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Transcript of the Meeting of the  
CHARTER REVISION COMMISSION  
Held on Wednesday, June 22, 2005  
Brooklyn Law School,  
250 Joralemon Street  
Borough of BROOKLYN

TANKOOS REPORTING COMPANY, INC.  
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1 Meeting convened at 6:35 p.m.

2 P R E S E N T

3 DR. ESTER FUCHS, Chair

4 DALL FORSYTHE, Vice Chair

5 STEPHEN FIALA, Secretary

6 COMMISSIONERS:

7 CURTIS ARCHER

8 AMALIA BETANZOS

9 ANTHONY CROWELL

10 STEPHANIE PALMER

11 Also Present:

12 TERRI MATTHEWS, Executive Director

13 BRIAN GELLER, Analyst

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CHAIRPERSON FUCHS: Welcome, everybody, to the New York City Charter Commission's public hearing and public meeting. It's June 22, 2005 and we are at Brooklyn Law School. I'd like to thank Brooklyn Law School for providing us with this lovely room today, for hosting the Charter Revision Commission, special thanks to Dean Joe Wexler and Associate Dean Joe Rabura and also we'd like to thank our own Commissioners Anthony Crowell and our Deputy Special Counsel Abbe Gluck, who are both visiting professors at Brooklyn Law School and helped us get this room, and thank everybody for attending this evening.

This is our second public hearing since the release of our recommendations for Charter revision. At the next public hearing, we hope to receive comments from the public on these or any other recommendations we still have for Charter revision. There are full copies of the report at the back of the room. There are also copies at our website.

Speaking of our website, I can provide you

22 with some general information about how to get materials  
23 from our Commission. We have a telephone, I guess most  
24 people still have telephones, but we have a telephone  
25 and a telephone number. You can reach the Commission at

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1 (212) 676-2060. We have a website; [www.nyc.gov/charter](http://www.nyc.gov/charter),  
2 where you can find all of the Commission's hearings and  
3 the transcripts of those hearings and we are also at 2  
4 Lafayette Street on the 24th floor if you want to write  
5 to us or visit.

6 We are also televised this evening and we do  
7 appear at some point on TV. I have yet to find it, but  
8 we do appear. So you might write us and let us know  
9 when you caught us on TV.

10 Just a little more information for the  
11 public about public meetings and public hearings. Our  
12 next public hearing and public meeting is on June 27 at  
13 110 William Street at the corner of John Street in lower  
14 Manhattan and then we have a public hearing and public  
15 meeting on June 30th at 22 Reade Street. We also have a  
16 public meeting on July 5th at the New York Presbyterian  
17 Hospital, the Milstein Building at 1767 Fort Washington  
18 Avenue at West 188th Street.

19 If you need directions or assistance in

20 finding out about where these locations are, please  
21 check our website or e-mail us.

22 I also want to welcome the members of the  
23 Commission tonight and introduce them to our public who  
24 have decided to attend today. On my left is the Vice  
25 Chair of the Commission, Dall Forsythe. On my right is

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1 the secretary of the Commission, the honorable Steve  
2 Fiala. Starting from right to left, Curtis Archer,  
3 Anthony Crowell, Stephanie Palmer and welcome back to  
4 Amalia Betanzos. Last time we wished a speedy recovery  
5 to her husband who just had surgery. We're happy to  
6 have you back. For those of you who don't know, Amalia  
7 is the person in the City of New York with the record  
8 for longevity in serving on Charter Revision  
9 Commissions, so we hope to better her record by keeping  
10 her on this Commission to its very conclusion.

11 In all seriousness, we're really happy to  
12 have you back.

13 COMM. BETANZOS: Thank you.

14 CHAIRPERSON FUCHS: And to have your  
15 reaction and input.

16 This evening -- June 30th, I'm just told, is

17 a public meeting and not a public hearing. Just for  
18 everybody's information, the difference between public  
19 hearings and public meetings, at public hearings the  
20 public is invited to testify. At public meetings, the  
21 Commission deliberates. The public may attend, but they  
22 don't testify. So I want to make sure everybody has  
23 that straight. June 27th is a public hearing, June 30th  
24 and July 5th is a public meeting.

25 Do we have a time for the July 5th meeting

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1 yet? No. It's going to be six or seven. We will get  
2 information for the Commission for the time.

3 At this meeting, we'll be calling for -- at  
4 this hearing, rather, we'll be calling for public  
5 testimony from those of you who are here today who have  
6 signed up. The procedure is if you've signed up, I will  
7 just go in order and if you haven't signed up, please  
8 feel free to sign up now. There's another signup sheet  
9 in the back of the room.

10 If any elected officials decide they want to  
11 attend tonight, we will be extending the courtesy to  
12 them, and offering them the front of the line. So if  
13 anybody does show up, hopefully the rest of you will  
14 understand why we're allowing our public officials to

15 speak first.

16 Each person is asked to speak for three  
17 minutes. We also encourage you to submit written  
18 testimony to the Commission and after your three minutes  
19 is over, we will actually give you a thirty second  
20 reprieve. Given that we don't have that many people who  
21 are testifying tonight, if you go over your three  
22 minutes, I think we'll be okay.

23 When you finished your oral testimony,  
24 please stay at the microphone, because Commissioners may  
25 want to ask you some questions.

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1 So on behalf of my Commissioners, I want to  
2 thank everybody for joining us tonight at the public  
3 hearing, and now I would like to call Irene Janner to  
4 the podium to testify. Please identify yourself again  
5 and if you have any affiliation. Thank you.

6 MS. JANNER: Should I give you the written  
7 before I start?

8 CHAIRPERSON FUCHS: If you leave it here,  
9 I'll ask one of the staff members to hand it out.

10 MS. JANNER: Good evening. My name is Irene  
11 Janner, and I am the first vice chairperson of Brooklyn

12 Community Board number 2 and I'd like to welcome you to  
13 our District, and thank you for this opportunity to  
14 testify.

15 I represent our Board at the Community-Based  
16 Planning Task Force at the Municipal Art Society  
17 Planning Center, which is a coalition dedicated to  
18 raising public awareness of community-based planning and  
19 improving the ability of communities to effectively  
20 create and implement plans.

21 Testimony was submitted to the Charter  
22 Revision Commission hearing on June 15th by Ms. Schoen,  
23 a community liaison from the Planning Center so I will  
24 not repeat any of the points she so ably made on their  
25 behalf at that testimony. I'll confine my testimony

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1 tonight on ways in which the Charter can be made more  
2 effective in implementing the role of Community Boards  
3 in planning and service delivery, as this is the role in  
4 which I personally participate as a Community Board  
5 member.

6 The Charter specifies that Community Boards  
7 must make plans for their District, but there are no  
8 provisions enabling them to take on the task. The  
9 average Community District has a population of over



10 100,000, which makes it comparable in size to many  
11 cities, such as Bridgeport, Connecticut or Albany, New  
12 York and they have hundreds of employees and budgets in  
13 the millions to provide services.

14 Chapter 70 of the Charter requires Community  
15 Boards to hire a District Manager and authorizes the  
16 utilization of any other personnel deemed appropriate.  
17 However, there's no provision to fund such additional  
18 personnel and this has resulted in the fact that no  
19 Community Board currently employs a full time planner  
20 and all the responsibilities are carried out by a small  
21 staff, a District Manager and maybe one or two  
22 administrative assistants.

23 The Community Board members receive just a  
24 few hours of training as part of an orientation when  
25 they're appointed. The point of the Charter for

1 communities to have an active role in planning is  
2 compromised by the fact that the Boards frequently must  
3 rely on the professionals employed by other City  
4 agencies or other Governmental agencies and even  
5 developers for technical advice and interpretation and  
6 even when those agencies are the interested parties in

7 an action. There's a little conflict there.

8 The '75 Charter introduced the possibility  
9 of officially recognized community initiated local  
10 planning under Section 197-A, and even though it  
11 signaled a proactive role in planning, few communities  
12 availed themselves of the opportunity to draft a 197-A  
13 plan. Planning would require maps, data, planning  
14 expertise, outreach and in some cases organizing and  
15 currently there's no systematic way or centralized  
16 clearing house from which we can identify and obtain  
17 such resources.

18 197-A plans can cost between 25 and \$50,000  
19 to create. And we don't have it. So far only 13 of 59  
20 Boards have written 197-A plans and only seven of those  
21 plans have actually succeeded in completing all the  
22 required steps to be adopted by the City. And the  
23 motivation to complete a plan is further decreased by  
24 the failure of mechanisms to implement adopted plans and  
25 the lack of any requirement that subsequent development

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1 be compatible with an adopted plan.

2 We need to ascertain how 197-A provisions  
3 can translate into effective community planning.  
4 Development that abrogates adopted 197-A plans is

5 sometimes met with community-waged lawsuits. We have  
6 seen that recently, sapping time, money and energy from  
7 the City and communities and ultimately slowing down  
8 development. The planning process wherein community  
9 plans were considered building blocks of a comprehensive  
10 citywide plan would go a long way towards insuring  
11 fiscal responsibility.

12 And in another area, Chapter 69 of the  
13 Charter requires that City agencies provide reports on  
14 operations and budgets to District Service Cabinets.  
15 The Charter predates the tremendous advances recently in  
16 technology. Community Boards with our District Service  
17 Cabinets have not been equipped to receive the  
18 information that's now available and in some situations  
19 this resistance by agencies to disclose information that  
20 had been called in to Community Boards is neutralized by  
21 the City with the advent especially of the 311 system  
22 and even the City Council legislation, while a step in  
23 the right direction, is not enough to obtain  
24 sufficiently useful information from the agencies.

25 The quality and specificity of reports back

1 to the Community Boards need to match or exceed what we

2 previously had. The circumvention of the Boards by more  
3 technologically equipped centralized City agencies  
4 undermines the Charter-mandated role of the Boards in  
5 the delivery of essential City services.

6 As Ms. Schoen testified on June 15th, the  
7 Planning Center and the Community-Based Planning Task  
8 Force are eager to work with the Commission as it  
9 contemplates ways of reworking the City's Charter for  
10 the 21st century. In addition, I and many Community  
11 board members from many Community Boards, would be eager  
12 to render whatever assistance we can also.

13 Thank you.

14 CHAIRPERSON FUCHS: Thank you very much.

15 Do we have any comments or questions from  
16 the Commissioners for Ms. Janner? Commissioner Archer?

17 COMM. ARCHER: One comment I have is I  
18 served on Community Planning Board 9 in Manhattan, as  
19 Chair of the economic development committee, and I  
20 remember just such an experience when we wanted to draft  
21 the 197-A plan and having no in-house expertise in that  
22 area. We did have a fortunate experience of having  
23 Columbia University being in their environs so that  
24 allowed us to actually take one of the planners from  
25 their urban technical assistance project to work with us

1 to help, but I know it's a very labor intensive job.

2 MS. JANNER: Our team tried to do a plan and  
3 we ran out of resources and never completed going all  
4 the way.

5 COMM. ARCHER: Unfortunately, I don't know  
6 what within your planning Board resources there may be  
7 available to utilize that same experience, whether or  
8 not --

9 MS. JANNER: We've used Pratt and LIU. As I  
10 say, we usually end up it runs out of steam and doesn't  
11 quite make it to the finish line.

12 CHAIRPERSON FUCHS: Any other comments or  
13 questions from the Commissioners?

14 Yes, Commissioner Fiala.

15 COMM. FIALA: Thank you, Madam Chairman. I  
16 want to follow up on your last statement. It runs out  
17 of steam --

18 MS. JANNER: Runs out of money.

19 COMM. FIALA: It runs out of money?

20 MS. JANNER: Money is a big part of it. We  
21 might get an intern or facilitator. We were trying to  
22 do a plan for our backup in the mid-'90s and we got a  
23 facilitator grant from Hunter School of Planning, the  
24 urban studies, and before we finished with all the  
25 outreach that was necessary, the funds ran out and the

1 semester was over and the people graduated and it's like  
2 start over. We just couldn't do it.

3 COMM. FIALA: Okay, thank you.

4 CHAIRPERSON FUCHS: I think this is a very  
5 important issue. We're very far along in the Charter  
6 process. This requires, obviously, some serious  
7 consideration and we'll be making some recommendations  
8 to that extent.

9 It's clear that the intent of community  
10 planning is not working the way it was meant to work.

11 MS. JANNER: No, it's not.

12 CHAIRPERSON FUCHS: There are many reasons  
13 why; some of which, obviously, are resources, but there  
14 are clearly other reasons why, and I think this is an  
15 area that would require extensive research and is worthy  
16 of that. We're really pleased that you brought it up,  
17 and we will make some suggestions about considering  
18 this, either in a future Charter Commission or in other  
19 kinds of either in the legislative or executive side,  
20 because it's clearly, as you point out, if you can only,  
21 if you have 51 planning boards and you have 20 plans,  
22 something's wrong with that picture.

23 Thank you very much.

24 MS. JANNER: Thank you. I think our last  
25 person, when Ms. Schoen came, she didn't have enough

1 booklets, so I brought some more.

2 CHAIRPERSON FUCHS: Thank you. I'd like to  
3 call up Stanley Lave, please.

4 MR. LAVE: Hi, I'm Stan Lave. I have a  
5 question. Is it possible to have a voter initiative  
6 amendment placed on the City Charter which would enable  
7 the electorate by petition to place -- to override the  
8 City Council and the Mayor and to recall elections?

9 CHAIRPERSON FUCHS: I can bring that  
10 question to our counsel. I don't think any of us are  
11 prepared to answer that at this point, but I can  
12 certainly refer that question to our legal counsel.

13 MR. LAVE also, I would like to state that  
14 the Mayor should not be permitted to knock proposed  
15 amendments off the City Charter, and thirdly, Community  
16 Boards should be elected, rather than appointed.

17 CHAIRPERSON FUCHS: Do we have any questions  
18 for Mr. Lave? Is that you how you pronounce it?

19 MR. LAVE: Lave.

20 CHAIRPERSON FUCHS: In that case, thank you  
21 for your comments and we'll refer them to the  
22 appropriate body.

23 Mr. Gene Russianoff, please?

24 MR. RUSSIANOFF: Good evening, Madam

25 Chairwoman and members of the Commission. I'm Gene

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1 Russianoff with the New York Public Interest Research  
2 Group and I thank you for the chance to speak this  
3 evening.

4 For a number of reasons, I have not  
5 participated in the Charter process to now, although my  
6 organization, NYPIRG, has been very involved over the  
7 years.

8 I want to begin by congratulating the  
9 Commission for taking the time to study some really  
10 complicated issues. In my opinion, that was not the  
11 case with the 1998, 1999, 2001, 2002 and the 2003  
12 Commissions, who did the bulk of their work in a matter  
13 of weeks. NYPIRG believes that the frequency of these  
14 Commissions has unfortunately undermined a healthy city  
15 Government, especially the relationships among the  
16 various branches.

17 We support legislation which would constrain  
18 the Charter process and a copy is attached to our  
19 testimony.

20 I realize in some ways I'm fighting the last





18 home, the testifiers go home and the voters make their  
19 decision, the Corporation Counsel is frequently the  
20 arbiter of what the Charter means and I would rather  
21 have language put in the Charter if that's possible.

22           Anyway, third, we reserve the right to  
23 support renewal of the State law that mandates the  
24 Financial Control Board, even if you place the  
25 provisions in the City Charter. I know the Financial

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1 Control Board is much despised in the City of New York  
2 and it's tough to make a brief for it, but the FCB has  
3 been a check and balance of the City Government on the  
4 State level, especially the executive and his agencies.

5           We already have a strong Mayoral form of  
6 Government in the City of New York and I think there are  
7 values of independent review that are at least worth  
8 debating in 2008 and it's our intention to be part of  
9 that debate and see what people think.

10           Lastly, I want to address the  
11 recommendations on reports. NYPIRG opposes a new  
12 Mayorally-controlled Commission to determine whether the  
13 publications of the Charter-mandated reports are  
14 necessary. There already exists a New York City  
15 Commission on Public Information and Communication,

16       which I am very familiar with, which has a mandate to  
17       increase information on City government; put out a  
18       public data directory, encourage the Council to move  
19       further in its televising itself and the Commission has  
20       not been effective. I would acknowledge that, because  
21       for most of its existence, it's not been funded and if  
22       you don't have any bucks you really can't do a lot of  
23       work.

24                        So we would like to work with the Commission  
25       on thinking through some entity that would actually

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1       encourage the use of the City reports, the City  
2       information. I know that the current administration is  
3       in many ways very dedicated to getting more information  
4       out to the public, but to me the mandate that's in the  
5       Charter now is not positive enough, and I think there  
6       are serious questions about the structure of such a  
7       Commission. I wouldn't try and create it on my feet at  
8       the moment, but I think it's worth thinking about some  
9       more.

10                       So that's my testimony. I'd be happy to  
11       take any questions.

12                       CHAIRPERSON FUCHS: Do we have any questions

13 for Mr. Russianoff. Commissioner Palmer.

14 COMM. PALMER: Good evening. I want some  
15 clarity on "the frequency of the Commissions undermines  
16 a healthy Government."

17 MR. RUSSIANOFF: Very plainly, I think in a  
18 normal State, City and Federal Government you have a  
19 give and take between the chief executive and the  
20 legislative body. But if you can every year go around  
21 the legislative body by creating an extraordinary  
22 Constitutional convention and going directly to the  
23 voters, that worries me.

24 I understand in some states like California  
25 it's a matter of a regular activity, and there have been

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1 a number of Charter revisions in the City's history, but  
2 it used to be that it was a once in a generation  
3 activity. Either a '36 or '61 or '89, but now mayors  
4 just see it as a vehicle to promote issues that they  
5 either can't get through the Council or that they think  
6 will be popular, and I think it's a mistake and I  
7 really, it's really a matter in my opinion for the State  
8 Legislature to decide, because they control the General  
9 Municipal Law, which dictates the Mayor's powers on  
10 Charter revision. I think this power has been misused

11 over the last seven years and I would like to see, at  
12 least I'm hopeful that this Commission will not be  
13 meeting in the dead of August like every single  
14 Commission since 1998 before it, because New Yorkers are  
15 just not around, they're not able to keep up with the  
16 Commission's work and I think this Commission as it's  
17 operated, I would acknowledge, is done in a much better  
18 way, much more reasoned and determined way, but I think  
19 future mayors should give it a rest.

20 CHAIRPERSON FUCHS: Any other comments?

21 Commissioner Forsythe.

22 COMM. FORSYTHE: I guess on the same topic,  
23 I'm trying to understand this piece of legislation that  
24 you attached for us. I'm not sure I do. I agree that  
25 it would be nice if we didn't have annual Commissions

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1 and we've actually managed to make this one two years  
2 instead of one.

3 MR. RUSSIANOFF: Yes.

4 COMM. FORSYTHE: So that's a bit of  
5 progress.

6 There seems to be two sets of issues; one  
7 having to do with the ability of others to put things on

8 the ballot and the defensive nature, the defensive  
9 posture that some mayors reasonably believe they need to  
10 take in response to that and the other is the sort of  
11 continual urge to make the Charter better.

12 It wasn't clear to me -- again, I haven't  
13 studied it, I just tried to read the legislation and see  
14 how it was going to fix things and I didn't get it.

15 MR. RUSSIANOFF: One of the things it does,  
16 it says if a Commission is established after February of  
17 a given year it could not put something on the ballot  
18 the following November unless it got some special  
19 approval from the City Council. There have been times  
20 recently where mayors have appointed Charter Commissions  
21 as late as the 13th of July and they concluded work by  
22 about Labor Day, which it's been said to me that's the  
23 span of time the U.S. Constitution was written in, but  
24 America was a very different place than it is today and  
25 I think it's a faulty analogy.

21

1 I did say that the Mayor was in some ways  
2 battling the last battle because the Commission has  
3 spent some time doing its work and I would credit that,  
4 but it's the first Commission in seven years that's done  
5 that. Every Commission has been appointed in either May

6 or June or July and I just don't think you can do a  
7 rational, coherent process.

8 Also the legislation attempts -- we would  
9 certainly be willing to discuss it -- to create  
10 diversity on the Commission. I do not have any idea how  
11 this Commission was appointed, so I'm not making  
12 aspersions about the Commission. I will be happy to  
13 make aspersions about the '98 and '99 and previous  
14 Commissions, because the members of those Commissions  
15 were simply appointed by the executive with absolutely  
16 no attention to the Borough Presidents or the City  
17 Council, and my view of the world is that the world is  
18 compromised, it's listening to people with different  
19 points of view and if you appoint ten or fifteen people  
20 that are all appointed by the same person, that person  
21 will get the results that largely he or she wants.

22 That's what the legislation tries to do.

23 COMM. FORSYTHE: I was considering  
24 commending to you the New York State process for  
25 establishing Constitutional conventions.

22

1 MR. RUSSIANOFF: Every twenty years.

2 COMM. FORSYTHE: It's very difficult to do,

3 I think it happens ten years, but it's very infrequent,  
4 but then I remembered, of course, they put a  
5 Constitutional amendment on the ballot that I think is  
6 bogus this year. So they manage one way or another to  
7 figure it out. It's not an easy problem.

8 MR. RUSSIANOFF: It's not.

9 CHAIRPERSON FUCHS: Any other comments from  
10 members of the Commission?

11 Commissioner Fiala.

12 COMM. FIALA: Thank you very much. I have  
13 two questions. One relates to -- first, thank you for  
14 offering your opinions on two of the three areas that  
15 this Commission has already been working on. I'm  
16 curious if you have any thoughts on the legal affairs  
17 area.

18 MR. RUSSIANOFF: I wish I did. I definitely  
19 read that section of the Charter, but I did not feel we  
20 had expertise to offer about it.

21 COMM. FIALA: And with respect to your  
22 testimony regarding financial controls: "Second, we  
23 support the call for the New York City IBO for specific  
24 safeguards in the Charter requiring the same level of  
25 access to financial records."



1                   We've spent a great deal of time, this  
2                   Commission, and it's a testament to the staff and to the  
3                   Chair, as well as the Commissioners, a great deal of  
4                   time discussing this. I'm just curious, do you have  
5                   specific recommendations vis-a-vis the language, our  
6                   preliminary language, because that's what this is. What  
7                   would you do differently than what we're proposing,  
8                   because we have a sincere desire to deal with a looming  
9                   problem, whatever that problem winds up, if the State  
10                  decides to expand, to renew beyond 2008, fine, but if  
11                  they don't, we want to be able to be in a position to  
12                  help the City maintain some level of fiscal sanity and  
13                  responsibility.

14                  MR. RUSSIANOFF: I appreciate your view and  
15                  it's been explained to me in some detail how the  
16                  Commissioners tried to address this issue. It's really  
17                  not an easy one.

18                  I have this point of view: Whatever the  
19                  Commission does, what it believes it does, the Charter  
20                  will be interpreted by other people and those other  
21                  people tend to be the Corporation Counsel in the first  
22                  instance. They can ignore explicit language in the  
23                  Charter, they did in the case of the Independent Budget  
24                  Office for five years until the Courts forced them to do  
25                  it, but in my world you put language right up front as

1 strongly as you can to make sure that the future mayors  
2 and future Corporation Counsels get the message.

3 I don't know if they'll always read the  
4 debates of the Commission or read them honestly and  
5 fairly.

6 COMM. FIALA: Probably not. You run into  
7 the problem with any legal document, what's implied  
8 versus what is explicit. I only ask this, because we  
9 are sincere about our work here.

10 If you have specific recommendations with  
11 respect to tweaking the language for the proposals that  
12 we put forward, we'd love for you to put it before the  
13 Chair so we can discuss it.

14 MR. RUSSIANOFF: I'd be happy to think about  
15 it.

16 What's motivating me is we had to sue the  
17 City of New York because it was not giving access to the  
18 IBO to do its job, even though from my reading the  
19 Charter it was clear. The clearer the language, and  
20 eventually the Courts agreed with us and the City agreed  
21 with us.

22 CHAIRPERSON FUCHS: Just to follow up on  
23 that point, and the point is important. Your point is  
24 you had to sue to do that. I think that's the check and  
25 balance in this situation. There are the courts. There

1 are existing powers of access to information which we  
2 are not tampering with our language about according  
3 access to the Financial Control Act. The fact is that  
4 even though the Control Board and the State were  
5 extensively involved, you had to sue to get what you  
6 wanted, that has to do with human behavior and the way  
7 people choose to interpret law and in a democracy it's  
8 an interpretation.

9 Just to call to your attention a couple of  
10 things, and obviously, then, feel free to reply.

11 As Commissioner Fiala suggested, we had  
12 staff do a lot of research on this, and the existing  
13 powers of access to information exist for the IBO in  
14 Section 259(c) of the Charter and 260(c) the Charter;  
15 they exist for the City Comptroller in Section 93(a),  
16 93(b) and 93(c), and they exist for the State  
17 Comptroller in General Municipal Law Section 34 and in  
18 General Municipal Law Section 31 and for the general  
19 public under Section 1065.

20 So nothing we've written is tampering with  
21 all those rights and access to information.

22 So, I mean, part of the reason we need the  
23 New York Public Interest Research Group out there is to

24 make sure that there is accountability by Government  
25 officials even when we have in documents legal rights

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1 for information.

2 So there's an issue here that I think we've  
3 tried to be careful with, which is distinguishing  
4 between what is legally there in the Charter, making  
5 sure that we don't abrogate any of those rights and then  
6 human behavior, which we can't really control, because,  
7 I mean, you pointed those examples, many of us can list  
8 a whole variety of other examples that have happened  
9 over the history of the City of New York in which duly  
10 elected public officials have asked for information and  
11 not received it and had to go to Court to get it, and  
12 win.

13 So the fact remains is, they do win in  
14 Court, but it doesn't prevent other elected officials  
15 from trying to prevent them from getting that  
16 information.

17 MR. RUSSIANOFF: That's all true. I would  
18 just say that the stronger the language you come up  
19 with, the better a chance that we'll win.

20 CHAIRPERSON FUCHS: I we think we've come up  
21 with strong language.

22 MR. RUSSIANOFF: So we'd like to help.

23 CHAIRPERSON FUCHS: That's our intention, so  
24 I just want to echo Commissioner Fiala's point. We  
25 really tried very hard to make it clear that we're not

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1 abrogating anybody's powers, we're reinforcing them and  
2 we added a stipulation specifically with the IBO in a  
3 fourth bullet that gives them --

4 MR. RUSSIANOFF: Yes, I saw that.

5 CHAIRPERSON FUCHS: -- access to  
6 information. We've been working on that.

7 We appreciate your input, because it assures  
8 us that we're working in the right direction.

9 MR. RUSSIANOFF: I also saw that for the  
10 Commission you were planning to set up, you exempted the  
11 IBO from that jurisdiction.

12 CHAIRPERSON FUCHS: Correct.

13 MR. RUSSIANOFF: That Commission would have  
14 the power to say a report isn't necessary and even, as I  
15 read it, to get rid of some Commissions if it didn't  
16 think it was doing a good job. So it's a very strong  
17 power that you're planning to give that Commission,  
18 which, all things being equal, I'd like to find some way

19 that it was embedded in something that was more  
20 affirmative and encouraging access to City information.

21 I would give credit to the current  
22 administration, which I think has been very oriented  
23 towards information and maybe it's time to relook at the  
24 Commission on Public Information Communication within  
25 what's happening in City Government and try to

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1 institutionalize some of it.

2 CHAIRPERSON FUCHS: Commissioner Forsythe.

3 COMM. FORSYTHE: Further on the same issue,  
4 I think that there's an interesting dilemma, and you  
5 stated your views on the Financial Control Board, at  
6 least telegraphed your view, I don't know if you've  
7 stated them in any conclusive ways.

8 I have different views. I think it would be  
9 nice if the Financial Control Board were to sunset and  
10 if it has sunsetted, were to expire because I think the  
11 City has done a very capable job of managing its budget  
12 for almost 25 years now and I think it's proven its  
13 ability to do that.

14 But I would hate for the reason why people  
15 argue to keep the Financial Control Board in existence  
16 to be because its elimination would reduce the amount of

17 information available to the other monitors. I think in  
18 the absence of the Financial Control Board, I think  
19 what's necessary is to have a very active, energetic,  
20 lively group of monitoring organizations that take up  
21 that role and that do a really good job of watching the  
22 City's budget and do so very competently and capably.  
23 And I think that can happen, but I do think the issue of  
24 the availability of information under the Financial  
25 Emergency Act, as opposed to under the provisions of the

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1 Charter and the other laws that our Chair has cited, are  
2 important and need to be addressed, we're in the process  
3 of addressing, and I echo the Chair's suggestion that if  
4 you have any specific proposals for us, they'd be very  
5 welcome.

6 We're in the process now of trying to sift  
7 through that process and specific language would be very  
8 helpful.

9 MR. RUSSIANOFF: Thank you.

10 CHAIRPERSON FUCHS: Any other comments? I  
11 have one last comment.

12 Welcome back, we're happy to see you.

13 MR. RUSSIANOFF: Thank you very much.

14 CHAIRPERSON FUCHS: Do we have any other  
15 comments from members of the public? If not --

16 VOICE: Excuse me, I just came but I saw  
17 nowhere to sign in. I have to say I went to Flushing  
18 and it was canceled, the meeting was canceled, so I'm  
19 glad you're here. What happened in Flushing?

20 CHAIRPERSON FUCHS: I personally apologize.  
21 We could not get a quorum that evening. We tried to get  
22 information out to the public as best as we could, but  
23 June turned out to be a much more difficult month and  
24 several of our Commissioners had to leave town,  
25 literally, so we weren't able to put together a quorum,

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1 so we do apologize profusely and we are seriously sorry  
2 that you ended up in a place where we weren't and we're  
3 glad to see you here tonight.

4 Could you please identify yourself?

5 MR. STRANGEWAYS: Certainly. Erik  
6 Strangeways, E-r-i-k, Strangeways spelled as it sounds.  
7 A resident of Corona, Queens, New York City.

8 I'm glad to see a more receptive posture  
9 tonight to the concerns that people had about process.  
10 I think that there's nothing wrong with -- I don't mean  
11 to cast any aspersions, and I'm sorry -- the fact that



12 things may have been misinterpreted when I said  
13 something before. It's inherently a political process,  
14 so that when people are appointed to this Commission and  
15 they accept the commission, it doesn't cast any  
16 aspersions on them to say they're in a political  
17 process. We're at this point in history, we're not  
18 deciding the Kansas-Nebraska Act of 1884, you're at this  
19 history, under this Mayor. Although I'm not mainly  
20 speaking for the campaign, if a position, and I believe  
21 this is a position somebody can meaningfully hold and  
22 they have a right to hold under free speech, and that is  
23 that this Mayor would like some things to pass, changes  
24 in the Charter that maybe aren't that urgent, it's not a  
25 dangerous way to wait, now that I've looked into it. We

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1 could wait, this Mayor may want things to pass, to have  
2 credit going into the elections. And it might be  
3 reasonable for someone let's say, for me to support  
4 Ferrer, I'm not speaking to the campaign or anything, to  
5 say, yes, maybe we wait until after the election.

6 That all is process. Having said that I  
7 move to the substance.

8 The Mayor has trimmed his sails. The goals

9 are more modest. I have no problem with two of the  
10 three subject matters: The administrative judicial  
11 reform and the Commissions on information, good.

12 It's innocuous, now, down to executive  
13 orders and legislation that doesn't have to go in the  
14 Charter and the other one is a tough nut to crack, and  
15 that's fiscal stability, and I believe that is something  
16 that belongs in the Charter, the organic law of the  
17 City. Constitutions and Charters are organic laws.  
18 This Charter may not be the U.S. Constitution, which is  
19 boiled down much more, or something like that, but it  
20 shouldn't have everything. It shouldn't be like the New  
21 York State Constitution, which has the width of a ski  
22 trail in the Adirondacks.

23 It should be the organic law and fiscal  
24 stability is an organic law problem. However, I believe  
25 it hasn't been addressed properly. I believe it may not

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1 be possible to achieve what has permeated -- I like the  
2 word permeated -- this executive summary. I went back  
3 to the full text of the recommendations, and I went back  
4 to the transcripts. The search is for consensus.  
5 Consensus is the best way to make a decision, rather  
6 than forcing it down somebody's throat. The Quakers

7 when they meet for business, they do things by sort of a  
8 consensus. It's a very positive trend in our society.

9 But it has to really be there, and I think  
10 that there are a number of variables. Now, one is  
11 political. We don't have anybody's from Silver's office  
12 or Bruno's office speaking in the transcripts that I  
13 know of. There's no commitment that in 2008, that if  
14 the Charter is changed in such a way, that they'll let  
15 the laws expire. Maybe they'll renew them again. Maybe  
16 there will be some other pressure.

17 I've looked at Mr. Abrams' remarks and I  
18 believe then the Chair spoke and then -- it wasn't  
19 clear, there may be an error in the text, but it looked  
20 like Mr. Abrams was speaking again, saying that maybe  
21 after 23 years we don't need this kind of control, and  
22 then Mr. Forsythe just saying that now.

23 Now, there must be, since obviously  
24 legislation was proposed and is in the recommendations,  
25 there's definitely a split in viewpoint here, I think.

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1 I think before somebody -- and budgeting is not my  
2 strong suit, but I think that if there's to be a  
3 consensus, all that should be reported out is the true

4 consensus, and I think it should incorporate what some  
5 of the -- and I want to digress for one second just to  
6 say about the chart, and I'm glad my name is on the  
7 chart on April 4, but things were wrong there. It said  
8 the people, Doug Israel and I, people were speaking  
9 about the process of amending the Charter, and the  
10 response in the Charter is a matter of State law. We  
11 weren't talking about the process in the State law being  
12 amended by the State Legislature to how you amended this  
13 Charter, we were talking about whether this is a wise  
14 year, time, place, issues etc., to amend this Charter.  
15 And I'm sure, I'll speak for myself, that's what the  
16 correct Charter amendment should be.

17 Then, so, going back to this. There should  
18 be a true consensus, not a false one reported on the  
19 financial stability, and that should include the people  
20 who were apparently not given a whole lot of credence  
21 about -- I wasn't there, but that wanted a programmatic,  
22 a human needs-oriented analysis of any fiscal stability  
23 changes, with the human needs with the analysis of the  
24 23 years and also the study of other states and  
25 municipalities.

1 We saw -- for instance, Charles Brecher did

2 a very thorough job in his remarks. Ms. Lowenstein was  
3 just saying, was giving the New York State sale. Marcy  
4 Von Wagner said New York State is more difficult than  
5 municipalities in some ways than others, again things  
6 are a given.

7 We may need to study other things, go to  
8 programs, look at the 23 year history and if there's a  
9 true consensus, do something about fiscal stability  
10 because that is a Charter issue.

11 Thank you.

12 CHAIRPERSON FUCHS: Thank you very much. Do  
13 we have any comments?

14 MR. STRANGWAYS: Oh, thank you. Be glad  
15 to.

16 CHAIRPERSON FUCHS: Commissioners?

17 Well, we want to thank you for coming to  
18 Brooklyn today and we are sorry that we were unable to--

19 COMM. FORSYTHE: We're all sorry, yes.

20 CHAIRPERSON FUCHS: The Commission has been  
21 very responsible and has worked very hard and June is  
22 just a difficult month, so we're sorry you were put out,  
23 but I want to make it clear to everyone's who is here  
24 tonight that this has been a both responsible and hard-  
25 working Charter Revision Commission.

1                   Do we have any new business? If not, can I  
2 call for the meeting to adjourn?

3                   COMM. FORSYTHE: So moved.

4                   COMM. ARCHER: Second.

5                   CHAIRPERSON FUCHS: All in favor?

6                   (Chorus of "Ayes.")

7                   CHAIRPERSON FUCHS: Anybody opposed?

8                   Thank you for attending.

9                   (Time noted: 7:18 p.m.)

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C E R T I F I C A T I O N

I, LINDA FISHER, a Registered Professional Reporter and a Notary Public, do hereby certify that the foregoing is a true and accurate transcription of my stenographic notes.

I further certify that I am not employed by nor related to any party to this action.

LINDA FISHER, RPR

