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Transcript of the Meeting of the
CHARTER REVISION COMMISSION
held on Tuesday, July 5, 2005
170 Ft. Washington Avenue
Borough of MANHATTAN

TANKOOS REPORTING COMPANY, INC.	
305 Madison Avenue	142 Willis Avenue
Suite 449	P.O. Box 347
New York, NY 10165	Mineola, NY 11501
(212) 349-9692	(516) 741-5235

1 Meeting convened at 7:25 p.m.

2 P R E S E N T

3 DR. ESTER FUCHS, Chair

4 STEPHEN FIALA, Secretary

5 COMMISSIONERS:

6 ROBERT ABRAMS

7 CURTIS ARCHER

8 AMALIA BETANZOS

9 DAVID CHEN

10 ANTHONY CROWELL

11 MARY McCORMICK

12 Also Present:

13 TERRI MATTHEWS, Executive Director

14 BRIAN GELLER, Analyst

15 SPENCER FISHER, ESQ.

16 ABBE GLUCK, ESQ.

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1 CHAIRPERSON FUCHS: Good evening. Thank you
2 everyone for attending this evening's New York City
3 Charter Revision Commission. I'm Ester Fuchs, I'm the
4 Chair of the Commission and I want to thank New York
5 Presbyterian Hospital for providing us again with this
6 very lovely space and especially Helen Morick, who is
7 the vice president for government and community affairs.

8 Just to recall for those of you who have not
9 been here before, this is a public meeting, not a public
10 hearing. At a public meeting the public can observe but
11 not testify. The Commissioners will be discussing the
12 preliminary report here tonight and the various
13 proposals that have been brought before the Commission.

14 I'd like to introduce you to members of the
15 Commission. Most of you have met them before. Starting
16 on my left is David Chen from the Chinese American
17 Planning Council, the Executive Director. Amalia
18 Betanzos the Executive Director of Wildcat. On my
19 immediate left is the Secretary of the Charter
20 Commission, Steven Fiala, who is County Clerk and
21 Commissioner of Jurors for Richmond County and a former

22 member of the New York City Council.

23 Robert Abrams currently a partner at
24 Stroock, Stroock & Lavan, and of course a former New
25 York State Attorney General and past Borough President

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1 of the Bronx as well as a New York State Assemblyman.

2 On his right is Anthony Crowell, who is
3 special counsel to the Mayor and a former Executive
4 Director and general counsel to previous Charter
5 Revision Commissions.

6 Next to him is Curtis Archer. Curtis is
7 currently executive director of the Rockaway Development
8 and Revitalization Corporation.

9 To Curtis' right is Dr. Mary McCormick, the
10 President of the Fund for the City of New York and
11 former Special Assistant to New York City's Deputy Mayor
12 for labor relations.

13 I'd like to especially thank the members of
14 the Commission for coming this evening. This is a
15 really difficult time to schedule and the Commission has
16 been diligent in attending our meetings and making sure
17 that we have a quorum. We're moving forward right now
18 at a fairly rapid pace, so it's extremely appreciated
19 that you all have taken the time to be here with us

20 tonight.

21 We continue welcoming comments from the
22 public. You can call us at (212) 676-2060, write us at
23 2 Lafayette Street, 14th floor, New York, New York
24 10007, or you can log on on www.nyc.gov/charter. In the
25 back of the room you'll find a signup for a mailing list

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1 and also a copy of our preliminary recommendations for
2 Charter revision.

3 The next meeting will be July 18th at 7 p.m.
4 at 22 Reade Street.

5 While we're still accepting comments and
6 recommendations, just so that the public is aware of the
7 fact that the official comment period ends at the end of
8 the day today, or the end of the evening tonight. We
9 still, obviously, will take everybody's comments into
10 consideration as we proceed to the end of the process.

11 So what we're going to do now is we have
12 three preliminary recommendations. We've received
13 public comment, we've received expert testimony on these
14 recommendations, we've had some lively discussions on
15 these recommendations and what we want to do this
16 evening is have our members of the staff review for us

17 the status of the existing recommendations, some of the
18 proposed changes that we've received and the change in
19 the language that staff is proposing to us on the basis
20 of comments and suggestions that have come from the
21 public process.

22 So we're going to begin by discussing our
23 proposals on fiscal stability and I'm going to ask the
24 Executive Director, Terri Matthews, to present the
25 changes and support that we've received on this, and

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1 then I'm going to ask Spencer and Abbe to present the
2 language for those changes and then we can discuss that
3 proposal.

4 Terri.

5 MS. MATTHEWS: Good evening. Since the
6 Commission approved its three preliminary
7 recommendations on June 9th, you have held three public
8 hearings; June 15th, June 22nd and June 27th, to hear
9 comments from the public on your three preliminary
10 recommendations.

11 In addition, the Commission has received
12 public comments by mail. I would like to briefly
13 summarize the public comments by topic. The law
14 department will fill in with more detail if necessary

15 and we're going to indicate where we have been able to
16 revise the proposals to reflect particular concerns.

17 I will summarize additional proposals that
18 have been made in correspondence as well.

19 The first topic is fiscal responsibility.
20 There is broad general support for the Commission's
21 proposal to import the key financial practices from the
22 FEA into the Charter: End of year balance in accordance
23 with GAAP, the financial plan and quarterly modification
24 requirements, annual audit gap standards and stricter
25 limits on short-term indebtedness. We have added

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1 language to the provision that places responsibility
2 upon the Mayor to maintain end of year balance, to
3 clarify that this responsibility is tied to the exercise
4 of budget powers for budget administration that are
5 currently present in the Charter, including the Mayor's
6 power to impound spending in Section 106. It had been
7 suggested that the provision, without a reference to the
8 existing Charter and State law provisions, would have
9 effected a change in existing powers to revise the
10 budget after adoption.

11 If after the budget is adopted a budget gap

12 appears, the Mayor has whatever powers he or she
13 currently has under the Charter and State law to reduce
14 the budget gap so that the City ends in balance.

15 A second issue, several people have
16 expressed concern that the proposal to create a monthly
17 update report to the public implied a limitation on
18 access to financial data to evaluate the budget and the
19 financial plan. The Commission consistently and
20 explicitly stated during public meetings and hearings
21 that the inclusion of such a report was not intended to
22 limit the access to financial information. The
23 Commission included a provision that clarified that
24 nothing in the proposals would affect existing rights to
25 access information in State and Local Law, but as a

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1 result of concerns expressed during the last series of
2 public hearings, it became clear to the Commission that
3 the proposed clarification language did not assuage
4 concerns. Since the Commission believes various
5 provisions of existing law give the elected officials
6 and the public various rights to obtain financial
7 information behind the budget and financial plan
8 figures, regardless of whether such clarifying language
9 is in the proposal, we have deleted the clarifying

10 language and the monthly reports as a way to make clear
11 that access to information issues will not be changed by
12 the proposal to import financial practices from the FEA
13 into the Charter.

14 And then finally, after consultation with
15 the City Comptroller's office, we have removed certain
16 language that was deemed to be excessively detailed for
17 permanent application.

18 So I guess Spencer might give some detail,
19 if this isn't enough.

20 MR. FISHER: If that was enough, then just
21 stop me now. You should have in front of you, I guess
22 it's a 26-page document that's entitled "internal
23 draft." If you turn to page four of that draft, you'll
24 come to the beginning of the draft recommended Charter
25 text on the FEA issue. The first item here, and I'm

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1 only going to take you through I think the changes,
2 since there are only a few changes on the FEA portion,
3 and Terri mentioned what they were in broad strokes.

4 The first change is in 258A on page 4, the
5 second sentence which says, used to say, I don't have
6 the language that it used to say in front of me but it

7 did not have the reference to applicable law in Section
8 106 of the Charter, it's not here. It was sort of an
9 unfettered statement that the Mayor would take all
10 actions necessary to insure that the City was in
11 compliance.

12 The provision has been conditioned to refer
13 to the existing -- to the powers, to applicable law,
14 that the Mayor will take all actions necessary in
15 accordance with provisions of the Charter, including but
16 not limited to Section 106, or other applicable laws.
17 It ties into the Mayor -- the reason why 106 is
18 highlighted, this ties into page 1, the first page of
19 the material you have -- the reason why Section 106 was
20 highlighted is because it contains the power and process
21 of impoundment by which funds are set aside by the Mayor
22 and impoundment is a critical tool that a Mayor might
23 use to insure compliance with this requirement of year
24 end balance. But there are other tools that could be
25 used as well, which is why the provision was broadly

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1 written in that respect.

2 It was written to tie into powers that are
3 available to the Mayor and not to confer some very broad
4 statement that was not conditioned upon existing powers

5 in the Charter.

6 COMM. ABRAMS: Have we checked that with the
7 Comptroller's Office?

8 MR. FISHER: The Comptroller's Office
9 didn't raise this issue. This issue came out of
10 conversations with the City Council, as I recall.

11 COMM. ABRAMS: And who in the City Council?

12 MR. FISHER: Staff.

13 COMM. ABRAMS: The staff. And what you have
14 incorporated and are showing us now reflects the support
15 and approval of the staff?

16 MR. FISHER: I would not say reflects their
17 support and approval. It reflects, this reflects I
18 think what we felt was an appropriate limitation in
19 response to their concern. I think that's all I'm going
20 to say.

21 COMM. ABRAMS: Well, if they registered a
22 concern, and we made the adjustments as you have
23 propounded, the changes you made, was it to their
24 satisfaction?

25 MR. FISHER: I don't know if I can speak to

1 them in terms of it being to their satisfaction. I

2 think the answer is that, the issue of -- the actions that
3 the Mayor would take to balance the budget might never
4 totally satisfy the Council in a fiscal crisis, and
5 past mayors I think have, mayors have insisted that they
6 need some flexibility in addressing these matters and
7 this is intended to preserve that flexibility but within
8 the existing structure. Now, whether the Council would
9 want further limitations on that flexibility in this
10 context, I'm not sure, if you asked them what their
11 ideal language would be, but I think what we did agree
12 with them on was that the language as written earlier,
13 in the earlier draft was excessively unfettered and
14 wasn't tied to the existing framework of the Charter and
15 State law, so we attempted to tie it to that framework.

16 CHAIRPERSON FUCHS: Anyone have questions?
17 Commissioner Betanzos?

18 COMM. BETANZOS: Have you consulted with the
19 Comptroller's Office?

20 MR. FISHER: We have. I will get to some
21 changes we made in response to the Comptroller's Office.
22 The Comptroller's Office has made proposals in a couple
23 of places to substitute the Comptroller or add the
24 Comptroller explicitly to add their approvals. Those
25 changes have not been included, but we have agreed upon

1 changes to the audit provisions which I was going to get
2 to, with the Comptroller's Office.

3 COMM. BETANZOS: But this particular one has
4 not been discussed with them?

5 MR. FISHER: I don't believe the
6 Comptroller's Office raised this concern.

7 CHAIRPERSON FUCHS: Part of the effort here
8 was to address issues that were raised in meetings, so
9 I think the Commission doesn't have quite the context
10 for all of these suggestions, so we reached out to the
11 City Council, met with staff, we reached out to the
12 Comptroller's Office, met with staff and to the extent
13 that we could here, we tried to address some of those
14 changes, some of those issues. So the changes that are
15 being brought up right now are the direct result of
16 either public comment, Commissioner requests or requests
17 from other staff of other elected officials.

18 So maybe we can identify when we're speaking
19 about these changes, where the requests came from.

20 MR. FISHER: Sure, and there's only a few
21 changes, so that's not a problem.

22 CHAIRPERSON FUCHS: Right.

23 MR. FISHER: So that's the first of the
24 changes on page four.

25 The next change, actually, the next change

1 is not reflected here, but we will point out the
2 provisions that would be deleted. This change was
3 actually developed fairly late today in terms of
4 confirming that we were going to remove these
5 provisions.

6 If you look on pages seven to eight of the
7 text, subdivisions E and F of the proposed section, E
8 being the financial plan monthly statement, on page
9 seven. E was the financial plan monthly statement, and
10 F was the -- actually, F will not be deleted in its
11 entirety, forgive me.

12 In the case of F, we will delete the second
13 sentence, beginning "in addition."

14 So this reflects what Terri just said
15 earlier, that it was determined that it would be
16 clearer, and I guess this was in response to comments
17 from a variety of places, I guess Commissioner Forsythe
18 and others.

19 CHAIRPERSON FUCHS: Let me jump in over
20 here, because Commissioner Forsythe wasn't able to make
21 it this evening and he spoke to me earlier, and he
22 specifically requested that these aspects be deleted so
23 as not, as Terri Matthews pointed out before, so as not
24 to confuse the public that this is an exhaustive list of
25 reports that we think are appropriate for release to the

1 public.

2 So we're reaffirming here the release of
3 information to the public, but we didn't want to list
4 one report separately. That was Commissioner Forsythe's
5 objection, that if we listed one report separately, it
6 would look like that was the only report that was
7 required for us to release. So we felt that given his
8 experience in this area, if he felt strongly that this
9 was misleading, we didn't want to burden ourselves with
10 something that was misleading. So while initially the
11 language was not intended as a limiting language in any
12 way at all, but rather as an example of the kinds of
13 reports that we were releasing, since his position both
14 on the board of the IBO as well as budget director in
15 the past carried a lot of weight with us, the IBO also
16 made the request that we delete that, so as, again, not
17 to be misleading.

18 So it was the staff's view, and this is of
19 course open to the rest of the Commissioners' discussion
20 right now, that we should just delete this and not
21 confuse anybody with this idea that this is an
22 exhaustive list. So I don't know if anybody has

23 comments on that, it might be useful to jump in now.

24 Commissioner Fiala?

25 COMM. FIALA: Thank you, Madam Chair. Let

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1 me say that I hope we can bring this matter to
2 resolution tonight. We, by my count we've been in
3 business almost eleven months. We've had a tremendous
4 amount of discussion, debate, refinement, discussion,
5 debate, this has been a great exercise, where all of the
6 stakeholders have been able to come in time and time
7 again.

8 I support the Vice Chairman's call. The
9 question I have, though, it's staff's contemplation to
10 remove all of F, because I'm supportive of removing E
11 and F in its entirety. If it's other than that, could
12 you explain the rationale for keeping a portion?

13 MR. FISHER: I was going to do that.

14 We were going to remove E in its entirety
15 for the reasons the Chair stated. F actually contains,
16 because it's sort of like rules of construction, if you
17 will, of the section, it contains two different concepts
18 which were written for two different purposes. The
19 provision we were going to remove was the second
20 sentence, which basically says that nothing can be

21 construed to affect existing powers to obtain
22 information of the various City agencies, and it was
23 believed that that again would somehow impact, that
24 again was unsatisfactory to people who are concerned
25 about access to information and that would somehow be

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1 construed as a ceiling or a floor. For whatever reason,
2 that will be removed.

3 However, the first sentence serves a
4 different purpose. The first sentence of F is not about
5 information. It's really about a more general issue of
6 insuring that while the FEA remains in effect, these
7 Charter provisions should be construed in a manner
8 consistent with them, and this is an important provision
9 to insure that the powers of the Financial Control Board
10 are unimpaired and the general relationship of the
11 Charter to State law remains intact.

12 So there's no reason, I think, to delete the
13 first sentence of that. It was not written for this
14 purpose, it was just bunched in.

15 COMM. FIALA: So, then, Madam Chair, is it
16 appropriate for me to ask, this is my working document,
17 I'd like to keep my record straight, but we'll decide

18 tonight, we need to vote on it or something, but we're
19 going to remove all of E --

20 CHAIRPERSON FUCHS: Yes.

21 COMM. FIALA: And Section F which is on page
22 eight, everything from "addition" to the end of the
23 paragraph, is that correct?

24 MR. FISHER: Yes, from "in addition" to the
25 end of the paragraph. Again as I noted, the first

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1 sentence is really to harmonize these provisions with
2 the Financial Emergency Act.

3 COMM. FIALA: I agree with the analysis
4 completely. I'd just lend my support, I agree with the
5 Vice Chairman as well as with your comments.

6 CHAIRPERSON FUCHS: Does anybody have an
7 issue about taking out this language? I think this is
8 the most critical change that we're making to this
9 section which is very important. Everything's
10 important, but we know that this is particularly
11 important, so if anybody has a different point of view
12 here, this would be the moment to speak about it.

13 Okay, thank you. Do you want to continue?
14 Is there anything additional?

15 MR. FISHER: Sure, there's one, I guess one

16 other set of changes, which I believe Terri mentioned as
17 well. On page eight, you won't -- you'll see the
18 changed language here, the original language, if you
19 happen to have the preliminary recommendations, you
20 don't need to, I'll explain it, it was on pages 34 to 35
21 of the preliminary recommendations if you'd like to
22 compare it.

23 The changes here were really made in
24 discussions with the Comptroller's Office. The first
25 change actually was already, they got in in time to be

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1 in the preliminary recommendations which was we added
2 the phrase at the beginning of this Section, "in
3 accordance with subdivision B and Section 97 of this
4 chapter," and that was done to insure that the new audit
5 provisions which are being taken from the Financial
6 Emergency Act should be read together with the existing
7 provisions as to how the City retains the auditor to
8 perform the annual audit, in which the Comptroller has a
9 role through the audit committee.

10 The other changes were made after the
11 preliminary recommendations were made pursuant to the
12 discussions with the Comptroller's Office. The

13 Comptroller's Office felt that although he believes the
14 City is in compliance with the current provision of the
15 FEA, it contains certain requirements that didn't
16 necessarily need to be codified at the same level of
17 detail permanently in the Charter, if and when the FEA
18 expires, and the first of these is, the earlier
19 provision that we had on the FEA stated that the City
20 will take such action as will be necessary to enable a
21 nationally recognized independent certified public
22 accounting consortium firm -- we have removed at the
23 request of the Comptroller's Office we have removed the
24 phrase "nationally recognized." It is likely the City
25 will engage a nationally recognized accounting firm, but

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1 I think it should not preclude the possibility that
2 someone might launch a specialized practice even if it
3 might not be nationally recognized, and this would leave
4 it open, so I think the Comptroller felt for the long
5 term it would be useful to remove that phrase, so that's
6 been removed.

7 Similarly the phrase about consortium which
8 follows. It used to say, "at least one of which is a
9 nationally recognized independent certified public
10 accounting firm." We simply changed it to "or a

11 consortium of such firms."

12 It goes on to state, "to perform an annual
13 audit according to accounting standards, and to furnish
14 the City report," that's all the same.

15 Next change comes a little later on. The
16 report has to include an opinion as to whether the
17 City's financial statements are prepared in accordance
18 with GAAP and then certain language has been deleted.
19 Actually the next phrase is also, the phrase "generally
20 accepted auditing standards," originally this said
21 "generally accepted auditing standards and accordingly
22 included such tests of the accounting records and such
23 other auditing procedures as were considered necessary
24 under the circumstances." That phrase was deleted at the
25 suggestion of the Comptroller.

20

1 There was also another sentence taken from
2 the FEA that said, "Such report shall note the nature
3 and extent of variations, if any, from generally
4 accepted accounting principles reflected in the City's
5 financial statements." I think it was felt by the
6 Comptroller that the reports would indeed do those
7 things but it was unnecessary to include that level in

8 the Charter in perpetuity and given the standards for
9 what the audit has to contain might change and the exact
10 wording of what it contains might change over time
11 the Comptroller recommended deleting that level of
12 detail, so we accommodated.

13 I think those are the other things we have.
14 I think that actually covers the textual changes on the
15 FEA.

16 CHAIRPERSON FUCHS: Do we have any comments
17 or questions on the FEA issue as it stands now, the
18 language as it stands now? We're going to move to the
19 second issue now which is administrative judicial
20 reform.

21 MS. MATTHEWS: On the March 7th expert
22 hearing on administrative judicial reform, Betsy Plevan,
23 President of the Association of the Bar of the City of
24 New York, was in accordance with the concept of creating
25 a separate Code of Ethics for Administrative Law Judges

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1 and hearing officers. The Chair of the City Bar's
2 Committee on Administrative Law sent us suggestions to
3 make the Commission's proposed recommendation to require
4 a code of ethics clearer. We have reviewed these
5 suggestions and have revised the proposal to make it

6 clearer in the following ways.

7 One, we have made it clearer that both the
8 Conflict of Interests Board and the affected agencies
9 had to be consulted in amending the code of ethics as
10 well as in creating the code of ethics and secondly, we
11 have made it clearer that the Mayor or his designee and
12 the chief OATH ALJ are jointly responsible for
13 promulgation of the Code and its amendment and I think
14 that pretty much summarizes it, unless Abbe has more.

15 They were very helpful. You saw them, Betsy
16 Plevan at the expert testimony, she was very supportive
17 and then the Bar Committee has been following this very
18 closely and they looked at it, we were very happy to
19 make their clarifications.

20 CHAIRPERSON FUCHS: So we have a draft
21 recommended language on page 14, so -- does anybody have
22 a comment or a changes that they would like to make to
23 that at this point from the Commission? Since we've
24 been working on this for months and months, as
25 Commissioner Fiala pointed out, it's kind of heartening

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1 that we don't have too many more changes at this stage,
2 since so much of it has already been incorporated, so as

3 far as the new public who is just here for the first
4 time today, hopefully they understand that as
5 Commissioner Fiala pointed out, this is a culmination of
6 an eleven-month process.

7 Okay, so we'll move to our third issue,
8 agency efficiency, effectiveness and accountability and
9 a possible draft Charter text change and I'm going to
10 ask Terri Matthews to present the changes and Spencer
11 and Abbe to present language. Then I'll ask for
12 discussion.

13 MS. MATTHEWS: I'll do kind of a greatest
14 hits and Abbe will come up and do all the details.

15 While there exists unqualified support of
16 the Commission's proposal to create a Commission on
17 Public Reporting, Data and Accountability, some have
18 expressed concerns that we were able to address. In
19 response to concerns in the that the composition of the
20 Board was tilted towards the Mayor, we have added that
21 the Mayor's appointment of the three private members is
22 subject to Council advise and consent.

23 In response to concerns that the requirement
24 that the Council act within 90 days of a determination
25 to waive the requirement for all or part of a report or

1 a non-sovereign commission would somehow restrict the
2 Council, we have deleted the 90-day requirement. The
3 Council can act at any time to restore the requirement
4 for any report or portion of the report or a Commission
5 that this Commission has waived.

6 And in order to make clearer the intent to
7 respect the legislative prerogative, we have provided a
8 three year hands-off period before the reporting
9 commission can review a new report or restored report.
10 It is important that sufficient time exists to produce
11 empirical evidence of a report's usefulness for the
12 reporting commission to evaluate and consider it.

13 And finally, for the greatest hits, in view
14 of the concerns expressed of overlapping functions of
15 the reporting commission for those at COPIC, we have
16 amended the COPIC provisions to eliminate any potential
17 for overlap. The focus of the Commission of Public
18 Reporting is targeted to the proliferation of reporting
19 at the expense of useful and relevant data to a wide
20 variety of users that reflects changing data needs and a
21 changing environment. The creation of COPIC was
22 animated by broader concerns of public access, which
23 remain unchanged as a focus of COPIC in the Charter and
24 unchanged by the creation of this proposed Commission on
25 Public Reporting and Accountability.

1 MS. GLUCK: Once more, I am going to take
2 you through this, because this is very complicated and
3 we have some sense that the Commissioners don't all
4 understand exactly how the Commission is going to
5 function, but Terri has highlighted the major changes.
6 I want to point out one other change I'll go back and
7 explain. Another major change is we've added a
8 provision that allows the commission to dissolve itself.

9 MS. MATTHEWS: I forgot.

10 MS. GLUCK: That was the other sort of broad
11 stroke. I'll explain in a little more detail in a
12 minute, but basically, as early as 2015 there will be a
13 six-month period, January 1st to June 30, 2015 and then
14 the same six-month period every eight years thereafter
15 where the Commission can dissolve itself. We felt this
16 was a nice touch, given this Commission is supposed to
17 review bodies and requirements that work in the Charter,
18 so it should be able to review itself in addition to
19 other specific processes we've set for it.

20 I'll step back and give you a review of what
21 the Commission actually does. So if you look at page,
22 it's on page 20 of your handout today. The first
23 subdivision A, we haven't made any substantive changes
24 in that subdivision since we last spoke and just to
25 remind you, that subdivision simply subjects all of the

1 reporting and advisory requirements to the process set
2 forth in this section unless they're specifically
3 excepted from this section and B is the membership
4 provision. Terri mentioned a major change to the
5 membership provision, which is we have now the Mayor's
6 appointees, the three private members are subject to
7 Council advise and consent.

8 As you might recall, we also removed the
9 specific three categories of whether they were academics
10 or media people, we now just have three people, none of
11 whom shall be an employee of the City.

12 And we also added a line requiring the Mayor
13 to consider the private members' experience in matters
14 related to the Commission's jurisdiction in deciding who
15 to appoint rather than having those three categories.

16 In subdivision C we have no substantive
17 changes since we last spoke. That was the subdivision
18 that just requires the Commission to meet regularly, to
19 hold at least one public hearing a year, puts all
20 Commission meetings subject to the Open Meetings Law,
21 New York State law and gives the Chair the power to
22 employ Commission staff.

23 Subdivision D is really the heart of the

24 whole section. And as in the earlier draft, this
25 section defines the Commission's powers and authority

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1 and it also contains very important exceptions to the
2 Commission's jurisdiction and authority and we made some
3 substantial changes in response to public comment. The
4 first is actually in response to Commissioner Betanzos'
5 comments.

6 We've added paragraph two, we did this the
7 first time around, but I want to highlight it, that
8 second paragraph of D requires the Commission before
9 waiving any requirement to solicit the views of groups
10 and entities affected by the requirement, benefited by
11 the requirement and it requires the Commission to state
12 in writing it has solicited those views if the
13 Commission does in fact waive a requirement and this is
14 to respond to your concern that the stakeholders in this
15 process have a say, people affected.

16 Second in paragraph three, we've made a
17 change by making it clear that the Chair of the
18 Commission has authority over the Commission's agenda
19 and priorities. We've also made clear that in the case
20 of requirements that the Chair recommends should not be
21 waived that the Chair and the staff can present those to

22 the Commission as an aggregated, based on aggregated
23 criteria. This is for efficiency's sake because they
24 have a lot of requirements to review and we would like
25 the Chair to have the ability to present those

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1 requirements in the aggregate if the requirements are
2 not going to be waived.

3 This subdivision also requires the
4 Commission to state its reasons for waiving any
5 requirement. The previous draft had required the
6 Commission to state reasons both for waiving and for not
7 waiving and now we've made this a little more efficient
8 by stating the Commission only has to state its reasons
9 if it decides to waive a requirement.

10 We also made another change in this
11 subdivision, which in addition to filing its waiver
12 determinations with the Council and the Mayor, and
13 providing copies of its determinations to the groups
14 whose input is solicited, the Commission also must
15 publish any determination to waive a requirement in the
16 City Record and this is in response to the public
17 comment that the Commission's doings were not as
18 accessible to the public as we might have liked, so we

19 will have it publish its determination in the City
20 Record.

21 The fourth and fifth paragraphs set forth
22 the time frame for the Commission's review. This is the
23 most complex part of the statute and this has been
24 changed a lot in light of public comment, so I should
25 explain what we've done. For requirements already in

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1 effect, reporting requirements or advisory requirements
2 subject to the Commission's jurisdiction and already in
3 effect when in section takes effect, the Commission has
4 to review them by April 1, 2009. For requirements
5 enacted after this section takes effect, the commission
6 has five years to review them from the date of
7 enactment, and for reports and requirements, if the
8 Commission determines it not be waived, the commission
9 has to revisit them in the next five years, from the
10 date of the initial determination not to waive the
11 requirement.

12 If the Commission decides it should be
13 waived the Council may override that determination.
14 However, where our previous draft created a Council
15 override commission, and given the Council 90 days to
16 override a waiver determination by majority vote, we've

17 done away with that 90-day requirement and changed the
18 process. Instead we now made clear the Council can at
19 any time override a Commission's waiver determination by
20 enacting a Local Law that would in effect reenact the
21 requirement.

22 We believe this is a cleaner process and
23 that it eliminates any time pressure on the Council that
24 had been the subject of some public comment. If the
25 Council does act and overrides a waiver determination by

29

1 enacting a Local Law reinstating that reporting or
2 advisory requirement, the requirement essentially
3 reenters the pool and the Commission has to revisit it
4 again in the next five years, as it does with all the
5 requirements.

6 There's an important limitation to all these
7 requirements. That is the Commission cannot waive a
8 requirement within three years of its enactment or
9 reinstatement by the Council after overriding the
10 Commission's waiver determination.

11 Let me give you an example. If the Council
12 enacts a new reporting requirement in 2010 the
13 Commission must make its determination whether or not it

earlier

14 should be waived by 2015, but it cannot waive it any
15 earlier than 2013, because there's a three-year period
16 in which the Commission cannot waive any newly enacted
17 requirements. The idea would be to allow the report to
18 exist and advisory body to exist for some time to create
19 a track record so the Commission can review it more
20 appropriately. Similarly, if the Council were to
21 override a Commission's waiver determination, reenact a
22 Local Law, reinstating a requirement the Commission had
23 waived there would still be the three-year period before
24 the Commission can waive that requirement.

25 Finally, as in the original draft, some

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1 requirements are wholly exempt from the Commission's
2 jurisdiction, including provisions relating to the MMR,
3 the Comptrollers annual statement, annual and actuarial
4 audits, the budget process and the IBO.

5 E, the next one, is substantially unchanged
6 and that sets forth the criteria the Commission is to
7 consider in reviewing these requirements. We've added
8 one criteria that also requires the Commission to take
9 into account whether the report or advisory body remains
10 relevant in light of changed circumstances and in the

11 case of reports in light of technological advances.

12 Subdivision F is substantially unchanged.

13 That's the subdivision, you might recall, that gives the
14 Commission advisory authority to make recommendations
15 concerning modifications to reports or recommendations
16 concerning additional information needs.

17 Subdivision G, again, no substantial
18 changes. This section makes clear that this section
19 does not interfere with the City Council's power to
20 appeal, limit or enhance any requirement related to
21 reporting or advisory requirements. It also makes clear
22 any enhancement of a reporting or advisory body
23 requirement will be subject to Commission review and
24 that same five year cycle I described earlier. The five
25 year cycle is always subject to that three year

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1 prohibition on a waiver. Whenever a requirement is
2 newly enacted or reinstated, there's a three-year period
3 in which the Commission cannot waive that requirement.

4 This section also makes clear the Council
5 can override any Commission determination to waive a
6 requirement by enacting a Local Law and finally it
7 clarifies that the subdivision could not be construed to
8 give the Council any power to enact a local law that it

9 otherwise couldn't enact.

10 Subdivision H is what I mentioned earlier,
11 that's the new authority for the Commission to dissolve
12 itself. The Commission will not have this power for the
13 next two four-year Mayoral terms. The idea would be to
14 give this Commission time to function and be evaluated
15 and in 2015 there will be a six-month period in which the
16 Commission can dissolve itself. Every eight years
17 thereafter there would be another six-month period that
18 it would have the same ability to dissolve itself. We
19 decided not to have this ongoing, a constant ability to
20 dissolve itself, so the Commission would not be under
21 threat or pressure of dissolution at any time. We
22 thought it was a nice touch, given the role of this
23 Commission.

24 Is this clear enough? One idea, if you
25 would like, I can take you through a brief hypothetical

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1 of how a particular report would function, from when it
2 was enacted to how it was reviewed, but maybe you don't
3 need that kind of review.

4 CHAIRPERSON FUCHS: Why don't we get some
5 comment from the Commissioners and see whether or not

6 these changes respond to the issues they've brought up
7 as well as the issues we've heard from members of the
8 public?

9 Do I have any comments here? Commissioner
10 Archer.

11 COMM. ARCHER: I see that you had
12 incorporated the whole notion of the private citizens,
13 but I remember, Commissioner Fiala mentioned about the
14 appointment of a Borough President on the Commission? I
15 know in my past experience one that I worked with was
16 very, very interested in getting information and would
17 be a little bit suspect if there was such a Commission
18 and she didn't have, let's say a say on what things
19 might be waived.

20 CHAIRPERSON FUCHS: Basically what we
21 decided is, if you wanted to put one Borough President
22 on, you'd have to put them all on and that would make
23 five more members of this Commission, which would
24 decrease its probabilities of getting anything done
25 quite significantly.

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1 So the Borough Presidents are free to make
2 recommendations to this Commission and pay attention to
3 it and use it in any way they choose, but in terms of

4 representation, actual, physical representation we
5 basically thought the number would be too big, so we
6 decided to stick with the number nine, which seemed like
7 a reasonably-sized commission, representative enough but
8 not too big.

9 Any other comments? Commissioner Betanzos.

10 COMM. BETANZOS: Madam Chair, I'm really
11 delighted with what the staff and you have done to meet
12 the concerns of those of us who were quite worried. I
13 think you've done a good job and certainly meets all my
14 needs at this point.

15 CHAIRPERSON FUCHS: Thank you.

16 Commissioner Fiala?

17 COMM. FIALA: I would just like to add on
18 that. I, too, I started out, as you know, very
19 skeptical of this, and admittedly not fully appreciating
20 the magnitude of the challenge that a commission like
21 this was trying to address, and the idea that we could
22 go report by report and try and do this in the Charter
23 was insane. So you all came up with a very rational
24 approach and it's been a very deliberative one. Unlike
25 most things that the Charter Commissions take up, this

1 truly started from nothing but a very abstract idea,
2 which evolved into creating this safe space where all
3 stakeholders could come and feel very comfortable about
4 talking about what is admittedly a terribly boring
5 subject. The public does not care in the least.
6 Legislators do not care -- I'm a former legislator, I'm
7 telling you. I couldn't know one report from the other
8 or where it started, but rather than throw this into the
9 political arena, you all came up with a creation of a
10 thoughtful body that would look at all of those things,
11 absent those key reports that we spoke of, and have an
12 honest debate, and that doesn't happen in our democracy
13 very much anymore. I commend you all.

14 I've gone from being a sceptic to being a
15 little more comfortable, and again, over the eleven
16 months, I've seen this evolve as I said, from absolutely
17 nothing, from an abstract idea to a very meaty
18 proposition, meaty, not needy, and I, too, believe
19 you've addressed any concerns that I have had and more
20 importantly, listened to all of those who came before
21 this Commission who offered very substantive proposals
22 and specific concerns relating to their groups, their
23 interests, and I think we've got something that is quite
24 good and quite worthy of, in my view, going before the
25 voters, although we're not at that stage yet, but that's

1 how comfortable I am with this.

2 The acronyms get me. I said what does it
3 stand for. It's COPRADA. Maybe you want to correct me
4 on that.

5 MS. GLUCK: I actually, as nice as the Prada
6 name was, we have suggested changing the title of the
7 Commission to the Commission on Public Reporting
8 and Accountability, rather than Data Access, which we
9 thought was a little bureau-speaky. We have something
10 more like CPRAA.

11 COMM. FIALA: We don't ever want to be.
12 Euro-speaky or Manhattan-centric. I commend the change.
13 You're to be commended, the executive staff, the legal
14 staff, the entire staff. This is something we debated,
15 I've read revision after revision and I'm very happy to
16 say that I'm very supportive of this proposal, Madam
17 Chair.

18 CHAIRPERSON FUCHS: Could you tell us, on
19 last count, the staff has actually been counting for us
20 so by the time we end the process, we haven't gotten
21 quite to the final count yet, but how many reports
22 approximately are we talking about now between the
23 Charter and the Administrative Code, what number are we
24 up to?

25 MS. MATTHEWS: I have to consult.

1 A total of 150.

2 CHAIRPERSON FUCHS: So we're talking about
3 approximately 150 reports that have not been reviewed by
4 anyone since they've been mandated, and one of the
5 things that I think this Commission does address well is
6 the issue of what are we doing with these reports, why
7 are they there? This is something now that's become a
8 burden to the agencies and as I said in the last
9 hearing, we have yet to ever eliminate a report.

10 So there are a lot of new reports, maybe,
11 that we would like done, a lot of different types of
12 data that we would like to provide for the public,
13 especially through new technologies, and it would be
14 irresponsible not to try and do this in the context of
15 reviewing what we already have and alleviating the
16 burden of producing reports if we want to kind of move
17 into the 21st century and get the data out that's
18 actually useful and meaningful to people.

19 So I'm very excited about this. I'm not,
20 obviously we're not sure yet, we're not taking a vote
21 yet tonight, but I agree with Commissioner Fiala, that
22 we've kind of moved light years on this issue in terms
23 of coming up with a way of responsibly looking at this.
24 I think it was very difficult and I, too, want to thank

25 the staff, particularly for working with the Commission

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1 and with the public on this issue to try and address
2 concerns and come up with a structure that actually can
3 work.

4 Do I have any comments, other comments from
5 Commissioners here on this issue? Because this was an
6 issue that pretty much every Commissioner had some
7 problem with when we started.

8 Well, thank you.

9 MS. GLUCK: Madam Chair if I may, there are
10 two conforming additional amendments that we made which
11 you'll see on page 25 of that handout, just so I can
12 briefly state them for you. Terri summarized one of
13 them, but the first one is we've drafted a twin
14 amendment to Section 31 of the Charter which list the
15 Commissions whose members are subject to advise and
16 consent, so we've drafted an amendment to include the
17 three private members of our Commission.

18 Second is an amendment to the Charter
19 section on COPIC that's on the next page and that
20 amendment is to address the public comment we received
21 that the Commission was duplicative of COPIC's role.

22 COPIC is currently charged with reviewing the usefulness
23 and availability of City reports, documents and
24 publications, among its many other mandates. We've
25 changed that language slightly and retained COPIC's

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1 mandate to review the availability of City documents,
2 reports and publications, but with respect to reviewing
3 their usefulness, our language requires COPIC only to
4 review for usefulness for reports, documents and
5 publications not otherwise subject to review by our
6 Commission on Public Reporting and Accountability.

7 CHAIRPERSON FUCHS: That's helpful. I also
8 want to make one point which is about this little added
9 self-destruct mechanism at the end of this. I think
10 this is particularly innovative. Here is a commission
11 being proposed to review the utility of reports and
12 documents, and we basically thought what if this doesn't
13 work out the way it works out. The Charter is littered
14 with all kinds of structures and institutions that were
15 intended to do something and ended up either doing
16 something else or nothing, or didn't function the way a
17 lot of good intentioned people hoped they would
18 function. So it's not a criticism on what people
19 intended, but rather often there are unintended

20 consequences to institutional change and they don't
21 always work out the way those who create them hope they
22 would.

23 So we thought in the spirit of review here,
24 that we would subject this Commission to the same kind
25 of review that we're asking it to do of other reporting

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1 requirements, and that it would have to do this review
2 during the time frame that Abbe Gluck mentioned, so
3 that if it turns out that the Council and the Mayor
4 decide that they are going to take this responsibility
5 on to themselves and they do this effectively without a
6 Commission in a different model that seems to work
7 better or this somehow doesn't work the way we would
8 hope it would work, it will not be one of those
9 structures that burden other Charter Revision
10 Commissions with having to figure out how to get rid of
11 it or how to revise it.

12 Unfortunately, there are lots of individuals
13 who have worked and served on multiple Charter Revision
14 Commissions who seem to have a stake in whatever they
15 produced at the time they produced it, whether it's
16 working well or not, and so I think, you know, we're

17 above that, and so we're willing to acknowledge the
18 possibility that this is not perfect, and if it turns
19 out that it needs change, we built that right in to the
20 Charter language, so if everyone else had done that,
21 we'd all be quite better off right now, I would think.

22 That's my personal editorial comment and
23 thank you to the staff for helping us figure out that we
24 can actually be constructive and promote change, but we
25 don't have to be perfect.

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1 Any other comments on this issue?

2 MR. FISHER: Madam Chair, we're happy to
3 build a self-destruct mechanism for the entire Charter.

4 CHAIRPERSON FUCHS: That will get me into
5 serious trouble, which I've been trying to avoid
6 assiduously for the last eleven months. Not in my
7 nature to avoid trouble, so it's been hard work.

8 What I'd like to ask the Commission now, are
9 there any new proposals? I've asked the Executive
10 Director Terri Matthews to present us with some of the
11 proposals that we've received, and we promised we would
12 do this review. Obviously, this is a little late in the
13 day for us to be considering anything significant,
14 anything major, but if there is something here that we

15 want to consider, we are still open for business to do
16 that. So would you provide us with a review of what
17 we've received in writing from members of the public.

18 MS. MATTHEWS: Well, we received many
19 things. A lot of them are in the form of comments, but
20 there are two proposals that have come in since our
21 preliminary report and I'll just outline them.

22 The first one would be to amend the Charter
23 to require that pay raises that are authorized don't
24 become effective until the next term. It's similar to
25 the 27th Amendment of the Federal Constitution, so that

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1 those who vote for their pay raises don't get the
2 benefit of it that term. So that is one idea that's
3 come in recently.

4 And the other --

5 CHAIRPERSON FUCHS: Why don't I ask for
6 comment, right after. Does anyone have any comment on
7 this particular idea at this point?

8 COMM. ABRAMS: What's wrong with that
9 proposal?

10 CHAIRPERSON FUCHS: Commissioner Abrams?

11 COMM. ABRAMS: What's wrong with that

12 proposal?

13 MS. MATTHEWS: I don't know that there's
14 anything wrong with it. This is the kind of issue that
15 would require a certain amount of research and
16 consultation with the public that at this point in the
17 process, you know, it is late in the -- I don't know.

18 CHAIRPERSON FUCHS: Do you want to add
19 something, Spencer?

20 MR. FISHER: This proposal, I should just
21 note has arisen in the context of past Charter Revision
22 Commissions in recent years, and some concerns have been
23 expressed that although the proposal is sort of populist
24 and appears to be aimed at elected officials, it can
25 lead to a certain salary compression for City employees

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1 and can have unintended consequences on the sort of
2 Civil Service and managerial salary structure in the
3 City.

4 Whether that's an accurate concern, I can't
5 say that I've studied it personally, but some have
6 raised that concern in the past.

7 I guess what Terri is saying is this
8 Commission would have to consider that idea against the
9 idea that some people find this offensive, officials

10 raising their own salaries, and balance it against each
11 other, and we felt that perhaps this isn't the time to
12 do that.

13 CHAIRPERSON FUCHS: Commissioner Fiala?

14 COMM. FIALA: I find myself in line with
15 Commissioner Abrams, what's wrong with it, but having --
16 since I've raised other issues and then -- let me say
17 this, with my thoughts with respect to this proposal.
18 We have now been in business eleven months as we've now
19 said half a dozen times tonight. By my count, by my
20 count, because I've looked at every proposal, we've
21 talked about every one that has come in thus far. We're
22 now approaching 100 and you recall I addressed one a
23 couple of weeks ago and indicated that while I felt it
24 had merit, I wasn't sure that this was the year.

25 We've spent a great amount of time on three

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1 areas that are heavily involved; our City's finances,
2 not sexy to most people, but critical to everyone. This
3 Commission we talked about, so I won't repeat it, and
4 one that's near and dear to me, the quasi judiciary.
5 These are three very critical areas.

6 There are many good proposals in the back of

7 the book. Every single one of them has been articulated
8 or chronicled here in the report. I strongly advocate
9 addressing this, because I find myself in agreement with
10 it. I wouldn't support it this year, but not only is it
11 in the Federal constitution, the State Government
12 doesn't permit it. However, previous Charter
13 Commissions have looked at it and articulated a pretty
14 good reason as to why it shouldn't have been taken up.
15 I would think that it would be beneficial to have this
16 proposal listed with those other, remember I talked
17 about the "how" ones, the Borough President proposals,
18 the lulu's, all the ones that get thrown at us late in
19 the game, they should be thrown in with the how
20 Government functions with respect to the principles of
21 Government I think at a later date with another Charter
22 Commission, something that builds upon the '89 Charter,
23 where we created a lot of these positions and the
24 attendant powers thereto.

25 So that's my two cents.

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1 CHAIRPERSON FUCHS: Were there any more
2 proposals?

3 MS. MATTHEWS: There was one other
4 significant proposal, and it's based on a program in the

5 Parks Department called Forever Wild. Apparently, in
6 many of the parks, there is a segment of the parks that
7 has returned to nature, and it's designated Forever
8 Wild, but it's not really forever wild, it's for some
9 period wild, because there's no protection of the
10 wildness of it, the back to nature, and so the proposal
11 would be to create a process to protect it and make it
12 not subject to other Park purposes without a more
13 elaborate process. It would set it off to the side for
14 conservation, it would return it to the wild, similar to
15 what exists, I guess, at the State level in the
16 Adirondacks, so that is the other significant proposal
17 that has come in, and -- did I get it right?

18 COMM. FIALA: I'm very familiar with Forever
19 Wild, and I think the goals are laudible, but this could
20 be done -- I'm very hesitant about using the Charter,
21 and there are a million ideas out there, and, quite
22 frankly, I support a great many of them, but the Charter
23 is our constitution. I'm not sure Charter Commissions
24 want to become legislators. Our mandate is to assess
25 big ticket items and then to throw them out or not throw

1 them out to the public. Am I correct, I don't think I

2 am, I've only been out of office four years, but this
3 could be achieved through local law, can it not?

4 MR. FISHER: It might depend on the
5 mechanism used to achieve it. There was some idea there
6 might be some elaborate mechanism that would make it
7 difficult to use these areas. It would require Charter
8 language, if you create a process, like a ULURP type
9 process to use these areas, so it would depend on the
10 mechanism.

11 COMM. FIALA: It might be a good idea, but
12 again, eleventh hour. I think this should be vetted,
13 quite frankly, through the legislative process as
14 opposed to the Charter process. We have a ULURP
15 process, I'm very familiar with it, but I think it's not
16 necessarily something that we ought to be taking up at
17 this stage. It should join the other 98 proposals in
18 the back of the book, most of which are very, as I said,
19 laudable goals, but not necessarily those which we
20 should be dealing with at this late stage.

21 CHAIRPERSON FUCHS: Thank you.

22 While we're not prepared to take a vote this
23 evening on these three proposals, the Commission still
24 needs time, I know, to review the specific language and
25 to get back to us, ultimately, whether we want to

1 include these all as ballot initiatives or just some of
2 them, I thought it would be useful tonight to, if we
3 could, to call for a motion at least on our first
4 proposal as it relates to the FEA, to tentatively
5 approve the first proposal as it relates to the FEA for
6 inclusion in the final report.

7 So could I have a motion to include the
8 first proposal as it relates to the FEA in the final
9 report?

10 MR. FISHER: And that would be as modified
11 as described this evening.

12 CHAIRPERSON FUCHS: Right, as described this
13 evening as modified and I'm calling to tentatively
14 approve. So this is not a final vote, but at least it
15 gives us a way of moving our process forward.

16 COMM. FIALA: So moved.

17 CHAIRPERSON FUCHS: Do I have a second?

18 COMM. BETANZOS: Second.

19 CHAIRPERSON FUCHS: All in favor?

20 (Chorus of "Ayes.")

21 CHAIRPERSON FUCHS: Anybody oppose? No.

22 COMM. ABRAMS: Madam Chair, let me say while
23 I support what we have discussed, and I just voted for
24 it with the other Commissioners, I think we should brace
25 ourselves for the prospect of controversy about the

1 elimination of the Financial Control Board, because I
2 think we have heard testimony from respected sources
3 that would oppose the removal of the Control Board and
4 so I think we should vote for this and support this in
5 open recognition of the fact that there are going to be
6 voices who will say that should be voted down, because
7 we weren't inclusive enough, it didn't incorporate the
8 Control Board itself.

9 CHAIRPERSON FUCHS: Thank you, Commissioner.
10 And I think that's a very good point. Just to remind
11 everybody that the discussion about the Control Board
12 will take place at the State level. So nothing we do,
13 nothing we've done so far does anything to impact that
14 discussion when the FEA sunsets, it will be up to the
15 State Legislature to determine whether or not they want
16 to continue to support a Control Board mechanism. So we
17 can't actually do anything about that in the Charter,
18 because the way it's constructed it includes State
19 actors.

20 So while we have had extensive discussion
21 about the Control Board issue, it's not really under the
22 purview of this Charter Commission because it's simply
23 at the State level. So I appreciate your comments and I
24 think people will address that issue and I think it's
25 important to recognize that this Commission being a City

1 Charter Revision Commission does not have the legal
2 authority to address the issue of a State Control Board.
3 We could not recreate that Control Board in the City
4 Charter, so I hope that helps on that point in
5 clarifying that point.

6 So our purpose was, I think, pretty clearly
7 to import from the FEA all the good fiscal management
8 procedures that have helped keep the City fiscally
9 stable over the last 25, 30 years.

10 I'd also -- is there any new business that
11 anybody wants to bring up?

12 I'm going to wait on the other two. I know
13 that our consensus here is very clear on the first
14 issue. I could bring up the second. It's up to the
15 Commission. Why don't I ask for a motion to tentatively
16 approve the second proposal on creating a code of ethics
17 for the Administrative Law Judges.

18 COMM. ABRAMS: So moved.

19 CHAIRPERSON FUCHS: Do I have a second?

20 COMM. FIALA: Second.

21 CHAIRPERSON FUCHS: All in favor?

22 (Chorus of "Ayes.")

23 CHAIRPERSON FUCHS: All opposed? We have a
24 unanimous decision on that.

25 Well, should I go for three? Okay. I'd

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1 like to call for a motion to tentatively approve for
2 inclusion in the final report the third proposal on the
3 creation of a Commission -- what are we calling it now?

4 MS. MATTHEWS: Commission on Public
5 Reporting and Accountability.

6 CHAIRPERSON FUCHS: On Public Reporting and
7 Accountability that reflects the changes that were
8 articulated today by staff. Do I have a motion?

9 COMM. BETANZOS: So moved.

10 CHAIRPERSON FUCHS: A second?

11 COMM. McCORMICK: Second.

12 CHAIRPERSON FUCHS: All in favor?

13 (Chorus of "Ayes.")

14 CHAIRPERSON FUCHS: Any opposed? We have a
15 unanimous vote on tentatively approving for the final
16 report.

17 I just want to remind everybody that this
18 is, we will have at least one more meeting to vote on
19 the final report and to vote for actual propositions to
20 appear on the ballot, so we still have time to continue

21 the discussion on all of these three issues and to
22 decide not to move forward on any of the three
23 propositions that are still on the table for us.

24 I want to thank the Commission this evening
25 for its very thoughtful and hard work and especially for

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1 showing up here tonight, and I also would like for this
2 moment to recognize one of the City's most extraordinary
3 public servants, excuse me, who is a member of our
4 Commission, Amalia Betanzos. I don't have her complete
5 biography in front of me, it would go on for pages and
6 pages. In the context of Charter Revision Commissions,
7 she has served on more Charter Revision Commissions than
8 anybody in the history of the City of New York. I hope
9 she goes down with that legacy.

10 She has also started her career in public
11 service under Mayor John Lindsay and continued in every
12 single Mayoral administration regardless of whether it
13 has been a Democrat or Republican Mayor. She is truly
14 non-partisan in her love for the City of New York and
15 she's been the leader of one of the City's extraordinary
16 not-for-profit organizations, Wildcat. She created
17 Wildcat. My first knowledge of Wildcat really was when

18 I was a professor up at Columbia and we were looking for
19 national examples of organizations that had been
20 innovated and created new approaches to work force
21 development in helping to train individuals who really
22 didn't have a chance to get good jobs all across the
23 country, and everywhere I turned -- I did not know
24 Amalia then, I had never met her, all the research I
25 did, everyone I called said to me, "You must get Amalia

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1 Betanzos to speak to this national public policy forum.
2 She's the one who's made it work," and that's I think
3 all about Amalia Betanzos.

4 She is the one who makes it work. She is
5 the one who has fought consistently for every person in
6 the City of New York. I won't just say the folks who
7 are the have-nots. I will say for every person in the
8 City of New York. She is retiring from her position as
9 Executive Director of Wildcat I think tomorrow is her
10 last day but I know she is not retiring from public
11 service because we will be continuing to call upon her
12 to ask her to continue to serve the City in the way she
13 has in the past, and we expect you to say yes, we expect
14 you to continue to say yes.

15 We on this Commission feel especially

16 fortunate to have had you serving with us, to have had
17 your wisdom, your special intelligence, your sense of
18 humor and your unbelievable optimism about people's
19 individual and collective potential to do the right
20 thing, and I have learned so much from you in the past
21 couple of years, Amy, and I am particularly indebted for
22 that, and I know every single person on this Commission
23 will testify to this effect.

24 You are an amazing public servant and an
25 amazing individual and I just wanted to take this

52

1 opportunity to publicly thank you for your work.

2 COMM. BETANZOS: Thank you so much.

3 (Applause.)

4 CHAIRPERSON FUCHS: That's a great way to
5 call this meeting to an adjournment, and we hope to see
6 you all back for our next and hopefully final Commission
7 meeting.

8 (Time noted: 8:36 p.m.)

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

I, LINDA FISHER, a Shorthand 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.

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LINDA FISHER,
Shorthand Reporter

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