politicians are liars. They don't live up
20 to their promises. So what happens when a piece of
21 legislation is passed and has a dollar amount to it,
22 but then you don't have the money to finance it? What
23 happens then with the trust of the people?

24 MR. OTANO: I think the question
25 becomes, if you're concerned about the trust of the

1 people, is that --

2 MR. DIAZ: Absolutley --

3 MR. OTANO: Sure. But if your concern
4 is that they're not seeing the service that they would
5 like to have and that their local legislators want
6 them to have and pass a law to give them, then what I
7 would say is that public -- like the interest toward
8 public policy would be toward moving dollar signs in
9 that direction.

10 MR. DIAZ: But sometimes --

11 MR. OTANO: And sometimes there's not
12 enough money to --

13 MR. DIAZ: Sometimes the people don't
14 want a specific area --

15 MR. OTANO: Sometimes they may not --

16 MR. DIAZ: -- to be financed. Right?

17 MR. OTANO: Sure.

18 MR. DIAZ: So then what would the issue
19 be if you put this on the ballot then, and let the
20 people decide?

21 MR. OTANO: Are you putting a specific
22 issue on the ballot, or are you putting legislative
23 power on the ballot?

24 MR. DIAZ: You're putting fiscal
25 responsibility on the ballot.

1 MR. OTANO: Well, I would say that
2 you're putting a lot of power into one side of the --

3 MR. DIAZ: Of the people.

4 MR. OTANO: Well, no -- of the balance
5 of powers. Right? Because the -- I still would take
6 the position that the best representative of the
7 people will be the folks who represent smaller groups.
8 And you yourself served on the legislature, and when
9 you served on that --

10 MR. DIAZ: But I represented my
11 district.

12 MR. OTANO: Absolutely.

13 MR. DIAZ: I represented the people.

14 MR. OTANO: A hundred percent. And so
15 when council members act, they are doing so the same.
16 And you know, just this time last year, right? Unlike
17 with the mayor, the city had a citywide election for
18 its council members. We had a two-year term instead
19 of a four-year term. And the people of their
20 communities had the opportunity to push folks out of
21 their seats if they wanted to. And we did see some
22 turnover. We saw some members of the council not be
23 reelected. Incumbents, some strong incumbents. But
24 the fact of the matter is is that we -- the council
25 was put up to a vote in the last 24 months -- or 12

1 months, I'm sorry. And so that's how democracy works;
2 right? If you do not do the will of your
3 constituency, they should vote you out.

4 MR. DIAZ: Okay. So speaking of
5 balance of power, then on the council's advice and
6 consent proposal.

7 MR. OTANO: Sure.

8 MR. DIAZ: The mayor was elected.

9 MR. OTANO: Sure.

10 MR. DIAZ: And so do you think that by
11 having the mayor's commissioners need confirmation
12 from the city -- every, whatever X amount of
13 commissioners, is that a -- you know, putting a, you
14 know, your thumb in?

15 MR. OTANO: I do -- fundamentally, yes.

16 MR. DIAZ: So you can say that a
17 balance of power --

18 MR. OTANO: I do because --

19 MR. DIAZ: Checks and balances?

20 MR. OTANO: Because at the end of the
21 day --

22 MR. DIAZ: But the people elected the
23 mayor.

24 MR. OTANO: The conception -- American
25 conception of balance of powers is based on the United

1 States Constitution. Much of how the United States
2 Constitution got passed was argued during -- with a
3 bunch of papers by our founding fathers called the
4 Federalist Papers. You'll find in one of Alexander
5 Hamilton's -- our New York homeboy; right? He wrote a
6 particular article in the -- concerning the balance of
7 powers when you have advice and consent. And I don't
8 think anybody can say that there's no -- in our
9 federal system, there's no -- there's no balance of
10 powers. Obviously we have a legislature or judiciary
11 and an executive. And since the founding of our
12 nation, the executive power has always coincided with
13 this idea that the policymakers should at least take a
14 sniff at who, who it is that you're presenting. But
15 at the end of the day --

16 MR. DIAZ: We could -- that's the
17 federal government, you know -- obviously there's
18 federal, state, and local government -- my apologies.

19 MR. OTANO: But your question was for
20 balance of powers.

21 MR. DIAZ: Yeah --

22 MR. OTANO: And, and I believe that at
23 the end of the day, fundamentally --

24 MR. DIAZ: But when we -- when we've
25 had -- as it was stated earlier, this is our 11th

1 hearing on this.

2 MR. OTANO: Yeah.

3 MR. DIAZ: Many people have
4 testified -- submitted their testimony.

5 MR. OTANO: I've heard.

6 MR. DIAZ: On many of these and so many
7 other issues. And they're worried about fiscal
8 responsibility. They are -- they want to make sure
9 that they hold their mayor accountable. And so some
10 even make the case that if you have advice and
11 consent -- by the way, how many hearings -- I'm
12 curious to hear once I finish my question -- how many
13 hearings you guys have had around advice and consent.
14 But --many people can make the argument, have made the
15 argument to me officially, and as part of this
16 process, or out and about, now that they know that I'm
17 the commissioner -- that wouldn't the mayor then be
18 held hostage on some other issue, you know, by the
19 city council not confirming one, two, three
20 commissioners? Wouldn't that stagnate government?

21 You know, as far as I know, and I've
22 been around -- I'm in government a long time.
23 Mayor-elects come in already knowing who their cabinet
24 is going to be; right? Who their commissioners are
25 going to be. And they should already know that, you

1 know, by November-December, hopefully. So then when
2 they're sworn in in January. But under advice and
3 consent, now you start the session. And then do you
4 stagnate? Do you hinder the process of governance
5 moving forward, if for every single commissioner
6 and -- you know, the city council can differ on the
7 mayor on an issue that's not germane to, you know, the
8 confirmation or the qualifications of said
9 commissioner; right? On something else, but then hold
10 them hostage here. And you know that that's been done
11 at every level of government. So -- how does
12 that -- doesn't that tip the scale of the balance
13 scale towards the legislative branch -- and therefore
14 destroying the balance of power?

15 MR. OTANO: I don't think so. And the
16 reason why I don't think so is I've served as
17 the -- before being general counsel, I was counsel for
18 the rules committee, which conducts all the advice and
19 consent hearings for the council. And I don't have
20 the number to answer, you know, the specific number of
21 advice and consent hearings that you alluded to
22 earlier. I was prepared to talk about your report.
23 But the council takes very seriously -- currently we
24 do advice and consent really on two departmental
25 heads, but on like a large number of different

1 commissions, bodies, boards throughout the city,
2 whether it be city planning, whether it be the arts
3 commission, whether it be under the taxi and limousine
4 commission. All of those commissioners, or many of
5 them, depending on how the statute sets forth that
6 they'd be appointed, go before the council for advice
7 and consent. The council takes that work extremely
8 seriously.

9 And there's a reason why that the
10 council hands that work over, not to its policymaking
11 division, but to the Office of the General Counsel,
12 because we seek not to make that a political process.
13 We look at it as a process to vet people, as to
14 whether or not they have any ethical issues, whether
15 or not they show any issues that will be problematic
16 for the mayor or the council. And so --

17 MR. DIAZ: But you don't trust that the
18 mayor's council can do that for said mayor when
19 they're coming in?

20 MR. OTANO: Have you ever signed a
21 document and approved any action -- without reading it
22 and checking it out yourself, sir?

23 MR. DIAZ: I don't believe I have.

24 MR. OTANO: Exactly. Neither will the
25 council.

1 MR. DIAZ: But -- okay.

2 MS. GRILLO: Just one quick follow up
3 on the budgetary issues.

4 MR. OTANO: Sure.

5 MS. GRILLO: The FIS, when does the
6 public get to see this document?

7 MR. OTANO: Once it's produced, it's
8 made public.

9 MS. GRILLO: So that means like the
10 night before?

11 MR. OTANO: That's not necessarily,
12 but ...

13 MS. GRILLO: That has been practiced.

14 MR. OTANO: That's a possibility.

15 MS. GRILLO: Yeah. Okay.

16 MR. OTANO: But usually -- but again,
17 the idea of how much something will cost is a matter
18 of discussion during the course of hearings throughout
19 the entirety of the process.

20 MS. GRILLO: Understood -- understood.
21 Thank you.

22 Anyone else?

23 Oh, I would like to just introduce
24 Reverend Daughtry who joined us. Nice to see you --

25 Okay, anyone? No? Okay.

1 MR. OTANO: Am I released -- all
2 right -- thank you. And happy to have this
3 discussion further --

4 MS. GRILLO: Okay. Next up, Joshua
5 Goodman from the Department of Sanitation.

6 MR. GOODMAN: Good evening -- good
7 evening, members of the 2024 Charter Revision
8 Commission, both on Zoom and in person; staff; and of
9 course my fellow New Yorkers. I'm Joshua Goodman,
10 deputy commissioner, Public Affairs and Customer
11 Experience at the New York City Department of
12 Sanitation. On behalf of Commissioner Jessica Tish
13 and the 10,000 members of service of our department, I
14 thank you for the opportunity to testify today on the
15 important work that this charter revision commission
16 has undertaken and the proposals that would directly
17 impact DSNY and its work creating a clean, livable
18 city for all New Yorkers. I'd also like to thank
19 council member Francisco Moya for his words tonight
20 and his actions each day in support of our agency.

21 The charter currently gives DSNY
22 authority over aspects of city government related to
23 street cleanliness specifically, but is silent as to
24 other areas, including highways, pedestrian
25 overpasses, and parks. As a result, there are gaps

1 within the department's authority, areas where DSNY
2 does not have the tools we need to do our job
3 effectively in relation to this important quality of
4 life issue on behalf of all neighborhoods.

5 This is where the work of this
6 commission comes in. The proposal to expand DSNY's
7 jurisdiction to allow us to enforce violations of any
8 and all laws and ordinances as they relate to
9 cleanliness, as well as providing DSNY with broad
10 cleaning authority is the key to closing this gap and
11 creating a more livable city. Such cleaning
12 authority, of course, would always be contingent on
13 delegation and designation by the mayor. This change
14 would bring DSNY's powers and duties in line with the
15 publicly stated mission of the agency and the public's
16 longstanding expectations. It would allow DSNY to
17 have the formal jurisdiction to provide cleanliness
18 services across all 194,000 acres of the city,
19 including in and around parks. Another proposal
20 relates to the expansion of the Office of Street
21 Vendor Enforcement, OSVE, which was transferred by the
22 mayor to DSNY in April of 2023. Such amendment would
23 allow the OSVE, which is now housed entirely within
24 DSNY, to enforce against vendor operations on parks
25 property, power that the department currently lacks.

1 This would allow for more uniformity and consistency
2 in vendor enforcement operations throughout the city.

3 Last but not least, the final piece of
4 the cleanliness puzzle relates to the containerization
5 of refuse. While the charter currently gives the
6 Commissioner of Sanitation broad jurisdiction relating
7 to disposal of waste, it does not set forth any
8 requirement or goal to containerize the waste. The
9 first and most visible front in our ongoing trash
10 revolution is the war on the black bags and their
11 biggest supporters, the rats. Just over one year ago,
12 we set out to do what other cities around the world
13 have done over the last several decades, to get the
14 trash bags off the curb and into secure
15 rodent-resistant containers once and for all.

16 This administration has made sweeping
17 changes relating to how refuse is set out at the curb
18 for pickup by both DSNY and by private carters. Such
19 charter amendment will ensure that future
20 administrations are bound by the principle of
21 containerization, and that the trash revolution will
22 continue long after the current crop of
23 revolutionaries have retired.

24 New Yorkers don't look at a park
25 perimeter or a highway and think "That's not a city

1 street, so it's okay that it's dirty." They just look
2 at it and think "That area should be clean," and they
3 are right. Bureaucratic fiefdoms have been one of the
4 stumbling blocks to a cleaner city for decades. It's
5 time to cut through the red tape and bring DSNY
6 cleaning and enforcement authority in line with what
7 most New Yorkers already believe it to be.

8 Thank you for the opportunity to
9 testify in support of these important proposed charter
10 revisions and I look forward to taking your questions.

11 MS. GRILLO: Thank you. Anyone?

12 Yes, Chris.

13 MR. LYNCH: I live in Brooklyn and
14 there's a place -- right side of my area same -- I've
15 been through that. You call to have it cleaned.
16 Department of Highway, Sanitation, Parks Department.
17 You have to call all these people to get this -- so I
18 understand where you're coming from. So what is
19 the -- is it a power struggle between the agencies or
20 is it a financial thing? Like what --

21 MR. GOODMAN: I wouldn't say that it's
22 either exactly. It's that -- and I don't want to take
23 up too much of the commission's time, because I could
24 talk about this for a long time, but I'll give kind of
25 a high level version. Going back to the mid 1980s, a

1 former deputy mayor wrote a memo in I believe '84 that
2 was intended to clarify what city agency cleaned what
3 area. And to basically said a city agency that owns
4 property has to clean that property, and DSNY does
5 everything else.

6 This was clearly meant to set up some
7 responsibility. Over time since then, it became clear
8 that it created more of a bureaucratic mess than it
9 was meant to. It was absolutely well-intentioned.
10 But the issue was that there is only one city agency
11 that has the tools and the personnel to clean. It's
12 DSNY. Right? You know, just to use one example, I
13 mean I've heard about agency teams and other agencies
14 that are responsible for cleaning an area. And then
15 you look at it and you go, "Well why isn't it
16 cleaned?"

17 And they say, "Because cleaning is one
18 of 17 responsibilities this team has." The DSNY team
19 has one responsibility: Clean. We have the equipment,
20 we have the personnel, we have the management
21 structures in place. And so over the last couple of
22 years, the Adams administration, Mayor Adams in
23 particular, has looked for a way to clarify this
24 bureaucratic issue. And it's been done a few times in
25 the last couple years. For example, we now have the

1 first ever DSNY highway unit responsible for cleaning
2 the highways was set up in April of 2023.

3 DSNY was given around the same time
4 authority for supplementing cleaning at certain parts
5 of perimeters. But as the charter revision process
6 has gotten underway, we feel that this is a good
7 opportunity to specifically clarify these authorities.
8 Because the charter as written says that DSNY has
9 authority on the streets. And that's an outdated -- I
10 believe an outdated definition. It's a relic of a
11 time when no one thought that -- well, you know,
12 street, that's it. That's everything. Oh, well, no.
13 It turns out a park's not a street. It turns out a
14 highway's not a street. Really the issue is just we'd
15 like to make sure everything gets clean. And the
16 charter as written introduces questions about who is
17 allowed to clean a given area.

18 MR. LYNCH: So we're talking about
19 fiscal responsibility. The fiscal areas would be held
20 by the Department of Sanitation.

21 MS. GRILLO: Well, all of this is
22 written to be as designated by the mayor. Right? It
23 does not say, all of a sudden DSNY cleans everything.
24 All of a sudden all the money moves over to DSNY, all
25 the staff. It just says the mayor would have the

1 authority in the future to designate DSNY to provide
2 supplemental cleaning services anywhere within the
3 city and enforcement of cleanliness-related laws and
4 rules.

5 MR. LYNCH: Alright. Thank you.

6 MS. GRILLO: Jackie?

7 MS. ROWE-ADAMS: Hi. Thank you for
8 your testimony. I've been asking this question and
9 asking this question. I think you're the right one.
10 Let's talk about the timing of the cleaning. Is that
11 set or written in stone? Nothing is really written in
12 stone, but how does that work? Because when people
13 try to go to work in the mornings, the trucks is out
14 there blocking. So I always had a big concern about
15 that.

16 MR. GOODMAN: There's a few things that
17 we've done. I appreciate the question, commissioner
18 on -- again, I don't want to take up too much time,
19 but there's a few different pieces to this. The trash
20 collection, which is most often what causes sort of
21 traffic issues, you know, the collection truck going
22 down a one lane or one way street to pick up the trash
23 off that block. Since April of '23, we've started
24 moving more and more of it to times that we think it's
25 less likely to interrupt sort of New Yorker's use of

1 the streetscape. The idea behind that is to lessen
2 the kind of situations you're describing and also to
3 get the trash faster.

4 So a couple ways we've done that. Prior
5 to the pandemic, basically no trash was picked up on
6 the midnight -- we have a midnight shift, but
7 basically no collection took place at midnight. It all
8 started at 6 a.m. We've now got about a quarter of
9 collection at the midnight shift, and more actually in
10 the high density areas, 'cause it gets the trash off
11 the streets before people want to use the sidewalks.

12 And then another thing we did was our
13 biggest shift, that 6 a.m. shift, moved it an hour
14 earlier, 5 a.m. Seems like one hour might not make a
15 huge difference, but at five versus six there is so
16 much less traffic, which means it's actually an
17 additive effect. The trash gets off way -- not just
18 one hour faster but 90 minutes faster, 'cause they're
19 not sitting in traffic as much. So it gets the trucks
20 through the neighborhoods a lot faster.

21 And then as far as street cleaning, the
22 ASP hours for the mechanical broom and the alternate
23 side parking, those can be set by working with a
24 community board. So if a neighborhood, you know,
25 says, "Oh, you know, they do the street sweeping at 9

1 a.m. I'd rather it was at eleven," community boards
2 can work with us. We're always open to those changes.
3 The one that can't change is that highway cleaning,
4 which is new in the last year. It's an incredibly
5 exciting new initiative. Safety reasons. And I
6 believe under state safety requirements, although I'm
7 not positive, it has to be done between 10 a.m. and 2
8 p.m. So at least it's not rush hour, but it is the
9 daytime.

10 MS. ROWE-ADAMS: Thank you.

11 MR. GOODMAN: Of course.

12 MS. GRILLO: Anyone else? Questions?
13 Questions? Okay. Thank you so much.

14 MR. GOODMAN: Thank you so much. Have
15 a wonderful evening.

16 MS. GRILLO: Next up, Patrick
17 Murphy -- Patricia Murphy -- I apologize.

18 MS. MURPHY: That's alright. I came
19 because I -- okay. The reason I came is because I'm
20 very much into historic preservation, and too often
21 I've seen buildings get torn down around various
22 boroughs of the city. Churches and places like that,
23 and theaters. And what the City needs to do is find
24 how these buildings can be repurposed. Not tear them
25 down, but repurpose them. Because I've seen a lot of

1 options where they could take a theater and turn it
2 into a community center. They could do the same with
3 the church, make a community center out of it. And
4 I've seen this done with some churches. I've seen
5 department stores or other old buildings that were
6 incorporated into new apartments. There was a Hilton
7 hotel downtown in Manhattan that was an old part of an
8 old building. The bottom part is old. And they built
9 it taller. The Hearst Tower is another example in
10 midtown Manhattan where they took an old department
11 store. They didn't tear the department store down,
12 but they built a tower on top of it. And the old
13 building is still there.

14 And they need to do this more often
15 because too often developers come around and they just
16 tear things down. They don't think about what else
17 can be done besides clearing the land. That they feel
18 that it's easier to clear the land and just start from
19 scratch. And a lot of people don't want to see that.
20 There's a bank building on 125th Street near Lexington
21 Avenue where there were buildings alongside that were
22 knocked down and people were trying to save the bank
23 building. And I think it was the Apple Bank, I think
24 that's what it was called. It was right off of
25 Lexington Avenue and 125th Street in Harlem. And this

1 is one of the first Black owned banks in the city, or
2 if not the state, and it should be a historic
3 landmark.

4 I know a lot of these buildings are not
5 historic landmarks, but they should be declared
6 historic because they have the potential to be
7 historic landmarks. And a lot of these buildings have
8 stories behind them. And with the City of Yes, you
9 know, a lot of people are thinking with the City of
10 Yes, they're going to come down and knock all these
11 buildings down and just build tall, just build tall
12 and taller. And this is what a lot of people think
13 about the City of Yes. You know.

14 And I think they need to look at this,
15 how we can utilize these older buildings. And if a
16 building is vacant or it's not completely used,
17 or -- you know, that they should look and find a buyer
18 for it. Or a developer who can keep the building
19 intact and incorporate it as part of the new
20 construction. Some developers are doing this. We
21 need to see more of them do it. And this is one of
22 the things we have to discuss, is when a developer
23 comes around and buys these properties, to let them
24 know that they got to bring it to the community, what
25 they're going to do with these buildings. Because a

1 lot of times the community doesn't want to see them
2 torn down. They want to see them there as part of the
3 history. Because I've been to midtown Manhattan and
4 around Times Square, and it's completely changed. At
5 one time, like 20 years ago, there were a lot of
6 one-story -- low rise buildings there. A lot of
7 souvenir shops, restaurants, and things like that.
8 Those buildings are all gone. You know, they're all
9 tall buildings now, and it looks completely different

10 And I'm not even sure why they
11 continually build these buildings in New York. The
12 population's been decreasing. And it's not just in
13 New York, it's all over the country. The population
14 is decreasing. So why do they keep building these
15 buildings? And they talk about affordable housing.
16 Well, a lot of these buildings that are going up now,
17 that are supposed to be affordable housing really
18 aren't affordable. And the reason why we have a
19 housing shortage is because people can't afford the
20 buildings that are available, because a lot of these
21 apartment buildings are vacant. You know, you look at
22 these buildings -- even where I live in Parkchester. I
23 live in Parkchester, and we have a lot of vacancies
24 over there. You know, and the reason why we have so
25 many vacancies is because they're expensive. These

1 apartments are expensive, and the people that need the
2 housing can't afford it.

3 And this is where the problem is. You
4 got a lot of vacant buildings, but they're too high in
5 rent, too high in cost. The people who who need these
6 buildings can't afford it. You know, because a lot of
7 people are lucky if they make \$30,000 a year. A lot
8 of people are lucky if they make that much.

9 MS. GRILLO: I'm going to stop you
10 right there, because we have a timer that we put on
11 for the general public because this -- you know, as
12 you can imagine. I just want to say we appreciate what
13 you're talking about. I think this conversation,
14 though, is best to be had with your local community
15 board as well as your local council member, and see
16 what you can get from them to agree to speaking with
17 developers and so on and so forth.

18 MS. MURPHY: Yeah --

19 MS. GRILLO: Thank you --

20 Next up from the New York City Council,
21 Richard Lee.

22 MR. LEE: Hello. My name is Richard
23 Lee. I'm the finance director of the city council.
24 And I just wanted to provide some clarifying points or
25 add any additional answers to the questions that the

1 panel might have. One of the points that was brought
2 up was on the fiscal impact statements. The question
3 from Chair Grillo was essentially, "Oh, they come out
4 before the item is voted on." And so I just wanted to
5 walk everyone through the fiscal impact statement
6 process, how it works in the city council finance
7 division, because we are the ones that produce those
8 documents.

9 So we begin the process and engage the
10 administration once a bill is essentially finalized.
11 So once the legislative division and the
12 administration alerts us that the bill is going to be
13 moving forward and we are at end of negotiation is
14 when we reach out to the administration and ask them,
15 "Al right, please provide us the fiscal impact of this
16 statement."

17 We usually cannot do those documents
18 because we don't have access to a lot of the
19 information. So for example, if a bill requires staff
20 to be hired or staff existing time, we are unable to
21 assess that because we don't have access to Charms
22 [ph]. Charms [ph] is the city's payroll data; right?
23 So we are unable to access that. And so for every one
24 of the bills that come through that needs a fiscal
25 impact statement, we reach out to the administration

1 and say, "Please provide us with the impact of this
2 and the reasonings behind it." At that point, the
3 administration will provide that to us, sometimes very
4 late, sometimes immediate. But other times, and a lot
5 of times, in a week or two after we ask for it. But
6 they'll provide it to us. And we look through this
7 and try to figure out the reasoning behind why they
8 are coming -- with a fiscal impact.

9 So I'll give you an example. Let's say
10 like a piece of legislation is requiring reporting;
11 right? The administration will usually come back to
12 us and say, "Oh, it's going to require \$18,000 because
13 this person has to spend 20 hours on this per week and
14 per month. And this other person has to spend 30
15 hours on this per month." And say -- they'll say the
16 fiscal impact is 18,000, 20,000, whatever.

17 At that point, we'll look at this and
18 say, "Oh, you know what, that's not actually true. I
19 don't understand this fiscal impact, because the work
20 scope of the employee that you are citing is already
21 within the scope of the work that the legislation
22 requires. So you don't have to hire any additional
23 people. This person is not going to earn any
24 additional overtime." So it doesn't have an actual
25 budgetary impact, because the budgeted amount of

1 dollars and amount spent is actually different; right?

2 So usually an agency, their personnel
3 service budget exceeds what they're going to actually
4 spend for the year. So there's no budgetary impact to
5 it because the person's already hired and the work
6 that they already do covers what this legislation is
7 asking for as part of the reporting. And so sometimes
8 in those cases we'll say, "Okay, you know, we don't
9 actually think there's a budgetary cost because we
10 have a person that you already hired that you
11 identified that's going to already do the work." And
12 so that's when we say we have a zero impact to the
13 cost.

14 Other times they'll give legitimate
15 reasons on why a piece of legislation does have a
16 fiscal impact. And a lot of those times we will
17 actually take it as is because, you know, that's the
18 way we kind of work. We don't take anything else
19 other than the dollar amounts that are coming in for
20 the information we're getting. But we don't have a
21 lot of this information. We actually rely on the
22 administration, both the agency and OMB to provide
23 that information to us in order to process all of
24 that.

25 On the second point about the budgetary

1 impact of legislation being harmonized with the budget
2 process, it's already sort of built into the process;
3 right? Because every single plan that we have, the
4 November plan, January plan, the executive budget and
5 adoption, we have expense modifications and revenue
6 modifications that come through. And each -- at each
7 one of those points, the administration will identify
8 new needs. And as part of those new needs, sometimes
9 they'll have to increase the budget. A lot of times
10 they don't, because existing budgeted -- existing
11 budgets for those agencies are already in place that
12 already are able to cover any of those associated
13 costs. But if there are any additional dollars that
14 need to be met, those are identified as new needs by
15 the administration who then puts it forth as an
16 expense mod or a revenue mod if it has to find
17 additional revenue.

18 I would say that revenue modifications
19 do come in. Right now, it's been coming in fairly
20 regularly at every plan we've been seeing a revenue
21 mod to address the additional cost that the city has,
22 not just on our bills, but on the vast merger of other
23 programs that the city might have. But we do see the
24 revenue and expense mods at that point. We do have
25 discussions with the administration on what those

1 items are, and then we move forward as the charter
2 mandates us. But to think that, you know, we have
3 huge amounts of costs that are coming from these bills
4 is actually not true. The vast majority of the
5 legislation that comes down, I'd say even close to
6 like 99 percent of the bills, actually have very
7 little costs. I would say in the ballpark of zero to
8 maybe like five million dollars tops.

9 I only get alerted directly from my
10 staff for providing these fiscal impact reports when
11 it has a cost of more than one million dollars. At
12 other points -- and our deputy directors are the ones
13 who are managing all the processes. And I get very
14 little pings on it because most of the legislation has
15 less than one million dollar. There are very few
16 times when we have legislation that actually exceeds
17 that.

18 So I just want to prepare that kind of
19 clarification and note that even if there are costs
20 that vastly exceed the amount of dollars that, you
21 know, are like a huge amount of dollars that are
22 needed for our policy, just note that every single
23 year we go through the adoption process. We go
24 through the revenue expense amount at the end of the
25 year. We do know that the administration does a

1 surplus role. Last year the surplus role was one
2 billion dollars, and this year the surplus role is 450
3 million dollars. We don't see what the surplus role
4 is until actually the morning of adoption; right?
5 Adoption budget. That's when we know how much the
6 role is, how much revenue surplus we have. So that's
7 a different point. But I only say this to say that
8 there are, you know, exceeding dollars already
9 budgeted in the agencies that are handling -- able to
10 take care of a lot of the bills that we did put forth.
11 So I just wanted to provide that clarification and
12 take any other questions on like process or anything
13 like that you guys might have.

14 MS. GRILLO: Thank you.

15 Anyone?

16 I appreciate your time. Thank you.

17 MR. DIAZ: I have a question.

18 MS. GRILLO: All right. Sorry.

19 MR. DIAZ: If -- and thank you for
20 that. I think we all needed to hear that. The -- but
21 if you say that very few pieces of legislation exceed
22 a certain amount, then can it be that there's a
23 trigger in terms of, you know, whatever is deemed to
24 be part of what's put on the ballot? In other words,
25 if there's a piece of legislation that exceeds a 20

1 million dollar price tag -- you just said 99 percent,
2 90 percent are five million dollars or less, right,
3 from the city council. So could it be that you have a
4 trigger and then that may trigger, you know, what type
5 of fiscal responsibility or measures or, you know,
6 extra oversight is taking place into the following
7 fiscal budget year?

8 MR. LEE: I mean, I don't know
9 about -- trigger. I mean, I wouldn't be able to kind
10 of say that. All I would say is that as we go through
11 the legislative process, you know, we work it out with
12 the -- or with the administration on what those costs
13 are. Sometimes as we do the discussions on the fiscal
14 impact statements, we make amendments to the existing
15 legislation because, let's say a change of one word
16 would vastly change the cost of it. Let's say, for
17 example, the original legislation had that you had to
18 create an entire new system. But we are able to make
19 a slight tweak and say, "Well, if you just provide
20 this information on the website, it actually is not
21 going to cost anything." Right? So we -- those kind
22 of things already do happen. And so we do see a
23 downgrade on cost because we're able to negotiate
24 language on legislation to change that. So it already
25 happens at all those -- during all those points. And

1 when we get to the final fiscal impact statement, it
2 is largely in conjunction with the administration's
3 discussions on how we got to that.

4 MR. DIAZ: But like Fair Fares, was
5 that legislation from the city council?

6 MR. LEE: I actually don't know if Fair
7 Fares was legislation -- from the city council --

8 MR. DIAZ: -- I know that you already
9 testified was -- I'm sorry to bring you back into
10 this. Was that legislation?

11 MR. LEE: Yeah, I don't think it was
12 legislation because I just negotiated that.

13 MR. DIAZ: But to increase the amount
14 now with legislation; right?

15 MR. LEE: No, that was -- I firmly know
16 that we just went through budget negotiation to
17 increase the federal poverty level for that. And that
18 was a budget negotiation. And so a lot of the large
19 dollar amounts are directly negotiated in the budget.
20 But I don't believe that was -- I don't believe that
21 was. Yeah, that was not a piece of legislation. No.

22 MR. DIAZ: Okay. Thank you.

23 MS. GRILLO: Okay. Thank you so much.

24 MR. LEE: Thank you.

25 MS. GRILLO: Okay. Charles Callaway.

1 MR. CALLAWAY: Well, first of all,
2 thank you, commissioners, for letting me speak about
3 the MWBE charter and any charter that you guys are
4 thinking about. So I'll just give you a brief history
5 of what I think about this MWBE thing that we have
6 going on here. So I've been a small business owner in
7 New York City since, I don't know, since I've been
8 birthed. That's what my dad did; right? And I was
9 one of the first vendors at Riverbank State Park in
10 1992. We sold hamburgers, hot dogs, and shish kabobs.
11 I'm also a vendor at the holiday market for over 20
12 years.

13 And I worked for WE ACT for
14 Environmental Justice as the workforce development
15 director. The MWBE change sounds like a good plan to
16 me. Let me just tell you why. So I trained over a
17 hundred solar installers in 19 -- 2018. Could not
18 find them -- could not find them a job; right? No one
19 was hiring them. So we ended up creating a solar
20 cooperative, which we had ten people on our team.
21 We've actually installed to date over 20 megawatts of
22 solar in New York City. The reason why we're not
23 MWBE, because it is a hard task when you have more
24 than one person. Being a business owner in New York
25 City, I understand the importance of it, but we cannot

1 get those type of contracts, 'cause we're not -- and
2 we don't have the financial piece to get that, right,
3 'cause we're a really small business. Everyone has to
4 get paid.

5 We don't even have a bookkeeper, right?
6 We use QuickBooks. I do my best, And I'm getting
7 audited right now, and I'm praying, and praying hard
8 that I'm not going to go get fined; right? We do our
9 taxes; right? So we're really at the low end. I
10 mean, we're not that type of company who has those
11 legal resources to get that done. And matter of fact,
12 the reason why we went into this business, because
13 there weren't any unions involved in early in
14 19 -- 2019, 2020. Now that they have the unions
15 involved in the solar installation game, we have to
16 partner with an MWBE business. We're trying to find
17 one. No one's really taken us on. We've been doing
18 our work and doing our best. I also want to talk
19 about the loopholes in the MWBE because we found
20 out -- I did a project in 2018 where we -- it was
21 called Solar Uptown Now.

22 And it was where we actually got ECFC
23 [ph] to put solar on top of their properties. And by
24 doing that we needed an MWBE-certified installer. And
25 we found one. It was called Grid City, and then they

1 had 760 Electric. So Grid City was the main piece;
2 right? There were union shops, so forth, so on. But
3 the MWBE was his wife, was 760 Electric. So what they
4 did is they bid it at 760 Electric for the jobs that
5 we -- and that they really, truly wasn't a minority
6 owned business. So that's how the loophole is
7 working. I just think that there needs to be an
8 agency that actually monitors MWBE and WNB [ph]
9 businesses, 'cause it's very important that if we're
10 going to do this, that we get the people who is meant
11 to actually do the work. Right? And that's where I'm
12 at. So I have my -- have my little pieces of paper
13 here that I can hand out to you guys. It's probably
14 better explained that way. Do you have any questions
15 or anything?

16 MS. GRILLO: Thank you.

17 Anyone? Questions? No?

18 MS. MCGRAW: Yes.

19 MS. GRILLO: Yes, please.

20 MS. MCGRAW: Yes. Hi. Good
21 evening -- good to see you.

22 MR. CALLAWAY: It's really good to see
23 you.

24 MS. MCGRAW: We grew up together.

25 MR. CALLAWAY: Yeah. And I'm sorry for

1 your loss -- I'm sorry for your loss -- sister passed
2 away.

3 MS. MCGRAW: Yeah. Thank you. So what
4 would you like to see the charter do to support your
5 testimony?

6 MR. CALLAWAY: Well, help us not make
7 the application process so difficult. Right? I
8 already know I'm minority. I mean, it's like I have
9 to jump through hoops and the hoops beyond hoops.
10 Right? You can look at my ID and see I'm a Black
11 person. I mean, it's not like, you know -- and then,
12 I don't know, it may not affect everybody else, but
13 that's where I'm at with that piece. Don't make it so
14 cumbersome. Right? Because I'm a -- I feel I'm a
15 smart guy, but when I start looking at that
16 application, I think I needed to be a lawyer to do
17 that. Right? It really is -- it's really tough.
18 Right? And if we're a startup, you know, we are
19 trying to bring in money and try to do all that kind
20 of stuff and you know, we just don't want to go in
21 debt. Right? So we are trying not to owe anybody any
22 money, 'cause with all the insurances and all the
23 other stuff that goes on with it, I really didn't have
24 another \$2,500 to put out to have a lawyer to get me
25 the MWB certification, then that's -- guarantee I

1 don't get any work. Right? Right?

2 Right. So it's a lot. It's like, how
3 do I play that; right? More assistance in that part.
4 The other piece is that having a someone to monitor
5 all those MWBE businesses; right? Because it is hard
6 to understand where -- a lot of times contractors
7 goes, "Yeah, I look for one." Where did you look? How
8 do you find one? How do you get one? Right? There's
9 no location or place where you bid. We have to bid to
10 you. But there should be a location where contractors
11 can go and get those MWBE businesses and build those
12 relationships with; right? Because if there's no
13 relationship there, how you going to get there?
14 Right? So those are the two main things. And get rid
15 of the loopholes.

16 MS. GRILLO: I can speak a little bit
17 from experience in this issue, because we were at
18 School Construction Authority where I think had the
19 best MWBE program. There should be, and you should
20 have available to you. And I'm sure the chief
21 diversity officer will take care of this. He's -- a
22 database that you can pull up immediately and you can
23 go into the different trades and different areas and
24 be able to pull up companies that are MWBE.

25 MR. CALLAWAY: Yeah. Well, I mean,

1 being also -- being a workforce development director,
2 I'm always looking for people to hire our people. And
3 we can't -- the databases that we have are -- they're
4 just -- they're not not nice. I mean, I call, I sit
5 there and call a hundred people at times and not get
6 any answers. So it's really about the connections
7 that you may have.

8 MS. MCGRAW: Maybe -- do you know
9 Michael Garner?

10 MR. CALLAWAY: I do know Michael
11 Garner. Actually I worked on the Mother Clara Hale Bus
12 Depot. We actually built that with MTA as a community
13 task force. So I knew Michael Garner fairly well. We
14 actually -- that was one of his projects that -- we
15 made sure that was a community project.

16 MS. MCGRAW: Right. He would be the
17 one to help you --

18 MR. BRAGG: I know Michael -- know
19 about -- but we were talking about --

20 MS. MCGRAW: Yes, yes.

21 MR. BRAGG: Matter of fact, I should --

22 MR. CALLAWAY: Any more questions?

23 MS. GRILLO: Anyone?

24 MR. BRAGG: Just let me get a copy of
25 that.

1 MR. CALLAWAY: Absolutely. Absolutely.
2 I'll just hand up to you guys and we'll take it.
3 Thank you. All right. Thank you --

4 MS. MCGRAW: Thank you for your
5 testimony.

6 MS. GRILLO: All right. Why don't we
7 go to -- before we see our -- thank you so much.
8 Before we'll go to our Zoom callers who asked to
9 speak. I'm going to start with Curtis Silwa. Thank
10 you Mr. Silwa.

11 MR. SILWA: Yes. Hello?

12 MS. GRILLO: Yes.

13 MR. SILWA: Can you hear me?

14 MS. GRILLO: Yes we can.

15 MR. SILWA: Okay. Appreciate the
16 opportunity to speak to -- the status of sanctuary
17 city. It seems Mayor Eric Adams has given the signal
18 that he wants the city to sever the relationship with
19 the sanctuary city status. I'm in full agreement. I
20 think all of you who've been assigned to charter
21 revision and put it on ballot as initiative referendum
22 and let the people decide. It was the people who
23 originally decided on ranked choice voting. It was
24 the people who decided twice, even when the language
25 was changed -- to be in favor of term limits. Some of

1 you who served the city council may not have had that
2 opportunity, if not for the people who voted the term
3 limits. So I'm a believer in initiative and
4 referendum and now the Mayor has with specificity that
5 he believes we should be able to work with ICE, should
6 be able to receive retainers.

7 And when I heard others who have
8 testified by Councilman Robert Bowman [ph] who said,
9 "How can we ever forget 9/11, what happened there?"
10 When terrorists were able to slip through the cracks
11 with visas, visas to study flying and stay overtime in
12 the country, there was no remedy in the federal
13 government to go out and find them. And so we set up
14 Homeland Security, and we set up ICE. And
15 unfathomable that Michael Bloomberg would actually
16 sign the bill that said we had to separate our
17 relationship with ICE through the correctional
18 department, through the court system, and most
19 importantly, with the NYP. It boggles my imagination
20 that with all the federal dollars we spend, the
21 taxpayers, to compile a list of two million on the
22 general watch list that ICE has access to. The NYPC
23 brass at One Police Plaza has said they're not even
24 able to plug into the computer.

25 So we know now that there are

1 individuals who have entered into our country who have
2 not been vetted. We don't know anything about their
3 backgrounds. We have enemies all over the world,
4 whether they're remnantants of Al Qaeda, ISIS, ISIS-K,
5 or newfound terrorist groups who want to hit the
6 epicenter of capitalism and democracy as they see in
7 New York City. And now more than ever, let's let the
8 people decide.

9 Now I'm a believer in initiative and
10 referendum. If the people come out in this
11 presidential year and decide to vote on the back of
12 the ballot, if you men and women will actually put it
13 on the ballot, and you have to power to do that. Let
14 the people decide. If they determine in the five
15 boroughs of New York City that they want remain in
16 sanctuary city, then so be it. I'm not going to like
17 you, but at least we will have had the time to engage
18 in debate and discussion.

19 Both sides could be heard. Part of the
20 political discussion that leads up to what will be
21 very heavy turnout in a presidential year. And just
22 like -- as I said, I can't say it enough, we have
23 ranked choice voting because the people voted on it.
24 We have term limits because the people voted on it
25 twice. People are upset that we continue to remain a

1 sanctuary city. It gives an opportunity for people
2 who are not seeking liberty and freedom and a better
3 way of life, and to escape threats in their own
4 country or to escape the prejudice that comes. But
5 not sharing the same politics as the machine or even
6 of being of a gender identification or who lives a
7 lifestyle that is not accepted in that country -- that
8 in fact might be under the determination for a beating
9 or an execution. Of course we want to be able to
10 accept those people. But the way it is now, everybody
11 and everybody can come in. And we saw recently when
12 Castro was off on his motorbike and he shot at our
13 great police officers -- and was in our country and
14 had affiliations with a Venezuelan gang. And we were
15 housing him in a micro shelter, paying for his stay
16 here, and we have no relationship with ICE, who has
17 access to data -- who knows who has actually --

18 MS. GRILLO: Mr. Silwa.

19 MR. SILWA: -- criminal
20 background -- some of these countries --

21 MS. GRILLO: Okay, could you --

22 MR. SILWA: -- now you have countries
23 like --

24 MS. GRILLO: Sir? Can you wrap this up
25 a little bit --

1 MR. SILWA: -- do your duty -- let the
2 people decide. I'm tired of the politicians who are
3 destroying our city --

4 MS. GRILLO: Okay -- thank you -- all
5 right.

6 We are joined by borough president of
7 the Bronx, Vanessa Gibson. Great to see you.

8 MS. GIBSON: Thank you. Thank you.
9 All right. Welcome everyone. Good evening. Good
10 evening. The honor to testify after Mr. Silwa. So
11 grateful to be here. Welcome to Fordham University,
12 to all the members of the Charter Revision Commission,
13 our executive director. I am proud to be here as the
14 Bronx borough president Vanessa L. Gibson, joined by
15 my general counsel and my policy director to answer
16 any questions that the commission members may have.
17 But it's good to see all of you in the borough of the
18 Bronx. Thank you for convening tonight's hearing, as
19 we continue to talk about ways that we can really look
20 at our city charter as a guiding principle for our
21 work. I'm glad that you're here in the Bronx so that
22 all of my Bronx residents and stakeholders really have
23 an opportunity. This is the second hearing that you
24 are hosting here in the Bronx. The first one was a
25 few weeks ago down at Lincoln Hospital.

1 So I'm glad that there is an
2 opportunity, more than one, for residents to chime in
3 and weigh in both in person as well as virtually. So
4 I have a much longer testimony to present to all of
5 you tonight that will be given and provided to you.
6 But for the sake of time, I just want to focus on four
7 recommendations that our team came up with as it
8 relates to the charter itself, and what we believe are
9 some of the best practices that we really should
10 consider moving forward.

11 So thank you all for being here to all
12 the members of the Charter Revision Commission for
13 holding this hearing tonight in the Bronx. I also of
14 course want to extend my appreciation for Fordham
15 University, this beautiful building here named after
16 Father McShane. So grateful that they hosted us. I'm
17 grateful for many of our residents who have already
18 participated in this process, and I do trust that the
19 commission will give thoughtful consideration to all
20 of the comments and input that you have received thus
21 far.

22 This evening, I speak about ways that
23 the charter can be amended to improve the functioning
24 of our city's 59 community boards and our borough
25 boards. Very popular topic. These boards are a

1 crucial and critical part of our city's governance, in
2 holding the city government accountable, and making
3 sure that we connect directly to residents and
4 stakeholders locally, which is why my team and I
5 believe that it's important to implement many of these
6 changes.

7 The first recommendation is the current
8 handling of equal employment opportunity cases at
9 community boards could function a lot more effectively
10 and efficiently. Section 815 of the city charter
11 places the responsibility for all compliance with the
12 city's EEO policy on each agency's hand. Currently,
13 DCAS has a policy that borough president's offices are
14 responsible for investigating and resolving all
15 complaints against community board members as well as
16 all of the staff. However, despite the role of the
17 borough presidents in appointing community board
18 members, we are not the supervisors nor the agency
19 heads of these boards, and we should not fulfill this
20 role.

21 While I do agree that the boards
22 themselves are not equipped to handle this due to
23 their limited number of staff in their offices, I also
24 think it should not be in the remit of the borough
25 presidents as well. The charter should be amended to

1 clarify who is responsible for ensuring community
2 board EEO compliance. And I believe DCAS itself
3 should have this responsibility. DCAS is a much
4 larger agency with the tools and the resources to
5 handle these investigations in an efficient way that
6 borough president's offices simply cannot. We make it
7 work because we have no choice. Our offices are too
8 small and limited in staff to handle the volume of
9 potential cases from hundreds of board members and
10 staff in each borough. Right? In our borough, we
11 have 12 community boards and we make 600 appointments
12 every year for one and two year appointments. and then
13 each community board has anywhere from one to three
14 staff. We have district managers and we have board
15 chairpersons.

16 So it's a lot of people and the
17 interaction with the public is daily. In addition to
18 general board meetings, committee meetings, it is an
19 ongoing process and relationship. So we really do
20 believe that DCAS has the capacity to handle these EEO
21 cases.

22 My second proposal is within the same
23 vein. Community board members are
24 volunteers -- unpaid -- serving their communities, and
25 they're not city employees. However, they are

1 required to take the same training classes as city
2 employees, including those that are related to sexual
3 harassment prevention and equal employment
4 opportunity. Because they are not city employees,
5 they do not have city emails or regular access to the
6 city's server that's needed to use the DCAS web-based
7 training system. While DCAS's system works for many
8 of us as city employees, it has not worked as well for
9 board members.

10 So we believe the charter should be
11 amended to clarify DCAS's responsibilities for
12 ensuring that community board members are actually
13 able to access the required trainings so that they can
14 be productive members of our boards.

15 Our third recommendation, I want to
16 emphasize the importance of borough board. Borough
17 board is made up of the borough president, the
18 community board chairs, the borough's council members.
19 We have nine. And they provide an important function
20 in overseeing the delivery of all public goods and
21 services in our borough, reporting the borough's needs
22 during the budget process. We make recommendations on
23 the budget and reviewing all development proposals
24 that affect the entire borough. One of the issues
25 that affects each borough as a whole is the city's

1 waterfront. Section 205 of the city charter requires
2 the city to maintain a comprehensive waterfront plan.
3 While the City is required to file this plan with the
4 city's elected officials and community boards, the
5 borough board is excluded in this section. So we
6 believe it should be amended to include borough boards
7 in the appropriate and proper notification process.

8 Our fourth recommendation, we want to
9 flag an issue with voting at borough board that really
10 derives from language in section 85-D as in David of
11 the city charter. Currently, when we take votes at
12 borough board, a measure can only pass when a majority
13 of the members present vote in the affirmative. This
14 has the effect of treating an abstention the same as a
15 negative vote. So it eliminates our ability as
16 community boards and council members to decline to
17 weigh in on a proposal. The board chairs vote as
18 their boards direct them to do so. So if the board
19 does not vote in either way, they must abstain.
20 Additionally, the council members, and we have this in
21 the Bronx, often wish to withhold their judgment by
22 abstaining, preferring to wait until the proposal
23 comes before them to the city council before they
24 weigh in.

25 So right now at our borough boards, we

1 have members that historically always abstain because
2 they chair committees that will ultimately receive all
3 of the proposals and -- applications that are going
4 through the public review process. So I understand, I
5 get it, but it does result in sometimes having votes
6 with large numbers of abstentions. And if we are
7 trying to make sure that a project gains as much
8 support as possible, it's not a good look to have an
9 item not passed because of a significant number of
10 abstentions. And we've had that happen in the past.

11 So it makes it difficult to pass
12 measures at our borough board because even when there
13 are more affirmative votes than negative votes,
14 measures have still failed or almost failed due to the
15 abstentions coming from our council members and their
16 representatives. Section 85-D of the city charter
17 should be amended to say that borough board votes
18 carry, if there is simply more affirmative votes than
19 negative votes. Abstention should truly be
20 abstentions and not a negative vote in another form.

21 So with that four recommendations, you
22 have a lot more information as well as the relevant
23 resource that we have cited for all of the data that
24 we've included in our full testimony. But I thank you
25 for the opportunity to testify tonight before the

1 members of the Charter Revision Commission and for all
2 the suggestions that our borough's residents have
3 truly thoughtfully expressed. As I said, we've
4 submitted our full written testimony for your
5 consideration, and we look forward to examining the
6 final proposals that the commission will ask voters,
7 New Yorkers, to weigh in on this fall.

8 And with that I conclude my testimony.
9 I thank you so much for your time this evening and
10 look forward to any questions or comments that you may
11 have before us. Thank you.

12 MS. GRILLO: Thank you. Thank you so
13 much, Borough President.

14 Does anyone -- let's start with Jackie.
15 Yes.

16 MS. ROWE-ADAMS: First let me say to
17 our Bronx, borough president. Hey, we love you.
18 Keep doing a great job, 'cause you are.

19 MS. GIBSON: Thank you.

20 MS. ROWE-ADAMS: And I thank you for
21 your testimony, but I want to go back to the community
22 boards. I know you said you would like to see the
23 commission look at, was that DOE? I mean, not DOE --

24 MS. GIBSON: DCAS.

25 MS. ROWE-ADAMS: DCAS. In terms of any

1 complaints for the board members. But what about the
2 board chair and the staff? Are you saying the same
3 thing?

4 MS. GIBSON: Yes, we are including the
5 staff as well. And it's simply because based on my
6 tenure as borough president, some of the cases that we
7 have received as initial complaints have been
8 extensive. It requires a significant amount of time
9 to gather evidence and hear from both sides, both the
10 complainant as well as relevant evidence. We pull the
11 records of meetings. I mean, it's very extensive.
12 And out of the 12 community boards, I mean we have
13 some very good community boards that work together as
14 a team. They operate efficiently. But we have a few
15 outliers where there's been consistent problems with
16 either leadership and/or the executive board. And
17 then sometimes we've also had complaints that extend
18 beyond the community board members, the 50, but
19 members of the public, where members of the public
20 have been accused of harassment and discrimination.
21 We had one community board where members were followed
22 home by someone from the public and we had to involve
23 the NYPD.

24 So it gets very extensive, and we
25 believe that it's in the best interest to make this

1 process work so that our community boards feel
2 supported. Because sometimes there's a short window
3 in which we respond based on the case. But then
4 there's also sometimes when it gets extended and it's
5 longer when it takes us to respond, just because of
6 the nature of the allegation.

7 And then we also have some that come in
8 with more than one allegation. So I've seen a lot in
9 this timeframe. So when we had the opportunity to
10 speak to the charter revision commission, it was an
11 idea that, you know, we came up with internally just
12 based on what we're seeing. Our community boards
13 unit, our director, our general counsel. So we've
14 been talking about this a lot. And we do believe that
15 DCAS has the best capacity and also the experience in
16 making sure that we can investigate a lot of these EEO
17 cases because they are delicate. They are time
18 sensitive, but they do require a significant amount of
19 attention.

20 MS. ROWE-ADAMS: Thank you so much.

21 MS. GIBSON: Thank you.

22 MS. GRILLO: Anyone?

23 MR. DIAZ: Yes. Hi.

24 MS. GIBSON: Hi, 13.

25 MR. DIAZ: Madam BP, 14. I've tried in

1 all of these hearings not to take positions on things.

2 MS. GIBSON: How's that going so far?

3 MR. DIAZ: But I feel your pain. This
4 is well done. We had a -- we were having a robust
5 conversation earlier on two different topics. One is
6 the balance of power in city government, and also
7 fiscal impacts or fiscal responsibility. So I don't
8 have a a question. I just think that as it relates to
9 this specifically, I believe -- like many, that maybe
10 the borough board should have more of a weighted
11 responsibility around the land use review process.
12 And this is one of those pieces of legislation -- was
13 this legislation? That should have had, at the very
14 least, some finances attached to it, but it didn't.
15 And so this makes a lot of sense.

16 MS. GIBSON: Thank you. And I think,
17 you know, we go into our recommendations a little bit
18 more extensively with the testimony you all have
19 before you. But even on a matter of just staffing
20 itself, we don't get any additional funds as borough
21 presidents to hire additional staff. So by law we
22 have to have an EEO compliance officer really to
23 handle our borough present staff and just the EEO
24 compliance and trainings that we are mandated to do.
25 But we often find ourselves, you know, with a lot more

1 responsibility just because of the volume of
2 complaints that we are getting. So that would be
3 great if that could be considered as well. Again,
4 having a conversation. We have a new commissioner now
5 at DCAS and we would love to talk further about this
6 as we move along in the process, because we believe
7 something has to give. And this is something I'm sure
8 that you may have consistently heard across five
9 boroughs.

10 This is actually a topic where you have
11 common agreement among five borough presidents where
12 we all feel the same burden. Obviously differences
13 because you know, Staten Island has three, Manhattan
14 has 12, Brooklyn has I believe 16, and Queens. So
15 it's different. It's different because there were
16 more people versus us in the Bronx with 12. But
17 nonetheless, I think what you'll find in the
18 recommendations is we've tried to be as fair as
19 possible and really get the charter revision
20 commission to help us weigh in on something that's
21 really been going on for quite a while. This is not
22 anything that's new. This has been going on for as
23 long as we've had borough presidents and I think it's
24 never been addressed. And this could be a very unique
25 opportunity to really try to get substantial change

1 where you can see a difference at the borough board
2 level as well as community board level.

3 MR. BRAGG: Thank you. I just have one
4 point of clarification. Thank you borough president
5 for your very thoughtful testimony. I just wanted to
6 ask about the board -- the borough board voting, I
7 just want -- abstention is actually counted as a
8 negative vote? Is that accurate? If someone
9 abstains, that count as a negative vote, and is that
10 what you're trying to correct?

11 MS. GIBSON: So I think it's also the
12 perception too. We really work with all nine of our
13 members and we work with the 12 boards, and when there
14 is a vote for everyone, we try to get as much support
15 as we can. But then there are many issues; right?
16 Some of the citywide proposals, there's not broad
17 support across all 12. And so we try to get the
18 boards and the council members to really weigh in.
19 But I think a lot want to take the, you know, the less
20 controversial route -- and do an abstention because
21 it's not necessarily a yes, it's not necessarily a no,
22 it's just a no vote. So what we're asking for is that
23 as we move forward, we want the affirmatives to be
24 counted and weighed against the abstentions so that it
25 doesn't appear as if the abstentions are counted with

1 the negative opposing votes, and the affirmatives
2 would actually have more of a weight when it comes to
3 the vote itself. Does that make sense?

4 MR. BRAGG: I think that's clear
5 because -- that's what I was saying that -- although
6 they make an abstention, it's still counted as a
7 negative vote.

8 MS. GIBSON: Yes.

9 MR. BRAGG: Got it. Thank you. Thank
10 you very much.

11 MS. MCGRAW: So I just want to say
12 thank you very much, Madam President. I just love you.
13 I love the Bronx. I do a lot of work in the Bronx.
14 So this testimony and what you presented, I mean, to
15 me again, it is like going to school. I have learned
16 so much and got educated in so much around the city,
17 the different voices, the concerns. Some stuff I
18 heard in Brooklyn, I'm still trying to process; right?
19 So I'm grateful to be here.

20 So you mentioned something about the
21 training for the --

22 MS. GIBSON: The board members?

23 MS. MCGRAW: The board members; right.
24 And -- so that training will allow them -- so is it
25 mandatory that they get this training?

1 MS. GIBSON: Yes.

2 MS. MCGRAW: Okay. But they don't have
3 an email, a city email, or how to communicate with
4 other board members?

5 MS. GIBSON: Right. So all of the
6 trainings that are administered for community board
7 members are mandated by the charter, and they're
8 administered by DCAS. But the challenge is, because
9 community board members are volunteers, they're not
10 city workers. They don't have a city ID, and they
11 don't have access to the DCAS web-based program. So
12 what we have done in the past is we make provisions
13 and we work with all of our 12 boards and we find ways
14 for the board members to access the city server.
15 Whether it's through our physical office -- they come
16 in during office hours and they take the training,
17 which you can imagine 600 people is a lot. But we
18 find ways to make it work because it is mandatory. So
19 the challenge and what you will have to encounter is
20 how do we find a way -- it's still a mandate. We have
21 to find a way for community board members to access
22 the city server, obviously without having a city ID or
23 a city email. That's the challenge.

24 I don't think right now that DCAS is
25 prepared to do that, to issue that to all board

1 members, like a city email. But there has to be some
2 way where we can get around that by allowing them
3 access. So it would be great if we could use -- the
4 DCAS has a centrasystem. They have a borough office
5 in the Bronx, in Little Italy andand Belmont. And
6 they have their DCAS trainings that they do for DCAS
7 members and city workers, and some of the testing that
8 they administer for city workers and for civil service
9 exams.

10 What could be a possibility is that we
11 could give our board members access to that site where
12 it's a central location for us -- and seeing if the
13 board members could go to that location. But either
14 way, we brought it up as an issue because it's been an
15 issue for us, and we figure it out because it is a
16 mandate. But if we could find a way to make it easier
17 to streamline the process, that would be helpful for
18 us so that everyone could comply with the mandated
19 training.

20 MS. MCGRAW: Oh, thank you.

21 MR. LYNCH: Has it been proposed to
22 DCAS?

23 MS. GIBSON: That's a good question. I
24 don't know. I'm sure we've had conversations with
25 them. We have had a very close relationship with the

1 former commissioner, with Dawn Pinnock, because we are
2 in a DCAS building. So we have a lot of work, whether
3 it's capital, other initiatives that DCAS has going on
4 with regard to the operations of the building. I'm
5 certain that my staff has raised it before, but we've
6 just not been able to come to a resolution because it
7 wouldn't affect just us. It's going to affect all 59.
8 But it's something that all the BPs are aware of and
9 we struggle with. So we thought it was the right time
10 to add this to our recommendations for city charter
11 revision.

12 MS. GRILLO: Perfect. Thank you --

13 MS. GIBSON: -- am I free to go?

14 Thank you so much, everyone. I
15 appreciate it. Thank you to the commission.

16 MS. GRILLO: Thank you, Madam Borough
17 president. Okay, I think we're going to go to two of
18 our folks who are on Zoom. I'm going to start with
19 Karen Wharton.

20 Karen?

21 MS. WHARTON: Good evening, everyone
22 Members of the commission. Thank you very much for
23 having me here today. My name is Karen Wharton
24 and --grassroots membership organization, dedicated to
25 social, racial, economic and environment. We strongly

1 support the continued implementation of ranked choice
2 voting, otherwise known as RCV, and municipal
3 elections in New York City. With ranked choice voting,
4 RCV, voters are no longer limited to choosing the
5 lesser of two evils. Neither can voters need to worry
6 about folks within the situations where they're among
7 a candidate from the same community, or spoiler
8 candidates, resulting in someone who lacks majority
9 support being able to win with a low percentage. When
10 candidates of color are eliminated in a instant are
11 also part of RCV, their ballots are likely to transfer
12 to another in the same unit. So candidates from
13 similar demographics and backgrounds can participate
14 in our democracy without needing to wait their turn.
15 And when voters are unencumbered by fear of votes
16 splitting and spoilers, the result is generally
17 historic -- particularly with candidates of color and
18 women.

19 This was the case in 2021 in RCV.
20 Using RCV, Salt Lake City, with its population of 69.8
21 percent white, made history by electing a majority of
22 people of color to its city council. In 2021, the
23 same year, Minneapolis users used RCV to elect their
24 first majority of color, the majority in the city
25 council. Again -- in 2021 was a banner year for RCV

1 being used for the first time in municipal elections
2 in New York City. We made history here as well, left
3 in Eric Adams as our city's second black mayor, and by
4 electing the most diverse and majority women council.
5 When black voters and other voters of color exert the
6 influence of rules, historically there have been
7 efforts to diminish their influence, with voter ID
8 laws, changing the rules and other types of voter
9 suppression tactics. The most successful coup d'etat
10 in the United States occurred in 1898 in Wilmington,
11 when the democratically elected Black -- were forcibly
12 removed from the local government. They were
13 elected -- days earlier. In an ouster orchestrated and
14 executed by the white supremacy at the time
15 by -- sorry about that. I scream at my February 2024
16 Rolling Stone article -- that MAGA and all of our
17 right -- groups including right wing,
18 billionaires -- afford millions of coordinated
19 campaign to undermine and ultimately defeat ranked
20 choice voting --

21 MS. GRILLO: All right -- Ms. Wharton,
22 I'm going to ask you to wrap it up, please.

23 MS. WHARTON: It's understandable. RCV
24 threatens their agenda because it gives voters
25 choices, particularly -- choices. And when voters

1 have options, they attempt not to choose
2 each -- Republican --

3 MS. GRILLO: Ms. Wharton -- Ms.
4 Wharton, please, if you could wrap it up.

5 MS. WHARTON: Wrap it up. I'm almost
6 done.

7 MS. GRILLO: Okay.

8 MS. WHARTON: Is that okay? Yeah.
9 Republican governors in Alabama, Mississippi, and
10 Louisiana already signed bills that either banned or
11 weakened their states' implementation of RVC. New York
12 City ought not, should not, and must not -- so in I
13 ask you to please ensure that RCB continues in New
14 York City in the municipal election. And I thank you
15 so much for your time and I apologize for going
16 over --

17 MS. GRILLO: No problem. Thank
18 you -- thank you -- any questions?

19 Okay. Our next virtual guest is
20 Francisco Navarro.

21 MR. NAVARRO: Can you hear me?

22 MS. GRILLO: Yes.

23 MR. NAVARRO: -- testimony --

24 MS. GRILLO: Can you speak up just a
25 bit please, sir?

1 MR. NAVARRO: I've been working for the
2 City for 40 years -- administration, but I'm
3 testifying as a private citizen in this case. So here
4 are my recommendations first. And this one was
5 already mentioned the New York Post, and that's to
6 eliminate the Office of the Public Advocate. That
7 position is used mostly as -- circle for politicians
8 who have ambitions to move up the ladder. The
9 services that they provide are redundant, and if it
10 were eliminated, it have would almost no impact on
11 daily lives of New Yorkers. So that would be a big
12 change in the actual structure of city government.
13 And I think -- charter revision commission, those are
14 the types of changes that you should be striving for.

15 The second recommendation is to make
16 the comptroller's office not an elected
17 official -- elected position -- appointed position. I
18 understand that they're part of the financial control
19 board, but they should be appointed by the financial
20 control board. And if they are elected, they
21 should -- they should be required to have credentials
22 and experience in either pension management,
23 accounting, or auditing. It should be a requirement
24 for that position. It should not be anybody who's
25 just interested in the game. Again, this is also

1 another position that can be used as an -- the
2 politicians would have higher aspirations. So the
3 City should consider either making them appointed
4 or -- elected or even appointed that, they should have
5 those qualifications to be able to run or to be
6 appointed as comptroller.

7 I understand that those two changes
8 would have succession implications, in because the
9 advocate, comptroller, the charter has -- as the
10 successors if something happens to the mayor. So that
11 would have to be discussed and figured out if they're
12 going to be appointed -- have to be figured out some
13 way. Those are my recommendations, and again, these
14 are the types of higher level revision recommendations
15 that the commission should be considering.

16 The next is that elected officials
17 should be banned from being appointed agency heads for
18 at least two years after they leave their elected
19 positions. City employees have similar constraints on
20 their employment opportunities -- have to leave New
21 York City agencies and they are not allowed to work on
22 business with their agency for at least one year.
23 That's I believe enforced by the conflict of interest
24 board. This is a way to allow the longtime members of
25 any agencies that work there -- are experts in the

1 field to advance to the head of that agency. It
2 should not be a potential, you know, political reward
3 for elected officials. They should be banned from
4 holding -- position for at least two years.

5 And the last one is to create a
6 simplified petition process so that the public can
7 bring petitions so that there would be a referendum in
8 the general election every year. I think it's a
9 mystery to most people in the city that this kind of
10 custom exists, that there's charter commission. I
11 don't think anyone knows what brings them to
12 life --that was brought by petition -- that was
13 brought to the people by -- by Ron Modder [ph] who had
14 a lot of money. This should not be the case for
15 regular people who want make a petition to change the
16 city charter. There should be a simplified
17 petition --system so that members of the public with
18 obviously some due diligence and some vetting so that
19 it's not a frivolous types of things that are offered,
20 can put something every election year as a referendum
21 to change the chart. And those are my
22 recommendations.

23 MS. GRILLO: Well, thank you very much,
24 sir. Anyone on the commission have questions? No?
25 Okay. Thank you.

1 Okay. Coming up next. Sharlene.
2 Jackson Mendez.

3 MS. JACKSON MENDEZ: Yes. And I
4 apologize, I kind of want to follow up on what the
5 gentleman was saying. I'm a well-educated involved
6 person, and I just found out about this meeting just
7 by happenstance. So I hope in the future there will
8 be a better effort to reach out to ordinary citizens.

9 So actually I live in the Bronx. I'm a
10 homeowner, a wife, a mother of four children, and I'm
11 very active in my community. I serve as the vice
12 president of the Van Nest Neighborhood Alliance. And
13 I also am a member of CEBCA, which is the Coalition of
14 East Bronx Community Associations. But I am here this
15 evening speaking as an individual. And what I want to
16 just say, first of all is ever since Mayor de Blasio
17 was elected, I knew because of the policies that he
18 advocated, I felt strongly that the city would suffer.
19 And every day I live that, and my neighbors live that.

20 And as a person, a non-native New
21 Yorker, I've been here 35 years, but I've had a love
22 affair with New York City my entire life. And it's
23 heartbreaking to me to see what has happened. And
24 furthermore, it's heartbreaking to see that many of my
25 neighbors who are people of color have fled the city

1 because it has become increasingly unlivable. I am a
2 Black American, a descendant of slaves, six World War
3 II veterans. My father served as a drill instructor
4 in the United States Marine Corps during the Korean
5 War era. So I come to my love of country very
6 seriously and very honestly, and it disappoints me
7 when I come to these meetings and I see that people
8 that are not members of the progressive elite are
9 laughed at. So I just hope that I can be listened to
10 respectfully, and I'll try to make it as brief as I
11 can.

12 So I feel that a lot of times the city
13 council in general has an agenda and they don't
14 represent ordinary working New Yorkers, sort of like
15 they have ideas such as the sanctuary city policies
16 and the defunding the police policies, and they have
17 an agenda and they don't study, they don't think
18 critically about how it will impact everyday New
19 Yorkers. And that troubles me greatly. So I do
20 support the inclusion of a proposal to end sanctuary
21 city status.

22 I work extremely hard every day. I try
23 not to take anything, no public monies ever. That's
24 the way I was brought up. And it hurts me when I see
25 that we have -- are spending billions of dollars

1 taking care of people that have really entered our
2 country illegally. I'm sure you all are aware that
3 although it's politely -- they're, you know, politely
4 identified as asylum seekers. By the time their cases
5 go to court seven, eight, nine, ten years later, about
6 90 percent of them, those cases are not supported. So
7 it's really unfair to just ordinary citizens. And I
8 know the city council also voted to give non-citizens
9 the right to vote. And that that's worrisome because
10 it feels like citizens are being undermined. And I
11 want to say I'm a huge fan of legal immigration and I
12 recognize the contributions of immigrants to this
13 city.

14 Secondly, I believe that the suggestion
15 in the report that I read that more time be given
16 before legislation regarding public safety is passed.
17 I think that is oh so appropriate. I mean, I don't
18 know how some people sleep at night knowing that the
19 policies regarding defunding police have really,
20 really hurt us. Our quality of life. Not to mention
21 the number of people that are just -- have been
22 victimized. Very serious crimes. But also, I
23 shouldn't have to be in a position where I can't sleep
24 at night because there's just so much noise and you
25 know, other chaos. And there are no police available

1 to really handle those situations, or maybe even
2 willing to handle those situations because of
3 the -- not only were the police defunded, they were
4 also degraded and humiliated. So something needs to
5 be done about that. So I see that. I think that's my
6 time.

7 MS. GRILLO: It is.

8 MS. JACKSON MENDEZ: Okay.

9 MS. GRILLO: We appreciate your words.

10 MS. JACKSON MENDEZ: Thank you --

11 MR. DIAZ: Yes -- hi.

12 MS. JACKSON MENDEZ: Hi, Ruben Diaz,
13 Jr. How are you? And actually, I'm sorry, I have to
14 just say I was really loving the Bronx. I love
15 Vanessa too, but I loved your approach.

16 I do adore you.

17 I love the approach of really -- when
18 we were called the Bronx, one of America's finest
19 cities and everything -- and we brought so much new
20 business here and everything. I love that.

21 MR. DIAZ: I appreciate it.

22 MS. JACKSON MENDEZ: So go ahead, let
23 me --

24 MR. DIAZ: No, I appreciate your
25 testimony. But your initial statement about outreach,

1 how do -- do you have any suggestions on how we can
2 get more people involved and informed --

3 MS. JACKSON MENDEZ: About these
4 meetings?

5 MR. DIAZ: Yeah, because, you know,
6 obviously people, you know, they -- there's a lot
7 going on on their phones and they pay attention to
8 what they pay attention to.

9 MS. JACKSON MENDEZ: I know.

10 MR. DIAZ: And something like this may
11 not be, for lack of a better word, sexy to them. You
12 know?

13 MS. JACKSON MENDEZ: Right. I
14 understand it's not --

15 MR. DIAZ: So how do we do that?

16 MS. JACKSON MENDEZ: But well, I think,
17 number one, I think demanding more of our community
18 boards, because I feel like the people -- we have to
19 appoint people very carefully, and they should have a
20 proven track record of actually doing the hard work in
21 their communities. That's one. And number two, more
22 connection between, I think, elected officials and the
23 people that actually do the work in the communities so
24 that these things are advertised more heavily.

25 Because I actually found out about it just by picking

1 up a new weekly paper. And I read it there and I was
2 like, wow, I didn't even know about this. And those
3 are things short term that I think can be done.

4 But long term, I think we need to
5 ensure civics education. We are not -- you know that
6 so many of our children cannot read. And I don't know
7 why our public officials are not more alarmed by that.
8 So we need to make sure we have a literate population,
9 and we need to make sure that civics are part of
10 education from K through 12th. And I think there you
11 would see better.

12 MR. DIAZ: Thank you for your
13 testimony.

14 MS. JACKSON MENDEZ: Thank you.

15 MS. GRILLO: Thank you so much.

16 Alejandro Madi-Cerrada. Did I say that
17 right?

18 MR. MADI-CERRADA: Yes.

19 MS. GRILLO: Great.

20 MR. MADI-CERRADA: Good evening
21 Commissioners. Just like the former speaker, I'm just
22 a citizen. I don't come from an organization, but I'm
23 a product of New York City. I immigrated to this
24 country when I was 10. My mom brought us here from
25 Venezuela. I've been here 22 years. I'm a product of

1 the New York City public education. I went to school
2 in Astoria, went to LaGuardia and graduated from John
3 Jay College of Criminal Justice. And so I'm, you
4 know, thick and through, I'm a New York City -- I've
5 gone through the pipeline of the greatest city that I
6 consider in the whole country.

7 And just wanted to just remind the
8 commissioners that immigrants, whether they're
9 undocumented or they come with documents, what makes
10 the city so great for me and for so many others that
11 are here, is the fact that we have a safety -- it's
12 the fact that anyone can come here, whether with two
13 dollars or a thousand dollars or a million dollars,
14 and the city has the resources to be able to help
15 those people come up and be, you know, citizens.

16 I'm a US citizen now. And so just keep
17 that in mind that immigrants is what build the city
18 and what continues to power the city. And so the
19 reason why I wanted to speak to the commission today
20 is, you know, as I was riding the train today to
21 Fordham College, I witnessed the daily beauty and
22 diversity that makes New York City such a unique place
23 in our country and in the world. The beautiful faces.
24 (Speaking in Spanish.) The working people that
25 empowers the engines of this great city we all call

1 home. Entrusted in you is a somber and important task
2 to ensure that our city charter becomes more inclusive
3 and more responsive to the needs of our people. The
4 people that every morning wake up, take the train,
5 take the bus, and work their ass off to ensure that
6 our city functions, delivers, and empowers the next
7 generation of leaders and workers.

8 People always -- so please keep that in
9 mind. Special interests, corporation, politicians,
10 think tanks will always try and sell you their needs
11 first. But it is the voices and needs of our people,
12 of the working people, of the Bronx, of Queens, of
13 Brooklyn, of Manhattan, and of Staten Island that
14 should always be heard loud and clear. So let's
15 ensure that these revisions calculate racial equity
16 and diversity and inclusion when it comes to
17 resources. We need more resources for city agencies,
18 programs, and organizations that are actively
19 supporting our kids and the most needed. But above
20 all, ensuring that we keep our democratic foundations
21 intact and stronger from any mayor or city council
22 that may try and change it in the future, because our
23 democracy is only as strong as the people who empower
24 it and who are always actively working for it.

25 And to answer Ruben Diaz, Jr.'s

1 question about outreach. Let me tell you something.
2 My mom is 71 years old, and she gets her news from
3 TikTok. I don't even -- I don't have TikTok. I don't
4 believe in TikTok. But if you're actively trying to
5 think of how you can grow the outreach to the
6 community, think of TikTok. Think of Instagram.
7 Think of Snapchat. That is how almost 90 percent of
8 the population today receive their news. And so I
9 got -- I knew about this because I'm signed up to the
10 newsletter from the mayor's office, and so I get the
11 bulletin boards, but the community out there, they
12 don't get the newsletter. But they do see TikTok.

13 And so actively try through social
14 media and other means that people are actively looking
15 at to let them know about this, because it's important
16 to involve the citizens, the people who live in the
17 city, the people of the Bronx and of every borough in
18 this active democratic process that you guys are
19 doing.

20 Thank you.

21 MR. DIAZ: (Speaking in Spanish) So
22 like your mom, my mom is 74, and she's like the emoji
23 queen now; right? There's like not a single emoji
24 Mommy doesn't use when we have like the family thread.
25 So I, I posted tonight's meeting on my social media,

1 and it bruised my ego. You know how we always
2 have -- like, we always post something and you want
3 all the likes?

4 MR. MADI-CERRADA: Right.

5 MR. DIAZ: So you know, a good deal of
6 my posts get a lot of likes. This one didn't you, you
7 know? So just on that point. So I try to -- and if
8 tomorrow I do something where I'm acting silly, or
9 something that has nothing to do with government on
10 my -- I have Instagram, I have X, I have Facebook.
11 You know, whatever it is. If I do something else, I'm
12 going to get a lot of likes. You could look at my
13 sites. This one, oh. So I tried --

14 MR. MADI-CERRADA: You know what's
15 something that you can do when you're doing something
16 silly, just be like, "Ohh, don't forget, there's a
17 charter revision," because that's what grabs people's
18 attention.

19 MR. DIAZ: Thank you for your
20 testimony. Gracias.

21 MR. MADI-CERRADA: All right. Thank
22 you. Have a good night.

23 MS. GRILLO: OKay. Roxanne Delgado

24 MS. DELGADO: Evening, commission. I
25 just -- a few notes. My name's Roxanne Delgado. I'm

1 speaking as a private citizen. I'm here because I
2 also agree the lack of public notifications, quite
3 disappointing. In your public notice, you didn't even
4 put the -- identify the building that the meeting's
5 being held, nor the floor. And there was no signage
6 outside. And I'm surprised you even though to notify
7 the Fordham University student body. There's many
8 youngsters out there who are involved in political and
9 governmental studies. Were they notified of this
10 meeting? Was that done? Was it done to Lehman
11 College? And do you notify any of the colleges or
12 universities of this meeting? Because many students
13 are interested in politics and governmental. And I
14 think they would have been -- tried to get involved in
15 how they shape the city charter.

16 MS. GRILLO: I think the information
17 was just publicly --

18 MS. DELGADO: Yeah, but you didn't gear
19 your audience. You know, if you TikTok it's
20 not -- it's a youngster that they're eating tide pods,
21 not going listen to the city charter meeting.

22 MS. GRILLO: Got you. Again, we'll
23 discuss that after you -- your testimony.

24 MS. DELGADO: Yeah. But I'm letting
25 you know that this is a disservice to the community.

1 Okay. So regarding -- I agree with the
2 prior speaker regarding referendum. We shouldn't have
3 money to be able to put things on the ballot, such as
4 overturning term limits. Was a hundred percent the
5 support of. I was very adamant against them
6 overturning term limits, and thankfully was reinstated.
7 One thing is the How Many Stop bills that was done
8 despite public opposition. Because whether -- many of
9 you probably don't even live the areas that I do. And
10 it's -- a public safety is the number one propriety.
11 You guys profess to say all about equity. Black and
12 brown. Most victims are Black and brown. Poor
13 people, immigrants. They don't have private security,
14 they don't have SUVs. They don't live in luxury
15 buildings. They can't Uber to the doctor's
16 appointment or a Fresh Direct to their home.

17 So they're out there, and every day is
18 a safety issue. Public housing residents, they have
19 to be in fear. Many of them don't go to meetings
20 because -- anything after 6 p.m. they're not leaving
21 their homes after six, 'cause many of them are
22 retirees. So this is a human rights issue where
23 you're actually putting the most marginalized,
24 vulnerable people, their safety. And safety is a
25 human rights issue.

1 So please, I would like to -- if we
2 would have that opportunity to undo what the city
3 council did and the public advocate's office did, that
4 should be something the public could do, 'cause the
5 people I can tell you are not -- I think it's -- it's
6 just collecting data for its sake. It's not -- it's
7 not for addressing anything. It's like taking the
8 census. But at least the census has purpose. This
9 doesn't have any purpose. Okay.

10 I just wrote -- how they make committee
11 boards -- do oversight, both the prior borough
12 president and the current one are big
13 disappointment -- community board. There was no
14 oversight. Minutes not being done on time or even
15 done at all. Agenda's not posted, so you have no idea
16 what the meeting's about. And many times there was
17 meeting on work, land use issues, capital project
18 issues, issues that affects the community. But we're
19 unaware of this. There's no minutes available or
20 agendas. And when you make a complaint to BP's
21 office, it goes nowhere. So we have to have some kind
22 of avenue of oversight because not everyone can do
23 Article 78. But I have documentation since through
24 these to -- several community boards violating -- not
25 doing the district service meetings as mandated by the

1 city charter -- fall ignore. And when you contact the
2 BP, it goes nowhere.

3 They say, "Oh, the board is its own
4 entity. They have to speak to the chair." But if
5 it's a collaborate -- disregard for the loss, you
6 know, it's the wolf monitoring the roosters, you know
7 what I mean? It's like, it goes nowhere. So we have
8 to address community board. I know you're not
9 interested. I know that --

10 MS. GRILLO: That's not the truth.

11 MS. DELGADO: Okay. And one last
12 thing --

13 MS. GRILLO: We have a time limit.

14 MS. DELGADO: I have to admit the
15 comptrollers have to -- he said John Liu has financial
16 background. He's an accountant. Under his direction,
17 we don't lose money. Brad Lander has no financial or
18 accounting background. Look how much money he lost in
19 pension that the taxpayers have to cover per the
20 contract. So we have to have some kind of financial
21 accounting background for comptroller. Again, just
22 have political -- political person running for
23 comptroller and monitoring the biggest pension, I
24 think the second biggest next to California.

25 Okay, let me say one last thing. Well,

1 I'll make it short 'cause you -- well, on unaffordable
2 housing with the HPD program, there has to be mandate
3 with the AMI. The percent is tied with the actual
4 existing community impacted with the actual income,
5 'cause too many times with the mix and match, mix and
6 match program, 90 percent, 80 percent would -- it
7 requires minimum of 80,000 income where the Bronx
8 average income is less than 45,000. And in other
9 areas of Bronx, it's less.

10 To put a project that no one can
11 afford. It's like Yankee -- to put Yankee Stadium
12 when most people from the Bronx can't afford to
13 attend. It's just offensive. We bear the burden and
14 not the benefits of development. And this is
15 something that not being addressed because we know
16 that the biggest donors are real estate. And that's
17 it. Thank you. Have a goodnight.

18 MS. GRILLO: Thank you.

19 Okay. Ms. Hurley?

20 MS. HURLEY: Hi, my name is Ms. Hurley,
21 and I work at an independent school. So I come as a
22 teacher. I'm running a program actually on campus out
23 of my own pocket as a teacher, supporting students in
24 the community who are struggling to read. And I want
25 to know if independent schools can be given public

1 money, all right, to support their teachers. That's
2 my question.

3 MR. BRAGG: I'm just -- I'm sorry. I'm
4 a little hard of hearing --

5 MS. HURLEY: Public money --

6 MR. BRAGG: I'm struggling to hear
7 you -- can you just talk a little closer to the mic?

8 MS. HURLEY: Yes -- can independent
9 schools, independent schools be given money, more
10 money to support their teachers? That's my question.

11 MS. GRILLO: Any comments?

12 MS. HURLEY: That's pretty much all I
13 have.

14 MR. BRAGG: I guess only as the charter
15 revision commission, that's not within --

16 MS. HURLEY: That's not -- you know
17 what, can you tell me where I bring the question like
18 this to --

19 MR. BRAGG: Yes -- someone -- I think
20 someone should be able to --

21 MR. DIAZ: They're right there.

22 MR. BRAGG: Guide you and direct you to
23 that.

24 MR. DIAZ: But Ms. Hurley -- Ms.
25 Hurley -- as a recovering politician, I was not

1 allowed to assign to like a Catholic school, for
2 instance. I used to -- I support charter schools and
3 was probably one of the few elected officials who
4 actually assigned money to charter schools. But
5 they -- but that also became complicated when you're
6 dealing with OMB, when you're dealing with, you know,
7 with other folks. A private school -- you know, let's
8 say Fordham Prep this year. I think that you -- that,
9 you know, it's very difficult for public dollars to go
10 there. That may be the case. I don't know, maybe
11 structurally. I don't know. But I've always found it
12 very difficult for especially operating dollars to go
13 to a private entity. I don't think it could that.

14 MS. HURLEY: Is it impossible though?
15 It's difficult, but is it --

16 MR. DIAZ: It's just not allowed.

17 MS. HURLEY: It is not allowed at all?

18 MR. DIAZ: Not allowed. Not allowed.

19 MS. HURLEY: There has to be a way.

20 MR. DIAZ: You got Mr. Budget --

21 MS. GRILLO: -- get your answers right
22 there --

23 MS. HURLEY: Thank you --

24 MS. GRILLO: Okay, we have a few more.
25 Our Zoom friends. John Felci.

1 MR. DIAZ: But it's crazy -- hold on.
2 Now you're making the borough president -- the elected
3 official who come out of me is -- based on the former
4 testimony, isn't it ironic how we -- how funding could
5 be allocated to a private developer, but not a private
6 educational institution? Just saying -- just saying.

7 MS. GRILLO: Mr. Felci.

8 We can't hear you, sir. You're muted.

9 MR. FELCI: Okay -- good
10 evening, -- commission and all. My name is John
11 Felci. I am here as a tribal citizen. However, I am
12 involved in -- orientation. I want to speak to you
13 guys -- my time to speak to you about sanctuary
14 city -- and I also want to say thank you for having
15 me. This is my second testimony. I testified on
16 Staten Island. However, the lack of describing the
17 venue -- is concern. I just want to echo that. All
18 right-- I am what -- I want to review sanctuary City.
19 I just want to say I am presently a geriatric case
20 worker and I work for seniors on Staten Island.

21 I'm also -- advocate for our senior
22 population, because we all know is increasing and the
23 needs are becoming -- all right. Keeping that in mind
24 is, in my opinion, the sanctuary city policy. The way
25 it is written, the amount -- an economic strain on

1 resources for all of us, which is including on
2 seniors, as also, well, proof of that. Proof of how
3 impacting on seniors can be seen by the situation on
4 Staten Island -- independent living facility. In this
5 case -- removed to accommodate asylum features.
6 A -- sanctuary city policy -- it does not provide
7 safety, but provides more safety for a city, but a
8 less safer city. Sanctuary city policy provides
9 little or no safeguards for asylum seekers who commit
10 low-level crimes. Not to mention the high level
11 crimes that we've seen -- assaults on police officers
12 and assaults on children.

13 I encourage you to read Councilman
14 Holden's New York Post article from July 9th. I'm
15 sure you guys have seen it -- pertaining to
16 this -- and this opinion, my opinion, which is just my
17 personal opinion -- it's not -- my organization policy
18 at all, but -- an accountability -- to the law. So
19 with that, I will -- I started this statement tonight
20 by saying that maybe there needs to be some
21 augmentation or amendment to be made. However,
22 listening to what I listened to tonight, listening to
23 what I listened to on Tuesday night, I would really
24 encourage you -- I'm not a politician in any way,
25 shape, or form. This is my first time doing this. I

1 would actually, what I've -- asked to put the
2 sanctuary, the end of sanctuary city, I guess as a
3 referendum -- on the ballot. So I think my time is
4 almost up --

5 MS. GRILLO: Yes -- it is. It is, sir.

6 MR. FELCI: Thank you to the committees
7 for doing these hearings and I just hope -- directly
8 to the location -- and thank you again.

9 MS. GRILLO: Thank you. Questions.
10 Anyone?

11 Karl Beecher?

12 MR. BEECHER: Yes. Can everyone hear
13 me?

14 MS. GRILLO: Yes.

15 MR. BEECHER: Okay. Good evening to
16 all the commissioners and everyone here. I actually
17 only have two quick suggestions. First, in agreement
18 with what I think two other people mentioned, they
19 said we really don't know when these particular
20 charter revisions are going to be held. I mean, I
21 just happen to be part of the email situation and I
22 was able to see that there's going to be a Zoom, but I
23 think 90 percent of the citizens don't know anything
24 about this. I guess that's why there's so many -- you
25 know, there's so few people here. I mean, it's great

1 'cause now I can talk to you guys. So for me, turned
2 out to be good. But I think this should go out, like
3 to everyone. I mean before -- and also before any
4 laws or anything is going to be passed, anything
5 whatsoever, they should be some type of -- well,
6 whether mail or commercial or somewhere or, I don't
7 know how we could get it out, but everyone needs to
8 know about it.

9 It should be like an Amber alert. I
10 mean, you know, the equivalent of it, you know what I
11 mean? Like, it should be on everybody's phone that we
12 know that this is going to be occurring. I think that
13 would be a great, you know, system -- people to
14 understand what's going on. That's number one.

15 Number two, I told you this years ago,
16 I remember seeing, was it an ambulance trying to find
17 an address; right? Because they were somewhat lost in
18 the sense of trying to figure out what the building
19 is. And then it dawned on them, they need to change
20 the whole system of the signage, of the numbers, the
21 buildings and an apartment -- I mean buildings and,
22 and private homes. Every single building, there
23 should be -- I don't know if it's the law because I'm
24 not that, you know, familiar with all the laws, but
25 there should be a law that every building, the numbers

1 should be at least six inches big. Like something
2 big, very conspicuous, easy to read. Every building,
3 right dead smack in the front; right?

4 Not only that, because if you look at
5 most buildings here -- I'm in the Bronx; right? Bronx
6 New York, in the Allerton area. And let me tell you,
7 every time you looked at certain houses and buildings,
8 it's like they -- sometimes they don't have the
9 numbers. You got to be searching, trying to figure
10 out where's that number. And you know, when our
11 ambulance or police are trying to find these things,
12 it's very bad. I mean, one minute, 30 seconds could
13 be the difference between life and death. It should
14 be a law that every building, every -- it should have
15 the number very big. And at nighttime it should be a
16 law that it's illuminated. So there's no doubt,
17 it's -- if you can see it without any effort
18 whatsoever, boom, you know, 6, 7, 5, 28, 7, 8.
19 Whatever it is, that you can see it -- because it is
20 messing up. I mean, I think people becoming unalive
21 because of that. You know, I'm using TikTok
22 terminology. I don't know if you guys TikTok, but I
23 do -- on TokTok you can't say, you know, people dying.
24 You got to say "unalive."

25 MS. GRILLO: Okay -- sir --

1 KARL BEECHER: But anyway, yeah. So
2 basically that's what I wanted to say. So I don't
3 know if that's a law already. If it's not, law.
4 There should be a there should be a way
5 to -- mandatory. Every -- should be big and at night
6 time.

7 MS. GRILLO: All right, sir. Your time
8 is is up. Okay. Thank you.

9 MR. BRAGG: I just wanted to -- because
10 I've heard it quite a few times. The issue of
11 notification for these meetings, and I've heard it
12 over a number of these hearings that we conducted. I'm
13 from Queens and before our Queens meetings were held
14 before the adjournment of the community boards. And
15 notice was sent out to every single community board to
16 turn out to these meetings. So notification not
17 always an indicator of participation or turnout. I
18 would use as an analogy of voting -- election day.
19 People know about election day. It is highly -- it is
20 highly notified throughout our city, but yet someone
21 can be elected with 5 percent of a vote. So
22 notifications, not necessarily indicator of
23 participation or turnout.

24 So I just wanted to make that clear.
25 People have to want to participate. People have to

1 want to come out and be -- concerned. When you have
2 elections and we have 10 percent, 5 percent people
3 come out and vote and they know about it. That means
4 you're just not participating, period. It's not that
5 you don't know about it. So I just wanted to be clear
6 about that. Thank you.

7 MS. GRILLO: Thank you. Thank you.
8 Okay.

9 Bernadette Ferrara.

10 MS. FERRARA: Hi -- good evening,
11 coommissioners. My name is Bernadette Ferrara. I'm
12 the president of Van Nest Neighborhood Alliance. I'm
13 also a member of CEBCA, and I'm a lifelong born and
14 raised resident of the East Bronx, living in Van Nest
15 for over six decades. Yes, I do love my borough and I
16 love my neighborhood. I do want to support and echo
17 many of the items that my colleague, Sharlene Jackson
18 Mendez, so wonderfully stated because these are issues
19 that are discussed often and our heads are scratched
20 to say, "Well, how do we work on this? What do we
21 do?" So I'm glad that I'm here today to at least give
22 my support and also, especially for something that is
23 very dear to my heart. I am second generation Italian
24 that have come to the Bronx, and my grandparents came
25 over on Ellis Island in 1917. And we have been in

1 East Bronx since. And voting is a honor and it's
2 something that I really do feel, whether it could be
3 put in the charter or put as a ballot proposal to have
4 voter IDs. I do feel that that is extremely
5 important, and I hope that is something that could be
6 seen very soon.

7 Also I do support putting the proposal
8 on ballot to have a decision if New York should be a
9 sanctuary city. I think the people should speak and
10 people should vote. And the other thing I want to
11 point out is that I do want to support Vanessa Gibson
12 when she says about the training mandate and the help
13 that board members should have to take the mandated
14 training. I've been a board member for 17 years of
15 Bronx Community Board 11 and a former chair of Bronx
16 Community Board 11. So I have been the recipient of
17 trying to jump through hoops to find out how do I get
18 this training, where do I go, what time, where do I
19 get to it from work? And since it's mandated, it's
20 very important, and everybody should have these
21 trainings.

22 And the last thing I just want to point
23 out was with the gentleman Joshua Goodman with regards
24 to the metal containers dealing with sanitation and
25 the issue with rat infestation and with the parks

1 areas that have -- they should have steel -- metal
2 containers around the parks. I know Parks deals with
3 that, but -- they should be proactive. So I do
4 support that really to help with any kind of rat
5 infestation that is on our public streets, by our
6 homes, by our apartment buildings, and by our
7 parks -- so thank you so much and thank you for giving
8 me this opportunity.

9 MS. GRILLO: Thank you. Thank you.
10 Any questions from the commissioners? No. Okay.

11 Well, I want to thank everybody for
12 coming out tonight. It's been very interesting. We
13 learned a lot of things. And again, the charter
14 commission will look into all of these things and some
15 of them will appear on the ballot for all of you to
16 vote on for or against. Okay. Thank you.

17 MR. BRAGG: Motion to adjourn?

18 MS. GRILLO: Motion to adjourn.

19 MR. LYNCH: Second.

20 MS. GRILLO: All in favor?

21 Aye.

22 (Whereupon, at 7:53 p.m., the
23 proceeding was concluded.)

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CERTIFICATE OF DEPOSITION OFFICER

I, THEA POPKO, the officer before whom the foregoing proceedings were taken, do hereby certify that any witness(es) in the foregoing proceedings, prior to testifying, were duly sworn; that the proceedings were recorded by me and thereafter reduced to typewriting by a qualified transcriptionist; that said digital audio recording of said proceedings are a true and accurate record to the best of my knowledge, skills, and ability; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this was taken; and, further, that I am not a relative or employee of any counsel or attorney employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.



THEA POPKO
Notary Public in and for the
State of New York

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CERTIFICATE OF TRANSCRIBER

I, RICHARD GOODNESS, do hereby certify that this transcript was prepared from the digital audio recording of the foregoing proceeding, that said transcript is a true and accurate record of the proceedings to the best of my knowledge, skills, and ability; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this was taken; and, further, that I am not a relative or employee of any counsel or attorney employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.



RICHARD GOODNESS

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2 49:7 2,500 65:24 20 52:5 55:13 59:25 62:11,21		8	
		8 116:18 80 109:6 80,000 109:7 815 74:10 84 45:1 85 77:10 78:16 89 31:18	

abstaining 77:22 abstains 84:9 abstention 77:14 78:19 84:7,20 85:6 abstentions 78:6,10,15,20 84:24,25 accept 71:10 accepted 71:7 access 24:14 54:18,21,23 69:22 71:17 76:5,13 86:11 86:14,21 87:3 87:11 accommodate 113:5 accountability 14:7 113:18 accountable 37:9 74:2 accountant 108:16 accountant's 13:17 accounting 92:23 108:18 108:21 accurate 84:8 121:9 122:5 accused 80:20 achieve 12:7	acres 42:18 act 34:15 62:13 acting 11:2 104:8 action 16:2 18:12 21:1 32:9 39:21 121:12,16 122:8,12 actions 41:20 active 95:11 103:18 actively 6:17 102:18,24 103:4,13,14 actor 32:10 acts 22:5 actual 26:13 32:3 55:24 92:12 109:3,4 actually 6:25 15:17 16:7 25:4 26:3 32:6 48:9,16 55:18 56:1,3,9,17,21 58:4,6,16 59:4 60:20 61:6 62:21 63:22 64:8,11 67:11 67:12,14 69:15 70:12 71:17 76:12 83:10 84:7 85:2 95:9 98:13 99:20,23 99:25 106:23	109:22 111:4 114:1,16 adamant 106:5 adams 2:7 4:17 5:6,10 6:1 22:2 22:18,21,25 45:22,22 47:7 49:10 68:17 79:16,20,25 81:20 90:3 adapt 13:25 add 53:25 88:10 addition 75:17 additional 15:9 18:4 53:25 55:22,24 57:13 57:17,21 82:20 82:21 additionally 77:20 additions 23:7 23:8 additive 48:17 address 10:14 22:16 57:21 108:8 115:17 addressed 30:18 83:24 109:15 addressing 107:7 adherence 12:23 14:19	adjourn 120:17 120:18 adjournment 117:14 administer 87:8 administered 86:6,8 administration 16:22 17:16,23 17:23 19:23 20:10 23:10,23 26:5,20 27:15 27:17,19,24 29:5 32:5 43:16 45:22 54:10,12,14,25 55:3,11 56:22 57:7,15,25 58:25 60:12 92:2 administratio... 61:2 administrations 10:13 43:20 admit 108:14 adopt 12:4 13:25 adoption 57:5 58:23 59:4,5 adore 98:16 advance 94:1 advanced 15:11
--	--	--	---

advantage 7:23 advertised 99:24 advice 35:5 36:7 37:10,13 38:2,18,21,24 39:6 advocate 92:6 93:9 112:21 advocate's 107:3 advocated 95:18 affair 95:22 affairs 41:10 affect 65:12 76:24 88:7,7 affects 76:25 107:18 affiliations 71:14 affirmative 77:13 78:13,18 affirmatives 84:23 85:1 afford 52:19 53:2,6 90:18 109:11,12 affordable 52:15,17,18 agencies 8:15 8:18 16:17,24 17:5 27:2 29:2 44:19 45:13 57:11 59:9	93:21,25 102:17 agency 10:8 17:9 41:20 42:15 45:2,3 45:10,13 56:2 56:22 64:8 74:18 75:4 93:17,22 94:1 agency's 74:12 agenda 19:6 90:24 96:13,17 agenda's 107:15 agendas 107:20 aging 26:21 ago 43:11 52:5 72:25 115:15 agree 19:5 53:16 74:21 105:2 106:1 agreed 26:25 agreement 68:19 83:11 114:17 ahead 23:4 98:22 ahistorical 20:18 air 28:10 al 54:15 70:4 alabama 91:9 alarmed 100:7 alejandro 2:24 100:16	alert 115:9 alerted 58:9 alerts 54:12 alexander 36:4 allegation 81:6 81:8 allerton 116:6 alliance 95:12 118:12 allocated 20:2 112:5 allow 20:1 42:7 42:16,23 43:1 85:24 93:24 allowed 22:6,8 46:17 93:21 111:1,16,17,18 111:18 allowing 87:2 alluded 38:21 alongside 50:21 alright 29:25 47:5 49:18 alternate 48:22 amazing 6:5 amber 115:9 ambitions 92:8 ambulance 115:16 116:11 amend 7:19 9:23 amended 17:19 73:23 74:25 76:11 77:6 78:17	amendment 42:22 43:19 113:21 amendments 60:14 america's 98:18 american 13:11 35:24 96:2 ami 109:3 amorphous 31:7 amount 25:23 25:24 32:21 35:12 55:25 56:1 58:20,21 58:24 59:22 61:13 80:8 81:18 112:25 amounts 56:19 58:3 61:19 analogy 117:18 andand 87:5 angeles 21:10 animated 11:22 annual 19:12 20:20 answer 21:16 21:17 22:4,7 38:20 72:15 102:25 answers 53:25 67:6 111:21 anybody 28:11 36:8 65:21
--	--	--	---

<p>92:24 anyway 15:24 117:1 apartment 52:21 115:21 120:6 apartments 50:6 53:1 apologies 36:18 apologize 49:17 91:15 95:4 appear 84:25 120:15 appeared 23:14 appearing 28:9 apple 50:23 application 65:7,16 applications 78:3 apply 29:4 appoint 99:19 appointed 39:6 92:17,19 93:3 93:4,6,12,17 appointing 74:17 appointment 106:16 appointments 75:11,12 appreciate 7:6 9:20 23:2 27:5 30:3,15 47:17 53:12 59:16</p>	<p>68:15 88:15 98:9,21,24 appreciation 73:14 approach 98:15,17 appropriate 77:7 97:17 appropriations 19:12 20:20 approval 32:12 approve 32:11 approved 39:21 april 42:22 46:2 47:23 area 33:14 44:2 44:14 45:3,14 46:17 116:6 areas 41:24 42:1 46:19 48:10 66:23 106:9 109:9 120:1 arguable 24:5 argued 36:2 argument 37:14,15 article 36:6 90:16 107:23 113:14 arts 39:2 asked 68:8 114:1</p>	<p>asking 22:6 27:2 47:8,9 56:7 84:22 asp 48:22 aspect 22:12 aspects 41:22 aspirations 93:2 ass 102:5 assaults 113:11 113:12 assess 54:21 assessing 16:18 18:2 assessment 18:5 assessments 16:20 assign 111:1 assigned 68:20 111:4 assistance 66:3 associated 57:12 associations 95:14 assume 31:8 astoria 101:2 asylum 97:4 113:5,9 attached 82:14 attempt 18:21 91:1 attend 8:11 109:13</p>	<p>attendance 4:13 attendees 2:2 attention 11:12 81:19 99:7,8 104:18 attorney 121:14 122:10 audience 105:19 audio 121:8 122:3 audited 63:7 auditing 92:23 augmentation 113:21 authorities 21:8 46:7 authority 41:22 42:1,10,12 44:6 46:4,9 47:1 66:18 authorizes 19:3 available 10:21 52:20 66:20 97:25 107:19 avenue 50:21 50:25 107:22 average 109:8 aware 88:8 97:2 aye 120:21</p>
---	---	---	---

b	banks 51:1	believer 69:3	billion 59:2
back 10:19,21	banned 91:10	70:9	billionaires
11:16 13:14	93:17 94:3	believes 69:5	90:18
24:12 25:10	banner 89:25	belive 93:23	billions 96:25
27:3 44:25	based 35:25	belmont 87:5	bills 27:11
55:11 61:9	76:6 80:5 81:3	beneficial 7:24	28:16,17 54:24
70:11 79:21	81:12 86:11	benefit 10:4	57:22 58:3,6
background	112:3	benefits 109:14	59:10 91:10
22:11 71:20	basically 26:24	bernadette 3:5	106:7
108:16,18,21	45:3 48:5,7	118:9,11	birthed 62:8
backgrounds	117:2	best 22:24	bit 4:5 22:10
70:3 89:13	bear 109:13	30:17 34:6	66:16 71:25
bad 116:12	beating 71:8	53:14 63:6,18	82:17 91:25
bags 43:10,14	beautiful 6:5	66:19 73:9	black 43:10
balance 13:12	73:15 101:23	80:25 81:15	51:1 65:10
15:19 20:8	beauty 101:21	121:9 122:6	90:3,5,11 96:2
34:4 35:5,17	becoming	better 5:1	106:11,12
35:25 36:6,9	112:23 116:20	64:14 71:2	blasio 95:16
36:20 38:12,14	beecher 3:4	95:8 99:11	block 47:23
82:6	114:11,12,15	100:11	blocking 47:14
balanced 14:24	117:1	beyond 65:9	blocks 44:4
20:3	behalf 11:8	80:18	bloomberg
balances 20:15	41:12 42:4	bid 64:4 66:9,9	69:15
35:19	believe 36:22	big 47:14 92:11	blueprint 8:15
ballot 10:3	39:23 44:7	107:12 116:1,2	board 30:23
33:19,22,23,25	45:1 46:10	116:15 117:5	31:15 48:24
59:24 68:21	49:6 61:20,20	biggest 43:11	53:15 74:15,17
70:12,13 106:3	73:8 74:5 75:2	48:13 108:23	75:2,9,13,14,18
114:3 119:3,8	75:20 76:10	108:24 109:16	75:23 76:9,12
120:15	77:6 80:25	bill 11:25 17:20	76:16,17,18
ballots 89:11	81:14 82:9	22:5 26:21,25	77:5,9,12,17,18
ballpark 58:7	83:6,14 97:14	27:12,16,17,18	78:12,17 80:1
bank 50:20,22	103:4	27:21 28:20	80:2,16,18,21
50:23	believed 32:16	29:1 54:10,12	82:10 84:1,2,6
		54:19 69:16	84:6 85:22,23

86:4,6,9,14,21 86:25 87:11,13 92:19,20 93:24 107:13 108:3,8 117:15 119:13 119:14,15,16 boards 39:1 49:1 73:24,25 73:25 74:9,19 74:21 75:11 76:14 77:4,6 77:16,18,25 79:22 80:12,13 81:1,12 84:13 84:18 86:13 99:18 103:11 107:11,24 117:14 boasts 14:16 bodies 39:1 body 11:23,23 12:3,6,15 13:20 14:21,23 15:19 16:3,11 18:20 31:14 105:7 body's 31:13 boggles 69:19 bookkeeper 63:5 boom 116:18 boring 13:17 born 118:13 borough 2:20 7:5 11:7 72:6	72:14,17 73:24 74:13,17,24 75:6,10,10 76:16,16,17,21 76:24,25 77:5 77:6,9,12,25 78:12,17 79:13 79:17 80:6 82:10,20,23 83:11,23 84:1 84:4,6 87:4 88:16 103:17 107:11 112:2 118:15 borough's 76:18,21 79:2 boroughs 8:7 49:22 70:15 83:9 bottom 25:6 50:8 bound 43:20 bowman 69:8 bp 81:25 108:2 bp's 107:20 bps 88:8 brad 108:17 bragg 2:5 4:14 4:22 23:5,12 25:8,16,22 26:11,17 27:4 67:18,21,24 84:3 85:4,9 110:3,6,14,19 110:22 117:9	120:17 branch 12:20 13:4,12 15:15 18:11 29:2 38:13 branches 12:18 12:24 brass 69:23 bridge 7:1 brief 62:4 96:10 bring 13:21 15:16 42:14 44:5 51:24 61:9 65:19 94:7 110:17 brings 94:11 broad 42:9 43:6 84:16 broader 11:16 bronx 1:12 4:23 5:11,14 5:23,24 6:2,3 6:16 7:2,8,18 30:15 72:7,14 72:18,21,22,24 73:13 77:21 79:17 83:16 85:13,13 87:5 95:9,14 98:14 98:18 102:12 103:17 109:7,9 109:12 116:5,5 118:14,24 119:1,15,15	brooklyn 11:7 44:13 83:14 85:18 102:13 broom 48:22 brother 9:16 brought 14:8 54:1 87:14 94:12,13 96:24 98:19 100:24 brown 106:12 106:12 bruised 104:1 bsny 10:8 budget 13:16 13:17,25 16:18 18:8 19:10,11 19:14,14,17,19 19:20 20:3,3 20:11,12,21,22 21:2,2 22:3 23:6,8,17 24:19,19,23,25 25:4,24 29:9 29:21 56:3 57:1,4,9 59:5 60:7 61:16,18 61:19 76:22,23 111:20 budgetary 13:13 21:4 40:3 55:25 56:4,9,25 budgeted 55:25 57:10 59:9
--	---	--	--

<p>budgets 57:11 build 51:11,11 52:11 66:11 101:17 building 50:8 50:13,20,23 51:16,18 52:14 73:15 88:2,4 105:4 115:18 115:22,25 116:2,14 buildings 49:21 49:24 50:5,21 51:4,7,11,15,25 52:6,8,9,11,15 52:16,20,21,22 53:4,6 106:15 115:21,21 116:5,7 120:6 built 50:8,12 57:2 67:12 bulletin 103:11 bunch 36:3 burden 83:12 109:13 bureaucratic 44:3 45:8,24 bus 67:11 102:5 business 62:6 62:24 63:3,12 63:16 64:6 93:22 98:20 businesses 64:9 66:5,11</p>	<p>busy 17:22 button 32:11 buyer 51:17 buys 51:23 byproduct 17:15</p> <hr/> <p style="text-align: center;">c</p> <hr/> <p>c 2:1 3:1 4:1 cabinet 37:23 calculate 102:15 calendared 16:6 california 108:24 call 44:15,17 67:4,5 101:25 callaway 2:18 61:25 62:1 64:22,25 65:6 66:25 67:10,22 68:1 called 20:24 36:3 50:24 63:21,25 98:18 callers 68:8 calls 15:5 19:9 20:20 campaign 90:19 campus 109:22 candidate 89:7 candidates 89:8,10,12,17</p>	<p>capacity 75:20 81:15 capital 88:3 107:17 capitalism 70:6 care 59:10 66:21 97:1 career 4:24 carefully 99:19 carlo 2:11 4:10 carry 14:3 78:18 cart 17:12 carters 43:18 case 37:10 81:3 89:19 92:3 94:14 111:10 112:19 113:5 cases 31:19 56:8 75:9,21 80:6 81:17 97:4,6 casesat 74:8 castro 71:12 catholic 111:1 cause 16:12 48:10,18 63:1 63:3 64:9 65:22 79:18 106:21 107:4 109:1,5 115:1 causes 47:20 cebca 95:13 118:13</p>	<p>cement 13:19 census 107:8 censushas 107:8 center 50:2,3 central 16:13 87:12 centrasystem 87:4 cerrada 2:24 100:16,18,20 104:4,14,21 certain 15:12 46:4 59:22 88:5 116:7 certificate 121:1 122:1 certification 65:25 certified 63:24 certify 121:3 122:2 chair 2:11 4:10 4:10 11:2 13:15 54:3 78:2 80:2 108:4 119:15 chairpersons 75:15 chairs 76:18 77:17 challenge 4:5 86:8,19,23 chance 5:15,18</p>
---	---	--	--

<p>change 7:19 8:9 10:12 29:20 42:13 49:3 60:15,16,24 62:15 83:25 92:12 94:15,21 102:22 115:19 changed 52:4 68:25 changeing 90:8 changes 15:5 15:11 19:24 43:17 49:2 74:6 92:14 93:7 changing 19:21 29:13 31:10 chaos 97:25 characterize 20:19 charged 12:25 charles 2:18 61:25 charms 54:21 54:22 chart 94:21 charter 1:1 4:8 4:25 6:1 7:20 8:10,14 9:4,23 11:18,21 12:17 13:5,7,15 14:22 15:6 19:3 20:1 24:9 26:8 31:17,21 31:25 41:7,15</p>	<p>41:21 43:5,19 44:9 46:5,8,16 58:1 62:3,3 65:4 68:20 72:12,20 73:8 73:12,23 74:10 74:25 76:10 77:1,11 78:16 79:1 81:10 83:19 86:7 88:10 92:13 93:9 94:10,16 102:2 104:17 105:15,21 108:1 110:14 111:2,4 114:20 119:3 120:13 charterinfo 9:5 check 13:12 32:11 checking 39:22 checks 20:15 35:19 chicago 21:10 chief 22:14 66:20 children 95:10 100:6 113:12 chilling 16:12 chime 73:2 choice 68:23 70:23 75:7 89:1,3 90:20 choices 90:25 90:25</p>	<p>choose 91:1 choosing 89:4 chris 6:22 7:7 44:12 christopher 2:8 4:16 7:12 chronic 10:5 church 50:3 churches 49:22 50:4 circle 92:7 cited 78:23 cities 11:25 21:10 43:12 98:19 citing 55:20 citizen 92:3 100:22 101:16 105:1 112:11 citizens 25:19 26:6 29:9,9,12 29:18,21 95:8 97:7,8,10 101:15 103:16 114:23 city 4:7 5:1,14 5:15,19 6:6,8 7:18,20,21 8:9 8:15,15,18 9:25 10:2,8,9 10:10,15,25 11:4,6,9,17,20 11:21 12:11,18 12:19,20 13:8 13:20,22,25</p>	<p>14:23 16:17,24 17:4 20:11 22:5 23:21,23 23:24 24:8,11 24:21,24,24 25:2,4,20,23 27:2,7 28:12 28:13 29:2 30:22 32:16 34:17 35:12 37:19 38:6 39:1,2 41:11 41:18,22 42:11 42:18 43:2,25 44:4 45:2,3,10 47:3 49:22,23 51:1,8,9,13 53:20,23 54:6 57:21,23 60:3 61:5,7 62:7,22 62:25 63:25 64:1 68:17,18 68:19 69:1 70:7,15,16 71:1 72:3,20 74:2,10 75:25 76:1,4,5,8 77:1 77:2,3,11,23 78:16 82:6 85:16 86:3,10 86:10,14,22,22 86:23 87:1,7,8 88:10 89:3,20 89:22,24 90:2 91:12,14 92:2</p>
--	---	---	---

<p>92:12 93:3,19 93:21 94:9,16 95:18,22,25 96:12,15,21 97:8,13 100:23 101:1,4,5,10,14 101:17,18,22 101:25 102:2,6 102:17,21 103:17 105:15 105:21 107:2 108:1 112:14 112:18,24 113:6,7,8,8 114:2 117:20 119:9 city's 12:14 16:14 18:11 19:20 25:14,17 54:22 73:24 74:1,12 76:6 76:25 77:4 90:3 citycharter.n... 9:6 citywide 8:6 34:17 84:16 civics 100:5,9 civil 87:8 clara 67:11 clarification 58:19 59:11 84:4 clarified 29:16</p>	<p>clarify 28:23 45:2,23 46:7 75:1 76:11 clarifying 53:24 classes 76:1 clean 9:25 41:17 44:2 45:4,11,19 46:15,17 cleaned 44:15 45:2,16 cleaner 44:4 cleaning 10:9 10:11,14 42:10 42:11 44:6 45:14,17 46:1 46:4 47:2,10 48:21 49:3 cleanliness 10:1,9 41:23 42:9,17 43:4 47:3 cleans 46:23 clear 45:7 50:18 85:4 102:14 117:24 118:5 clearing 50:17 clearly 45:6 close 58:5 87:25 closer 110:7 closing 42:10</p>	<p>coalition 95:13 coin 19:16 coincided 36:12 collaborate 108:5 colleague 118:17 collecting 107:6 collection 47:20,21 48:7 48:9 college 101:3 101:21 105:11 colleges 105:11 color 89:10,17 89:22,24 90:5 95:25 come 9:21 10:19,21 15:12 16:3 25:20 26:6 27:11,13 29:19 32:10 37:23 50:15 51:10 54:3,24 55:11 57:6,19 70:10 71:11 81:7 86:15 88:6 96:5,7 100:22 101:9 101:12,15 109:21 112:3 118:1,3,24</p>	<p>comes 24:16 25:10,25 28:5 28:25 42:6 51:23 58:5 71:4 77:23 85:2 102:16 coming 4:3 5:20 7:3 30:8 30:15 39:19 44:18 55:8 56:19 57:19 58:3 78:15 95:1 120:12 commenter 2:13,14,15,16 2:17,18,19,21 2:22,23,24,25 3:2,3,4,5 comments 9:4 10:24 11:10 21:25 27:7 73:20 79:10 110:11 commercial 115:6 commission 4:8 7:9 9:19,22 10:3 11:3 13:15 15:13 21:12,25 29:9 29:22 39:3,4 41:8,15 42:6 72:12,16 73:12 73:19 79:1,6 79:23 81:10</p>
--	--	---	---

83:20 88:15,22 92:13 93:15 94:10,24 101:19 104:24 110:15 112:10 120:14 commission's 8:6 14:15 44:23 commissioner 2:3,5,6,7,8,9,10 2:12 4:9 9:15 37:17 38:5,9 41:10,12 43:6 47:17 83:4 88:1 commissioner's 8:22 commissioners 4:12,18 7:11 10:16 35:11,13 37:20,24 39:4 62:2 100:21 101:8 114:16 120:10 commissions 39:1 commit 113:9 committee 1:1 16:2 38:18 75:18 107:10 committee's 19:6 committees 78:2 114:6	common 15:16 83:11 communicate 86:3 communities 5:19 34:20 75:24 99:21,23 community 5:14 7:17 48:24 49:1 50:2,3 51:24 52:1 53:14 67:12,15 73:24 74:9,15,17 75:1,11,13,23 76:12,18 77:4 77:16 79:21 80:12,13,18,21 81:1,12 84:2 86:6,9,21 89:7 95:11,14 99:17 103:6,11 105:25 107:13 107:18,24 108:8 109:4,24 117:14,15 119:15,16 companies 66:24 company 63:10 comparable 21:15 compile 69:21 complainant 80:10	complaint 107:20 complaints 74:15 80:1,7 80:17 83:2 completed 21:4 completely 51:16 52:4,9 compliance 74:11 75:2 82:22,24 complicated 111:5 comply 87:18 comprehensive 77:2 comptroller 93:6,9 108:21 108:23 comptroller's 92:16 comptrollers 108:15 computer 69:24 concedes 17:4 conception 27:15 35:24,25 concern 15:3 22:3 29:8 33:3 47:14 112:17 concerned 32:25 118:1 concerning 11:16 36:6	concerns 5:16 6:4,10,19 7:4 22:9 85:17 conclude 79:8 concluded 120:23 conditions 19:21 conduct 31:13 conducted 117:12 conducts 38:18 confirmation 35:11 38:8 confirming 37:19 conflict 93:23 conflicts 31:22 confusion 17:21 conjunction 61:2 connect 74:3 connection 99:22 connections 67:6 consent 35:6 36:7 37:11,13 38:3,19,21,24 39:7 consider 8:18 11:19 32:8 73:10 93:3 101:6
--	--	---	--

consideration 11:20 73:19 79:5 considered 16:2 24:20 28:21 83:3 considering 9:1 93:15 consistency 43:1 consistent 80:15 consistently 83:8 consisting 14:18 conspicuous 116:2 constant 28:15 constituencies 14:13 constituency 35:3 constitution 7:21 8:14 11:24 12:2,9 21:7 36:1,2 constitutional 12:21 13:21 18:14 constitutional... 15:10 constraints 93:19	construction 51:20 66:18 cont'd 3:1 contact 108:1 containerizati... 43:4,21 containerize 43:8 containers 43:15 119:24 120:2 contains 9:22 contemplate 32:1 contemplated 11:18 20:24 contingent 42:12 continually 52:11 continue 8:5 19:23 43:22 70:25 72:19 continued 89:1 continues 19:21 91:13 101:18 continuous 28:15 contract 108:20 contractors 66:6,10 contracts 63:1	contributions 97:12 control 12:13 18:15 31:10 92:18,20 controversial 84:20 convening 72:18 conversation 53:13 82:5 83:4 conversations 28:15 87:24 coommission... 118:11 cooperation 12:8 cooperative 62:20 coordinated 90:18 copy 67:24 core 14:2 24:7 corners 10:6 corporation 102:9 corps 96:4 correct 23:11 84:10 correctional 69:17 cost 24:2,11 25:2 26:4 27:10,16,25	40:17 53:5 56:9,13 57:21 58:11 60:16,21 60:23 costing 25:23 costs 25:7 57:13 58:3,7 58:19 60:12 council 9:11,12 9:13,19 10:18 10:20,25 11:4 11:6,9 12:19 13:1,6,9,24 14:2,6,14,16 15:3,9 16:3,8 16:16,20,22,25 17:2,4,13,17,23 17:24 18:8,22 19:23,25 20:5 20:8,11 21:5 22:5,11 23:9 23:20,24 24:10 24:10 25:1 26:5,10,20 30:22 31:3,5 32:1,16 34:15 34:18,22,24 37:19 38:6,19 38:23 39:6,7 39:10,16,18,25 41:19 53:15,20 53:23 54:6 60:3 61:5,7 69:1 76:18 77:16,20,23
---	--	--	--

78:15 84:18 89:22,25 90:4 96:13 97:8 102:21 107:3 council's 11:17 13:19 18:14 19:11,14 35:5 councilman 69:8 113:13 counsel 2:4 10:24 11:4,6 38:17,17 39:11 72:15 81:13 121:10,13 122:7,10 count 84:9 counted 84:7 84:24,25 85:6 counterpart 13:10 countries 71:20 71:22 country 6:6 52:13 69:12 70:1 71:4,7,13 96:5 97:2 100:24 101:6 101:23 counts 14:19 coup 90:9 couple 8:1 30:4 45:21,25 48:4 course 7:8 12:11 16:4 23:22 25:11	27:22 40:18 41:9 42:12 49:11 71:9 73:14 court 12:16 31:17,19,22,24 69:18 97:5 cover 57:12 108:19 covers 56:6 cracks 69:10 crazy 112:1 create 60:18 94:5 created 20:5 45:8 creates 20:25 creating 18:23 41:17 42:11 62:19 creation 11:21 credentials 92:21 crimes 97:22 113:10,11 criminal 71:19 101:3 critical 13:2 74:1 critically 96:18 crop 43:22 crucial 74:1 cumbersome 65:14	curb 43:14,17 curious 37:12 current 14:22 18:25 29:10 43:22 74:7 107:12 currently 13:6 26:8 31:6 38:23 41:21 42:25 43:5 74:12 77:11 curtis 2:19 68:9 custom 94:10 customer 41:10 cut 44:5 d d 4:1 77:10 78:16 d'etat 90:9 dad 62:8 daily 75:17 92:11 101:21 dance 19:20 data 54:22 71:17 78:23 107:6 database 66:22 databases 67:3 date 62:21 dates 9:3 daughtry 2:12 40:24 david 77:10 dawn 88:1	dawned 115:19 day 8:16 12:14 12:14 32:8,8 35:21 36:15,23 41:20 95:19 96:22 106:17 117:18,19 days 90:13 daytime 49:9 dcas 74:13 75:2 75:3,20 76:6 79:24,25 81:15 83:5 86:8,11 86:24 87:4,6,6 87:22 88:2,3 dcas's 76:7,11 de 18:23 95:16 dead 116:3 deal 104:5 dealing 22:12 111:6,6 119:24 deals 120:2 dear 118:23 death 116:13 debate 70:18 debt 65:21 decades 43:13 44:4 118:15 december 38:1 decide 14:4 33:20 68:22 70:8,11,14 72:2 decided 68:23 68:24
---	---	--	---

decision 119:8 decisions 13:2 declared 51:5 decline 77:16 decreasing 52:12,14 dedicated 88:24 deemed 59:23 deep 21:13 defeat 90:19 definition 46:10 defunded 98:3 defunding 96:16 97:19 degraded 98:4 delay 16:25 delegation 42:13 delgado 2:25 104:23,24,25 105:18,24 108:11,14 delicate 81:17 delivered 14:4 delivers 102:6 delivery 76:20 demanding 99:17 democracy 21:19 35:1 70:6 89:14 102:23	democratic 102:20 103:18 democratically 90:11 demographics 89:13 density 48:10 department 9:24 10:14 28:14 41:5,11 41:13 42:25 44:16,16 46:20 50:5,10,11 69:18 department's 42:1 departmental 38:24 depending 39:5 deposition 121:1 depot 67:12 deputy 22:14 41:10 45:1 58:12 derives 77:10 descendant 96:2 describing 48:2 112:16 designate 47:1 designated 46:22 designation 42:13	despite 74:16 106:8 destroying 38:14 72:3 deter 16:10 determination 71:8 determine 70:14 developer 51:18,22 112:5 developers 50:15 51:20 53:17 development 62:14 67:1 76:23 109:14 diaz 2:10 4:15 7:9,10 9:16 30:4,7,14 31:5 32:15 33:2,10 33:13,16,18,24 34:3,10,13 35:4,8,10,16,19 35:22 36:16,21 36:24 37:3,6 39:17,23 40:1 59:17,19 61:4 61:8,13,22 81:23,25 82:3 98:11,12,21,24 99:5,10,15 100:12 102:25 103:21 104:5 104:19 110:21	110:24 111:16 111:18,20 112:1 differ 38:6 difference 48:15 84:1 116:13 differences 83:12 different 17:14 26:23 38:25 47:19 52:9 56:1 59:7 66:23,23 82:5 83:15,15 85:17 differently 7:19 difficult 65:7 78:11 111:9,12 111:15 digital 121:8 122:3 diligence 94:18 diminish 31:2 90:7 diminished 32:13 direct 77:18 106:16 110:22 direction 33:9 108:16 directly 16:17 41:16 58:9 61:19 74:3 114:7
--	---	---	--

director 22:14 53:23 62:15 67:1 72:13,15 81:13 directors 58:12 dirty 44:1 disagree 17:3 disagreements 23:25 disappointing 105:3 disappointment 107:13 disappoints 96:6 discrimination 80:20 discuss 51:22 105:23 discussed 21:9 93:11 118:19 discussing 24:6 discussion 11:14 12:7 40:18 41:3 70:18,20 discussions 17:17 27:16 57:25 60:13 61:3 disingenuous 20:18 28:11 disposal 43:7 disregard 108:5	disrespect 30:10 disservice 105:25 distinct 12:17 district 34:11 75:14 107:25 districts 10:4 14:11 distrust 32:18 dive 21:13 diverse 6:5 14:15,17 90:4 diversity 66:21 101:22 102:16 division 18:9 39:11 54:7,11 doctor's 106:15 doctrine 12:24 18:13 document 13:17 39:21 40:6 documentation 107:23 documents 54:8,17 101:9 doe 79:23,23 dogs 62:10 doing 5:12 32:12 34:15 51:20 63:17,18 63:24 79:18 99:20 103:19 104:15 107:25	113:25 114:7 dollar 24:17 32:21 33:8 56:19 58:15 60:1 61:19 dollars 56:1 57:13 58:8,11 58:20,21 59:2 59:3,8 60:2 69:20 96:25 101:13,13,13 111:9,12 donors 109:16 doubt 116:16 downgrade 60:23 downtown 50:7 drill 96:3 dsny 10:12 41:17,21 42:1 42:9,16,22,24 43:18 44:5 45:4,12,18 46:1,3,8,23,24 47:1 dsny's 42:6,14 due 11:20 74:22 78:14 94:18 duly 121:5 dumping 10:1 10:6 duties 42:14 duty 72:1	dying 116:23 e e 2:1,1 3:1,1 4:1 4:1 eager 6:17 earlier 15:7,23 36:25 38:22 48:14 82:5 90:13 early 63:13 earn 55:23 easier 50:18 87:16 east 1:11 95:14 118:14 119:1 easy 24:5 116:2 eating 105:20 ecfc 63:22 echo 112:17 118:16 economic 88:25 112:25 educated 85:16 95:5 education 100:5,10 101:1 educational 112:6 edward 2:4 eeo 74:12 75:2 75:20 81:16 82:22,23 effect 16:12 48:17 77:14
---	---	---	---

<p>effective 12:7 effectively 42:3 74:9 effectiveness 15:14 effectuate 32:7 efficiency 15:14 efficient 75:5 efficiently 74:10 80:14 effort 95:8 116:17 efforts 90:7 ego 104:1 eight 97:5 either 8:13 18:20 44:22 77:19 80:16 87:13 91:10 92:22 93:3 elderly 24:14 elect 89:23 elected 8:17 9:10 12:3 35:8 35:22 77:4 90:11,13 92:16 92:17,20 93:4 93:16,18 94:3 95:17 99:22 111:3 112:2 117:21 electing 89:21 90:4</p>	<p>election 8:20 34:17 91:14 94:8,20 117:18 117:19 elections 89:3 90:1 118:2 electric 64:1,3 64:4 elects 37:23 eleven 49:1 eliminate 92:6 eliminated 89:10 92:10 eliminates 77:15 elite 96:8 ellis 118:25 eloquently 13:15 email 86:3,3,23 87:1 114:21 emails 76:5 emoji 103:22 103:23 emphasize 76:16 emphasized 13:4 employed 121:11,14 122:8,11 employee 55:20 121:13 122:10 employees 75:25 76:2,4,8</p>	<p>93:19 employment 74:8 76:3 93:20 empower 102:23 empowered 14:22 24:9 empowers 101:25 102:6 encounter 86:19 encourage 8:21 113:13,24 ended 62:19 enemies 70:3 enforce 9:25 42:7,24 enforced 93:23 enforcement 10:9,11 42:21 43:2 44:6 47:3 engage 54:9 70:17 engines 101:25 ensues 16:23 ensure 15:20 43:19 91:13 100:5 102:2,5 102:15 ensuring 75:1 76:12 102:20 entered 70:1 97:1</p>	<p>entire 14:20 19:17,22 22:16 23:25 60:18 76:24 95:22 entirely 15:24 42:23 entirety 40:19 entities 19:4 entity 108:4 111:13 entrusted 102:1 enumerated 12:1 environment 88:25 environmental 62:14 epicenter 70:6 equal 12:24 13:10 30:24 74:8 76:3 equipment 45:19 equipped 10:8 74:22 equitable 5:2 equity 102:15 106:11 equivalent 115:10 era 96:5 eric 68:17 90:3 es 121:4 escape 71:3,4</p>
---	---	---	---

<p>especially 111:12 118:22</p> <p>essential 12:15</p> <p>essentially 54:3 54:10</p> <p>estate 109:16</p> <p>estimates 16:17 16:21,23 17:25 25:11 27:10 30:23</p> <p>estimating 26:21</p> <p>ethical 39:14</p> <p>evaluate 14:25</p> <p>evaluating 9:23</p> <p>eve 27:11 28:25</p> <p>evening 4:22 5:6,11 6:16 7:3 9:14,18 11:1,2 41:6,7 49:15 64:21 72:9,10 73:22 79:9 88:21 95:15 100:20 104:24 112:10 114:15 118:10</p> <p>everybody 4:5 65:12 71:10,11 119:20 120:11</p> <p>everybody's 115:11</p> <p>everyday 96:18</p> <p>evidence 80:9 80:10</p>	<p>evils 89:5</p> <p>exactly 39:24 44:22</p> <p>examining 79:5</p> <p>example 45:12 45:25 50:9 54:19 55:9 60:17</p> <p>exams 87:9</p> <p>exceed 58:20 59:21</p> <p>exceeding 59:8</p> <p>exceeds 56:3 58:16 59:25</p> <p>excellent 22:18 22:19</p> <p>exchange 16:12</p> <p>exciting 49:5</p> <p>excluded 77:5</p> <p>exclusive 12:13</p> <p>executed 90:14</p> <p>execution 71:9</p> <p>executive 12:18 13:12 14:5 15:21 18:11 29:2 36:11,12 57:4 72:13 80:16</p> <p>executive's 18:18</p> <p>exert 90:5</p> <p>exist 11:22 13:7 21:9</p> <p>existing 54:20 57:10,10 60:14</p>	<p>109:4</p> <p>exists 94:10</p> <p>expand 42:6</p> <p>expanding 14:9</p> <p>expansion 14:6 14:10 42:20</p> <p>expectations 42:16</p> <p>expenditures 20:2</p> <p>expense 57:5 57:16,24 58:24</p> <p>expensive 52:25 53:1</p> <p>experience 41:11 66:17 81:15 92:22</p> <p>experiencing 7:4</p> <p>experts 8:9 93:25</p> <p>explained 64:14</p> <p>expressed 79:3</p> <p>extend 73:14 80:17</p> <p>extended 81:4</p> <p>extensive 80:8 80:11,24</p> <p>extensively 82:18</p> <p>external 18:10</p> <p>extra 60:6</p> <p>extremely 28:10 39:7</p>	<p>96:22 119:4</p> <p>f</p> <p>face 21:1,6</p> <p>facebook 104:10</p> <p>faces 101:23</p> <p>facility 113:4</p> <p>fact 11:20,22 17:3 23:13,14 24:22 28:4 34:24 63:11 67:21 71:8 101:11,12</p> <p>facto 18:24</p> <p>failed 78:14,14</p> <p>fair 14:8 24:12 61:4,6 83:18</p> <p>fairly 57:19 67:13</p> <p>fall 79:7 108:1</p> <p>familiar 115:24</p> <p>family 103:24</p> <p>fan 97:11</p> <p>far 8:8,11 37:21 48:21 73:21 82:2</p> <p>fares 24:12 61:4,7</p> <p>faster 48:3,18 48:18,20</p> <p>father 73:16 96:3</p> <p>fathers 36:3</p> <p>favor 68:25 120:20</p>
--	---	--	---

fear 89:15 106:19 features 113:5 february 90:15 federal 36:9,17 36:18 61:17 69:12,20 federalist 36:4 feel 46:6 50:17 65:14 81:1 82:3 83:12 96:12 99:18 119:2,4 feels 97:10 felci 3:3 111:25 112:7,9,11 114:6 fellow 41:9 felt 95:18 ferrara 3:5 118:9,10,11 fiefdoms 44:3 field 94:1 fighting 31:20 figure 25:18,24 55:7 87:15 115:18 116:9 figured 93:11 93:12 file 77:3 final 9:2 17:11 18:2 26:25 43:3 61:1 79:6 finalized 54:10	finance 18:8 32:22 53:23 54:6 financed 33:16 finances 82:14 financial 44:20 63:2 92:18,19 108:15,17,20 financially 121:15 122:11 find 6:7 36:4 49:23 51:17 57:16 62:18,18 63:16 66:8 69:13 82:25 83:17 86:13,18 86:20,21 87:16 115:16 116:11 119:17 fined 63:8 finest 98:18 fingertips 27:20 finish 37:12 firmly 61:15 first 11:12,19 12:1 15:4,4 21:25 43:9 46:1 51:1 62:1 62:9 72:24 74:7 79:16 89:24 90:1 92:4 95:16 102:11 113:25 114:17	fis 15:6,11 17:7 17:7,18 18:2,5 18:9,10,25 19:4,5 40:5 fiscal 11:11 13:23 15:1,5 16:19 18:2 19:2,8,18,19,22 19:22 20:6,12 22:12 23:7 25:14,17 26:9 26:24 27:1,14 28:4,8,19,24 29:4 33:24 37:7 46:19,19 54:2,5,15,24 55:8,16,19 56:16 58:10 60:5,7,13 61:1 82:7,7 fiscally 23:21 five 8:7 48:15 58:8 60:2 70:14 83:8,11 flag 77:9 flawed 29:10 fled 95:25 flexibility 9:24 flippant 15:22 floor 16:8 105:5 fly 21:6 flying 69:11 focal 19:25	focus 14:6 73:6 focused 11:10 folks 28:18 32:18 34:7,20 88:18 89:6 111:7 follow 40:2 95:4 followed 80:21 following 60:6 follows 12:11 force 67:13 forcibly 90:11 forcing 17:10 fordham 1:10 1:11 7:15 8:4 72:11 73:14 101:21 105:7 111:8 foregoing 121:3,4 122:4 forget 69:9 104:16 forgive 30:18 form 12:22 14:8 17:11 78:20 113:25 formal 42:17 formation 17:7 18:9 former 4:24 45:1 88:1 100:21 112:3 119:15
---	--	---	--

forth 39:5 43:7 53:17 57:15 59:10 64:2 forward 4:4 7:2,24 8:25 31:1 38:5 44:10 54:13 58:1 73:10 79:5,10 84:23 found 21:8 63:19,25 95:6 99:25 111:11 foundations 102:20 founded 14:10 founding 36:3 36:11 four 30:14 34:19 73:6 78:21 95:10 fourth 77:8 framers 14:22 francisco 2:13 2:22 9:12,20 21:11 30:9 41:19 91:20 free 88:13 freedom 71:2 fresh 106:16 friday 7:13 friend 7:9 friends 111:25 frivolous 94:19 front 43:9 116:3	fulfill 74:19 fulfilling 12:20 fulfills 14:14 full 32:2 68:19 78:24 79:4 function 74:9 76:19 functioning 73:23 functions 13:1 102:6 fund 20:4 fundamentally 19:13 31:15 35:15 36:23 funding 14:5 112:4 funds 82:20 further 13:19 19:2 41:3 83:5 121:12 122:9 furthermore 95:24 future 9:3 10:12 43:19 47:1 95:7 102:22	gaps 41:25 garner 67:9,11 67:13 gather 80:9 gear 105:18 gender 71:6 general 2:4 8:20 10:24 11:4,6 17:16 38:17 39:11 53:11 69:22 72:15 75:18 81:13 94:8 96:13 generally 16:19 89:16 generating 17:21 generation 102:7 118:23 gentleman 95:5 119:23 geriatric 112:19 germane 38:7 getting 30:11 56:20 63:6 83:2 gibson 2:20 72:7,8,14 79:19,24 80:4 81:21,24 82:2 82:16 84:11 85:8,22 86:1,5 87:23 88:13	119:11 give 5:15,18 9:23 22:10 33:6 44:24 55:9 56:14 62:4 73:19 83:7 87:11 97:8 118:21 given 13:24 16:4 46:3,17 68:17 73:5 97:15 109:25 110:9 gives 32:1 41:21 43:5 71:1 90:24 giving 10:12 120:7 glad 72:21 73:1 118:21 go 9:14 23:4,5 39:6 45:15 47:13 58:23,23 60:10 63:8 65:20 66:11,23 68:7,8 69:13 79:21 82:17 87:13 88:13,17 97:5 98:22 106:19 111:9 111:12 115:2 119:18 goal 43:8 goes 24:6 65:23 66:7 107:21
	g		
	g 4:1 gains 78:7 game 63:15 92:25 gang 71:14 gap 42:10		

<p>108:2,7 going 5:15,19 9:10 10:23 25:3 26:22 27:2,25 28:7 37:24,25 44:25 47:21 51:10,25 52:16 53:9 54:12 55:12,23 56:3,11 60:21 62:6 63:8 64:10 66:13 68:9 70:16 78:3 82:2 83:21,22 85:15 88:3,7,17,18 90:22 91:15 93:12 99:7 104:12 105:21 114:20,22 115:4,12,14 good 4:22 5:6 5:11 6:15 9:14 9:15,18 11:1,1 15:20 18:17 21:13 23:1 24:20 29:8 41:6,6 46:6 62:15 64:20,21 64:22 72:9,9 72:17 78:8 80:13 87:23 88:21 100:20 104:5,22 112:9 114:15 115:2</p>	<p>118:10 goodman 2:15 41:5,6,9 44:21 47:16 49:11,14 119:23 goodness 122:2 122:15 goodnight 109:17 goods 76:20 gotten 46:6 governance 15:20 38:4 74:1 government 11:17,20 12:3 12:8,13,19,20 12:23,25 13:22 14:24 16:14 20:16 27:8 28:12 29:8 30:25 31:14 32:18 36:17,18 37:20,22 38:11 41:22 69:13 74:2 82:6 90:12 92:12 104:9 government's 13:8 governmental 105:9,13 governments 12:1,5</p>	<p>governors 91:9 grabs 104:17 gracias 104:20 graduated 101:2 grandparents 118:24 grassroots 88:24 grateful 72:11 73:16,17 85:19 great 71:13 72:7 79:18 83:3 87:3 100:19 101:10 101:25 114:25 115:13 greater 9:24 10:13 greatest 101:5 greatly 10:4 96:19 grew 64:24 grid 63:25 64:1 grillo 1:5 2:3 4:2,9 5:4,9,21 6:12,22 7:7 8:2 10:18 21:22 23:4 27:6 28:23 29:6,14 29:21,25 30:3 40:2,5,9,13,15 40:20 41:4 44:11 46:21 47:6 49:12,16</p>	<p>53:9,19 54:3 59:14,18 61:23 61:25 64:16,19 66:16 67:23 68:6,12,14 71:18,21,24 72:4 79:12 81:22 88:12,16 90:21 91:3,7 91:17,22,24 94:23 98:7,9 100:15,19 104:23 105:16 105:22 108:10 108:13 109:18 110:11 111:21 111:24 112:7 114:5,9,14 116:25 117:7 118:7 120:9,18 120:20 grillow 11:2 groups 14:19 15:12 29:9,18 34:7 70:5 90:17 grow 103:5 guarantee 65:25 guaranteed 12:6 guarantees 16:1 guess 26:12 110:14 114:2</p>
---	---	--	--

114:24 guest 91:19 guide 110:22 guiding 72:20 guy 65:15 guys 37:13 59:13 62:3 64:13 68:2 103:18 106:11 112:13 113:15 115:1 116:22	93:10 happenstance 95:7 happy 4:24 6:24 7:15 41:2 harassment 76:3 80:20 hard 62:23 63:7 66:5 96:22 99:20 110:4 harlem 50:25 harmonization 19:10 20:24 harmonize 20:20 harmonized 57:1 head 94:1 heads 38:25 74:19 93:17 118:19 hear 5:11,11,15 5:16,18 6:4,9,9 6:19 8:8,17 30:19 37:12 59:20 68:13 80:9 91:21 110:6 112:8 114:12 heard 5:18 8:24 16:7 29:7,8 30:9 37:5 45:13 69:7 70:19 83:8	85:18 102:14 117:10,11 hearing 1:1 4:7 7:16 8:25 9:2,3 13:14 16:1,6 37:1 72:18,23 73:13 110:4 hearings 8:12 17:19 37:11,13 38:19,21 40:18 82:1 114:7 117:12 hearst 50:9 heart 13:18 118:23 heartbeat 20:14 heartbreaking 95:23,24 heavily 17:6 99:24 heavy 70:21 held 11:5 12:16 29:1 37:18 46:19 105:5 114:20 117:13 hello 5:23 53:22 68:11 help 65:6 67:17 83:20 101:14 119:12 120:4 helpful 87:17 herbert 2:12 hereto 121:14 122:11	hey 79:17 hi 5:10,24 47:7 64:20 81:23,24 98:11,12 109:20 118:10 high 44:25 48:10 53:4,5 113:10 higher 93:2,14 highest 12:16 highly 117:19 117:20 highway 43:25 44:16 46:1 49:3 highway's 46:14 highways 41:24 46:2 hilton 50:6 hinder 31:2 38:4 hire 55:22 67:2 82:21 hired 54:20 56:5,10 hiring 62:19 historic 7:15 49:20 51:2,5,6 51:7 89:17 historical 13:22 historically 14:17 16:23 78:1 90:6
h			
hale 67:11 half 16:5,7 hallmark 16:14 hamburgers 62:10 hamilton's 36:5 hand 64:13 68:2 74:12 handle 74:22 75:5,8,20 82:23 98:1,2 handling 59:9 74:8 hands 39:10 happen 7:21 24:25 60:22 78:10 114:21 happened 30:22 69:9 95:23 happening 7:13 happens 32:20 32:23 60:25			

history 10:5 30:21 32:17 52:3 62:4 89:21 90:2 hit 70:5 hjappy 6:10 hold 37:9 38:9 112:1 holden's 113:14 holding 73:13 74:2 94:4 holiday 62:11 home 11:25 80:22 102:1 106:16 homeboy 36:5 homeland 69:14 homeowner 95:10 homes 106:21 115:22 120:6 honestly 96:6 honor 11:8 72:10 119:1 honored 5:12 5:13,25 6:16 hoops 65:9,9,9 119:17 hope 95:7 96:9 114:7 119:5 hopefully 38:1 horse 17:12	hospital 72:25 hostage 37:18 38:10 hosted 73:16 hosting 8:4 72:24 hot 62:10 hotel 50:7 hour 28:21 48:13,14,18 49:8 hours 48:22 55:13,15 86:16 housed 42:23 houses 116:7 housing 52:15 52:17,19 53:2 71:15 106:18 109:2 how's 82:2 hpd 109:2 huge 48:15 58:3,21 97:11 human 106:22 106:25 humiliated 98:4 hundred 34:14 62:17 67:5 106:4 hundreds 75:9 hurley 3:2 109:19,20,20 110:5,8,12,16 110:24,25	111:14,17,19 111:23 hurt 24:21 97:20 hurts 96:24 <hr/> i <hr/> ibo 19:3 ice 69:5,14,17 69:22 71:16 idea 28:8,8 36:13 40:17 48:1 81:11 107:15 idea's 18:16 ideas 16:12 96:15 identification 71:6 identified 56:11 57:14 97:4 identify 57:7 105:4 identifying 14:3 ids 119:4 ignore 108:1 ii 96:3 illegal 10:1,6 illegally 97:2 imagination 69:19 imagine 53:12 86:17	immediate 55:4 immediately 66:22 immigrants 97:12 101:8,17 106:13 immigrated 100:23 immigration 97:11 impact 15:5 18:2 19:9 23:16,20,21 25:14,16,19,25 26:4,4,9,13 27:14,22 28:4 28:8,19,24 29:4 41:17 54:2,5,15,25 55:1,8,16,19,25 56:4,12,16 57:1 58:10 60:14 61:1 92:10 96:18 impacted 109:4 impacting 113:3 impacts 16:19 19:2,12 22:12 26:24 27:1 28:16 82:7 impasse 19:7 implement 74:5 implementati... 89:1 91:11
--	--	---	--

implements 13:3	102:16	information 17:5 27:17	instant 89:10
implicaitons 93:8	inclusive 102:2	54:19 56:20,21	institution 112:6
importance 13:3 62:25 76:16	income 109:4,7 109:8	56:23 60:20 78:22 105:16	instructor 96:3
important 5:13 8:16 41:15 42:3 44:9 64:9 74:5 76:19 102:1 103:15 119:5,20	incorporate 51:19	informed 99:2	insurances 65:22
importantly 69:19	incorporated 50:6	infringe 32:3	intact 51:19 102:21
imposed 21:15	increase 24:13 24:14 57:9 61:13,17	infringing 31:12	integral 20:8
impossible 11:19 111:14	increased 14:7	inherently 19:15	integrity 12:14
imprint 17:8	increasing 112:22	initial 80:7 98:25	intended 15:16 45:2
improve 8:10 73:23	increasingly 96:1	initially 17:14	intentioned 45:9
imprudent 15:10 20:18	incredibly 49:4	initiated 16:20 21:3	interaction 75:17
inception 18:17	incumbents 34:23,23	initiative 49:5 68:21 69:3 70:9	interest 4:3 15:12 21:20 29:18 33:7 80:25 93:23
inches 116:1	independent 13:4 18:8 109:21,25 110:8,9 113:4	initiatives 88:3	interested 92:25 105:13 108:9 121:15 122:12
include 77:6	indicator 117:17,22	innovation 16:13	interesting 29:6 120:12
included 78:24	individual 95:15	input 17:6,16 18:10 19:1 73:20	interests 102:9
includes 8:23 18:15	individuals 70:1	instagram 103:6 104:10	interference 14:5
including 41:24 42:19 76:2 80:4 90:17 113:1	infestation 119:25 120:5	installation 63:15	intergovernm... 12:8
inclusion 15:8 18:22 96:20	inflated 17:1	installed 62:21	internally 81:11
	influence 90:6 90:7	installer 63:24	interrupt 47:25
		installers 62:17	
		instance 31:9 111:2	

<p>intersects 19:15</p> <p>introduce 4:19 40:23</p> <p>introduced 15:25 16:5 17:15 27:18,21</p> <p>introduces 46:16</p> <p>investigate 81:16</p> <p>investigating 74:14</p> <p>investigations 75:5</p> <p>investment 31:16</p> <p>invitation 19:6</p> <p>involve 80:22 103:16</p> <p>involved 18:4 27:16 63:13,15 95:5 99:2 105:8,14 112:12</p> <p>involvement 18:7</p> <p>ironic 112:4</p> <p>isis 70:4,4</p> <p>island 83:13 102:13 112:16 112:20 113:4 118:25</p> <p>issue 17:8 21:14 26:22,23</p>	<p>30:21 33:18,22 37:18 38:7 42:4 45:10,24 46:14 66:17 77:9 86:25 87:14,15 106:18,22,25 117:10 119:25</p> <p>issues 6:4,19 7:4 10:15 22:13,23 37:7 39:14,15 40:3 47:21 76:24 84:15 107:17 107:18,18 118:18</p> <p>it'silluminated 116:16</p> <p>italian 118:23</p> <p>italy 87:5</p> <p>item 54:4 78:9</p> <p>items 16:6 58:1 118:17</p>	<p>jason 2:14 10:24 11:3 21:22</p> <p>jay 101:3</p> <p>jessica 41:12</p> <p>jfk 7:1</p> <p>job 1:17 23:1 42:2 62:18 79:18</p> <p>jobs 64:4</p> <p>john 3:3 101:2 108:15 111:25 112:10</p> <p>join 4:11 6:16</p> <p>joined 40:24 72:6,14</p> <p>joining 4:10</p> <p>joshua 2:15 41:4,9 119:23</p> <p>jr 4:15 7:9 98:13</p> <p>jr.'s 102:25</p> <p>judgment 77:21</p>	<p>k</p> <p>k 70:4 100:10</p> <p>kabobs 62:10</p> <p>karen 2:21 88:19,20,23</p> <p>karl 3:4 114:11 117:1</p> <p>keep 27:2 51:18 52:14 79:18 101:16 102:8 102:20</p> <p>keeping 112:23</p> <p>ken 2:9 4:13 6:13</p> <p>key 12:6 13:11 42:10</p> <p>kids 102:19</p> <p>kiernan 2:4</p> <p>kind 10:2 27:8 32:11 44:24 48:2 56:18 58:18 60:9,21 65:19 94:9 95:4 107:21 108:20 120:4</p>
	<p>j</p> <p>jackie 2:7 4:16 5:4,21 22:1 47:6 79:14</p> <p>jackson 2:23 95:2,3 98:8,10 98:12,22 99:3 99:9,13,16 100:14 118:17</p> <p>january 38:2 57:4</p>	<p>judiciary 36:10</p> <p>july 1:6 9:2,8 113:14</p> <p>jump 65:9 119:17</p> <p>jurisdiction 42:7,17 43:6</p> <p>justice 62:14 101:3</p>	<p>knew 67:13 95:17 103:9</p> <p>knock 51:10</p> <p>knocked 31:17 50:22</p> <p>know 4:4 6:5 7:12,20 10:20 13:7 22:2,4,4,7 25:11 27:7 28:9,12 30:8</p>

30:19,24 31:25 32:16 34:16 35:13,14 36:17 37:16,18,21,21 37:25 38:1,6,7 38:10,20 45:12 46:11 47:21 48:24,25 51:4 51:9,13,17,24 52:8,21,24 53:6,11 55:18 56:8,17 58:2 58:21,25 59:5 59:8,23 60:4,5 60:8,11 61:6,8 61:15 62:7 65:8,11,12,18 65:20 67:8,10 67:18,18 69:25 70:2 79:22 81:11 82:17,25 83:13 84:19 87:24 94:2 97:3,8,18,25 99:5,6,9,12 100:2,5,6 101:4,15,20 103:15 104:1,5 104:7,11,14 105:19,25 108:6,6,8,9 109:15,25 110:16 111:6,7 111:9,10,11 112:22 114:19	114:23,25 115:7,8,10,10 115:12,13,23 115:24 116:10 116:18,21,22 116:23 117:3 117:19 118:3,5 120:2 knowing 37:23 97:18 knowledge 121:9 122:6 known 89:2 knows 71:17 94:11 korean 96:4 kyle 2:5 4:14 4:21	landmarks 51:5,7 lane 47:22 language 60:24 68:24 77:10 large 24:5 38:25 61:18 78:6 largely 61:2 larger 20:14 75:4 late 55:4 latitude 10:13 laughed 96:9 law 11:18,23,23 12:22 18:17 21:5 24:11 25:1 26:15 28:14 33:6 82:21 113:18 115:23,25 116:14,16 117:3,3 laws 12:5 24:2 32:4 42:8 47:3 90:8 115:4,24 lawyer 65:16 65:24 leader 11:9 leaders 102:7 leadership 80:16 leads 70:20 learned 85:15 120:13	leave 93:18,20 leaving 106:20 lee 2:17 53:21 53:22,23 60:8 61:6,11,15,24 left 90:2 legal 63:11 97:11 legislation 15:25 16:5,19 17:11,13,14,25 18:3,19,24 19:2,5,11,24 20:5,12,22 22:14 23:8,16 23:17,20,21,23 23:24 24:4,13 25:6,10,13,23 26:3,14 27:23 28:7 32:21 55:10,21 56:6 56:15 57:1 58:5,14,16 59:21,25 60:15 60:17,24 61:5 61:7,10,12,14 61:21 82:12,13 97:16 legislative 12:3 12:6,15,18,20 13:4,20,24 15:5,8,15,17,19 15:23 16:4,10 16:11 18:12,16 18:20 19:16
	I		
	I 72:14 lack 18:20 99:11 105:2 112:16 lacks 42:25 89:8 ladder 92:8 laguardia 101:2 lake 89:20 land 50:17,18 82:11 107:17 landed 28:6 lander 108:17 landmark 51:3		

20:19,21,25 21:8,16 24:7 31:11,13 32:2 32:9 33:22 38:13 54:11 60:11 legislators 33:5 legislature 12:10 13:11 32:13 34:8 36:10 legitimate 56:14 lehman 105:10 lens 14:24 lessen 48:1 lesser 89:5 letting 62:2 105:24 level 14:4 38:11 44:25 61:17 84:2,2 93:14 113:10,10 lever 31:11 leverage 20:7 levers 18:16 lexington 50:20 50:25 liars 32:19 liberty 71:2 life 42:4 71:3 94:12 95:22 97:20 116:13 lifeless 13:16 13:17	lifelong 118:13 lifestyle 71:7 likely 16:11 47:25 89:11 likes 104:3,6,12 limit 108:13 limitations 21:8,12,15,17 limited 18:18 74:23 75:8 89:4 limits 68:25 69:3 70:24 106:4,6 limousine 39:3 lincoln 72:25 line 13:20,22 25:6 42:14 44:6 list 2:2 69:21 69:22 listen 6:17 105:21 listened 96:9 113:22,23 listening 8:6 30:16 113:22 113:22 literate 100:8 little 58:7,14 64:12 66:16 71:25 82:17 87:5 110:4,7 113:9	liu 108:15 livable 41:17 42:11 live 13:19 32:19 44:13 52:22,23 95:9 95:19,19 103:16 106:9 106:14 lived 6:2 lives 8:10,16 71:6 92:11 living 113:4 118:14 local 12:1,2,4,5 12:7,9,12,15 18:17,24 21:5 24:2 33:5 36:18 53:14,15 90:12 locally 74:4 location 66:9 66:10 87:12,13 114:8 long 12:22 26:13 28:12 37:22 43:22 44:24 83:23 100:4 longer 73:4 81:5 89:4 longstanding 42:16 longtime 93:24	look 7:25 8:22 8:25 28:18 39:13 43:24 44:1,10 45:15 51:14,17 52:21 55:6,17 65:10 66:7,7 72:19 78:8 79:5,10 79:23 104:12 108:18 116:4 120:14 looked 45:23 116:7 looking 7:2 65:15 67:2 103:14 looks 25:9 52:9 loophole 64:6 loopholes 63:19 66:15 lorraine 1:5 2:3 4:8 7:10 los 21:10 lose 108:17 loss 65:1,1 108:5 lost 30:17 108:18 115:17 lot 4:23 27:19 32:17 34:2 48:20 49:25 50:19 51:4,7,9 51:12 52:1,5,6 52:16,20,23 53:4,6,7 54:18
---	---	---	--

55:4 56:16,21 57:9 59:10 61:18 66:2,6 74:9 75:16 78:22 81:8,14 81:16 82:15,25 84:19 85:13 86:17 88:2 94:14 96:12 99:6 104:6,12 120:13 loud 102:14 louisiana 91:10 love 6:18 79:17 83:5 85:12,13 95:21 96:5 98:14,17,20 118:15,16 loved 98:15 loving 98:14 low 52:6 63:9 89:9 113:10 lucky 53:7,8 luxury 106:14 lynch 2:8 4:16 6:22,24 44:13 46:18 47:5 87:21 120:19	19:18 37:14 40:8 43:16 67:15 76:17 89:21 90:2 113:21 ma 2:24 100:16,18,20 104:4,14,21 maga 90:16 mail 115:6 main 64:1 66:14 maintain 77:2 maintaining 20:8 majority 14:17 58:4 77:12 89:8,21,24,24 90:4 make 5:1 7:23 11:16 13:2,9 16:7 20:15,23 22:22 26:2 37:8,10,14 39:12 46:15 48:14 50:3 53:7,8 60:14 60:18 65:6,13 75:6,11 76:22 78:7 80:25 85:3,6 86:12 86:18 87:16 92:15 94:15 96:10 100:8,9 107:10,20	109:1 117:24 makes 78:11 82:15 101:9,22 making 19:15 19:15 20:9,22 20:23 74:2 81:16 93:3 112:2 man 7:8 management 16:18 32:3 45:20 92:22 managers 32:6 75:14 managing 58:13 mandate 12:21 18:7 86:20 87:16 109:2 119:12 mandated 82:24 86:7 87:18 107:25 119:13,19 mandates 12:9 58:2 mandatory 85:25 86:18 117:5 manhattan 50:7,10 52:3 83:13 102:13 marginalized 106:23	marine 96:4 market 62:11 marmorato 10:20 match 109:5,6 matter 24:8,22 28:5 34:24 40:17 63:11 67:21 82:19 matters 13:13 13:23 20:6 mayor 5:25 9:24 12:12,12 12:13 13:2,10 21:3 31:19 32:6,15 34:17 35:8,23 37:9 37:17,23 38:7 39:16,18 42:13 42:22 45:1,22 46:22,25 68:17 69:4 90:3 93:10 95:16 102:21 mayor's 23:23 28:14 32:3 35:11 39:18 103:10 mayoral 20:10 mcgraw 2:6 4:17 5:23,24 64:18,20,24 65:3 67:8,16 67:20 68:4 85:11,23 86:2
m			
m 6:10 machine 71:5 madam 81:25 85:12 88:16 made 15:1 16:13 18:7			

<p>87:20 mcshane 73:16 mean 32:4 45:13 60:8,9 63:10 65:8,11 66:25 67:4 79:23 80:11,12 85:14 97:17 108:7 114:20 114:25 115:3 115:10,11,21 116:12,20 means 40:9 48:16 103:14 118:3 meant 15:20 45:6,9 64:10 measure 77:12 measures 60:5 78:12,14 mechanical 48:22 media 103:14 103:25 meet 13:11 meeting 22:13 95:6 103:25 105:10,12,21 107:17 meeting's 105:4 107:16 meetings 75:18 75:18 80:11 96:7 99:4 106:19 107:25</p>	<p>117:11,13,16 megawatts 62:21 member 9:11 9:12,13,19 10:18,20 41:19 53:15 95:13 118:13 119:14 members 8:8 8:17 9:19 11:2 14:9 17:18 21:24 22:24 34:15,18,22 41:7,13 72:12 72:16 73:12 74:15,18 75:9 75:23 76:9,12 76:14,18 77:13 77:16,20 78:1 78:15 79:1 80:1,18,19,19 80:21 84:13,18 85:22,23 86:4 86:7,9,14,21 87:1,7,11,13 88:22 93:24 94:17 96:8 119:13 membership 88:24 memo 45:1 men 70:12 mendez 2:23 95:2,3 98:8,10 98:12,22 99:3</p>	<p>99:9,13,16 100:14 118:18 mention 97:20 113:10 mentioned 85:20 92:5 114:18 merger 57:22 mess 45:8 messaging 116:20 met 57:14 metal 119:24 120:1 metro 30:12 mic 5:7 110:7 michael 67:9 67:10,13,18 69:15 micro 71:15 mid 44:25 middle 5:8 midnight 48:6 48:6,9 midnight.it 48:7 midtown 50:10 52:3 million 58:8,11 58:15 59:3 60:1,2 69:21 101:13 millions 90:18 mind 21:23 101:17 102:9 112:23</p>	<p>mine 10:4 minimum 109:7 minneapolis 89:23 minority 64:5 65:8 minute 10:21 116:12 minutes 8:1 48:18 107:14 107:19 misleading 15:24 misrepresent 29:24 mission 42:15 mississippi 91:9 misunderstan... 19:13 mix 109:5,5 mod 57:16,16 57:21 modder 94:13 model 12:12,12 moderated 1:5 modification 21:2 24:19 25:4 modifications 20:11 24:25 57:5,6,18 mods 57:24</p>
--	---	--	---

<p>mom 100:24 103:2,22,22 momentarily 7:14 mommy 103:24 monday 29:12 29:19 money 24:8,11 25:2,7,20,25 26:6 32:22 33:12 46:24 65:19,22 94:14 106:3 108:17 108:18 110:1,5 110:9,10 111:4 monies 96:23 monitor 66:4 monitoring 108:6,23 monitors 64:8 month 8:24 55:14,15 months 34:25 35:1 morning 59:4 102:4 mornings 47:13 mother 67:11 95:10 motion 120:17 120:18 motorbike 71:12</p>	<p>move 4:3 19:21 31:1 58:1 83:6 84:23 92:8 moved 48:13 moves 46:24 movie 5:24 moving 7:24 33:8 38:5 47:24 54:13 73:10 moya 2:13 9:12 9:14,20 30:9 41:19 mta 67:12 mthey 115:19 multiple 8:7 municipal 89:2 90:1 91:14 municipalities 21:15 murphy 2:16 49:17,17,18 53:18 music 20:23 muted 112:8 mwb 65:25 mwbe 62:3,5 62:15,23 63:16 63:19,24 64:3 64:8 66:5,11 66:19,24 myriad 14:18 mystery 94:9</p>	<p>n n 2:1 3:1 4:1 name 4:8 5:24 53:22 88:23 109:20 112:10 118:11 name's 104:25 named 73:15 nation 36:12 nationality 6:7 native 95:20 nature 81:6 navarro 2:22 91:20,21,23 92:1 near 50:20 necessarily 40:11 84:21,21 117:22 necessary 20:9 need 7:22 17:19 18:1 28:1 35:11 42:2 50:14 51:14,21 53:1,5 57:14 89:5 100:4,8,9 102:17 115:19 needed 58:22 59:20 63:24 65:16 76:6 102:19 needing 89:14 needs 49:23 54:24 57:8,8 57:14 64:7</p>	<p>76:21 98:4 102:3,10,11 112:23 113:20 115:7 negative 77:15 78:13,19,20 84:8,9 85:1,7 negotiate 19:24 23:24 60:23 negotiated 20:6 23:6,9 61:12 61:19 negotiation 16:22 17:1,15 20:10 23:15 25:6 27:23 28:2 31:22 54:13 61:16,18 negotiations 20:1,14 23:19 26:14,19,19 29:1 neighborhood 48:24 95:12 118:12,16 neighborhoods 42:4 48:20 neighbors 95:19,25 neither 39:24 89:5 121:10 122:7 nest 95:12 118:12,14</p>
--	--	---	--

<p>never 83:24</p> <p>new 4:7 5:2 6:8 7:20,20,24 8:10,11 9:1 10:24 11:4 12:18 13:19 17:19 24:21 26:6 31:24 36:5 41:9,11 41:18 43:24 44:7 47:25 49:4,5 50:6 51:19 52:11,13 53:20 57:8,8 57:14 60:18 62:7,22,24 70:7,15 79:7 83:4,22 89:3 90:2 91:11,13 92:5,11 93:20 95:20,22 96:14 96:18 98:19 100:1,23 101:1 101:4,22 113:14 116:6 119:8 121:20</p> <p>newfound 70:5</p> <p>news 103:2,8</p> <p>newsletter 103:10,12</p> <p>ngai 2:9 4:13 6:15</p> <p>nice 40:24 67:4</p> <p>night 40:10 97:18,24</p>	<p>104:22 113:23 117:5</p> <p>nighttime 116:15</p> <p>nine 76:19 84:12 97:5</p> <p>noise 97:24</p> <p>non 95:20 97:8</p> <p>north 30:13</p> <p>notary 121:19</p> <p>note 58:19,22</p> <p>notes 20:23 104:25</p> <p>notice 105:3 117:15</p> <p>notification 77:7 117:11,16</p> <p>notifications 105:2 117:22</p> <p>notified 105:9 117:20</p> <p>notify 105:6,11</p> <p>notion 14:10 15:22</p> <p>november 8:20 38:1 57:4</p> <p>number 14:9 28:1 30:20 31:18 38:20,20 38:25 74:23 78:9 97:21 99:17,21 106:10 115:14 115:15 116:10 116:15 117:12</p>	<p>numbers 16:16 17:2,24 27:1 28:9 29:4,5 78:6 115:20,25 116:9</p> <p>ny 1:12</p> <p>nyp 69:19</p> <p>nypc 69:22</p> <p>nypd 80:23</p> <hr/> <p>o</p> <hr/> <p>o 4:1</p> <p>observations 11:16</p> <p>obstruction 19:7</p> <p>obviously 36:10,17 83:12 86:22 94:18 99:6</p> <p>occur 20:12</p> <p>occurred 22:16 90:10</p> <p>occurring 115:12</p> <p>offensive 109:13</p> <p>offered 94:19</p> <p>office 11:7 16:18 18:8 28:14 39:11 42:20 86:15,16 87:4 92:6,16 103:10 107:3 107:21</p>	<p>officer 66:21 82:22 121:1,2</p> <p>officers 71:13 113:11</p> <p>offices 74:13,23 75:6,7</p> <p>official 92:17 112:3</p> <p>officially 37:15</p> <p>officials 8:17 9:10 77:4 93:16 94:3 99:22 100:7 111:3</p> <p>oftentimes 5:16 17:13 26:20</p> <p>oh 40:23 46:12 48:25 54:3 55:12,18 87:20 97:17 104:13 108:3</p> <p>ohh 104:16</p> <p>okay 4:6 5:7 6:22 10:19,23 27:4 29:25 35:4 40:1,15 40:25,25 41:4 44:1 49:13,19 56:8 61:22,23 61:25 68:15 71:21 72:4 86:2 88:17 91:7,8,19 94:25 95:1 98:8 104:23</p>
--	---	---	--

<p>106:1 107:9 108:11,25 109:19 111:24 112:9 114:15 116:25 117:8 118:8 120:10 120:16 old 50:5,7,8,8 50:10,12 103:2 older 51:15 omb 16:24 17:8 18:8 19:1 25:9 27:20 28:13 56:22 111:6 once 18:19 37:12 40:7 43:15 54:10,11 one's 63:17 onerous 16:9 ones 54:7 58:12 ongoing 20:11 20:17 25:5 26:20 43:9 75:19 open 49:2 operate 80:14 operating 111:12 operational 21:19 operationally 16:15 operations 12:14 42:24 43:2 88:4</p>	<p>opinion 112:24 113:16,16,17 opportunities 93:20 opportunity 5:17,17 7:16 9:20 10:16 34:20 41:14 44:8 46:7 68:16 69:2 71:1 72:23 73:2 74:8 76:4 78:25 81:9 83:25 107:2 120:8 opposed 29:22 opposing 85:1 opposition 106:8 options 50:1 91:1 orchestrated 90:13 order 56:23 ordinances 42:8 ordinary 95:8 96:14 97:7 organization 88:24 100:22 113:17 organizations 102:18 orientation 112:12</p>	<p>original 60:17 originally 68:23 osve 42:21,23 otana 11:3 otano 2:14 10:24 11:1 22:10,20,22 23:2,11,22 25:15,21 26:8 26:15,18 27:13 29:3,11,17,23 30:2,6,12 31:4 31:6 32:24 33:3,11,15,17 33:21 34:1,4 34:12,14 35:7 35:9,15,18,20 35:24 36:19,22 37:2,5 38:15 39:20,24 40:4 40:7,11,14,16 41:1 ought 91:12 ouster 90:13 outcome 121:15 122:12 outdated 46:9 46:10 outliers 80:15 outreach 98:25 103:1,5 outset 16:10 outside 18:22 19:12 20:19</p>	<p>32:10 105:6 overa 117:12 overlapping 20:17 overpasses 41:25 overreach 15:21 overseeing 76:20 oversight 60:6 107:11,14,22 overtime 55:24 69:11 overturning 106:4,6 owe 65:21 own 19:3 20:13 71:3 108:3 109:23 owned 51:1 64:6 owner 62:6,24 owns 45:3</p>
			p
			<p>p 2:1,1 3:1,1 4:1 p.m. 1:7 9:7 49:8 106:20 120:22 paid 63:4 pain 82:3 pandemic 48:5 panel 54:1</p>

<p>paper 64:12 100:1</p> <p>papers 36:3,4</p> <p>park 43:24 62:9</p> <p>park's 46:13</p> <p>parkchester 52:22,23</p> <p>parking 48:23</p> <p>parks 10:7 41:25 42:19,24 44:16 119:25 120:2,2,7</p> <p>part 17:1,22 20:13 24:20 28:2 37:15 50:7,8 51:19 52:2 56:7 57:8 59:24 66:3 70:19 74:1 89:11 92:18 100:9 114:21</p> <p>participate 89:13 117:25</p> <p>participated 73:18</p> <p>participating 118:4</p> <p>participation 117:17,23</p> <p>particular 12:25 15:3 19:19 36:6 45:23 114:19</p>	<p>particularly 18:11 23:7 89:17 90:25</p> <p>parties 15:9 17:22 18:4,10 18:22 121:11 121:14 122:8 122:11</p> <p>partner 63:16</p> <p>parts 30:25 46:4</p> <p>pass 19:11 21:5 24:20 28:10 33:6 77:12 78:11</p> <p>passage 18:17 19:18 22:17 27:11 28:20,25 31:12</p> <p>passed 17:13 18:19 19:25 23:9,16,18 24:4 25:1,13 26:3 32:21 36:2 65:1 78:9 97:16 115:4</p> <p>passes 23:20 24:11</p> <p>passing 24:20</p> <p>past 78:10 86:12</p> <p>patricia 2:16 49:17</p> <p>patrick 49:16</p>	<p>pay 25:4,18 99:7,8</p> <p>paying 71:15</p> <p>payroll 54:22</p> <p>pedestrian 41:24</p> <p>pension 92:22 108:19,23</p> <p>people 12:4 13:18 24:21 26:22,23 32:17 32:23 33:1,13 33:20 34:3,7 34:13,19 35:22 37:3,14 39:13 44:17 47:12 48:11 50:19,22 51:9,12 52:19 53:1,5,7,8 55:23 62:20 64:10 67:2,2,5 68:22,22,24 69:2 70:8,10 70:14,23,24,25 71:1,10 72:2 75:16 83:16 86:17 89:22 94:9,13,15 95:25 96:7 97:1,18,21 99:2,6,18,19,23 101:15,24 102:3,4,8,11,12 102:23 103:14 103:16,17</p>	<p>106:13,24 107:5 109:12 114:18,25 115:13 116:20 116:23 117:19 117:25,25 118:2 119:9,10</p> <p>people's 104:17</p> <p>percent 34:14 58:6 60:1,2 89:21 97:6 103:7 106:4 109:3,6,6 114:23 117:21 118:2,2</p> <p>percentage 89:9</p> <p>perception 84:12</p> <p>perfect 88:12</p> <p>performing 12:25</p> <p>perimeter 43:25</p> <p>perimeters 46:5</p> <p>period 118:4</p> <p>person 8:13 41:8 55:13,14 55:23 56:10 62:24 65:11 73:3 95:6,20 108:22</p> <p>person's 56:5</p>
---	---	--	--

<p>personal 113:17</p> <p>personnel 45:11,20 56:2</p> <p>pertaining 113:15</p> <p>petition 94:6 94:12,15,17</p> <p>petitions 94:7</p> <p>ph 54:22,22 63:23 64:8 69:8 94:13</p> <p>philadelphia 21:11</p> <p>phone 115:11</p> <p>phones 99:7</p> <p>physical 86:15</p> <p>pick 47:22</p> <p>picked 48:5</p> <p>picking 99:25</p> <p>pickup 43:18</p> <p>piece 17:25 24:3 27:23 28:7 32:20 43:3 55:10 56:15 59:25 61:21 63:2 64:1 65:13 66:4</p> <p>pieces 47:19 59:21 64:12 82:12</p> <p>pings 58:14</p> <p>pinnock 88:1</p>	<p>pipeline 101:5</p> <p>place 6:2 11:17 23:15 25:13 44:14 45:21 48:7 57:11 60:6 66:9 101:22</p> <p>placed 19:6</p> <p>places 49:22 74:11</p> <p>placing 16:9</p> <p>plan 57:3,4,4 57:20 62:15 77:2,3</p> <p>planning 39:2</p> <p>play 66:3</p> <p>plaza 69:23</p> <p>please 8:22 23:4 54:15 55:1 64:19 90:22 91:4,13 91:25 102:8 107:1</p> <p>pleasure 4:23</p> <p>plenary 13:24</p> <p>plug 69:24</p> <p>pocket 109:23</p> <p>pods 105:20</p> <p>point 19:25 25:2 55:2,17 56:25 57:24 59:7 84:4 104:7 119:11 119:22</p>	<p>points 53:24 54:1 57:7 58:12 60:25</p> <p>police 69:23 71:13 96:16 97:19,25 98:3 113:11 116:11</p> <p>policies 13:3 95:17 96:15,16 97:19</p> <p>policy 13:2 14:1 19:15 20:9,23 21:13 24:9,9,21 29:20,22 33:8 58:22 72:15 74:12,13 112:24 113:6,8 113:17</p> <p>policymakers 36:13</p> <p>policymaking 14:23 18:14 39:10</p> <p>politely 97:3,3</p> <p>political 14:20 39:12 70:20 94:2 105:8 108:22,22</p> <p>politician 110:25 113:24</p> <p>politicians 32:19 72:2 92:7 93:2 102:9</p>	<p>politics 71:5 105:13</p> <p>poor 106:12</p> <p>popko 1:16 121:2,18</p> <p>popular 73:25</p> <p>population 52:13 89:20 100:8 103:8 112:22</p> <p>population's 52:12</p> <p>portion 24:6</p> <p>pose 21:17</p> <p>position 11:5 34:6 92:7,17 92:17,24 94:4 97:23</p> <p>positions 14:20 82:1 93:19</p> <p>positionthat 93:1</p> <p>positive 49:7</p> <p>possibility 40:14 87:10</p> <p>possible 4:12 7:25 22:24 78:8 83:19</p> <p>possibly 4:4 32:14</p> <p>post 92:5 104:2 113:14</p> <p>posted 103:25 107:15</p>
---	---	---	--

<p>posts 104:6</p> <p>potential 51:6 75:9 94:2</p> <p>potentially 17:20</p> <p>poverty 61:17</p> <p>power 12:4 13:8,25 14:6 18:13,15 19:11 19:16 20:7 24:7 32:2,13 32:17 33:23 34:2 35:5,17 36:12 38:14 42:25 44:19 70:13 82:6 101:18</p> <p>powerful 13:9</p> <p>powers 12:24 15:20 18:13 20:9 21:6,18 31:3,4,23 32:14 34:5 35:25 36:7,10 36:20 42:14</p> <p>practice 17:4</p> <p>practiced 40:13</p> <p>practices 73:9</p> <p>praying 63:7,7</p> <p>preferring 77:22</p> <p>prejudice 71:4</p> <p>preliminary 8:23 9:21 11:11 15:2</p>	<p>18:6 19:9</p> <p>prep 111:8</p> <p>prepare 58:18</p> <p>prepared 38:22 86:25 122:3</p> <p>prerequisite 18:12 32:9</p> <p>prerogative 13:24 18:15</p> <p>present 8:19 9:11 22:23 32:4 73:4 77:13 82:23</p> <p>presented 15:15 17:3 85:14</p> <p>presenting 8:12 22:11,15 36:14</p> <p>presently 112:19</p> <p>preservation 49:20</p> <p>preserves 11:24</p> <p>president 2:20 8:3 11:7 72:6 72:14 76:17 79:13,17 80:6 84:4 85:12 88:17 95:12 107:12 112:2 118:12</p> <p>president's 74:13 75:6</p>	<p>presidential 70:11,21</p> <p>presidents 74:17,25 82:21 83:11,23</p> <p>press 32:11</p> <p>pretty 110:12</p> <p>prevention 76:3</p> <p>prevents 19:1</p> <p>previous 8:12</p> <p>price 24:17 60:1</p> <p>primarily 13:23</p> <p>principal 11:23</p> <p>principle 11:24 12:5 13:11 43:20 72:20</p> <p>prior 11:5 28:19 48:4 106:2 107:11 121:5</p> <p>private 43:18 92:3 105:1 106:13 111:7 111:13 112:5,5 115:22</p> <p>proactive 120:3</p> <p>probably 24:5 64:13 106:9 111:3</p> <p>problem 9:17 53:3 91:17</p>	<p>problematic 16:16 18:3 21:20 39:15</p> <p>problems 21:19 80:15</p> <p>proceeding 120:23 122:4</p> <p>proceedings 121:3,4,6,8 122:6</p> <p>process 15:8,17 15:23 16:10 18:5,16,23,25 19:10,12,14,17 19:20 20:19,20 20:21 21:4,16 22:16 24:1 25:12 26:2 28:3 29:10,24 31:11 37:16 38:4 39:12,13 40:19 46:5 54:6,9 56:23 57:2,2 58:23 59:12 60:11 65:7 73:18 75:19 76:22 77:7 78:4 81:1 82:11 83:6 85:18 87:17 94:6 103:18</p> <p>processes 20:18 21:2 58:13</p> <p>produce 54:7</p>
--	---	---	---

produced 17:18 40:7	proposals 29:13 41:16	21:20,20 24:8	35:13 106:23
product 100:23	76:23 78:3	33:7,8 40:6,8	119:7
100:25	79:6 84:16	41:10 53:11	puzzle 43:4
productive	proposed 19:2	75:17 76:20	q
76:14	44:9 87:21	78:4 80:19,19	qaeda 70:4
produceed	propriety	80:22 92:6	qualifications
15:7	106:10	94:6,17 96:23	38:8 93:5
profess 106:11	protect 15:21	97:16 100:7	qualified 121:7
program 66:19	proud 72:13	101:1 105:2,3	quality 42:3
86:11 109:2,6	proven 99:20	106:8,10,18	97:20
109:22	provide 17:24	107:3,4 109:25	quarter 48:8
programs 20:4	19:3 42:17	110:5 111:9	quarterly
20:5 24:1 26:1	47:1 53:24	120:5 121:19	24:23
57:23 102:18	54:15 55:1,3,6	public's 42:15	queen 103:23
progressive	56:22 59:11	publicly 42:15	queens 9:12,17
96:8	60:19 76:19	105:17	30:8,10,10
project 63:20	92:9 113:6	pull 66:22,24	83:14 102:12
67:15 78:7	provided 12:2	80:10	117:13,13
107:17 109:10	16:17,23,24	purpose 15:18	question 20:3
projects 67:14	26:9 73:5	107:8,9	22:3,7 24:18
promises 32:20	provides 11:25	purse 20:7	26:12 32:24
proof 113:2,2	12:17 20:7	push 34:20	36:19 37:12
proper 77:7	113:7,8	put 10:3 26:22	47:8,9,17 54:2
properties	providing 19:1	32:8,11 33:19	59:17 82:8
51:23 63:23	42:9 58:10	34:25 53:10	87:23 103:1
property 9:25	provisions	59:10,24 63:23	110:2,10,17
10:2,11 42:25	86:12	65:24 68:21	questions 6:20
45:4,4	public 2:13,14	70:12 94:20	21:23,25 30:5
proposal 9:22	2:15,16,17,18	105:4 106:3	44:10 46:16
9:22 10:3,11	2:19,21,22,23	109:10,11	49:12,13 53:25
18:4,7 19:13	2:24,25 3:2,3,4	114:1 119:3,3	59:12 64:14,17
35:6 42:6,19	3:5 4:7 8:9,17	puts 57:15	67:22 72:16
75:22 77:17,22	9:2 10:24 14:4	putting 6:1	79:10 91:18
96:20 119:3,7	14:7 17:17,18	17:12 33:21,22	94:24 114:9
		33:24 34:2	120:10

quick 40:2 114:17 quickbooks 63:6 quickly 4:4 quite 30:4 83:21 105:2 117:10	realigned 13:8 reality 13:6 19:19 really 28:21 38:24 46:14 47:11 52:17 63:3,9,17 64:5 64:22 65:17,17 65:23 67:6 72:19,22 73:9 75:19 77:9 82:22 83:19,21 83:25 84:12,18 97:1,7,19,20 98:1,14,17 113:23 114:19 119:2 120:4 reason 4:6 18:18 38:16 39:9 49:19 52:18,24 62:22 63:12 101:19 reasoning 55:7 reasonings 55:2 reasons 31:15 49:5 56:15 receive 69:6 78:2 103:8 received 24:24 73:20 80:7 receives 16:21 receiving 29:5 recently 20:5 71:11	recipient 119:16 recognition 14:2 recognize 4:12 97:12 recommendat... 15:4,10 16:15 19:8 20:25 74:7 76:15 77:8 92:15 recommendat... 8:19,25 9:7 11:13,15 15:1 21:9 31:7 73:7 76:22 78:21 82:17 83:18 88:10 92:4 93:13,14 94:22 record 30:8 99:20 121:9 122:5 recorded 121:6 recording 121:8 122:4 records 80:11 recovering 110:25 red 44:5 reduce 28:1 reduced 121:6 redundant 92:9 reelected 34:23 references 18:6	referendum 68:21 69:4 70:10 94:7,20 106:2 114:3 reflective 14:12 reforms 15:16 refuse 43:5,17 regard 88:4 regarding 97:16,19 106:1 106:2 regards 15:9 119:23 regular 76:5 94:15 regularly 57:20 reinstated 106:6 relate 42:8 related 41:22 47:3 76:2 121:11 122:7 relates 42:20 43:4 73:8 82:8 relating 43:6 43:17 relation 42:3 relationship 30:22 66:13 68:18 69:17 71:16 75:19 87:25 relationships 66:12
r			
r 2:1 3:1 4:1 racial 88:25 102:15 raised 88:5 118:14 ranked 68:23 70:23 89:1,3 90:19 ranks 14:19 rat 119:25 120:4 rather 49:1 rats 43:11 rcb 91:13 rcv 89:2,4,11 89:19,20,23,25 90:23 reach 54:14,25 95:8 read 27:21 97:15 100:1,6 109:24 113:13 116:2 reading 39:21 real 26:12 109:16			

relative 121:13 122:10 released 28:19 41:1 relevant 17:9 78:22 80:10 relic 46:10 relies 16:16 rely 17:6 56:21 remain 70:15 70:25 remarked 13:16 remedy 69:12 remember 29:15 115:16 remind 101:7 remit 74:24 remnantants 70:4 removed 90:12 113:5 rent 53:5 report 8:23 9:21 11:12 15:2 18:6 19:9 38:22 97:15 reported 1:16 reporting 55:10 56:7 76:21 reports 58:10 represent 34:7 96:14	representation 14:8 representative 12:6 13:10 14:16,21,24 20:15 34:6 representatives 8:18 14:11 78:16 represented 34:10,13 republican 91:2,9 repurpose 49:25 repurposed 49:24 require 15:7 17:21 55:12 81:18 required 76:1 76:13 77:3 92:21 requirement 17:10,11 19:4 21:3 43:8 92:23 requirements 13:21 15:6,11 16:9 24:2 49:6 requires 12:23 13:1 20:3 24:13 26:9,15 32:10 54:19 55:22 77:1	80:8 109:7 requiring 18:9 55:10 requisite 20:25 resident 118:14 residents 72:22 73:2,17 74:3 79:2 106:18 resistant 43:15 resolution 88:6 resolving 74:14 resource 78:23 resources 10:10 17:20 18:20 27:20 63:11 75:4 101:14 102:17 102:17 113:1 respectfully 96:10 respective 14:12 20:13 respond 81:3,5 response 25:9 responsibilities 45:18 76:11 responsibility 11:11 15:1 33:25 37:8 45:7,19 46:19 60:5 74:11 75:3 82:7,11 83:1 responsible 45:14 46:1	74:14 75:1 responsive 14:12 102:3 rest 27:18 restaurants 52:7 result 14:1 26:23 41:25 78:5 89:16 resulting 89:8 retainers 69:6 retired 43:23 retirees 106:22 revenue 57:5 57:16,17,18,20 57:24 58:24 59:6 reverend 2:12 40:24 review 1:1 24:23 78:4 82:11 112:18 reviewing 76:23 revision 4:8,25 6:1 13:5,8,15 31:18,21 41:7 41:15 46:5 68:21 72:12 73:12 79:1 81:10 83:19 88:11 92:13 93:14 104:17 110:15
---	---	--	--

revisions 14:1 44:10 102:15 114:20 revisit 24:23 revolution 43:10,21 revolutionaries 43:23 reward 94:2 rhythm 19:21 richard 2:17 53:21,22 122:2 122:15 rid 66:14 riding 101:20 right 5:8,9 6:23 8:1 10:21 12:2 23:24 24:2,12 24:16,17 25:5 25:21,21 26:10 28:10 30:6 31:8,16,20 32:3 33:16 34:5,16 35:2 36:5 37:24 38:9 41:2 44:3 44:14 45:12 46:22 47:9 50:24 53:10 54:15,22 55:11 56:1 57:3,19 59:4,18 60:2 60:21 61:14 62:8,18 63:2,5 63:7,8,9 64:2	64:11 65:7,10 65:14,17,18,21 66:1,1,2,3,5,8 66:12,14 67:16 68:3,6 72:5,9 75:10 77:25 84:15 85:18,23 86:5,24 88:9 90:17,17,21 97:9 99:13 100:17 103:23 104:4,21 110:1 110:21 111:21 112:18,23 115:17 116:3,3 116:5 117:7 rights 12:1 106:22,25 rise 52:6 riverbank 62:9 road 1:11 robert 69:8 robust 82:4 rodent 43:15 role 11:9,17 13:20 14:3 18:18 19:14 59:1,1,2,3,6 74:16,20 rolling 90:16 ron 94:13 roosters 108:6 route 84:20 rowe 2:7 4:17 5:6,10 22:2,18	22:21,25 47:7 49:10 79:16,20 79:25 81:20 roxanne 2:25 104:23,25 ruben 2:10 4:15 7:9 8:2 9:16 98:12 102:25 rule 11:25 rules 10:2 32:5 38:18 47:4 90:6,8 run 5:1 93:5 running 108:22 109:22 rush 49:8 rvc 91:11 s s 2:1 3:1 4:1 safeguards 113:9 safer 113:8 safety 49:5,6 97:16 101:11 106:10,18,24 106:24 113:7,7 sake 73:6 107:6 salt 89:20 san 21:11 sanctuary 68:16,19 70:16 71:1 96:15,20 112:13,18,24 113:6,8 114:2	114:2 119:9 sanitation 9:25 10:14 41:5,12 43:6 44:16 46:20 119:24 save 50:22 saw 34:22 71:11 saying 27:24 28:24 30:25 80:2 85:5 95:5 112:6,6 113:20 says 46:8,25 48:25 119:12 scale 38:12,13 school 66:18 85:15 101:1 109:21 111:1,7 schools 109:25 110:9,9 111:2 111:4 scissura 2:11 4:10 scope 55:20,21 scratch 50:19 scratched 118:19 scream 90:15 searching 116:9 seats 34:21 second 19:8 56:25 72:23 75:22 90:3 92:15 108:24
--	--	---	---

<p>112:15 118:23 120:19 secondly 97:14 seconds 116:12 secretary 4:14 section 11:11 11:13 15:2 19:9 74:10 77:1,5,10 78:16 secure 43:14 security 69:14 106:13 see 6:3 7:25 9:15 25:3 34:21 40:6,24 50:19 51:21 52:1,2 53:15 57:23 59:3 60:22 64:21,22 65:4,10 68:7 70:6 72:7,17 79:22 84:1 95:23,24 96:7 96:24 98:5 100:11 103:12 114:22 116:17 116:19 seeing 33:4 57:20 81:12 87:12 115:16 seek 39:12 seekers 97:4 113:9</p>	<p>seeking 71:2 seemed 23:14 seems 27:9 48:14 68:17 seen 15:13 49:21,25 50:4 50:4 81:8 113:3,11,15 119:6 self 12:8 sell 102:10 senior 112:21 seniors 112:20 113:2,3 sense 15:16 27:8 82:15 85:3 115:18 sensitive 81:18 sent 9:7 117:15 separate 27:1 31:14 69:16 separation 12:24 18:13 21:6,18 31:4 32:14 serious 21:18 97:22 seriously 38:23 39:8 96:6 serve 11:3 15:18 95:11 served 11:6 34:8,9 38:16 69:1 96:3</p>	<p>server 76:6 86:14,22 serves 8:14 13:12 16:10 service 33:4 41:13 56:3 87:8 107:25 services 14:3 24:15 26:1 42:18 47:2 76:21 92:9 serving 4:9 75:24 session 38:3 set 14:1 20:14 24:10 31:19 32:5 43:7,12 43:17 45:6 46:2 47:11 48:23 69:13,14 sets 39:5 settled 12:22 seven 97:5 sever 68:18 several 43:13 107:24 sexual 76:2 sexy 99:11 sfis 15:22 shape 105:15 113:25 share 7:3 sharing 71:5 sharlene 2:23 95:1 118:17</p>	<p>shelter 71:15 shift 48:6,9,13 48:13 shish 62:10 shops 52:7 64:2 short 81:2 100:3 109:1 shortage 52:19 shot 71:12 show 39:15 side 34:2 44:14 48:23 sides 19:16 70:19 80:9 sidewalks 10:6 48:11 sign 69:16 signage 105:5 115:20 signal 68:17 signature 121:17 122:14 signed 39:20 91:10 103:9 significant 78:9 80:8 81:18 signs 33:8 silent 41:23 silly 104:8,16 silos 20:13 silwa 2:19 68:9 68:10,11,13,15 71:18,19,22 72:1,10</p>
---	---	--	--

<p>similar 13:14 21:14 32:7 89:13 93:19 simplified 94:6 94:16 simply 75:6 78:18 80:5 single 38:5 57:3 58:22 103:23 115:22 117:15 sir 39:22 71:24 91:25 94:24 112:8 114:5 116:25 117:7 sister 21:10 65:1 sit 67:4 site 87:11 sites 104:13 sitting 48:19 situated 21:15 situation 113:3 114:21 situations 48:2 89:6 98:1,2 six 48:15 96:2 106:21 116:1 118:15 skills 121:10 122:6 slaves 96:2 sleep 97:18,23 slight 60:19 slip 69:10</p>	<p>slow 18:21 smack 116:3 small 62:6 63:3 75:8 smaller 14:11 34:7 smart 10:12 65:15 snapchat 103:7 sniff 36:14 social 88:25 103:13,25 solar 62:17,19 62:22 63:15,21 63:23 sold 62:10 sole 12:19 13:20 somber 102:1 somewhat 115:17 soon 119:6 sorry 35:1 59:18 61:9 64:25 65:1 90:15 98:13 110:3 sort 47:20,25 57:2 96:14 soul 13:18 sound 20:9 sounds 62:15 souvenir 52:7 spanish 101:24 103:21</p>	<p>speak 10:16 30:20 31:3 62:2 66:16 68:9,16 73:22 81:10 91:24 101:19 108:4 112:12,13 119:9 speaker 6:18 11:9 100:21 106:2 speaking 35:4 53:16 95:15 101:24 103:21 105:1 special 6:2 102:9 specific 11:12 14:25 20:4 22:23 24:3 31:11 33:14,21 38:20 specifically 31:25 41:23 46:7 82:9 specificity 69:4 spectrum 14:20 spend 55:13,14 56:4 69:20 spending 14:1 96:25 spends 24:8 spent 4:23 24:24 56:1</p>	<p>splitting 89:16 spoiler 89:7 spoilers 89:16 square 52:4 stadium 109:11 staff 8:24 11:12 14:25 15:4 21:9,13 22:14 22:24 41:8 46:25 54:19,20 58:10 74:16,23 75:8,10,14 80:2,5 82:21 82:23 88:5 staffing 82:19 stagnate 37:20 38:4 stakeholders 17:16 72:22 74:4 stamp 32:12 standing 25:17 start 4:21 9:11 10:23 27:21 38:3 50:18 65:15 68:9 79:14 88:18 started 4:20 9:9 9:10 47:23 48:8 113:19 startup 65:18 state 11:18,21 11:23,24 12:9 12:16 13:21 31:24 36:18</p>
---	---	---	---

<p>49:6 51:2 62:9 121:20 state's 12:21 21:7 stated 23:6 36:25 42:15 118:18 statement 26:9 26:13 27:14,22 28:5,19,24 29:4 31:10 54:5,16,25 61:1 98:25 113:19 statements 15:6 54:2 60:14 stated 83:13 102:13 112:16 112:20 113:4 states 36:1,1 90:10 91:11 96:4 stations 30:15 status 68:16,19 96:21 statute 39:5 stay 69:11 71:15 steadfast 12:23 steel 120:1 step 11:15 24:12 stephanie 2:6 4:17 5:22,24</p>	<p>6:12 stone 47:11,12 90:16 stop 22:5 53:9 106:7 stopped 30:11 stops 27:24 store 50:11,11 stores 50:5 stories 51:8 story 52:6 strain 112:25 streamline 87:17 street 10:5,6 41:23 42:20 44:1 46:12,13 46:14 47:22 48:21,25 50:20 50:25 streets 46:9 48:11 120:5 streetscape 48:1 striving 92:14 strong 12:12,12 34:23 102:23 stronger 102:21 strongly 88:25 95:18 structurally 111:11 structure 11:19 13:1,9 92:12</p>	<p>structures 45:21 struggle 44:19 88:9 struggling 109:24 110:6 stuck 6:25 student 105:7 students 105:12 109:23 studies 105:9 study 69:11 96:17 stuff 65:20,23 85:17 stumbling 44:4 stymieing 15:18 subject 16:1 submitted 9:4 37:4 79:4 subordinates 32:6 substantial 83:25 successful 90:9 succession 93:8 successors 93:10 sudden 46:23 46:24 suffer 95:18 suggested 21:12</p>	<p>suggestion 97:14 suggestions 8:8 9:2 79:2 99:1 114:17 summary 8:23 supervisors 74:18 supplemental 47:2 supplementing 46:4 support 29:18 41:20 44:9 65:4 78:8 84:14,17 89:1 89:9 96:20 106:5 110:1,10 111:2 118:16 118:22 119:7 119:11 120:4 supported 81:2 97:6 supporters 43:11 supporting 102:19 109:23 supposed 52:17 suppression 90:9 supremacy 90:14 supreme 31:16 sure 7:23 22:23 26:2 29:15</p>
--	---	--	--

33:3,17 35:7,9 37:8 40:4 46:15 52:10 66:20 67:15 74:3 78:7 81:16 83:7 87:24 97:2 100:8,9 113:15 surplus 59:1,1 59:2,3,6 surprised 105:6 suvs 106:14 sweeping 43:16 48:25 sworn 38:2 121:5 system 36:9 60:18 69:18 76:7,7 94:17 115:13,20	96:23 102:4,5 119:13 taken 63:17 121:3,12 122:9 takes 23:15 25:12 38:23 39:7 81:5 talk 4:25 6:4 30:9 38:22 44:24 47:10 52:15 63:18 72:19 83:5 110:7 115:1 talked 22:2 talking 27:1 46:18 53:13 67:19 81:14 tall 51:11,11 52:9 taller 50:9 51:12 tania 8:4 tanks 102:10 tantamount 18:23 tape 44:5 task 62:23 67:13 102:1 taxes 63:9 taxi 39:3 taxpayers 69:21 108:19 teacher 109:22 109:23	teachers 110:1 110:10 team 45:18,18 62:20 73:7 74:4 80:14 teams 45:13 tear 49:24 50:11,16 tell 27:9 62:16 103:1 107:5 110:17 116:6 ten 62:20 97:5 tenure 80:6 term 16:4 34:18,19 68:25 69:2 70:24 100:3,4 106:4 106:6 terminology 116:22 terms 59:23 79:25 terrorist 70:5 terrorists 69:10 testified 37:4 61:9 69:8 112:15 testify 11:8 22:6,9 41:14 44:9 72:10 78:25 testifying 92:3 121:5 testimony 6:18 7:2 8:12 30:16	37:4 47:8 65:5 68:5 73:4 78:24 79:4,8 79:21 82:18 84:5 85:14 91:23 98:25 100:13 104:20 105:23 112:4 112:15 testing 87:7 tetlow 8:4 thank 4:2 5:2 5:20,21,25 6:11,12,15,20 7:3,5,7,10 8:2,3 9:18 10:15,17 10:18,25 21:21 21:22 22:21 23:2 27:4,5 29:25 30:1 40:21 41:2,14 41:18 44:8,11 47:5,7 49:10 49:13,14 53:19 59:14,16,19 61:22,23,24 62:2 64:16 65:3 68:3,3,4,7 68:9 72:4,8,8 72:18 73:11 78:24 79:9,11 79:12,12,19,20 81:20,21 82:16 84:3,4 85:9,9 85:12 87:20
t			
tactic 17:1 tactics 90:9 tag 24:17 60:1 take 5:4 7:22 11:15 17:2 24:12 34:5 36:13 44:22 47:18 50:1 56:17,18 59:10 59:12 66:21 68:2 76:1 77:11 82:1 84:19 86:16			

88:12,14,15,16 88:22 91:14,17 91:18 94:23,25 98:10 100:12 100:14,15 103:20 104:19 104:21 109:17 109:18 111:23 112:14 114:6,8 114:9 117:8 118:6,7,7 120:7,7,9,9,11 120:16 thankfully 106:6 thea 1:16 121:2 121:18 theater 50:1 theaters 49:23 thereof 12:4 thick 101:4 thin 28:9 thing 32:7 44:20 48:12 62:5 80:3 106:7 108:12 108:25 119:10 119:22 things 5:1 32:7 47:16 50:16 51:22 52:7 60:22 66:14 82:1 94:19 99:24 100:3 106:3 116:11	120:13,14 think 4:11,13 7:22 24:4 28:1 29:7,7 32:24 35:10 36:8 38:15,16 43:25 44:2 47:9,24 50:16,23,23 51:12,14 53:13 56:9 58:2 59:20 61:11 62:5 64:7 65:16 66:18 68:20 74:24 82:8,16 83:17 83:23 84:11,19 85:4 86:24 88:17 92:13 94:8,11 96:17 97:17 98:5 99:16,17,22 100:3,4,10 102:10 103:5,6 103:6,7 105:14 105:16 107:5 108:24 110:19 111:8,13 114:3 114:18,23 115:2,12 116:20 119:9 thinking 51:9 62:4 third 76:15 thought 46:11 88:9	thoughtful 73:19 84:5 thoughtfully 79:3 thoughts 6:20 thousand 27:25 101:13 thread 103:24 threatens 90:24 threats 71:3 three 19:4 37:19 75:13 83:13 thumb 35:14 thursday 1:6 tide 105:20 tied 109:3 tiktok 103:3,3 103:4,6,12 105:19 116:21 116:22 time 4:3,24 7:5 7:21 11:5 19:24,24 27:18 30:1,11 34:16 37:22 44:5,23 44:24 45:7 46:3,11 47:18 52:5 54:20 59:16 70:17 73:6 79:9 80:8 81:17 88:9 90:1,14 91:15 97:4,15 98:6 107:14 108:13	112:13 113:25 114:3 116:7 117:6,7 119:18 timeframe 81:9 timer 53:10 times 8:8 17:1 17:3 32:18 45:24 47:24 52:1,4 55:4,5 56:14,16 57:9 58:16 66:6 67:5 96:12 107:16 109:5 117:10 timing 26:11,12 47:10 tip 38:12 tired 72:2 tish 41:12 today 8:5 11:10 11:10 14:14 30:16 41:14 88:23 101:19 101:20 103:8 118:21 together 6:1 64:24 80:13 toktok 116:23 told 115:15 tomorrow 9:8 104:8 tonight 4:6,10 4:11,25 6:17 7:15 9:1,21 10:17 41:19
--	---	--	---

73:5,13 78:25 113:19,22 120:12 tonight's 72:18 103:25 took 30:12 48:7 50:10 tools 42:2 45:11 75:4 top 50:12 63:23 topic 73:25 83:10 topics 8:13 82:5 tops 58:8 torn 49:21 52:2 touch 8:15 tough 65:17 tour 8:6 toward 33:7,8 towards 38:13 tower 50:9,12 track 99:20 trades 66:23 traditionally 14:18 traffic 7:1,14 30:10 47:21 48:16,19 train 101:20 102:4 trained 62:16 training 76:1,7 85:21,24,25 86:16 87:19	119:12,14,18 trainings 76:13 82:24 86:6 87:6 119:21 transcriber 122:1 transcript 122:3,5 transcriptionist 121:7 transfer 89:11 transferred 42:21 transit 4:15 transparency 15:17 transportation 24:14 trash 43:9,14 43:21 47:19,22 48:3,5,10,17 traveled 8:7 treating 77:14 tribal 112:11 tried 81:25 83:18 104:13 105:14 trigger 59:23 60:4,4,9 tripartite 18:10 troubles 96:19 troubling 21:18 truck 47:21 trucks 47:13 48:19	true 13:13 27:12,12 28:22 29:11 55:18 58:4 121:9 122:5 truly 9:20 64:5 78:19 79:3 trust 32:23,25 39:17 73:18 truth 108:10 try 47:13 55:7 65:19 83:25 84:14,17 96:10 96:22 102:10 102:22 103:13 104:7 trying 4:11,15 23:12,18 25:8 25:12 26:1,7 50:22 63:16 65:19,21 78:7 84:10 85:18 103:4 115:16 115:18 116:9 116:11 119:17 tuesday 113:23 tune 20:22 turn 5:7 50:1 89:14 117:16 turned 4:25 115:1 turnout 70:21 117:17,23 turnover 34:22	turns 46:13,13 tweak 60:19 twice 68:24 70:25 two 11:12 15:4 19:16 20:23 21:9 27:1 29:13,17 34:18 37:19 38:24 55:5 66:14 69:21 75:12 82:5 88:17 89:5 93:7,18 94:4 99:21 101:12 114:17 114:18 115:15 type 24:13 32:9 32:10 60:4 63:1,10 115:5 types 21:7 90:8 92:14 93:14 94:19 typewriting 121:7
u			
			uber 106:15 ultimately 78:2 90:19 unable 54:20 54:23 unaffordable 109:1 unalive 116:20 116:24

<p>unaware 107:19</p> <p>unconstitutio... 21:1</p> <p>under 18:25 38:2 39:3 49:6 71:8 108:16</p> <p>undermine 21:19 90:19</p> <p>undermined 97:10</p> <p>undermining 15:14</p> <p>underreprese... 14:18</p> <p>understand 23:13,19 25:8 25:12 26:2,4,7 29:23 44:18 55:19 62:25 66:6 78:4 92:18 93:7 99:14 115:14</p> <p>understandable 90:23</p> <p>understanding 13:23</p> <p>understood 40:20,20</p> <p>undertaken 41:16</p> <p>underway 46:6</p> <p>undo 107:2</p> <p>undocumented 101:9</p>	<p>undoubtedly 17:18</p> <p>undue 14:5</p> <p>unencumbered 89:15</p> <p>unequivocally 12:17</p> <p>unfair 97:7</p> <p>unfathomable 69:15</p> <p>uniformity 43:1</p> <p>union 29:9,12 29:19 64:2</p> <p>unions 63:13 63:14</p> <p>unique 83:24 101:22</p> <p>unit 46:1 81:13 89:12</p> <p>united 35:25 36:1 90:10 96:4</p> <p>universities 105:12</p> <p>university 1:10 7:16 8:4 72:11 73:15 105:7</p> <p>unlawful 18:23</p> <p>unlivable 96:1</p> <p>unpaid 75:24</p> <p>unreliable 16:25</p> <p>untenable 15:11</p>	<p>unworkable 15:13</p> <p>upset 70:25</p> <p>upsetting 15:19</p> <p>uptown 63:21</p> <p>urge 10:2 21:13</p> <p>urged 29:12,19</p> <p>use 9:24 10:10 45:12 47:25 48:11 63:6 76:6 82:11 87:3 103:24 107:17 117:18</p> <p>used 51:16 89:23 90:1 92:7 93:1 111:2</p> <p>users 89:23</p> <p>using 89:20 116:21</p> <p>usually 16:23 40:16 54:17 55:11 56:2</p> <p>utilize 51:15</p> <p>utilizing 10:13</p> <p style="text-align: center;">v</p> <p>vacancies 52:23,25</p> <p>vacant 51:16 52:21 53:4</p> <p>vacuum 11:22</p> <p>values 13:18</p> <p>van 95:12 118:12,14</p>	<p>vanessa 2:20 72:7,14 98:15 119:11</p> <p>variety 8:13</p> <p>various 49:21</p> <p>vast 57:22 58:4</p> <p>vastly 58:20 60:16</p> <p>vein 75:23</p> <p>vending 10:5</p> <p>vendor 42:21 42:24 43:2 62:11</p> <p>vendors 62:9</p> <p>venezuela 100:25</p> <p>venezuelan 71:14</p> <p>venue 10:2 112:17</p> <p>version 17:20 17:25 18:3 26:25 28:16 44:25</p> <p>versus 48:15 83:16</p> <p>veryone 6:24</p> <p>vet 39:13</p> <p>veterans 96:3</p> <p>veto 18:19,24</p> <p>vetted 70:2</p> <p>vetting 94:18</p> <p>vice 95:11</p> <p>victimized 97:22</p>
--	--	--	---

<p>victims 106:12 videoconfere... 2:8,9,11,19 3:3 violate 18:12 violating 32:14 107:24 violation 21:5 violations 10:1 42:7 virtual 9:15 91:19 virtually 73:3 visas 69:11,11 visible 43:9 vision 14:15 voice 6:8 voiceless 6:9 voices 5:18 85:17 102:11 volume 75:8 83:1 volunteers 75:24 86:9 vote 16:3,8 26:14,16,17 28:5,10 34:25 35:3 70:11 77:13,15,17,19 78:20 84:8,9 84:14,22 85:3 85:7 97:9 117:21 118:3 119:10 120:16 voted 54:4 69:2 70:23,24 97:8</p>	<p>voter 90:7,8 119:4 voters 8:19 10:4 21:12 79:6 89:4,5,15 90:5,5,24,25 votes 77:11 78:5,13,13,17 78:18,19 85:1 89:15 voting 26:10 68:23 70:23 77:9 84:6 89:2 89:3 90:20 117:18 119:1 vulnerable 106:24</p>	<p>97:11 104:2 109:24 112:12 112:14,17,18 112:19 117:25 118:1,16 119:10,11,22 120:11 wanted 22:22 23:5 34:21 53:24 54:4 59:11 84:5 101:7,19 117:2 117:9,24 118:5 wants 68:18 war 43:10 96:2 96:5 waste 43:7,8 wasting 17:20 watch 69:22 waterfront 77:1,2 way 6:25 16:1 31:25 32:1,2 37:11 45:23 47:22 48:17 56:18 64:14 71:3,10 75:5 77:19 86:20,21 87:2,14,16 93:13,24 96:24 111:19 112:24 113:24 117:4 ways 48:4 72:19 73:22 86:13,18</p>	<p>we've 28:6 29:7 29:8 31:22 36:24 47:17,23 48:4,8 57:20 62:21 63:17 78:10,24 79:3 80:17 81:13 83:18,23 87:24 88:5 113:11 weakenedtheir 91:11 web 76:6 86:11 website 9:3 60:20 week 55:5,13 weekly 100:1 weeks 72:25 weigh 73:3 77:17,24 79:7 83:20 84:18 weighed 84:24 weight 85:2 weighted 82:10 welcome 4:6 6:19 72:9,11 went 61:16 63:12 101:1,2 wharton 2:21 88:19,21,23 90:21,23 91:3 91:4,5,8 whatsoever 115:5 116:18 whatthe 25:11</p>
	w		
	<p>wait 24:18 25:5 77:22 89:14 wake 102:4 walk 54:5 want 4:3 5:4 9:17 27:25 33:5,14 37:8 44:22 47:18 48:11 50:19 52:1,2 53:12 58:18 63:18 65:20 70:5,15 71:9 73:6,14 76:15 77:8 79:21 84:7,19 84:23 85:11 94:15 95:4,15</p>		

white 89:21 90:14 who've 68:20 widgets 27:25 28:1 wife 64:3 95:10 willful 18:21 willing 98:2 wilmington 90:10 win 89:9 window 81:2 wing 90:17 wish 77:21 withhold 77:21 witness 121:4 witnessed 101:21 wnb 64:8 wolf 108:6 woman 14:16 women 70:12 89:18 90:4 wonderful 30:21 49:15 wonderfully 118:18 word 9:6 60:15 99:11 words 6:14 41:19 59:24 98:9 wordy 21:7 work 15:18 16:11 17:22	18:21 20:16 31:13,16 39:7 39:10 41:15,17 42:5 47:12,13 49:2 55:19,21 56:5,11,18 60:11 63:18 64:11 66:1 69:5 72:21 75:7 80:13 81:1 84:12,13 85:13 86:13,18 88:2 93:21,25 96:22 99:20,23 102:5 107:17 109:21 112:20 118:20 119:19 worked 28:11 62:13 67:11 76:8 worker 112:20 workers 86:10 87:7,8 102:7 workforce 62:14 67:1 working 27:21 48:23 64:7 92:1 96:14 101:24 102:12 102:24 works 35:1 54:6 76:7 world 6:6,7 27:19 43:12 70:3 96:2	101:23 worried 37:7 worrisome 97:9 worry 89:5 worst 31:8 wouldn't 60:9 wow 29:14 100:2 wrap 71:24 90:22 91:4,5 writing 9:5 written 46:8,16 46:22 47:11,11 79:4 112:25 wrong 27:10 wrote 36:5 45:1 107:10 www.nyc.gov 9:4	105:18,24 117:1 year 19:18,19 19:22,22 20:6 20:12 34:16,18 34:19 43:11 49:4 53:7 56:4 58:23,25 59:1 59:2 60:7 70:11,21 75:12 75:12 89:23,25 93:22 94:8,20 111:8 year's 24:19 years 6:3 27:8 45:22,25 52:5 62:12 92:2 93:18 94:4 95:21 97:5 100:25 103:2 115:15 119:14 york 4:7 6:8 7:20,20 10:25 11:4 12:18 13:19 24:21 26:6 31:24 36:5 41:11 52:11,13 53:20 62:7,22,24 70:7,15 89:3 90:2 91:11,14 92:5 93:21 95:22 100:23 101:1,4,22 113:14 116:6
		x	
		x 25:23,24 28:1 35:12 104:10	
		y	
		y 28:2 y'all 5:12 yankee 109:11 109:11 yeah 22:22 36:21 37:2 40:15 53:18 61:11,21 64:25 65:3 66:7,25 91:8 99:5	

[york - zoom]

119:8 121:20 yorker 95:21 yorker's 47:25 yorkers 5:2 7:25 8:10,11 41:9,18 43:24 44:7 79:7 92:11 96:14,19 youngster 105:20 youngsters 105:8
z
zero 56:12 58:7 zoom 4:11,13 4:14,16,19 6:13,17 8:13 30:17 41:8 68:8 88:18 111:25 114:22