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Transcript of the Meeting of the  
CHARTER REVISION COMMISSION  
held on Monday, August 1, 2005  
110 William Street  
Borough of MANHATTAN

TANKOOS REPORTING COMPANY, INC.	
305 Madison Avenue	142 Willis Avenue
Suite 405	P.O. BOX 347
New York, N.Y. 10038	Mineola, N.Y. 11501
(212)349-9692	(516)741-5235

1 Meeting convened at 6:28 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 JENNIFER RAAB

8 CURTIS ARCHER

9 STANLEY GRAYSON

10 ANTHONY CROWELL

11 MARY McCORMICK

12 STEPHANIE PALMER

13 Also Present:

14 TERRI MATTHEWS, Executive Director

15 BRIAN GELLER, Analyst

16 SPENCER FISHER, ESQ.

17 ABBE GLUCK, ESQ.

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1                   CHAIRPERSON FUCHS: Good evening, everyone.  
2           I'd like to call the New York City Charter Revision  
3           Commission into session for a public meeting. It's  
4           August 1, 2005. Thank you all for attending.

5                   Members of the public, just to remind you,  
6           this is a public meeting, not a public hearing, and as  
7           such, the public can observe but not testify.

8                   Let me briefly introduce or reintroduce to  
9           everyone here the members of the Commission. On my left  
10          is Dr. Dall Forsythe, the Vice Chair of the Commission  
11          and currently chief administrative officer of the  
12          Episcopal Diocese. To my right is Stephen Fiala, the  
13          Secretary of the Commission and currently County Clerk  
14          and Commissioner for Jurors for Richmond County. Also  
15          in attendance this evening is Anthony Crowell, special  
16          counsel to the Mayor; Stanley Grayson, president and  
17          chief operating officer of M.R. Beal & Company; Dr. Mary  
18          McCormick, president of the Fund for the City of New  
19          York; Stephanie Palmer, Executive Director of the New  
20          York City Mission Society; Curtis Archer, Executive  
21          Director of the Rockaway Development Corporation and

22 Jennifer Raab, president of Hunter College.

23 If you're interested in receiving any of our  
24 mailings or signing up for any of the documents that are  
25 still being produced by the Commission, please sign up

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1 in the back of the room or you can go to our website at  
2 nyc.gov and download any information about the  
3 proceedings of the Charter Commission.

4 Our next public meeting will be tomorrow  
5 night, Tuesday, August 2nd, in this same space, the  
6 fourth floor conference room, 110 William Street and you  
7 can check our website for directions.

8 The first order of business this evening is  
9 an update on what was proposal No. 3 in our Charter  
10 Revision Commission preliminary draft of the final  
11 report.

12 As everybody probably recalls by now, the  
13 work we've been doing for the last twelve months was  
14 based upon a mandate by the Mayor to look at agency  
15 efficiency, effectiveness and accountability, as well as  
16 fiscal responsibility and judicial administrative  
17 reform. We also were mandated to look broadly at the  
18 entire Charter Commission.

19 The work we did on fiscal stability really

20 comes out of the 1975 fiscal crisis and the sunseting  
21 of the Financial Control Act. Work we did on  
22 administrative judicial reform was based upon work of  
23 previous Charter Revision Commissions as well as work  
24 done through State legislation.

25 The topic of agency efficiency and

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1 effectiveness and the proposal that we came up with in  
2 this Commission really had no antecedent and really  
3 evolved from the public meetings and the public hearings  
4 and the work done by the Commissioners on this  
5 Commission, as well as the support work done by the  
6 staff. We received many comments at public hearings on  
7 the proposal and we released a proposal in a preliminary  
8 recommendation and in the last public meeting on July  
9 5th we announced several revisions to that proposal in  
10 response to the public comments that we received.

11 However, since the last public meeting, it's  
12 become increasingly clear to us that while I think we  
13 have consensus on this Commission among Commissioners as  
14 well as among the staff, we as Commissioners have  
15 received some feedback as well as members of the staff  
16 have received some feedback that there are still

17 concerns about proposal No. 3. Personally, I have to  
18 say I think we have addressed the legitimate concerns  
19 that have come up, but since the dissatisfaction which  
20 has been indicated to me is from some reputable  
21 individuals in the good government community we think at  
22 this point that it's more important to have full  
23 consensus and full support from the good government  
24 community for the work of this Commission, and we  
25 haven't as yet been able to achieve that consensus on

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1 this issue.

2 So what we're suggesting at this point in  
3 time is that we vote not to place this proposal on the  
4 ballot, deferring it to continued discussion at the  
5 local level, either by the Mayor and the Council,  
6 determining how to operationalize our proposal to reduce  
7 useless reporting and come up with valuable data so that  
8 the public's right to know is addressed in a way that's  
9 consistent with available technology and what any good  
10 government would really want to provide, any Democratic  
11 Government would want to provide, so either the Mayor  
12 would work with the Council to determine how to  
13 operationalize this proposal or it would be considered  
14 by a future Charter Revision Commission.

15                   Given that we've spent a lot of time on this  
16                   Commission trying to come up with a viable proposal, I  
17                   thought that it was important and the staff thought that  
18                   it was important that we as a Commission reconsider this  
19                   one last time before we vote. I'm going to put a vote  
20                   to you not to put proposition three on the ballot.

21                   Do we have any comments from the members of  
22                   the Commission? Commissioner Fiala.

23                   COMM. FIALA: Thank you, Madam Chair.  
24                   Before we vote, I'd like to speak to this issue. Having  
25                   been among the skeptics early on when this was

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1                   presented, I guess a year ago, almost a year ago, I've  
2                   grown to enjoy seeing this develop into a very  
3                   thoughtful, very responsible public entity that responds  
4                   to a pressing public policy, albeit it's not sexy. What  
5                   we're doing tonight and what we'll do tomorrow, what  
6                   we've done over the last year and what the public will  
7                   look at in the coming months will not be viewed as  
8                   politically sexy or sexy from a media standpoint, but  
9                   that doesn't mean it's not important or not critical.  
10                   So much of the important stuff is the stuff that doesn't  
11                   make the newspaper or doesn't get on the news, yet it

12 keeps our Government moving forward.

13 I thought this proposal did just that. It  
14 took the novel ideas of prior Charters; '79 and '89,  
15 when this whole performance management issue was brought  
16 to the forefront and it updated it and I didn't fully  
17 appreciate the magnitude of the proposal, in prospect  
18 you don't usually appreciate something; in hindsight,  
19 it's easier. Now it's easy to say wow, this was great.

20 This started out as a discussion on the MMR.  
21 We were looking at reports, that's what we need to be  
22 reminded of. That's daunting. A Charter Commission  
23 examining over a hundred reports there are, and that's  
24 not exactly the right forum, I thought, and as this  
25 evolved, I realized that there doesn't exist a forum in

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1 which to have an intelligent, non-political opportunity  
2 to discuss the merits of a given report; reports which  
3 those of us in public office use to base our decisions  
4 on.

5 So this idea that came into being, this  
6 Commission, responded to that pressing need. So I want  
7 to use this opportunity to say to the staff, the  
8 Executive Director and her team and to the Chair who  
9 spent so much time on this, you should be very proud,



10 because rarely, let's face it, in life and certainly in  
11 the public arena are we confronted with new things.  
12 Most of the time we're recycling old issues, let's face  
13 it. It's packaged differently, but all the issues come  
14 to us in a different package. This is something that  
15 was really created from nothing.

16 The other issues are critical, critical to  
17 future success, but we're tweaking, we're codifying,  
18 we're making sure that that which is already there is  
19 improved upon. This proposal was something that did not  
20 previously exist. This is truly something that is new  
21 and novel, so you're to get credit for creating  
22 something new. That rarely happens in public dialogue.

23 I'm of the opinion based on talking to  
24 staff, talking to other Commissioners and listening to  
25 some of the good government groups that perhaps now is

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1 not the best time to put this forward. It's not ripe,  
2 let's say, that's the word, the term that's used, it's  
3 not ripe. That does not mean it should fall by the  
4 wayside. So I want to on the record say that I hope  
5 that the next Mayor who I hope will be the current Mayor  
6 will reconvene or convene a new Charter Commission to

7 address this issue as well as those other issues, and  
8 I'll talk about that more today and tomorrow, because  
9 this was time well spent, and again, it's often the  
10 non-sexy things that are so important and the fact that  
11 the media couldn't grab this and that the public didn't  
12 seem to have an interest in it should not be an excuse  
13 to allow it to fall by the wayside.

14 This is a good final product, Terri, you  
15 should be very proud, your team should be very proud and  
16 I hope that at some point future Commissioners will sit  
17 and they'll vote to put either this identical project or  
18 product on the ballot or tweak it even further. Because  
19 it's come a long way in one year. Let's face it, it  
20 takes years and years to get simple things done in  
21 Government, so the fact we even had something ready for  
22 the ballot this year is a testament to the hard work of  
23 the Commission staff.

24 So having said that you all deserve to be  
25 publicly recognized for delivering a unique product for

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1 public inspection. We've reviewed it, the public has  
2 looked at it, but I guess it's just not quite ready yet,  
3 but I hope that within the next year or so it will find  
4 its way before the voters, either through a Charter or

5 through their elected representatives and it gets the  
6 light of day that it deserves.

7 CHAIRPERSON FUCHS: Thank you. That was  
8 really extraordinarily important and I just want to  
9 reaffirm what you're saying and particularly the hard  
10 work that the staff did on this and the Executive  
11 Director, Terri Matthews. This was thought and  
12 rethought and tweaked and reworked, I think really in  
13 response to the conversations that we've had and it's a  
14 paradigm, I think, on how one should go about doing the  
15 work of a Commission, particularly when a new idea  
16 emerges. So I also would like to express my thanks  
17 particularly to the Executive Director and to other  
18 members of the staff who worked very hard on this issue.

19 Are there other comments, though, from  
20 members of the Commission? If not, what I would like to  
21 do in order to move us forward on the other two  
22 proposals that we'll be discussing, as well as  
23 discussing the final report, I would like to ask someone  
24 to make a motion to revoke the tentative approval of  
25 proposal No. 3 and to defer such proposal to continued

1 discussion at the local level.

2 Is there a motion?

3 COMM. FIALA: So moved.

4 COMM. PALMER: Second.

5 CHAIRPERSON FUCHS: All in favor of  
6 deferring proposal No. 3 to future discussion, please  
7 say "aye"?

8 (Chorus of "Ayes.")

9 CHAIRPERSON FUCHS: Any opposed? Unanimous  
10 decision to defer proposal No. 3. Thank you all very  
11 much.

12 What we're going to do now is really review  
13 the final report with the assistance of our Executive  
14 Director, Terri Matthews, as well as Spencer Fisher and  
15 Abbe Gluck, who have been special counsel to the  
16 Commission. What I'm going to ask the Executive  
17 Director to do is to walk us through the different  
18 sections of the report and I'm going to ask for  
19 discussion after each section so we're not going to  
20 defer it to the end, but after each section we're going  
21 to try and address any of the issues that are still on  
22 the table or any issues that are not on the table.

23 We'll be going through the executive  
24 summary, fiscal stability, administrative judicial  
25 reform, operational efficiency, then other suggestions

1 and recommendations that we are deferring, that's what  
2 we've been fondly calling the back of the book. Then we  
3 have the resolution and ballot questions and abstracts.

4 So we have a lot to walk our way through,  
5 but I think we have enough time this evening to get  
6 ourselves through this discussion. We will not be  
7 voting on the final decisions to accept ballot  
8 propositions until tomorrow evening, so we've reserved  
9 tonight for discussion.

10 Terri?

11 MS. MATTHEWS: Okay. We sent a draft  
12 "Balanced Budgets and Administrative Ethics: Lessons  
13 Learned" document by e-mail to you on Friday morning for  
14 your review and comment. You have in the materials  
15 before you a revised draft with minor edits made since  
16 five.

17 This document and the two proposals  
18 contained in it reflect the work of this Commission  
19 since last August, with Spencer and Abbe sitting here  
20 beside me, I will walk through the sections of the  
21 documents highlighting certain items of interest and  
22 Spencer and Abbe will highlight certain legal issues.  
23 Just pop right in.

24 The document begins with an executive  
25 summary, as most documents these days do. What is

1 important to know about our executive summary is that we  
2 will be translating it into the four languages we've  
3 been translating our newsletters and also the earlier  
4 executive summary for the preliminary report, and we  
5 translate it in Spanish, Russian, Chinese and Korean,  
6 and that's part of our outreach to New Yorkers who do  
7 not speak English.

8 The executive summary provides a brief  
9 history of this Charter revision process and the two  
10 ballot questions and related abstracts.

11 Just the abstracts. No ballot questions in  
12 the summary, just the abstracts.

13 MS. GLUCK: By way of explaining what our  
14 proposals are, that's the purpose of including the  
15 abstracts there, a summary of the proposals.

16 MS. MATTHEWS: Ester, do you want to ask  
17 questions about the executive summary?

18 CHAIRPERSON FUCHS: So you're not going to  
19 explain anything else about the executive summary?

20 MR. FISHER: I would note that because the  
21 executive summary, except for the fairly brief process  
22 discussion, includes the abstracts, we can discuss the  
23 abstracts now or we can perhaps wait until we discuss  
24 the ballot question and abstracts because they are  
25 identical, so it's up to you on how you want to proceed

1 on that.

2 CHAIRPERSON FUCHS: Why don't you do that,  
3 because it doesn't make sense to just discuss an  
4 executive summary in the abstract without the abstracts.

5 MR. FISHER: Now I'm getting dizzy.

6 CHAIRPERSON FUCHS: Whoa. See, you thought  
7 I wasn't paying attention.

8 COMM. CROWELL: Why don't you -- after we do  
9 the ballot question, right after that section.  
10 Compartmentalize it.

11 MR. FISHER: We can discuss it together  
12 with the ballot.

13 CHAIRPERSON FUCHS: All right. Terri why  
14 don't you then move to the substance of the report and  
15 begin with the fiscal stability section.

16 MS. MATTHEWS: There's another section  
17 before you get to the meat, but it's important. It's  
18 called "About the Commission," and it provides an  
19 overview of the process you've been conducting since  
20 last August, and it includes a separate appendices, all  
21 the internal memoranda of the various elements of the  
22 Charter that you've been reviewing and considering.

23 This section also outlines your public outreach efforts  
24 and includes as a separate appendix all the people and  
25 organizations we've all met with during the last year.

15

1 The next two sections are actually on the  
2 two proposals that we're going to bring forward; fiscal  
3 stability and administrative judicial reform. These two  
4 sections have identical format. They begin with an  
5 explanation of the issues and describe the related  
6 discussions that you've all had with the experts and the  
7 members of the public. Versions of this material have  
8 been in the various documents released by the Commission  
9 throughout the year. They outline the changes the  
10 Commissioners made to the preliminary proposals as a  
11 result of the public comment you received in June and  
12 immediately following the general explanatory  
13 information there's the statutory material and the  
14 statutory material has sort of a legal summary of the  
15 statutory language and that it's followed by the actual  
16 language, so we've been through the actual proposals,  
17 does anyone have --

18 CHAIRPERSON FUCHS: I think you should just  
19 summarize them, thank you.

20 MS. MATTHEWS: Well, turning to -- maybe you



21 could at this point mention when I get there the new  
22 change.

23 MR. FISHER: Small changes.

24 MS. MATTHEWS: The small changes.

25 Basically, there are four items in our proposal. We

16

1 require, we will be requiring that the City end each --

2 CHAIRPERSON FUCHS: Terri what page are you  
3 on?

4 MS. MATTHEWS: I'm on page 31, these are the  
5 components of the proposal. The city end each fiscal  
6 year so the results of its operations do not show a  
7 deficit when reported in accordance with GAAP.

8 The second component would require the City  
9 to continue preparation of the four year financial plan  
10 documents with quarterly modifications during the year.

11 The third would be to require the City to  
12 conduct an annual audit in accordance with generally  
13 accepted auditing standards, which is also GAAP. Oh,  
14 that's GAAS. It's interesting, we discovered that that  
15 was in the FEA and not in the Charter. We learned a lot  
16 as a result of this exercise. And we are requiring the  
17 city to continue the stricter limits on short-term

18           indebtedness that are in the FEA. There are three  
19           places where there is talk of short-term indebtedness.  
20           The Charter, which is not that restrictive, the local  
21           finance law -- the State local finance law and the FEA.  
22           The FEA for New York City is by far the strictest  
23           standards, so the FEA when it goes away, we're putting  
24           it in the Charter so it will continue to govern the  
25           occurrence of additional short-term indebtedness.

17

1                       MR. FISHER: I would note that the current  
2           Charter standards which Terri characterizes as less  
3           restrictive. In some cases they're a little different.  
4           In some cases they apply when the FEA standards don't.  
5           They came around the period of the fiscal crisis, we  
6           left those in well. The city will be governed by  
7           multiple standards on short-term indebtedness as it is  
8           now.

9                       MS. MATTHEWS: I don't think anyone has more  
10          restrictive standards than the City.

11                      So those are the components of the fiscal  
12          stability proposal. I think the law department wants to  
13          mention a few tiny changes.

14                      MR. FISHER: I guess we'll mention a couple  
15          of things. First of all, if you look at, actually, this

16 comes up in the summary, but in the text, there used to  
17 be a provision that was sort of buried on what is now  
18 page 37 but it's been moved to be its own subdivision on  
19 the bottom of page 39 that concerns the possibility of  
20 changes in generally accepted accounting principles.

21 We've not substantively changed the  
22 provision, but we have moved it to its own subdivision  
23 out of some concern expressed by OMB that the provision  
24 was sort of buried in one part of the section and might  
25 not apply to the various places in which GAAP would

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1 apply in the section, so it's been made a free standing  
2 subdivision, but the substance which basically says that  
3 the Mayor could determine that changes to GAAP should be  
4 phased in if they would result in substantial adverse  
5 impacts on essential services in the City, that  
6 substance is the same.

7 I would note that, I guess with respect to  
8 this, currently this determination is made by the  
9 Financial Control Board which will continue to make this  
10 determination during the period of the Financial  
11 Emergency Act, so we can't impose the Mayor on the  
12 Financial Control Board. This provision would only

13 fully kick in upon the expiration of the relevant  
14 provisions of the Financial Emergency Act.

15 COMM. FORSYTHE: The City Comptroller  
16 disagreed with our drafting that?

17 CHAIRPERSON FUCHS: Not anymore. That was  
18 resolved today.

19 MS. MATTHEWS: He is happy --

20 MR. FISHER: Is he happy?

21 MS. MATTHEWS: Well, not happy --

22 CHAIRPERSON FUCHS: It was resolved today,  
23 and the language is consistent with what the Comptroller  
24 is comfortable with.

25 MS. MATTHEWS: And no one will object.

19

1 COMM. FORSYTHE: That's not what you said in  
2 the report.

3 MR. FISHER: The report notes the earlier  
4 objection of the Comptroller. If that's not the case,  
5 we can take that out.

6 CHAIRPERSON FUCHS: Right, that should be  
7 clarified because I spoke to the Comptroller today.

8 COMM. FORSYTHE: I don't disagree with the  
9 decision.

10 MS. MATTHEWS: The way it's written, it

11 notes the suggestion --

12 CHAIRPERSON FUCHS: You know what, you'll  
13 fix it.

14 MS. MATTHEWS: It noted the suggested change  
15 and we replied that we didn't make it, but we'll take a  
16 look and fix it if necessary.

17 MR. FISHER: One other change, this is a  
18 very technical note which applies both here and in the  
19 administrative law provisions, is that the way  
20 legislation works in the Charter is that you have to put  
21 the effective date right into the Charter because the  
22 Charter Revision Commission only amends the Charter  
23 basically so if you want to say when your revisions are  
24 effective you put it right in the Charter. So there's a  
25 technical amendment which I think you may be seeing for

20

1 the first time on page 45 which basically says these  
2 amendments would take effect immediately.

3 That's hardly a surprise, but of course the  
4 fact that they take effect immediately doesn't alter the  
5 provision that's within these provisions themselves  
6 which state that they continue to be subject to the FEA  
7 during the period of its existence.

8 CHAIRPERSON FUCHS: Are there any questions  
9 or discussion on the fiscal stability issue?  
10 Commissioner Grayson.

11 COMM. GRAYSON: I'm just a little confused  
12 by your last comment. The provisions are effective  
13 immediately, so for a period of time you will have the  
14 Financial Control Board in place and the Charter  
15 amendment, then when and if the Financial Control Board  
16 or Financial Emergency Act goes away, then this is all  
17 right in place and sort of springs into, sort of like a  
18 springing --

19 MR. FISHER: It's sort of --

20 COMM. CROWELL: Concurrent.

21 MR. FISHER: I guess that's a good word. I  
22 don't know that it will spring, but it will remain, I  
23 guess it will remain after the death of its parent or  
24 whatever, to inherit the --

25 COMM. GRAYSON: Suppose one is inconsistent

21

1 with the other?

2 MR. FISHER: They are, I think they  
3 generally track each other quite closely, that was  
4 deliberate. In a few places where an official like the  
5 Mayor was substituted for the Financial Control Board

6 the provision that we put into, I guess there's  
7 provisions in both the short-term debt and in 258, the  
8 financial plan provisions which indicate that current  
9 law will continue to apply. So these provisions are  
10 subject to the continuation of the Financial Emergency  
11 Act during its existence and we couldn't have said  
12 otherwise if we wanted to.

13 CHAIRPERSON FUCHS: I think it's fair to say  
14 that as long as the Financial Emergency Act is in place,  
15 it's State law, and so that's the law, given --

16 COMM. GRAYSON: I understand.

17 CHAIRPERSON FUCHS: I mean, for everybody  
18 else to understand. Commissioner Forsythe?

19 MR. FISHER: I guess I would note it's not  
20 explicitly in the short-term debt provision but it's  
21 obviously the same principle that applies.

22 COMM. FORSYTHE: I have a less substantive  
23 comment, it has to do with the way you presented a  
24 question. Since earlier drafts of this, you've had this  
25 pregnant footnote about the expiration of the Financial

22

1 Emergency Act and the clauses that were put into place  
2 during the MAC refinancing, that's on page 26 and over

3 the weekend I got a copy in the mail of the State  
4 Comptroller's latest review of the City's financial  
5 plan, which, by the way, generally endorses the steps  
6 that we're taking, which is good news, but where we say  
7 key provisions of the FEA are now set to expire in 2008,  
8 the Comptroller says that because of these changes in  
9 the city bond issuance, the Financial Emergency Act was  
10 effectively extended for nearly thirty years.

11 It's a sort of historic contrast.

12 CHAIRPERSON FUCHS: Well, there's  
13 legislation pending now and maybe, I don't know which  
14 one of you want to speak to it specifically, but  
15 Assemblyman Denny Farrell is sponsoring the legislation  
16 to correct what was a drafting error, that's how it's  
17 been characterized by everybody, so I'm not sure why the  
18 Comptroller chose to characterize it differently, but  
19 you might want to speak to that, Spencer?

20 MR. FISHER: It does appear that the  
21 Legislature, that there was an error, that the  
22 Legislature intended to insure its extension to 2008 and  
23 wrote in later rather than earlier. It's true that the  
24 effect of that under current law is as written that if it  
25 was not changed portions of the FEA would extend beyond



1 2008 based on the date of discharge of certain City  
2 debt, I believe, or paying down certain City debt that  
3 requires the State required covenant.

4 That is reflected in the materials in the  
5 final report and that's also reflected in the draft  
6 abstract, which we'll get to a little later, so I don't  
7 think, I don't think there's any effort to conceal that  
8 that's the current state of the law and there are bills  
9 to change that.

10 Not all of the FEA will continue beyond  
11 2008. For example, the provisions concerning the  
12 control period and I believe what we're calling the end  
13 of year snapshot, the end of year budget balance or  
14 control period test snapshot will I believe sunset. So  
15 the FEA, if it continued in its current effective date  
16 form will become a sort of mishmash, if you will, of  
17 provisions that have sunsetted and provisions that will  
18 continue. I think the general theory is that is not a  
19 coherent approach to the FEA and someone will have to  
20 take a look at it before 2008.

21 COMM. FORSYTHE: I agree. I was pleased the  
22 City was interested in recommending a more comprehensive  
23 look. I just wanted to know if you were satisfied with  
24 this sentence saying key provisions of the FEA are set  
25 to expire in 2008 as characterizing the existing

1 situation, a satisfactory characterization.

2 MR. FISHER: I believe that's true. I  
3 think most people characterize the control period test  
4 as being the key provision and I believe that provision  
5 will expire in 2008 by its own terms which are built  
6 into the FEA itself.

7 COMM. FORSYTHE: I can see one of our  
8 students getting a little confused.

9 CHAIRPERSON FUCHS: Students get confused  
10 all the time, as we know.

11 MR. FISHER: This confuses people with  
12 graduate degrees.

13 CHAIRPERSON FUCHS: To be fair, I'm glad you  
14 brought this up, this is a confusing issue. We tried to  
15 deal with it through these footnotes without obscuring  
16 where we think things will be in the course of the next  
17 six months which will be a correction of what everyone  
18 has characterized to us as a mistake in drafting,  
19 period. Having said that, I think Spencer has really  
20 clarified it. Even if this mistake is not corrected, we  
21 probably have an even bigger mess at the State level  
22 making it more important that we do something coherent  
23 at the local level.

24 MR. FISHER: Just as an example of that,  
25 the definition, although the expiration date of the

1 Financial Emergency Act was changed to be the later of  
2 two dates, there's another provision that says that no  
3 control period can continue beyond the earlier of two  
4 dates and that provision was not changed. So I think  
5 most people believe, as I mentioned earlier, that the  
6 control period test will expire even though other parts,  
7 a sort of rump FEA, if you will, will expire later, to  
8 coin a term.

9 CHAIRPERSON FUCHS: Any other comments on  
10 this section? I know we've worked quite hard in banging  
11 out this part of the Commission's report. This was  
12 something that was particularly important to the Mayor  
13 for us to get done this year, because in view of the  
14 sunseting of the Financial Emergency Act in 2008, even  
15 barring this footnote issue that we have to deal with,  
16 the Mayor felt strongly that it was incumbent upon the  
17 City to take on the fiscal management tools that were  
18 outlined in the Financial Control Act and that really  
19 has insured the City's fiscal stability over the past 25  
20 odd years.

21 So I want to also take the opportunity to  
22 congratulate staff as well as the Commission here in  
23 helping us wade through a very complicated area, and I

24 want to particularly thank those members of the good  
25 government world and the IBO who is here today who has

26

1 worked with us very closely and the two Comptroller's  
2 offices in making sure that we reflect adequately and  
3 accurately what should be in the Charter.

4 So a lot of work went into this both during  
5 Commission hearings and meetings but as well as with  
6 staff to make sure that principals have a stake in  
7 seeing the City is well managed and the oversight works  
8 effectively that these provisions stay in place for the  
9 City for the future.

10 So this has been I think an extremely  
11 important part of the work of the Commission as we move  
12 forward.

13 Do we want to move on to the administrative  
14 judicial reform area or do you have another point?

15 MR. FISHER: I just have one point, just to  
16 show what a dynamic and active Commission we are, it's a  
17 technical point in response to Commissioner Grayson, the  
18 relationship between the Charter and the FEA. I think  
19 it's worth considering, the current provision on  
20 short-term debt says the City can only issue short-term  
21 debt as authorized by State law. I think that covers

22 the concern. However, because we put a provision in the  
23 financial plan provisions on page 40 at top that says  
24 the powers duties and obligations set forth in that  
25 section are subject to the FEA during its existence, I

27

1 actually think it would be helpful to put a similar  
2 provision into the provision on short-term debt since  
3 that's a separate section and it would be a useful  
4 change so that to clarify that, for example, the powers  
5 given to the Mayor would not be fully activated until  
6 after the demise of the Financial Control Board.

7 I think that's a useful point. I think it's  
8 certainly not too late to make that change and I think  
9 we can make it. We can make it today. Tomorrow.  
10 Before the final.

11 CHAIRPERSON FUCHS: Right. Do you want to  
12 move on to administrative judicial reform?

13 MS. MATTHEWS: On page 53 is where the  
14 proposal to authorize the creation of a code of  
15 administrative judicial conduct is. Again, it goes  
16 through the history, the explanatory text, talks about  
17 the history of the administrative judicial system, the  
18 conversations you had with the experts, the changes you

19 made to your proposals. And where we are is that the  
20 Mayor and the Chief Administrative Law Judge of OATH  
21 will jointly promulgate and will jointly amend rules  
22 establishing a code of ethics or code of professional  
23 conduct governing the activities of all administrative  
24 law judges and hearing officers and City tribunals.

25 So that is the proposal, it came out of

28

1 2003, which has two parts. One was creation of a  
2 coordinator, that you decided to defer to administrative  
3 action in the letter, and this is the one thing that  
4 remains.

5 Do you have any questions?

6 CHAIRPERSON FUCHS: Just to remind everybody  
7 that we had a much broader proposal that we began with,  
8 which was the creation of a judicial administrative  
9 coordinator. We as a Commission sent a letter to the  
10 Mayor requesting that he do that through Executive  
11 Order. We've just gotten approval and agreement from  
12 the Executive that they will be moving forward with  
13 creating that position through Executive Order and are  
14 very pleased with the suggestion made by the Commission.  
15 That will be done, that Executive Order will be  
16 announced by the Mayor. We hope to invite members of

17 the Commission to that as well in the next couple of  
18 months, actually within the next two months it looks  
19 like, and so he was pleased at the idea that we felt we  
20 could do this through Executive Order, did not need a  
21 Commission proposal, and also accedes to the idea that  
22 it's important to put the ethics piece of this on the  
23 ballot, given how important ethics issues are if it's to  
24 the idea that a Charter Commission should speak to the  
25 principles of governing as its primary objective.

29

1 So on this issue, I think we have made some  
2 serious decisions and I think that they were the right  
3 ones. I think we're going to get work done that does  
4 not appear on the ballot but rather happens in another  
5 venue as a result of the Commission.

6 Are there any comments on this, any changes  
7 or suggestions that are still something that we want to  
8 consider at this point related to this particular  
9 proposal?

10 MS. GLUCK: I would note Spencer noted on  
11 this section on page 54 there's also an effective date  
12 provision for this proposal that you haven't seen before  
13 which also says that this proposal will take effect

14 immediately.

15 COMM. FORSYTHE: Upon passage.

16 CHAIRPERSON FUCHS: Upon passage.

17 MS. GLUCK: Upon adoption by the voters.

18 CHAIRPERSON FUCHS: Good catch.

19 Okay, operational efficiency, effectiveness  
20 and accountability.

21 MS. MATTHEWS: Which is the proposal that  
22 you just --

23 CHAIRPERSON FUCHS: Can I interrupt myself,  
24 since I do that well, often, I shouldn't just interrupt  
25 everybody else, I should interrupt myself.

30

1 I want to on the previous proposal, I want  
2 to recognize that much of the very difficult work into  
3 figuring out how to do a judicial administrative  
4 coordinator position came from the work done by a  
5 previous Charter Commission and the work was done by our  
6 Commissioner, Anthony Crowell and he has been critical  
7 in both articulating the substance of what that would  
8 look like, as well as helping shepherd the request of  
9 this Commission through City Hall in making sure it got  
10 the attention of everybody who was to be consulted,  
11 which are minions, before the Mayor would be approving



12 the decision to do this through Executive Order. He  
13 also has worked on creating that Executive Order, not  
14 leaving anything to chance.

15 So we are very lucky to have him with us  
16 working on this and helping to get the work done that  
17 we're not doing here at the Commission, but needing  
18 other branches of Government to help us get done. So we  
19 are particularly grateful to you for this, Commissioner  
20 Crowell, because it's very, very important. I am  
21 somebody who did not understand the breadth and the  
22 depth of judicial administration. Now I know more than  
23 I ever wanted to know. I'm sure the rest of you do as  
24 well, but also realize how important it is, how really  
25 important it is. This is something I know was echoed by

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1 the Executive Director as well. Thank you.

2 COMM. CROWELL: Thank you for your kind  
3 words.

4 CHAIRPERSON FUCHS: Now I'd like to move on  
5 to operational efficiency, effectiveness and  
6 accountability.

7 MS. MATTHEWS: This used to look like the  
8 other two sections in format, but it's been changed to

9 reflect the fact that we were thinking it should be  
10 deferred to generate enough time and consensus. But it  
11 begins with an explanation of the issue, describes the  
12 discussions that you had with the experts. It outlines  
13 the changes that you would have made to this proposal  
14 and then this proposal, the actual statutory text and  
15 the explanation has been moved into a separate appendix  
16 for what we hope is continued discussion. We didn't  
17 want to just jettison it totally. We wanted to keep it  
18 in the way back.

19 Which then brings us back to the formal end  
20 of the book.

21 CHAIRPERSON FUCHS: Are there any comments  
22 anybody wants to make along those lines? I just want to  
23 make a brief comment which is again to thank the staff  
24 and the Commission for the really creative work that was  
25 done around this reporting commission, and again to

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1 reassure everybody that our work is not just going to  
2 lie fallow after we finish our work.

3 The Mayor's Office of Operations and the  
4 director of the Mayor's Office of Operations, Susan  
5 Kupferman graciously lent us one of the seniormost  
6 members and one of the most important members of her

7 staff, Myrna Ramone who worked with us here in the  
8 Commission and was the point person on this initiative  
9 working very closely with Susan Kupferman and  
10 interestingly enough, despite the fact we'll be  
11 deferring this at this point, the director of the  
12 Mayor's Office of Operations is very enthusiastic about  
13 keeping this proposal alive in some way and seeing if  
14 there's a way that she can do some of the suggestions we  
15 have made here.

16 So whether we move forward with this or not  
17 in another Commission, there is now real serious  
18 interest in figuring out how to resolve the problem that  
19 we, I think identify very clearly in the work of the  
20 Commission in a way that addresses the need for balance  
21 among all branches of Government, as well as the  
22 public's access to information.

23 There's no question that there are over 150  
24 documents out there that almost nobody reads or looks at  
25 that a lot of people spent a lot of time on, and most of

1 us didn't really understand the magnitude or the depth  
2 of that before this Commission started its work so I  
3 believe this is going to be an important part of the

4 legacy of this Commission and I want to especially thank  
5 Myrna Ramone for helping us navigate this particular  
6 issue.

7 MS. MATTHEWS: You remind me. I wanted to  
8 point out since we last met we did some additional  
9 research. In the appendices are, we tried to quantify  
10 the magnitude of the reports, so in addition to the 33  
11 documents that were in appendix A to the first document  
12 we have two more charts; reports that are in the ATCO,  
13 reports that are in the Charter, and then we did another  
14 bar graph showing when they began life, and for the  
15 majority of them, we put them all together, the majority  
16 of them came up before 1990 -- a lot of them are very  
17 old. There has been a spike recently in the near term,  
18 but a big chunk, and that's part of the story, that  
19 there's a lot of stuff that's very old and we just  
20 thought we'd point that out to you.

21 CHAIRPERSON FUCHS: It's interesting. I  
22 think one of the unintended consequences of term limits  
23 in the City Council is, if you look at this chart you'll  
24 see 2005 was a banner year for reporting requirements,  
25 and I believe that this is going to continue over time;

1 that the Council has found this as a tool, and while it

2           may be useful at the moment, over time we're going to  
3           find ourselves with more and more reports that are going  
4           to become less and less useful over time. A lot of  
5           reports are done I think because of some crisis issue  
6           that comes up, and their long term utility is not really  
7           ever evaluated.

8                           So the issue will not go away. Yes.

9                           COMM. FORSYTHE: I absolutely agree with  
10          your characterization, but I would like to point out  
11          that in the absence of Commissioner Betanzos, that I  
12          think I am the senior member of the Commission here  
13          today, and old isn't necessarily bad.

14                          MS. MATTHEWS: I'm old as well, and I agree.

15                          COMM. McCORMICK: Thank you, Commissioner.

16                          COMM. FORSYTHE: And I believe I speak for  
17          Commissioner Abrams as well.

18                          CHAIRPERSON FUCHS: Both of whom are out of  
19          the country, I might add, which is not why they're not  
20          here.

21                          MS. MATTHEWS: Although old in reports is  
22          probably just fifteen, so I thought I would point that  
23          out.

24                          COMM. FORSYTHE: Just teasing you.

25                          CHAIRPERSON FUCHS: Okay.

1                   MS. MATTHEWS: So moving on to the famous  
2 back of the book. The next -- oh, sorry, hold on for a  
3 second. So we're done with topic three. The last  
4 section is called other significant recommendations  
5 deferred and it has been expanded since the preliminary  
6 report version as we foreshadowed it would be. This is  
7 what we're calling the back of the book and it will live  
8 on after the Commission concludes its work. It provides  
9 the foundation for future Charter Revision Commissions  
10 and can provide the foundation for future legislative  
11 agendas at both the local and the State level.

12                   It begins with a discussion of the  
13 Commission's approach to revising the Charter. A  
14 Charter Commission is able to propose a referendum on  
15 any matter within the jurisdiction of a local government  
16 to enact. The Commission may choose to propose a broad  
17 set of amendments that essentially overhauls the entire  
18 Charter or consider proposals aimed at broad reform in  
19 particular areas, or it may choose to focus on certain  
20 technical issues. It may also choose a combination the  
21 above.

22                   This Commission has chosen a new approach.  
23 This Commission has focused on broad, systemic issues  
24 concerning the operation and administration of the  
25 entire City Government, about which there is a

1 considerable consensus. The Mayor's initial suggestion  
2 that the Commission examine as part of its review of the  
3 entire Charter, issues of fiscal stability, citywide  
4 tribunal operations and agency effectiveness, efficiency  
5 and accountability focus the Commission on the general  
6 theme of accountability. The theme of accountability  
7 has permeated much of the Commission's discussions of  
8 proposals both within the three areas and without.

9           As a result, the Commission's proposals  
10 would amend the Charter in areas in which there is a  
11 substantial consensus that such reforms would increase  
12 accountability in a systemic manner across City  
13 operations.

14           Although this Commission deferred the  
15 various recommendations that came from the public and  
16 experts during the year, several themes emerged from  
17 which we have pulled out and from them we have pulled  
18 them out and described them in this section. And they  
19 consist of issues of fiscal stability for future  
20 consideration and in that we've identified the rainy day  
21 fund, which kept coming up; increasing the linkages  
22 between local legislation and the budget, which you had  
23 mentioned several times at the beginning, and then  
24 increasing linkages between programs and the budgets,

25 which our members of the board who worked in the human

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1 services area kept mentioning and kept hearing from  
2 members of the public.

3 Second theme would be issues of Government  
4 institutional structure for future consideration, and  
5 this is a way of looking at the post -- the '89 changes  
6 in a post '89 world. We identified three areas:  
7 Revisiting the Charter mandate of certain entities and  
8 their ability to perform them; we heard from the Borough  
9 Presidents and the Public Advocate and this section is  
10 aimed at looking at those issues. Revisiting the land  
11 use process in view of attention that's coming, it came  
12 up before you between open space and development, and  
13 then the third would be revisiting certain fiscal issues  
14 with implications for Government structure.

15 The third topic we're calling issues of  
16 Government operations for future consideration, and that  
17 consisted of all the ideas that came from the agency  
18 heads, which were very interesting, and needed, perhaps,  
19 but seemed too specific and were not within the broad  
20 approach that you were taking this time. And then the  
21 third -- and I hesitate to say it in view of all the  
22 things we've been doing in procurement, but there were a



23 couple of lingering issues that kept coming up and I  
24 thought it was important to articulate them not  
25 necessarily as procurement issues, but they come up as

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1 procurement issues but they seem to be either related to  
2 the budget or related to sort of a fundamental way of  
3 looking at the area.

4 So this is all new.

5 CHAIRPERSON FUCHS: And I think a lot of  
6 that comes from the Commissioners themselves,  
7 particularly Commissioner McCormick and Commissioner  
8 Palmer and Commissioner Chen and Commissioner Archer all  
9 of whom articulated some of these issues in the context  
10 of not-for-profit procurement.

11 MS. MATTHEWS: It will be nice when it comes  
12 again, when it's ripe, that focusing on the other places  
13 in the process where you can fix it. Because it's my  
14 opinion you can't fix it all in procurement based on the  
15 State law and the Local Law constraints and actually  
16 it's in another place.

17 So it's there for future thought and  
18 consideration and action. And that's new. That is a  
19 new section, new text.

20                   And we have captured all the significant  
21                   suggested proposals from the public and it came to us in  
22                   testimony, in correspondence, in our informal outreach  
23                   meetings as well as the proposals that came from the  
24                   agency heads and they are now in the very last appendix  
25                   M, and those charts were a lot of fun to do. I'm

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1                   looking at experience as I say that, because they have a  
2                   sort of numbing quality as you start looking at them.

3                                 But at any rate, they're there for the  
4                   future.

5                                 MR. FISHER:     They're individually  
6                   meritorious and collectively hypnotic. But I guess I would  
7                   just supplement Terri's description with a note that  
8                   part of the charge of reviewing the entire Charter for  
9                   the Commission is explaining why the rest of the Charter  
10                  wasn't changed at this time, and what we were calling  
11                  the back of the book really conceptually should be in  
12                  the front of your mind by the way, because it's critical  
13                  to understand not just why the Commission made the  
14                  changes it made, but why it didn't make the changes it  
15                  didn't make.

16                                 This discussion beginning on page 65  
17                   explains and proposes for the Commission's adoption the

18 rationale which we believe the Commission has adopted  
19 informally and now will adopt formally if you adopt this  
20 final report, and appendix M at the end which Terri was  
21 describing goes into some detail and the comment boxes  
22 in appendix M give I think a real sense of the sort  
23 of philosophy as to why individual proposals were not  
24 adopted.

25 So I encourage you to take a quick look at

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1 those now. I know you've had the chance over the last  
2 several days to look at those as well.

3 CHAIRPERSON FUCHS: Commissioner Forsythe.

4 COMM. FORSYTHE: Could I ask questions about  
5 two of the proposals? As you say, it does have a  
6 certain hypnotic quality.

7 MS. MATTHEWS: Yes.

8 COMM. FORSYTHE: One we had a very brief  
9 discussion about, which was a concern that had been  
10 raised in an editorial some years ago, about the  
11 adjustment of pay for elected officials and senior  
12 executives. I couldn't find that in here, I tried, but  
13 I failed. Help me with that, please.

14 MS. MATTHEWS: It is in, it's on page 222.

15 The TV show. That dates me.

16 MR. FISHER: It's in the text too.

17 MS. MATTHEWS: It's part of the thematic,  
18 but as an actual idea that came to us, page 222, the  
19 third line of -- restrict the effective date of pay  
20 raises to officials to a term after the approval takes  
21 place.

22 COMM. FIALA: Page 474 addresses that and  
23 the lulus.

24 MS. MATTHEWS: It's in two places.

25 COMM. FORSYTHE: The second one is this

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1 question that has been raised very recently about class  
2 size and proposals -- it was circulated in a letter to  
3 us, suggesting a class size ballot.

4 MS. MATTHEWS: That I didn't put in the  
5 chart. I'm sorry. It was an oversight.

6 CHAIRPERSON FUCHS: It came late.

7 MS. MATTHEWS: It came late and I was kind  
8 of done. But we'll put it in.

9 CHAIRPERSON FUCHS: That needs to be added.  
10 I'm glad you brought that up.

11 COMM. RAAB: Was there an official response  
12 to that?

13 CHAIRPERSON FUCHS: We have an official  
14 response. Do we have a draft response, Terri?

15 MS. MATTHEWS: We have a form of the draft  
16 response? It literally came in two or three days ago.

17 CHAIRPERSON FUCHS: Do you want to summarize  
18 the response, Spencer, maybe?

19 MR. FISHER: This isn't really the place to  
20 go into great detail about the class size petition, and  
21 I guess the letter came very late. I guess it was felt,  
22 you know, I should note that as a procedural matter, in  
23 the next several days, the City Clerk with the advice of  
24 the Corporation Counsel's office will be issuing an  
25 opinion and certifying as to whether that petition is

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1 lawful in a variety of areas. So I think we thought for  
2 one thing that at this point it was somewhat premature  
3 for the Commission to jump on a bandwagon that may be  
4 derailed by the City Clerk for other legal reasons later  
5 in the week.

6 Also, the proposal was made to the  
7 Commission very late and the Commission had already  
8 focused on other broader themes. Not necessarily  
9 broader themes, but other themes that I think took up

10 with good reason a significant amount of its time. This  
11 would be a very controversial area with regard to  
12 budgetary priorities and a whole new area for the  
13 Commission that would require I think a significant  
14 amount of discussion to occur so late.

15 So just in terms of where this came up in  
16 the Commission's agenda, I thought, I think we're going  
17 to recommend that this proposal not be pursued at this  
18 point by the Commission.

19 MS. MATTHEWS: And we will put it in the  
20 chart, because we reflected all serious proposals from  
21 wherever they came in the charts, and that truly was an  
22 oversight and we will prepare a letter with a response  
23 to them as we are doing to all of them.

24 CHAIRPERSON FUCHS: Just to reiterate what  
25 Spencer was saying, we had talked about the preparation

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1 of a letter and circulating it with the Commission and  
2 the critical issue at this point in time was really the  
3 legal issue, that it didn't make sense for us to get  
4 involved.

5 First of all, it's complicated and time was  
6 sort of running out, obviously, but it certainly didn't  
7 make sense for us to get involved in an issue that was

8 about to be litigated or was about to be --

9 MR. FISHER: Possibly.

10 CHAIRPERSON FUCHS: Was about to be possibly  
11 litigated or in fact the legality of it altogether would  
12 be questioned.

13 COMM. RAAB: Perhaps there should be, just  
14 to make the record clear, though, some acknowledgement  
15 of the letter.

16 CHAIRPERSON FUCHS: Yes, in fact, there  
17 should be, absolutely 100 percent and I'm glad that  
18 somebody caught that, because it was meant to be in,  
19 both the letter as well as the proposal needs to be in  
20 this report.

21 COMM. RAAB: I'm saying just also a  
22 response, just so that the record is clear that it was  
23 received and that the Commission is either acting or not  
24 acting.

25 CHAIRPERSON FUCHS: I circulated the letter

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1 to everyone, so it was intended for everyone to see it  
2 so we could respond to it as a Commission, so that was  
3 the intent and that's what we will do.

4 COMM. FORSYTHE: With your permission, if I

5 can have one minute to make a substantive comment on  
6 this.

7 CHAIRPERSON FUCHS: Sure.

8 COMM. FORSYTHE: The States of California  
9 and Florida have over the course of the past decades  
10 enacted provisions like this into their constitution  
11 that hard wire various requirements for their spending  
12 and that created disastrous fiscal and budget conditions  
13 as a result of that. I have no problem with people  
14 wanting to reduce class size, but putting this in the  
15 Constitution is very, very dangerous in my view. If we  
16 were going to have a substantive discussion on it, I  
17 would have strong opinions. But since we're not --

18 CHAIRPERSON FUCHS: That's extremely  
19 helpful, actually. And thank you for calling that to  
20 our attention. That was -- we missed that, and that was  
21 certainly not intentional. As I said, we circulated  
22 this letter to everyone so as to make sure that they  
23 were aware of the issue.

24 MS. GLUCK: I would just note also that as  
25 part of the staff's outreach process the staff and

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1 Executive Director met with some of the sponsors of that  
2 class size petition and did do outreach on the



3 Commission's work some time ago.

4 COMM. FORSYTHE: I wish you invited me.

5 MS. GLUCK: They were meeting on our  
6 proposals.

7 COMM. CROWELL: Did they bring up that issue  
8 in that discussion?

9 CHAIRPERSON FUCHS: No, it wasn't at that  
10 discussion, it wasn't the right thing to do. That was  
11 when we met with the Municipal Labor Council.

12 MS. MATTHEWS: Page 17. That letter came in  
13 very late, but we added it in.

14 CHAIRPERSON FUCHS: You have the letter in  
15 there?

16 MS. MATTHEWS: This is the letter from the  
17 Municipal Labor Council.

18 CHAIRPERSON FUCHS: But that wasn't --

19 MS. MATTHEWS: No, no, I was referring to  
20 this meeting. This chart, as I said, the numbing effect  
21 of it.

22 COMM. FORSYTHE: The question about the  
23 deficit is an interesting one and worth considerable  
24 discussion.

25 MS. MATTHEWS: Oh, yes, and I thought it was

1 sort of dovetailed in with the rainy day fund.

2 COMM. FORSYTHE: Yes, it does.

3 MS. MATTHEWS: There's a lot of good stuff  
4 in the back of the book. It's really a good piece of  
5 public policy, I think.

6 So, and we will add it, you'll see it  
7 tomorrow, we'll send around a revised draft and we'll do  
8 it first thing in the morning. Okay?

9 CHAIRPERSON FUCHS: Commissioner Palmer.

10 COMM. PALMER: I wanted to comment and  
11 really just applaud the work of the staff and the  
12 Commissioners around the procurement issues around the  
13 not-for-profit sector, so I want to thank you guys for  
14 bringing together the Commissioners and the leaders in  
15 the not-for-profit sector to address them.

16 I do also want to take some time to talk  
17 about, on page 76, I agree with you that some of the  
18 issues articulated were not procurement issues, but  
19 issues had to do with the budget process, but at the  
20 same time there were issues such as prime contracting,  
21 which we looked at, so basically there was a commitment  
22 to look at exhausting other means of addressing them.  
23 They weren't Charter issues, but working with Marla  
24 Simpson, the Mayor's Office of Contracts to look at how  
25 we can resolve these issues.

1 MS. MATTHEWS: Maybe what I can do, the  
2 thought was that all of the administrative actions were  
3 underway and that would be part of it, and that was part  
4 of the reason the Commission decided to defer, but what  
5 I could do is amplify the administrative actions.

6 CHAIRPERSON FUCHS: That would be very  
7 helpful.

8 COMM. PALMER: That would be great.

9 MS. MATTHEWS: Actually all the stuff, all  
10 the background memos about what administrative actions  
11 have been underway, that is in appendix, oh, I don't  
12 know, B, B1 and B2. So that's there, but what I can do  
13 is amplify the reference to it.

14 COMM. PALMER: That would be great.

15 CHAIRPERSON FUCHS: Are there any other  
16 comments? If Commissioners are reading this document  
17 into the wee hours of the morning and do have comments  
18 that they want to send to me or Terri, please feel free  
19 to do that in the morning. We're obviously going to  
20 bring this document back to you in final form tomorrow  
21 evening, so it's dense. The back of the book is dense.  
22 The rest of the document I think is pretty clear but it  
23 has a lot of material in it and much of it comes from  
24 members of the Commission.

25 So you should find yourself in here

1           somewhere. Commissioner Fiala?

2                           COMM. FIALA: I'll speak now on that issue.  
3           I read the report over the weekend. We made a  
4           deliberate decision to keep our work broad and we  
5           addressed the broad issues and over the course of the  
6           last year we've had 100 plus proposals presented to us  
7           by the public, by elected officials, by good government  
8           groups, service providers, not for profits. Many of  
9           those are very worthy of, I would say the vast majority  
10          of them are at the very least worthy of further  
11          deliberation, not necessarily as I indicated previously  
12          in this type of forum, because much of it can be  
13          achieved through other avenues that don't require  
14          Charter changes.

15                           However, there are those big ticket items.  
16          In this room a year ago when we introduced ourselves, I  
17          told you that the big issues for me when I was in the  
18          City Council is the rainy day fund. I said, and I don't  
19          want the record to reflect that I'm upset that it's not  
20          on. It shouldn't be on this year because there are  
21          legal impediments to doing so. So the steps we're  
22          taking get us in position where now that should be the  
23          next set of discussions by an elected official, and I

24 hope a future Charter Revision Commission, the rainy day  
25 fund.

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1                   The other one being this growing problem,  
2 not only in New York but at the State level and the  
3 federal level of unfunded mandates or appropriating  
4 monies for projects or initiatives outside of the normal  
5 budgetary process, and what you wind up doing is  
6 creating significant initiatives that get worked into  
7 the baseline budget over years, but which did not get  
8 the scrutiny that they warranted.

9                   When you're going to do something as a  
10 legislator, as I said, I was one, it's great to come up  
11 with a lot of ideas. You have the responsibility to  
12 show the other side of the ledger, though. How are you  
13 going to pay for it? It's too easy for me as a City  
14 Council member to come up with a great idea and point  
15 and say the Mayor won't fund it. That's not fair. If I  
16 have the idea I have to at least show how I'm going to  
17 offset those costs, so I talked about that mechanism and  
18 this has been talked about, certainly Commissioner  
19 Crowell knows about it, because in his past lives and  
20 previous Charter Commissions, this has been talked about

21 for some time, but there is this legislator spin and  
22 you're never going to change that, but you can provide  
23 some sort of mechanism to insure that spending is  
24 responsibly.

25 So in line with my earlier statements on the

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1 Commission on reporting and the rainy day fund, as well  
2 as what we talked about, the distribution of powers; the  
3 Borough President, the Public Advocate, the issue that  
4 Walter McCaffery brought up, the lulus and as  
5 Commissioner Forsythe brought up, the idea of giving  
6 yourself a raise in a pending term, all of those should  
7 be brought up in a future Charter Commission that deals  
8 specifically with the how, because it's now been a fair  
9 amount of time.

10 The framework that we're working with, the  
11 '89 framework is largely intact. I think we have enough  
12 experience now with these offices to say okay, let's now  
13 tweak, since that's a word we like to use, let's reform,  
14 let's fix these things that have been talked about for  
15 some time. So I want the record to reflect that, and I  
16 want to urge that a future Commission address those how  
17 issues, the distribution of power issues and those  
18 issues that have a way of getting away from us and

19 really shifting unfair responsibility on one side of the  
20 equation, mainly, the chief executive, and lets the  
21 other side off the hook.

22 It's great to have all the ideas, but if you  
23 don't come up with ways to pay for them, it's really not  
24 fair to advance them, so I would urge that we encourage  
25 a future Commission to look at these issues with making

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1 them the same type of a priority that we made our issues  
2 this year. Because it's time now.

3 MS. MATTHEWS: And, you know, remember,  
4 everything you said, and I attempted to sort of express  
5 it in a thematic way. If there's anything you'd like me  
6 to --

7 COMM. FIALA: No, you've done it great.  
8 This is the wrap-up. You're the one who said the  
9 Charter is a living document and all --

10 MS. MATTHEWS: But if you want us to --

11 CHAIRPERSON FUCHS: Terri --

12 MS. MATTHEWS: Okay, okay.

13 COMM. FIALA: Good job.

14 CHAIRPERSON FUCHS: Thank you. Any other  
15 comments from the Commissioners?

16                   COMM. McCORMICK: I don't know if we'll have  
17 a chance tomorrow night to say that this really was a  
18 superb effort with excellent results from the staff and  
19 the colleagues on the Commission. And it's very hard to  
20 do this, there's not a lot of interest generally, as has  
21 been pointed out, and to have done it so well and to  
22 have set it up for future Commissions I think is really  
23 very admirable, worthy of congratulations.

24                   CHAIRPERSON FUCHS: I hope we get to repeat  
25 that tomorrow night, all the congratulations.

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1                   Our Executive Director doesn't take her  
2 compliments well. So sometimes just take the  
3 compliment, right? Your work has been extraordinary.

4                   MS. MATTHEWS: Thank you.

5                   CHAIRPERSON FUCHS: Are we discussing next,  
6 I think the resolution and ballot questions?

7                   MS. MATTHEWS: That's where we are. And  
8 it's appendices A1 and A2.

9                   CHAIRPERSON FUCHS: Does everyone have a  
10 copy of that?

11                   MR. FISHER: Do you have a page number? 78  
12 is the resolution and 80 the ballot questions.

13                   CHAIRPERSON FUCHS: Page 78 is the



14 resolution. And 82 are the ballot questions.

15 MS. MATTHEWS: Maybe we can take a few  
16 seconds just to look at it and the law department is  
17 here for questions.

18 MR. FISHER: Briefly, the resolution on  
19 page 78 and 79 is generally consistent with the form in  
20 which previous Charter commissions have adopted such  
21 resolutions with a minor amount of modification to  
22 reflect the work of this Commission. There's one  
23 modification that will be in tomorrow's resolution. In  
24 the past Charter Commissions have left it to staff to  
25 construct from scratch the ballot abstracts at times.

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1 We have provided you with ballot abstract that the  
2 Commission can substantially adopt if it so chooses  
3 tomorrow, so the form of the resolution tomorrow would  
4 reflect that the Commission is telling the staff to  
5 finalize the ballot abstracts that the Commission has  
6 already viewed.

7 Other than that, this text before you will  
8 be the text of the resolution for tomorrow evening. So  
9 I guess if there's any questions about the resolution,  
10 this now would be the time to discuss them.

11                   Okay.

12                   CHAIRPERSON FUCHS: I think I would just  
13 suggest that tomorrow it would be useful if everybody  
14 read the resolution as well as the questions and the  
15 abstract for tomorrow's meeting. This is very, as I  
16 said, a lot to read, but that's particularly important.  
17 Commissioner Abrams had hoped we would have a discussion  
18 about the ballot questions, and we are having that  
19 discussion. He unfortunately is out of the country so  
20 will not be with us today.

21                   MS. GLUCK: It might be preferable to take a  
22 couple of minutes now, that would be preferable, to read  
23 the resolution and the ballot questions.

24                   CHAIRPERSON FUCHS: I know that's  
25 preferable, but I would just like everybody to get an

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1 opportunity to bring up issues to us tomorrow morning or  
2 before the evening. I don't think it's that  
3 substantial, but it's hard to concentrate on something  
4 this dense in such a short period of time.

5                   COMM. RAAB: A question, which is going on  
6 the ballot? Are both going on the ballot?

7                   MR. FISHER: Just to explain, there are two  
8 sets of materials here. Putting aside the resolutions,

9 we have the ballot questions on page 81 and 82 and the  
10 abstracts. The actual ballot will only contain the  
11 ballot questions, but the abstracts are made available  
12 to voters in a separate document that is available at  
13 the polls.

14 COMM. RAAB: We will vote on both of them?

15 MR. FISHER: You'll vote on both of them,  
16 yes, in the sense they'll be included in tomorrow's  
17 report and the Commissioners can refer to both of them,  
18 subject to non-substantive changes that can be made.  
19 After. The substance will be before you.

20 The abstracts will also, if prior practice  
21 is any guide, also will be made available to all voting  
22 households through the Voter Guide, which is mailed by  
23 the Campaign Finance Board, and generally includes the  
24 questions and the abstract, so they'll get a wider  
25 circulation than just on election day.

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1 CHAIRPERSON FUCHS: May I also suggest, this  
2 is very important not just because it's important in and  
3 of itself, but there's likely to be State questions on  
4 the ballot as well. In fact, there is going to be,  
5 there's going to be a bond issue and the State question

6 on State budgets, and so we are in a position of getting  
7 confused with what the State's work is, particularly  
8 since we have a fiscal ballot initiative if we vote to  
9 put that on the ballot tomorrow. So it's important that  
10 we get this language right and accessible to the voters,  
11 that we get the language in the abstract correct so it's  
12 comprehensible to the voters, which is why I'm asking  
13 everybody to pay a little extra attention to that.

14 Some of you are experts in this area. It  
15 would be valuable to hear from you if you have any  
16 issues. If you don't have any issues you don't have to  
17 make them up, it's okay, but it also would be valuable  
18 to her from you who are not experts in the fiscal area  
19 particularly, because it needs to be comprehensible to  
20 all of us, especially to those who don't have background  
21 as budget directors like some folks here or finance  
22 managers like other folks in the room here.

23 So we are really, we're really requesting  
24 that this is a part that you just pay a little extra  
25 attention to.

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1 Having said that, I know staff doesn't want  
2 a lot of comment.

3 MR. FISHER: But we welcome comments today.

4                   CHAIRPERSON FUCHS: But substantive comments  
5 are always welcome.

6                   MR. FISHER: I would note, just to follow  
7 up on what the Chair said, you will note the word "City"  
8 appears an inordinate number of times on the question on  
9 City fiscal appointments, and that was for the reason  
10 exactly what the Chair stated, there are State budget  
11 questions on the ballot and that's why the word "City"  
12 appears in virtually every element in the FEA ballot  
13 question.

14                   CHAIRPERSON FUCHS: Commissioner McCormick?

15                   COMM. McCORMICK: Do we know which questions  
16 will appear first?

17                   MR. FISHER: State questions are always  
18 first. That's why we proposed the numbers three and  
19 four. Abbe is reminding me we tentatively intended to  
20 place the question about ALJ's, to essentially provide a  
21 buffer between City and State questions.

22                   MS. GLUCK: That's why we said, "as proposed  
23 by the New York City Charter Revision Commission" every  
24 time, just to make it very clear. I also want to remind  
25 you that, as we said in the beginning, the language of

1 the abstract is essentially the language of the  
2 executive summary, and so although not everybody  
3 requests abstracts, the people who read the executive  
4 summary will be reading that language and that will be  
5 the primary summary of our proposals.

6 MR. FISHER: The abstract will change  
7 slightly first to reflect the change I already explained  
8 to you earlier about the Mayor's power over GAAP  
9 changes we put a sentence in the abstract which will  
10 appear tomorrow evening. That simply says that "Changes  
11 in generally accepted accounting principles or in their  
12 application to the City can be phased in if the Mayor  
13 determines that their application will result in  
14 substantial adverse impacts upon the delivery of  
15 essential services," and then, open paren, "under the  
16 State law a State board, not the Mayor, currently makes  
17 this determination," close paren.

18 We will probably also put in a sentence to  
19 reflect the change that we made tonight after the  
20 colloquy of Commissioner Grayson to note that the  
21 short-term debt provisions are also subject to the  
22 continuation of the FEA and the Financial Control Board.

23 Otherwise, tomorrow night, unless there are  
24 comments or changes, it should look very much like it  
25 does this evening.

1                   CHAIRPERSON FUCHS: Commissioner Forsythe.

2                   COMM. FORSYTHE: I have one general comment  
3 about the abstracts, for the finance portions. That is  
4 that it may be worth mentioning in the major provisions  
5 that the fact that this mirrors and extends to the City  
6 Charter the State Emergency Financial Control Law.

7                   MR. FISHER: It does say that.

8                   COMM. FORSYTHE: It says it once. It  
9 doesn't say it over and over and over again.

10                  MR. FISHER: It does say it in the  
11 introductory paragraphs.

12                  COMM. FORSYTHE: I understand that. What  
13 worries me, I think by the time people get halfway down  
14 to the end and try to puzzle out, they would think these  
15 are new provisions that perhaps we were putting forward  
16 that they had to understand in a new way as opposed to  
17 simply the incorporation of the Financial Emergency Act  
18 provisions, even in a slightly modified form.

19                  It's not a big deal. I said the point is to  
20 keep people's minds from straying from the fact that  
21 that's what's being done instead of presenting a  
22 proposal, new rules that require new understanding.

23                  COMM. McCORMICK: You're suggesting that for  
24 the ballot question?

25                  COMM. FORSYTHE: Not for the ballot

1 question, for the abstract. This is a fine point of  
2 marketing and salesmanship, not a substantive comment.

3 CHAIRPERSON FUCHS: Minimally, it should be  
4 said at the end again and we could think about weaving  
5 it through a little more.

6 COMM. McCORMICK: Isn't there an issue on  
7 the ballot question itself, leaving the New York State  
8 Financial Emergency Act to be a little more specific?  
9 We could spend hours debating this I'm sure.

10 MR. FISHER: In terms of the ballot  
11 question, I think there is a balance between disclosure  
12 and accessibility and I think the legal and practical  
13 points of disclosure and accessibility. If we refer to  
14 the Financial Emergency Act by name, voters are not  
15 expected to know what that is, and so we will then --

16 COMM. McCORMICK: Unless they're a certain  
17 age.

18 CHAIRPERSON FUCHS: Right.

19 MR. FISHER: The question of whether the  
20 actual existence and nature of the Financial Emergency  
21 Act should be in the question and the abstract is a  
22 question of balance as to what should appear on the  
23 voting machine versus what should appear in the longer  
24 explanation. We tried to strike that balance by having



25 the questions reflect that these as a general matter

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1 currently apply through State law but not get into a  
2 disquisition about the actual State law in question.

3 COMM. McCORMICK: I might wonder why we're  
4 trying to do it through the Charter if it applies  
5 through State law right now, without any recognition of  
6 the State law is set to expire at some point.

7 But I know this is very, you've thought  
8 about it long and hard and there are probably a million  
9 different reasons.

10 MR. FISHER: I think that this, there are a  
11 number of possible questions one could conceive for this  
12 that would satisfy I think legal requirements and have  
13 various levels of detail. If the Commission, we  
14 actually could, I think we had an earlier, we had  
15 thought about drafting a sentence that went to more  
16 detail about the expiration issue. We can do that. I  
17 note that if we do that, we will probably have to note  
18 the details of the expiration quirks that we discussed  
19 earlier directly in the question in order to be fair and  
20 so I think we thought that that would be overburdening  
21 the voters and that might be more appropriate to the

22 abstract.

23 MS. GLUCK: Just to clarify, are you just  
24 asking that we name the State law? I thought I  
25 understood your question to say --

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1 COMM. McCORMICK: I think it might help just  
2 to name it. Does it have a year, the New York State  
3 Financial Emergency Act --

4 MR. FISHER: We could say a State law known  
5 as the Financial Emergency Act for the City of New York.

6 COMM. McCORMICK: That would be helpful  
7 because that would position at least why we're saying  
8 the following.

9 COMM. FORSYTHE: I think that is helpful.

10 MR. FISHER: That's fine.

11 COMM. FORSYTHE: My worry and again you  
12 stated it nicely by talking about the State ballot  
13 provision that's going to be on, this is going to, a lot  
14 of people, me included, are going to think this is going  
15 to be a very bad proposal --

16 CHAIRPERSON FUCHS: The State proposal, he's  
17 talking about now.

18 COMM. FORSYTHE: And are going to want to  
19 oppose this proposal and suggest that it's an innovation

20 that doesn't work, reform that doesn't work.

21 I think what we're trying to do is make sure  
22 that people understand that ours is different and that  
23 it's simply, whatever the right word is, an  
24 incorporation, a translation, so that people don't sit  
25 around worrying about whether it's a reform that works

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1 or not; recognize that it's sort of like a comfortable  
2 old set of clothes that we're going to put on from a  
3 different closet. I don't know what the right --

4 CHAIRPERSON FUCHS: That works. I like  
5 that. I think that's very helpful.

6 COMM. McCORMICK: Could we say currently  
7 apply and have applied to the City since 1970-umm, about  
8 the comfortable clothes.

9 CHAIRPERSON FUCHS: The balance is between  
10 length and what are the cues and I think you're correct  
11 the cue of the Financial Emergency Act will be  
12 significant to a number of people who are of the age, of  
13 our age, anyway.

14 COMM. McCORMICK: Our age and who typically  
15 vote on these kinds of things.

16 CHAIRPERSON FUCHS: And these were the

17 people who vote on these initiatives in any event.

18                   COMM. PALMER: This is important, but I  
19 think it's a matter of explaining. As somebody who goes  
20 into the booth and really takes the issue of voting  
21 seriously, whatever I see, I don't understand it, I  
22 don't know how to vote because I don't get it. What  
23 Mary is talking about, for me as I sat here and this has  
24 been an incredible education, I am very grateful for it,  
25 but I was one of the ones you were talking about, did

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1 not have this financial background. This is this thing  
2 that did very good things for the City that's no longer  
3 going to be around and what we're doing is trying to put  
4 something in place to make sure that the good things  
5 continue.

6                   That's an oversimplification, but that's  
7 what I got out of it is this is why it's important to  
8 put this.

9                   COMM. FORSYTHE: A good new idea to replace  
10 a bad old idea.

11                   CHAIRPERSON FUCHS: That message, it's a  
12 non-political, a non-fiscal message, it's a message that  
13 people can understand and link to. I think we have to  
14 take that seriously because that will help the voters

15       decide to support this proposition when we decide to put  
16       it on the ballot.  It's very helpful.

17                   MR. FISHER:  Just a footnote, it's not our  
18       place to, the job of the question is not to have the  
19       voters vote yes, it's to have them understand the  
20       question so we have to be careful.  But I think it's  
21       fine, it does help them to understand the proposal to  
22       refer to the New York State Financial Emergency Act by  
23       name, that's a good change.  As I said, I don't think we  
24       have pride of ownership in this exact version, that's  
25       why we're here today.

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1                   COMM. McCORMICK:  Because we had a financial  
2       emergency since the '70s, however, is there any way to  
3       stick the year in?

4                   MS. GLUCK:  That have applied since that  
5       year?

6                   COMM. McCORMICK:  '78?

7                   COMM. FORSYTHE:  This version was '75.

8                   MS. MATTHEWS:  The problem today is that the  
9       FEA as we know it took several attempts, it didn't  
10      happen on one date, and so I think the reference to the  
11      mid-'70s was an attempt because it started in '75 and

12 they kept fixing it, and so what we see took maybe two  
13 or three years.

14 MS. GLUCK: Could I make a suggestion? What  
15 if we said something like, "currently applied to the  
16 City through a State law called the New York State  
17 Financial Emergency Act for the City of New York which  
18 was enacted in response to the fiscal crisis of the  
19 1970's." Would that get --

20 CHAIRPERSON FUCHS: The 1975 fiscal crisis.

21 MR. FISHER: It was enacted in response to  
22 that.

23 MS. MATTHEWS: We can say that.

24 CHAIRPERSON FUCHS: Good. Very good. Very  
25 helpful.

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1 Are there any other comments on the other --  
2 well, if you have anything, try and get it to us as soon  
3 as you can.

4 Let me just, I know we're getting ready to  
5 wrap up this evening and I want to thank everybody for  
6 their patience. I just want to note one congratulatory  
7 note before we wrap up for this evening. Our staff  
8 member, Brian Geller, has been admitted to the Bar of  
9 the City of New York today.

10 (Applause.)

11 CHAIRPERSON FUCHS: He worked very, very  
12 hard on the Commission, and he managed to pull that off.

13 Tomorrow evening we expect to finalize what  
14 we started last August and we expect to have votes. I  
15 want to explain very briefly how we're going to proceed.  
16 There will be two votes to approve the two proposals  
17 that we've put before you, and then one is for -- there  
18 will also be a vote to approve the final report. Right  
19 now the final report is entitled: Balanced Budgets and  
20 Administrative Ethics: Lessons Learned. If anybody has  
21 any experience in public relations and a better way of  
22 expressing the complexity of the issues we worked on in  
23 the past twelve months, be our guest and send those  
24 proposals in to us for a retitling this Commission's  
25 report. It's hard to come up with something.

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1 COMM. RAAB: Commission reports always have  
2 titles?

3 CHAIRPERSON FUCHS: They always have titles.  
4 Some are more pithy than others.

5 COMM. RAAB: Do they all have a colon?

6 CHAIRPERSON FUCHS: The colon comes from my

7 flawed academic background.

8 We need now, having been a very quiet  
9 Charter Revision Commission, working very hard without  
10 the attention of too many people, now we need to get our  
11 message out if we are going on the ballot and people  
12 really need to know what we've accomplished and I think  
13 it's important that we do everything we can to make sure  
14 the public understands the value of the work.

15 So we've sort of had a gift that we've  
16 gotten to do serious work without a lot of the political  
17 circus that often is part of this kind of work, but now  
18 we actually have to work hard to get the message out.

19 COMM. McCORMICK: "Balanced Budgets and  
20 Administrative Ethics: Advancing the Future?"  
21 Something that will go to the future rather than lessons  
22 learned.

23 COMM. RAAB: I think that's a great idea.

24 MS. MATTHEWS: I'm sorry, we were having a  
25 discussion here.

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1 CHAIRPERSON FUCHS: Advancing the future. A  
2 new colon.

3 COMM. CROWELL: How can you advance the  
4 future?



5 CHAIRPERSON FUCHS: Advancing something.

6 COMM. CROWELL: Advancing good government.

7 COMM. RAAB: Putting a more positive spin is  
8 a better idea.

9 COMM. CROWELL: Advancing good government,  
10 advancing accountability?

11 MS. MATTHEWS: Could I throw out the earlier  
12 version? How about, "Accountability That Counts?"

13 COMM. FORSYTHE: Between that and "Final  
14 Report," it's a tough one.

15 COMM. RAAB: I'll stick with "Final Report."

16 COMM. McCORMICK: "Accountability That  
17 Counts: Balanced Budget and Administrative Ethics."

18 MS. MATTHEWS: Okay, I was just going for  
19 the pithy.

20 CHAIRPERSON FUCHS: We can't really advance  
21 the future we have to advance something.

22 COMM. CROWELL: How about "Advancing  
23 Accountability"?

24 COMM. PALMER: That's good.

25 COMM. CROWELL: Blend Mary and Terri,

1 "Advancing Accountability: Budgets and Ethics."

2 "The City in Transition" was in 2001.

3 MS. MATTHEWS: We have another one --

4 MS. GLUCK: "Guaranteeing Good Government,"  
5 if everyone likes all the alliteration.

6 COMM. CROWELL: Guaranteeing good  
7 government?

8 COMM. PALMER: Advancing accountability.

9 MS. MATTHEWS: Advancing accountability.

10 CHAIRPERSON FUCHS: "Balanced Budget,  
11 Administrative Ethics: Advancing Accountability." What  
12 kind of accountability?

13 COMM. McCORMICK: Fiscal accountability?

14 COMM. FORSYTHE: Do you like it with  
15 "advancing accountability" first?

16 CHAIRPERSON FUCHS: I'll go either way.

17 COMM. McCORMICK: I like it first.

18 COMM. PALMER: First. "Advancing  
19 Accountability: Balanced Budgets and Administrative  
20 Ethics."

21 CHAIRPERSON FUCHS: Okay, I think we've done  
22 the hard work. Then it says "Final Report."

23 MS. MATTHEWS: It's "Advancing  
24 Accountability"?

25 CHAIRPERSON FUCHS: We actually are hoping

1 -- we did meet with former Chairs of Charter Commissions  
2 and did get a very interesting suggestion from one of  
3 them, who may not want me to reveal his name, but he  
4 said that we should provide all of you with bound copies  
5 of the Commission's report and work.

6 COMM. CROWELL: I wonder who that was. Did  
7 you ask FM -- did you ask him if he did that to his  
8 Commission?

9 CHAIRPERSON FUCHS: He did. We don't know  
10 who it is. He said he did. In any event what we will  
11 be doing tomorrow evening is voting on four separate  
12 votes. I just want to get this down so everybody  
13 understands. Excuse me. Okay.

14 So finally, just so everybody understands,  
15 we've got four separate votes tomorrow and for each of  
16 those votes we will be taking a roll call so nobody gets  
17 surprised why am I calling the roll. We've done  
18 everything by consensus here and in fact it's worked  
19 extremely well and we've had a hundred percent consensus  
20 on all our work. It's required for the final tally for  
21 us to do a roll call so tomorrow I will be doing a roll  
22 call on these votes and every Commissioner will be asked  
23 to sign the resolution as well.

24 So if there are no further issues, I'd like  
25 to ask somebody to propose that we adjourn the meeting.

1                   COMM. FORSYTHE:  So moved.

2                   COMM. RAAB:  Second.

3                   CHAIRPERSON FUCHS:  All in favor?

4                   (Chorus of "Ayes.")

5                   CHAIRPERSON FUCHS:  The meeting is adjourned  
6                   and thank you all for coming.

7                   (Time noted: 8:01 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.

LINDA FISHER,  
Shorthand Reporter

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