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2 2018 NYC CHARTER REVISION COMMISSION  
3 PUBLIC HEARING

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5 41-17 MAIN STREET  
6 FLUSHING, NEW YORK 11355

7 MAY 3, 2018  
8 6:25 P.M.

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10 A P P E A R A N C E S:

11 COMMISSIONERS:

|    |                      |                    |
|----|----------------------|--------------------|
| 12 | CESAR PERALES, Chair | DEBORAH ARCHER     |
| 13 | KYLE BRAGG           | MARCO CARRION      |
| 14 | UNA CLARKE           | DALE HO            |
| 15 | MENDY MIROCZNIK      | ANNETTA SEECHARRAN |

16 ALSO PRESENT:

|    |                  |                   |
|----|------------------|-------------------|
| 17 | ALEX CAMARDA     | JAMES HONG        |
| 18 | MOHAN AWALI SETI | SHIRLEY FIPPS     |
| 19 | TOM SPEAKER      | JOBI JACOB        |
| 20 | BRENT WEITZBERG  | JOHN PARK         |
| 21 | ROXANNE DELGADO  | ADRIANNE KIVELSON |
| 22 | JOHN KELLY       | EDWARD KIERNAN    |
| 23 | SAUL HERNANDEZ   |                   |

## 2018 CHARTER REVISION - 5/3/18 - QUEENS

1                   CHAIRMAN PERALES: My name is Cesar Perales.  
2                   I am Chair of the 2018 Charter Revision  
3                   Commission. This is our borough meeting in  
4                   Queens. I am about to call the meeting to order.

5                   This is the third of five borough hearings.  
6                   We're holding two more next week in Brooklyn and  
7                   in Manhattan and I'd like to begin, at this  
8                   point, by calling on a couple of our Queens  
9                   commission members to say a word or two.

10                   Kyle Bragg.

11                   COMMISSIONER BRAGG: Good evening, everyone.  
12                   Good evening, Chair. I'd like to take the  
13                   opportunity to welcome my honorable and  
14                   distinguished fellow commissioners to the great  
15                   Borough of Queens, a borough that represents what  
16                   this city truly is; the diversity of the city  
17                   both by culture and economics.

18                   I'm very proud to be a resident of Queens  
19                   for all my life. I've grown up here, I went to  
20                   school here in Queens, and raised my children  
21                   here in the Borough of Queens. So thank you  
22                   again and welcome to our borough.

23                   COMMISSIONER SEECHARRAN: Good evening. I,  
24                   too, would like to welcome my fellow  
25                   commissioners to Queens and Chair Perales. I'm a

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1 proud resident of Queens, have been for the last  
2 14 years, and I've also worked in Queens for the  
3 last 14 years. As a famous sign on Northern  
4 Boulevard and 80th Street says, "Queens is the  
5 future."

6 Queens is also the world. Here in Queens,  
7 800 languages are spoken; 48 percent of our  
8 population are foreign born and it's an  
9 absolutely dynamic space for small businesses. I  
10 would also say that in these times, I believe the  
11 future of Queens is somewhat threatened by  
12 displacement and gentrification, overcrowded  
13 schools, and low civic participation, so I'm  
14 personally really eager to hear what my fellow  
15 Queens residents have to say about how we can  
16 improve democracy in Queens and the rest of New  
17 York City.

18 CHAIRMAN PERALES: Thank you. I will ask  
19 the other commissioners to briefly introduce  
20 themselves. I'll start with Debra on my extreme  
21 right.

22 COMMISSIONER ARCHER: Good evening,  
23 everyone. My name is Debra Archer and I am a  
24 professor at New York Law School.

25 COMMISSIONER HO: Good evening, everyone.

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1 My name is Dale Ho and I am the director of the  
2 ACLU's Voting Rights Project.

3 COMMISSIONER MIROCZNIK: Good evening. My  
4 name is Mendy Mirocznik. I'm the president of  
5 COJO of Staten Island.

6 One brief Queens thing, Mr. Chairman: I  
7 grew up in Queens at age 15 in the Rockaways, so  
8 coming off the train today, I had one thing in  
9 mind, to go to the water, go to the beach; I  
10 needed it. It's an honor to be here in Queens.  
11 Thank you.

12 CHAIRMAN PERALES: My name is Cesar Perales.  
13 As I indicated, I have the honor of serving as  
14 Chair. I, too, have roots in Queens,  
15 specifically Corona where I lived as a -- from  
16 the age of 14 to the age of 24 but that's not  
17 really the only thing that qualifies me to serve  
18 as Chair.

19 I've also been a former secretary of state  
20 where I had responsibility for oversight of local  
21 governments. I served as deputy mayor of New  
22 York City and I actually litigated issues  
23 regarding elections in New York City, held by New  
24 York City.

25 COMMISSIONER CLARKE: Good evening. My name

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1 is Una Clarke. I am a former member of the New  
2 York City Council. I am a trustee for the City  
3 University of New York and it's my honor and  
4 privilege to be able to serve.

5 I am the product of a Charter Revision in  
6 1989 that caused the election when the City  
7 Council moved from 32 to 51 and I was one of the  
8 lucky ones that was elected for the first time  
9 that really talked about the diversity of the  
10 City of New York. When an immigrant from  
11 Jamaica, West Indies, could become a New York  
12 City Council member as the first immigrant woman  
13 ever to be elected, so I take this very  
14 seriously.

15 And as we look at to make sure that our  
16 democracy works for everyone in the City of New  
17 York and we pay close attention to the testimony  
18 that we hear and that we can come together and  
19 make sure that we make this city the place that  
20 all of us want to live and have our children  
21 raised and born.

22 I would like to let you know that following  
23 my own election to the New York City Council, my  
24 daughter, Yvette Diane Clark, succeeded me to the  
25 New York City Council and she is now a member of

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1 the House of Representatives; so she went to  
2 Congress. And I just want you to see what the  
3 possibilities are when communities work together  
4 and we are looking forward to a city that has  
5 everybody participating, so this is my roots for  
6 one, to serve. Thank you.

7 CHAIRMAN PERALES: Did the Queens  
8 commissioners get a chance to say what they do  
9 for a living?

10 COMMISSIONER BRAGG: Again, I'm Kyle Bragg  
11 and I'm secretary treasurer of SEIU-32BJ, a union  
12 of 165,000 members throughout New York City and  
13 across the East Coast, from Florida to  
14 Massachusetts. Here we have thousands of our  
15 members who live and work right here in the  
16 Borough of Queens and hopefully, shortly, we'll  
17 hear from a few of you.

18 COMMISSIONER SEECHARRAN: My name is Annetta  
19 Seecharran, again, and I am the executive  
20 director of Chhaya Community Development  
21 Corporation.

22 COMMISSIONER CARRION: Good evening. My  
23 name is Marco Carrion. I'm the commissioner of  
24 the Mayor's Office of Community Affairs. Thank  
25 you for inviting me to Queens today.

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1           CHAIRMAN PERALES: Let me now say, for the  
2 record, that we have a quorum. Let me begin by  
3 explaining that in New York City, under the home  
4 rules, the mayor gets an opportunity, when he  
5 feels it's appropriate, to form a charter  
6 commission.

7           This is a commission made up of what I think  
8 are very distinguished members. They are  
9 volunteers, they don't do this for a living and  
10 we are giving of our time because we very much  
11 believe in what the mayor gave as his principle  
12 reason for forming a Charter Revision Commission.

13           By law, this commission can examine any part  
14 of the city charter and we intend to do that.  
15 But every mayor has a reason for appointing a  
16 commission and Mayor de Blasio felt very strongly  
17 that we, as a city, had to look at our charter to  
18 see if there was anything that we could do to  
19 improve democracy in our city, to get more people  
20 to vote, to make it more fair for people, and  
21 even to get more people more opportunities for  
22 people to run for office.

23           So most of the comments we've heard so far,  
24 relate to this making New York City more  
25 democratic and making elections more fair. Let

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1 me also say, that we have conducted extensive  
2 outreach in advance of this meeting and in  
3 advance of, actually, all of the meetings that  
4 we're having and we'll continue to have meetings  
5 through the summer. So this is only one. We  
6 will be back in Queens.

7 The meeting is also being lived streamed and  
8 there are lots of folks watching us; not just the  
9 commission but listening to the questions that  
10 our being asked by the audience. We also have  
11 sign language interpreters for those who need it  
12 and with that, I think we are ready to begin.

13 The public testimony is open to anyone who  
14 wants to speak, as long as they comment to some  
15 aspect of the charter. We don't want to waste  
16 your time talking to us about something that has  
17 nothing to do with the City Charter, over which,  
18 we have absolutely no ability to change. I will  
19 limit the length of time for each speaker to  
20 three minutes. We have a significant number of  
21 people who have signed up.

22 With that, let me call the first speaker.  
23 It is Alex Camarda from Reinvent Albany. He is  
24 their senior policy adviser.

25 MR. CAMARDA: Good evening, Chairman



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1 Perales, members of the Charter Revision  
2 Commission. My name is Alex Camarda, I'm the  
3 senior policy advisor for Reinvent Albany.

4 At the commission's first hearing in Staten  
5 Island, Reinvent Albany testified that among the  
6 fastest growing areas of undue influence, or its  
7 perception in city government, is donors who  
8 contribute to city affiliated nonprofit  
9 organizations and also do business with the city.

10 In our previous testimony at the first  
11 charter commission hearing, we called for more  
12 transparency of these types of donations and also  
13 to restrict their size and in tonight's  
14 testimony, we wanted to provide some more  
15 specific recommendations on this topic in part of  
16 their response to questions that commission  
17 members raised in Staten Island and also some  
18 additional conversations we've had since then.

19 So our first recommendation is to limit  
20 contributions to all nonprofits that are  
21 considered affiliated with elected officials. So  
22 the city, in 2016, passed Local Law 181 and what  
23 that does is, it makes donations to nonprofits  
24 affiliated with elected officials limited to \$400  
25 but only if those nonprofits spent 10 percent of

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1 their budgets on public facing communications  
2 featuring the elected officials. And the city's  
3 Conflict of Interest Board, actually issued rules  
4 on the affiliation of nonprofits of elected  
5 officials, which I listed in the footnotes but  
6 they go to the definition of what affiliated with  
7 an elected official means, which was asked by the  
8 commission in Staten Island and so thought that  
9 would be helpful for you to have.

10 We believe that the donations should be  
11 limited more so than they are currently, even if  
12 the public facing communications do not feature  
13 the elected official; however, we believe the  
14 limit could be higher than the current \$400 doing  
15 business limit but we do not have a specific  
16 number to recommend at this time.

17 We also believe that donations should be  
18 restricted to a longer time period to 180 days  
19 after a donor has ceased doing business with the  
20 City.

21 Our second recommendation is to restrict  
22 donations beyond nonprofits affiliated with  
23 elected officials to those donors who are doing  
24 business with the city and making donations to  
25 the City agencies, public authorities, public

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1 benefit corporations and local development  
2 corporations.

3 So, as I mentioned, the law I spoke of in  
4 2016, only really relates to nonprofits  
5 affiliated with elected officials but what we  
6 have seen is that many donors actually give  
7 contributions directly to governmental entities  
8 while they are doing business with the city and  
9 so we think that needs to be addressed.

10 Third, is a transparency item we would like  
11 to see published as open data: The exact amount  
12 of all donations by donors doing business with  
13 the city, not only to nonprofits affiliated with  
14 elected officials. That transparency will begin  
15 January 2019. We'd also like to see it extended  
16 to these other governmental entities I already  
17 mentioned.

18 I did mention at the testimony in Staten  
19 Island, that if there is disclosure currently,  
20 it's under a different regime; it's advisory  
21 opinions of the Conflicts of Interest Board.  
22 That disclosure is in the form of a 500-page PDF  
23 issued every six months and the dollar amounts  
24 are in ranges.

25 It does include contributions not only to

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1 nonprofits seemingly unaffiliated with elected  
2 officials, affiliated with elected officials, and  
3 also some governmental entities but we think the  
4 open-data element is very important because  
5 currently, we can't do analysis of all those  
6 contributions and then compare them to the doing  
7 business database bus they are not in the  
8 spreadsheet format that makes that easy to do.  
9 Anyone looking at those contributions, would have  
10 to go through them by hand and actually, either  
11 scrape the PDF using technology or enter them  
12 manually in a spreadsheet to begin that analysis.

13 And our last recommendation is related to  
14 volunteers. We have seen select instances of  
15 what we're calling volunteers doing major policy  
16 work for the city, making appointments. We'd  
17 like to see instances where that occurs to have  
18 those individuals follow the city ethics laws, at  
19 least in some form and so that, for example, you  
20 are all members of this commission; I assume  
21 you're all volunteers.

22 We would not want to see a scenario where  
23 task forces, commissions, city board members,  
24 would also be raising money, at the same time,  
25 for affiliated non-for-profits. We think a

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1 choice should be made and volunteers should do  
2 one task or another. So I'll leave it at that  
3 because of the restrictions of time and I thank  
4 you for your time tonight and I welcome any  
5 questions you have.

6 CHAIRMAN PERALES: Frankly, if anyone who  
7 was not an expert in this area heard your  
8 testimony, they would think it was very esoteric.  
9 Maybe you can give us an example, without naming  
10 names of not-for-profits or anything else, of  
11 what it is you are concerned about that is  
12 currently allowed by law.

13 MR. CAMARDA: Yeah, I am reluctant to name  
14 names in part because we haven't done a systemic  
15 analysis, but what we are concerned about is, we  
16 have a very strong campaign finance system.  
17 There are limits on the contributions made  
18 directly to candidates and we think that the  
19 nonprofits, particularly when they're tied to  
20 elected officials --

21 CHAIRMAN PERALES: But how would a nonprofit  
22 be tied to an elected official? Would it be Una  
23 Clarke would have created her own not-for-profit?  
24 I'm not sure what you mean by that.

25 MR. CAMARDA: So I think in two ways: You

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1 can have an elected official that has a  
2 nonprofit; we've seen instances of that, and  
3 there are also nonprofits that are tied to city  
4 agencies and we are concerned about entities or  
5 individuals doing business with the City and  
6 making a large contribution to one of those  
7 nonprofits and having, either business before the  
8 elected official or business before the agency,  
9 which when we go through this spreadsheet I  
10 mentioned before, that makes some of the  
11 donations available now, we see instances of  
12 that.

13 And so that's concerning given the low  
14 contributions in a strong city campaign financial  
15 system that seemingly could be circumvented  
16 through contributions to the nonprofits or at  
17 least creates an appearance of that.

18 MS. CLARKE: I am looking for some  
19 clarification. In 1991 when I became the first  
20 elected -- the districts that were around us,  
21 which was, I think, the representatives were Mary  
22 Pinkett, who was an African-American, Williams  
23 who was an African-American because we're also  
24 African-American but immigrants, we made sure  
25 that the district lines would not create a

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1 competition among them.

2 And so we look at our numbers within our  
3 community and we made sure that the district  
4 would begin at Empire Boulevard, where everybody  
5 thinks that people didn't vote and that's where I  
6 wanted to represent because I wanted to empower.  
7 So there was not a nonprofit in the community  
8 that I know of, so that I created a Vendors  
9 Market at (inaudible) and Flatbush Avenue and I  
10 have to give money to a non-for-profit agency.

11 So I had to help them think out how would we  
12 do this without a conflict and to make sure  
13 there's accountability to the city and that books  
14 and records would be kept open, so that at any  
15 time anybody wanted to do an audit, they would  
16 know that we are doing it for the betterment of  
17 the community.

18 What would you say about a member who feels  
19 that there's not enough in his or her community  
20 and wants to help to create an engine that drives  
21 the community?

22 MR. CAMARDA: That's not something that we  
23 specifically have a position on. I think -- I  
24 mean, we have seen instances, obviously, where  
25 elected officials have started nonprofits. I

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1 think some of the factors that the Conflict of  
2 Interests Board laid out are important.  
3 If an elected official is currently serving and  
4 they also control a nonprofit, and contributions  
5 are made to that nonprofit by donors who are  
6 doing business with the city or specifically with  
7 the body the elected official serves in, I think  
8 that at least creates a perception issue if the  
9 donations are significant.

10 COMMISSIONER HO: Thank you for coming here  
11 to testify Mr. Camarda. I was just wondering if  
12 maybe you can speak as to why you think some of  
13 these changes should be substantiated in the City  
14 Charter as opposed to, say, just the local law  
15 enacted by the City Council?

16 MR. CAMARDA: Well, we have seen that the  
17 Council obviously did address this, we think, in  
18 part, through local law and the question about  
19 the Charter versus administrative code, I think,  
20 is a tricky one. You know, to my knowledge, the  
21 finance campaign system is mostly in the  
22 administrative code.

23 I understand in 2010, when the Charter  
24 Revision Commission put on the ballot, the voters  
25 approved disclosure of independent expenditures



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1 that was actually put in the charter and I think  
2 it was because the Charter Revision Commission at  
3 that time wanted to address it.

4 I think if the council was to have taken  
5 that on, they might've put it in the  
6 administrative code. So I think the balance  
7 between the administrative code and the Charter,  
8 is something that has belonged and talked about  
9 in this city and I'm not sure the Charter is kind  
10 of the framework or a constitution it might be  
11 envisioned to be.

12 It seems like there's a lot of -- between  
13 the administrative code and the Charter, there's  
14 a lot of fluidity.

15 COMMISSIONER HO: I guess one of the things  
16 that I was thinking about is, we're talking about  
17 setting precise dollar limits on things. You  
18 know the process of revising the Charter is a lot  
19 more cumbersome than say, amending the  
20 administrative code.

21 I'm not that familiar with campaign finance  
22 in particular, but I just wonder if, you know, if  
23 it makes more sense to put specific dollar limits  
24 in the code if possible. Whether there may be  
25 some inertia there that prevents that from

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1           happening there, instead of in the Charter, could  
2           be hard to revise and maybe over time, those  
3           numbers would need to change more frequently than  
4           the Charter gets changed.

5           MR. CAMARDA: I think ideally the structure  
6           and functions and duties of the agencies would be  
7           in the Charter and the manner in which elected  
8           officials are chosen. I think city government  
9           has evolved such that, as I mentioned, there is a  
10          lot of fluidity between the Charter and the  
11          administrative code.

12          You know part of our role is to raise these  
13          issues and then leave it to the commissioners to  
14          do what they feel is best, in terms of where it  
15          should go and then also is the issuing of a  
16          report, is an opportunity to raise these issues  
17          whether you address them or they're addressed by  
18          the Council.

19          CHAIRMAN PERALES: Thank you very much.

20          MR. CAMARDA: Thank you.

21          CHAIRMAN PERALES: It is something we're  
22          thinking about because we will be writing a  
23          report. Not everything is going on the ballot  
24          but we'll be hearing about issues that will not  
25          necessarily be on the ballot but we may want to

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1 say something about it.

2 Mohan Awali (phonetic). I'm having trouble  
3 -- you represent the Pali-American community.

4 MR. SETI: Yes.

5 CHAIRMAN PERALES: So will you pronounce  
6 your name.

7 MR. SETI: Good evening, sir and respected  
8 person. My name is Mohan Awali Seti (phonetic)  
9 and originally I came from the Pali all the way  
10 to the (inaudible).

11 CHAIRMAN PERALES: Could you put that a  
12 little closer?

13 MR. SETI: Sure. And now I'm working in the  
14 nonprofit organization, Pali American Community,  
15 and there are hundred, more than hundred thousand  
16 people, are in the New York City and Buffalo,  
17 Syracuse, Long Island and the five boroughs, as  
18 well, and due to the lack of language, some of  
19 them are not going to school, or working; they  
20 are staying home, you know, because of the  
21 language.

22 So I like to request to your end, the  
23 respective ones, please add our Pali language and  
24 other language, Asian language, to the New York  
25 City option in the hospital or library, in

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1 school, and that way we can more easy life for  
2 the next generation. Thank you.

3 CHAIRMAN PERALES: I mean here in the  
4 Borough of Queens seems to be the right place to  
5 raise the issue of the government's ability to  
6 respond to the citizenry in different languages.

7 Any comment from one of our commissioners.

8 COMMISSIONER CLARKE: I would think that any  
9 barrier for language -- do you have a lead person  
10 that would help to interpret the language so that  
11 to put in the mother tongue of the United States,  
12 which is English, to give to translate and to  
13 strengthen what you're trying to do.

14 MR. SETI: Recently, one of our  
15 representatives, Assembly Member Mike Millory  
16 (phonetic) introduced the one bill, Pali Language  
17 Bill, in the DMB and other officially  
18 (inaudible). It's still pending in Albany.  
19 Hopefully it could be working in the future.

20 COMMISSIONER CLARKE: Do you have a sense of  
21 how many of your nationals are here and where  
22 they reside?

23 MR. SETI: It's recorded in Census 2010. It  
24 says only 9,000 in the record but they are, I  
25 think, 90,000 that are missing because they

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1           scared to register the census and if you go  
2           really in the specific -- in their apartment,  
3           every living room, they are living; every  
4           basement, they are living because of the language  
5           as well, too.

6                    COMMISSIONER BRAGG: Thank you for your  
7           testimony. I'm Kyle Bragg. The city has  
8           initiated language access in a lot of their  
9           bureaucracies and institutions.

10                   Are you saying that Pali is not one of those  
11           languages that are offered to the city's language  
12           access?

13                   MR. SETI: No.

14                   COMMISSIONER SEECHARRAN: I, too, would like  
15           to thank you for your testimony and for raising  
16           this very important issue. As somebody who works  
17           with the South Asian community, I see everyday  
18           how this is a problem and language access remains  
19           a very, very serious issue for our city. So I  
20           just want to thank you for raising the issue and  
21           I want to encourage you to continue to advocate  
22           on this matter.

23                   I don't know if it's in the realm of the  
24           Charter Revision to address this specific issue  
25           but I want to acknowledge that your issue is

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1 important and it's heard.

2 MR. SETI: Thank you.

3 CHAIRMAN PERALES: Thank you very much. The  
4 next speaker is Tom Speaker.

5 MR. SPEAKER: Good evening. My name is Tom  
6 Speaker and I'm a volunteer member of the  
7 leadership team for the New York Chapter of  
8 Represent Us; it's the anticorruption  
9 organization. Represent Us's mission is to pass  
10 tough anticorruption laws in cities and states  
11 across America and to illegalize the corruption  
12 that has come to define modern politics. Thank  
13 you for holding this hearing today and allowing  
14 me the opportunity to testify.

15 New York City currently has one of the best  
16 public matching systems in America. Currently up  
17 to 55 percent of the campaign spending to be  
18 provided by the city, and that's 55 percent more  
19 than many others cities in America, but despite  
20 our progressive systems, City elections are still  
21 significantly influenced by wealthy donors.

22 So through an analysis through Represent Us  
23 in New York conducted with (inaudible)Albany, we  
24 found that nearly 90 percent of New York City  
25 council members campaign funds for the 2017

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1 elections came from donations over \$175. So some  
2 might not think that \$175 is a large contribution  
3 but in the context of everyday New Yorkers'  
4 lives, it is a large contribution.

5 Consider a 2016 study by the Association for  
6 Neighborhood and Housing Development; that study  
7 found that nearly 60 percent of New Yorkers don't  
8 have enough savings to cover three months of  
9 household expenses. It's unlikely that any of  
10 those residents are able to donate more than  
11 \$175, let alone just \$100 or \$50 to a political  
12 campaign. So this signals that the vast majority  
13 of campaign funds are not coming from everyday  
14 constituents but rather from wealthier donors and  
15 the influence of big money in New York campaigns  
16 is even more alarming when you raise the  
17 threshold.

18 Our analysis found that 68 percent of  
19 council members' campaign funds came from  
20 donations over \$500 and 54 percent come from  
21 donations over \$1,000. So basically, in order to  
22 run a competitive campaign, it's much easier for  
23 candidates to solicit funds from wealthier  
24 donors. Case in point: The spending limit for  
25 city council candidates is \$182,000 and so even

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1 if they enroll in a matching system, they need to  
2 raise 81,900 of that on their own. If they  
3 wanted to run a campaign solely on donations of  
4 \$20, they would need to find 4,095 people to make  
5 a donation. It's far easier to convince 41  
6 people to make a contribution of \$2,000.

7 So the role of big money in politics may  
8 result in policies that do not benefit ordinary  
9 voters and can discourage residents that want to  
10 become involved in civic politics and while we  
11 cannot say for sure whether larger donations  
12 impact a candidate's decisions in office, a lot  
13 of the recent corruption trials and  
14 investigations in New York State do not inspire  
15 much confidence.

16 We think that one way to rectify this  
17 imbalance, is to increase the available amount of  
18 public spending in elections. Doing so, would  
19 involve more citizens in the political process  
20 and relieve the pressure to solicit donations  
21 from those with the deepest pockets.

22 Represent Us supports a stronger public  
23 matching system as embodied in Council Member Ben  
24 Kallos' proposed 2018 Bill, introduction number  
25 732. That bill would raise public finance cap



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1 for New York City elections to 85 percent from  
2 55 percent. The new City Council's term has  
3 begun after another election with low voter  
4 turnout.

5 We really think that by bolstering its  
6 public matching system, the city has an  
7 opportunity to boost civic engagement and build  
8 greater faith in our elected officials. Thank  
9 you for the opportunity to testify.

10 CHAIRMAN PERALES: Does anyone have a  
11 reaction?

12 COMMISSIONER CLARKE: I am fascinated by the  
13 fact that you're young, you're bright, you're  
14 smart and I think that your generation is going  
15 to do a lot of good in terms of putting folks on  
16 notice about being corrupt, big money in  
17 politics, but I wanted to ask you how would you  
18 think -- because the playing field is never  
19 level.

20 The variety of persons who offer themselves  
21 for public office comes from the very poor to the  
22 very rich. How do you balance the scale? For a  
23 person -- I always use myself, since I don't want  
24 to criticize; when person like myself offered  
25 myself for office, I ran in a community that

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1 never gave political contribution, on a whole,  
2 from when they came and to switch it and say you  
3 need to write me a check for \$25, \$15, \$20; how  
4 would you educate the electorate about how to  
5 become involved and how to make their  
6 contribution?

7 MR. SPEAKER: Well, one way would be through  
8 a system that notified citizens about the public  
9 matching system. Like basically, Seattle  
10 recently introduced a voucher system and they  
11 don't have everybody participating in it right  
12 now but there are more people participating in it  
13 as the program has progressed. Basically you  
14 need to have --

15 CHAIRMAN PERALES: What is a voucher system?

16 MR. SPEAKER: A voucher system is where  
17 every single citizen will get up to \$100, like  
18 maybe four vouchers with \$25, to give to people  
19 in a political campaign to candidates. Basically  
20 Seattle invests around \$2,000,000 in that kind of  
21 system.

22 CHAIRMAN PERALES: Who qualifies? I mean  
23 anybody who raises their hands and says give me  
24 some of your vouchers? What does a candidate  
25 have to do to qualify?

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1           MR. SPEAKER: They do need to receive a  
2           certain amount of vouchers to qualify for that  
3           system. If they just get one voucher, it's \$25;  
4           they need to hit a certain number. I don't know  
5           the specific number.

6           CHAIRMAN PERALES: But they don't have to  
7           raise any money on their own?

8           MR. SPEAKER: So technically they would not  
9           have to. There are campaigning spending limits  
10          in Seattle for how much each person can spend and  
11          receive but if they just ran solely on vouchers  
12          alone, they can just use those.

13          COMMISSIONER CLARKE: What would prevent a  
14          millionaire from saying "I don't need a dollar to  
15          finance my campaign. I just want to be a  
16          political mogul; pay for my campaign." While a  
17          poor person whose going in heart in hand to  
18          improve the quality of life in their community.  
19          How do you level that playing field.

20          MR. SPEAKER: Well, under the current  
21          elections, under the current system like this, we  
22          can't guarantee that's not going to happen.  
23          Basically, what a better matching system would do  
24          and what the current system does, in my opinion,  
25          it gives people from -- without as much money,

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1 more opportunities to participate in the  
2 elections because the city will provide those  
3 funds for them. Again, we don't have any  
4 guarantee that a wealthier candidate will come  
5 into the process.

6 COMMISSIONER BRAGG: I'm just interested in  
7 knowing has the voucher produced the outcome with  
8 which it was created to produce? I assume that  
9 the purpose is to have the electorate now,  
10 because they're given these vouchers, to  
11 participate in the process; right. That without  
12 using their own money, they can now take these  
13 vouchers and give it out to the candidates of  
14 their choice and I guess, the result should have  
15 been to increase the participation of the  
16 electorate and I'm interested in knowing has that  
17 happened or have people engaged more in politics  
18 now and has it, as my sister Una Clarke  
19 indicated, been able to still level the playing  
20 field at the same time?

21 MR. SPEAKER: Yeah, I think that's happened.  
22 They send out, I think it was two million  
23 vouchers to be specific, and about 73,000 ended  
24 up being used. To be clear, I'm not advocating  
25 for us to switch to a voucher system. I just

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1 believe more in improving the system that we  
2 have.

3 One thing that was shown in our data, is  
4 that people that participate in that public  
5 matching system get a lot more money from small  
6 donors than people who are not participating in  
7 that system.

8 CHAIRMAN PERALES: I think we're very  
9 interested in looking at public matching and I  
10 think all of us in the commission are interested  
11 in that subject, so I, for one, very much  
12 appreciate your comments.

13 MR. SPEAKER: Thank you.

14 CHAIRMAN PERALES: We have a representative  
15 from an elected official; Chief of Staff  
16 Assemblyman Hevesi from the New York State  
17 Assembly. Your name is Brent Weitzberg?

18 MR. WEITZBERG: Yes, sir. How are you  
19 today?

20 CHAIRMAN PERALES: I'm doing well.

21 MR. WEITZBERG: Just to be clear, I'm not  
22 here in my capacity as a chief of staff. I'm  
23 here as a lifelong of resident of Queens,  
24 specifically, a resident of Forest Hills and I am  
25 also just very happy to be here. Thank you for

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1 giving me the opportunity. Commissioner Carrion,  
2 good to see you. Thank you for hosting us.

3 The topic I'd like to discuss today is the  
4 need for voter reform. As I stated before, I am  
5 a lifelong resident of Forest Hills, New York,  
6 Queens; I live there now and I work there now.  
7 Assemblyman Hevesi's office is a five-minute walk  
8 from where I reside. So recently, I have  
9 (inaudible) border for the City of New York as  
10 well as the Borough of Queens in particular.  
11 Even more now Forest Hills in and of itself and  
12 being that I have been a voter in this city for  
13 as long as I've been able to vote, there are  
14 certain things that I see that, in my opinion, I  
15 feel do need to change and the City Charter is  
16 right for being the area to have that change.

17 Specifically I believe that voter reform, to  
18 my knowledge, falls under Section 1053 of the  
19 Charter, which is addressed as voter reform. Now  
20 one of the things that we could say or we could  
21 look at, when I say voter reform, it's more  
22 accessibility to vote and engaging more  
23 individuals to vote.

24 So, for example, there is a Daily News  
25 article published by Greg Smith on November 8,

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1 2017, and in Mr. Smith's article he stated that  
2 only 21.7 percent of the five million people  
3 eligible to vote in the City of New York did, in  
4 fact, vote.

5 So what does that mean? That means, in my  
6 opinion, that people are just not getting out  
7 there or there are barriers created not allowing  
8 them to vote. So some of the ideas that I, just  
9 doing some quick research, have maybe suggested  
10 is, maybe switching or having an alternative  
11 system of being able to register to vote.

12 For example, in Estonia -- miles away from  
13 Queens, no doubt -- but in Estonia they allow  
14 their voters to vote via online, through an  
15 online resource. Maybe we try and implement  
16 something like that through a pilot program here.  
17 Maybe we create an app that's focused to the  
18 city, something along those lines.

19 In Sweden, upon birth, you're automatically  
20 enrolled as a voter. There's no barriers to  
21 vote. Once you're born, you're a voter and  
22 you're registered into a system like that; so  
23 something like that. In addition, I think more  
24 awareness such as switching to an e-mail based  
25 system would help.

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1           So like I said, as a resident of Forest  
2           Hills, I was able to receive the packet that had  
3           all the candidates, their platforms and so on and  
4           so forth but I believe a digitized version of  
5           that would also help encourage individuals to  
6           vote.

7           CHAIRMAN PERALES: You got that package by  
8           mail; is that what you're saying?

9           MR. WEITZBERG: I did, yes, by physical  
10          mail.

11          Lastly, I believe that the time is apt to  
12          engage young voters. In a recent poll that was  
13          conducted, 60 percent of youth are wanting to  
14          vote now, whereas previously, in the 2014  
15          election -- I see my time is up -- 25 percent  
16          only wanted to vote, so the time is right for  
17          those individuals to become engaged. Thank you  
18          for your time. I really appreciate it.

19          COMMISSIONER SEECHARRAN: With regard to  
20          younger voters, do you have a specific  
21          recommendation?

22          MR. WEITZBERG: Well, so younger voters, the  
23          age range goes from 18 to 34, is what's  
24          considered a young voter, and that's who's  
25          polled. So what I alluded to before that, the



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1 60 percent of individuals that are now more  
2 engaged since 2014 to vote, that's based off of a  
3 6,000-person poll of voters 18 to 34; so that's  
4 part of it. And also, one of the things I think  
5 is important is to make people understand why  
6 it's important to vote.

7 Even if it's an uncontested election, we see  
8 that a lot, even in Forest Hills, on the city  
9 level, there are uncontested elections but you  
10 still need to get people out to vote in  
11 primaries, to vote in general elections, and  
12 there is a lot of stuff going on this year,  
13 especially in the state legislature, about what  
14 our primary voting age should be. So I there  
15 needs to be better publicity about it and kinder  
16 publicity about it.

17 CHAIRMAN PERALES: If you wanted the Board  
18 of Elections or even the City of New York to  
19 e-mail individuals the information you say you  
20 received by mail, how would they get the e-mails  
21 of the voters?

22 MR. WEITZBERG: That's a great question. I  
23 don't know but that's something that we could  
24 discuss. It could be a kind of -- so I think  
25 it's better to be proactive than reactive. And

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1 with that being said, we have members of our City  
2 Council that represent every part of our city.  
3 There could be just like participatory budgeting,  
4 there could be something where we do a marketing  
5 campaign where individuals go out. They say  
6 "hey, if you would like to sign up for this  
7 e-mail, let us know." They are constituent  
8 databases; my office has a constituent database  
9 where we can do constituent outreach.

10 There are ways that we can help engage  
11 individuals in our communities without stepping  
12 over boundaries that would violate their privacy.

13 COMMISSIONER CLARKE: Do you see a role that  
14 our schools can play in engaging young people, so  
15 that by the time they graduate, they're already  
16 voters and they know how to vote? How would you  
17 see that and what would you recommend there?

18 MR. WEITZBERG: Well, Ms. Clarke, I  
19 appreciate that question and I do think that we  
20 do that to a certain extent. When you're a  
21 senior in high school, you'll have individuals  
22 come to the high school and try and register you  
23 to vote because you're either 18 or you're 17 and  
24 turning 18, so you'll take the form and you'll  
25 hold on to the form.

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1 I think we have to do a better job of  
2 engaging our of-age voters and one way we can do  
3 that, just because we're targeting on a city  
4 level, is engage the CUNY system. That's prime  
5 targeting for that age range. You have likely 18  
6 to 22 year olds not counting individuals going  
7 for their masters, law degrees, and so on and so  
8 forth that are in the 22 to 34 age range.

9 And we can go to those schools and you can  
10 table the student unions once a week for a period  
11 of -- I don't know -- four weeks or between the  
12 time -- between certain timeframe, X and Y, that  
13 would say this is important, this is our  
14 educational part, and that's how we can help.

15 Going even further than that and what my  
16 office has done on separate issues, we engage  
17 political science departments. I'm an alumni of  
18 Hofstra University for example. I still have a  
19 very good relationship with Hofstra University  
20 where if it was something, although it's in Long  
21 Island, this just goes to the greater point, is  
22 that you can engage the Chair of the Political  
23 Science Department at Hofstra and they will get  
24 the word out to their teachers, that would then  
25 filter down to their classrooms. So there are

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1 different ways of engaging youths of this age.

2 COMMISSIONER HO: I just have a question.

3 One of the reforms you mentioned, was some form  
4 of automatic voter registration, which has been  
5 growing around the country and one of the  
6 concerns I sometimes hear about automatic  
7 registration when people talk about is that you  
8 might get people who are not eligible to vote  
9 inadvertently automatically registered and they  
10 can face civil even criminal liability as a  
11 result of that.

12 Sometimes I hear other people propose  
13 something like election day registration, which  
14 in theory, should be just as accessible as  
15 something like automatic registration but because  
16 of the voluntary component to that, you're less  
17 likely, I think, to inadvertently register  
18 someone who is not eligible and exposing that  
19 person to any kind of liability, but the pushback  
20 I hear on election day registration sometimes  
21 comes from candidates or civic groups that do get  
22 out the vote and they say well, we need people  
23 registered ahead of time so that we have lists.  
24 We use those lists to do get out the vote efforts  
25 and that's really important for civil engagement.

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1           So as someone who works for an elected  
2           official, I was wondering if you can speak to  
3           that a little bit, and whether or not, you know,  
4           having people registered in advance, is something  
5           that's really critical or if election day  
6           registration is just as good for your purposes as  
7           compared to something like automatic  
8           registration.

9           MR. WEITZBERG: And I appreciate the  
10          question, Mr. Ho. I don't believe we should get  
11          caught up in the ways as to what it is, whether  
12          it's automatic registration or using an app or  
13          whatever; i think the fundamental point is that  
14          there needs to be easier access to voting. It  
15          needs to be more accessible where --

16          I personally like the idea of an app. I  
17          just think we do -- I'm attached to my  
18          smartphone, as I'm sure you all are. So I think  
19          that if I can go online, register online through  
20          an app, know my poling place, know who the  
21          candidates are and I can see all of that through  
22          an app on my cellphone, that will get me  
23          energized to support a candidate. Now as far  
24          as --

25          COMMISSIONER HO: I agree with that entirely

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1 but the concern, I think, is that -- and I'm  
2 identifying as something that's separate you have  
3 a registration cut off --

4 MR. WEITZBERG: Right, and they're not going  
5 to know --

6 COMMISSIONER HO: Right. Even if you have  
7 the app, you may not download until the  
8 registration deadline but if you have some kind  
9 of election day registration, sure that would be  
10 great, you can use the app on your way to the  
11 polls but I hear that sometimes elected officials  
12 or politicians are skeptical.

13 MR. WEITZBERG: Right, because they want to  
14 know who their prime are, your double prime,  
15 triple --

16 COMMISSIONER HO: Right, so I was wondering  
17 if you could speak to that particular concern as  
18 someone who works for --

19 MR. WEITZBERG: So someone who works on  
20 campaigns and works in the field, I don't see it  
21 as a concern. If you have a good candidate and  
22 they are presenting -- listen, the good candidate  
23 doesn't always win; look at our president but,  
24 you know, it's a risk that you take but any of  
25 these programs when there's innovation being

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1 made, you're always taking risks.

2 So, for example, I was in a district; my  
3 boss has been in office for 13 years. I don't  
4 necessarily know if same day registration would  
5 affect any challenges as opposed to not same day  
6 registration; that's not for me to say but as  
7 someone that has worked on campaigns and worked  
8 in the field, I only see it as being a benefit to  
9 someone.

10 This all goes back to someone having the  
11 ability to vote for somebody that represents  
12 their values and their voice, so if we get more  
13 people than 21 percent of the voting eligible  
14 population to come out and the person that the  
15 GOTV has supported and has been door knocking  
16 for, still ends up winning and now they just win  
17 by a larger margin or a larger percentage, I  
18 think that just goes to back their point and  
19 prove their point and each district and each  
20 constituency will get the leaders that they all  
21 or the majority of which approve of.

22 CHAIRMAN PERALES: Mr. Weitzberg, I want to  
23 thank you. We're really running late. Thank you  
24 very much.

25 MR. WEITZBERG: Thank you so much. I

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1 appreciate it.

2 CHAIRMAN PERALES: Lance Burrell (phonetic).  
3 Is there a Lance in the room? Roxanne Delgado.

4 MS. DELGADO: Hello. I came a long way from  
5 here because you didn't respond to my e-mail.

6 CHAIRMAN PERALES: You sent me an e-mail?

7 MS. DELGADO: Yes, a Charter e-mail. I sent  
8 it twice.

9 CHAIRMAN PERALES: It may be I didn't see  
10 it. I mean, I know I didn't see it.

11 MS. DELGADO: Well, the e-mail was in  
12 regards to transparency and independence. I felt  
13 just like the Pay Raise Commission did two years  
14 ago when they held hearings throughout the city,  
15 that they -- every submitted testimony or  
16 communication with the Commission was posted  
17 online for review by the public and I would  
18 request that this Commission does the same,  
19 please.

20 CHAIRMAN PERALES: Well, let me take that up  
21 with the staff. This is the first time you've  
22 hit me with that. I don't know how tough it  
23 would be to do.

24 MS. DELGADO: It's not tough. It's not like  
25 you're getting a lot of testimony to begin with,



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1 to be honest but any testimony should be posted  
2 on the website, including myself and so I might  
3 as well continue, please. Thank you.

4 And in regards to voter participation being  
5 low, it's because elections are not competitive.  
6 Again, you have to make the elections more  
7 democratic by levelling the playing field. It's  
8 never going to be even but make it more fair.  
9 Simply the CFB matching program, again, it's not  
10 the gold standard; this nonsense that's being  
11 repeated that it's the best program, it's not  
12 because if CFB did not exist in last year's  
13 Citywide and local races, the races would have  
14 been more even and therefore, more democratic.

15 CHAIRMAN PERALES: Is there a particular  
16 city or state where you think it's better than  
17 New York so that we can look at it?

18 MS. DELGADO: I could look for it later on  
19 tonight or tomorrow and send it to you. I didn't  
20 do that. I'm just criticizing my own city but  
21 I'll do that. I can look at the numbers. I  
22 mean, that's not an issue.

23 But again, if CFB didn't exist last year,  
24 the Citywide and local races would have been more  
25 competitive because all the opponents would have

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1 that -- were not able to raise enough money or be  
2 qualified for matching funds, would have meant  
3 that the leader or the incumbent would have not  
4 received much matching funds to demolish their  
5 opponents. So again, that makes it more  
6 undemocratic not less.

7 And going forward it (inaudible) makes a way  
8 to improve voting participation is to make term  
9 limits stronger because New Yorkers voted three  
10 times in 1990, three in 1996 and 2010. This  
11 issue needs to be put to rest. People need to  
12 move on and accept it as the will of the land, as  
13 the will of the people. And the reason that it  
14 needs to be put to rest is because there's rumors  
15 that the following City Commission Charter, which  
16 is held by the City Council, will address term  
17 limits again.

18 So I think you should make term limits  
19 stronger by making it seem that it cannot be  
20 readdressed by at least 2035 and also that any of  
21 the elected officials that was termed out, should  
22 not be allowed to return to his old seat again  
23 after he's been termed out from that old seat.  
24 So we have people who resurface from the dead and  
25 return to the old seat and lastly --

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1 CHAIRMAN PERALES: Well, given that you want  
2 us to post your comments, why don't you just send  
3 --

4 MS. DELGADO: But the last thing -- even the  
5 2010 City Charter Commission admitted that  
6 elections were un-democratic because they  
7 grandfathered the 2009 elected class by stating  
8 that it will be unfair for them to be changed at  
9 the last minute to two terms from three terms  
10 because three terms was the law of the land.

11 CHAIRMAN PERALES: Ms. Delgado, we are not  
12 going to face that issue this time, so you don't  
13 need to worry about that.

14 MS. DELGADO: I am worried, as you can see.  
15 Thank you.

16 CHAIRMAN PERALES: Thank you for testifying.

17 MS. DELGADO: Can you please post this  
18 testimony on this website, please, for  
19 transparency?

20 CHAIRMAN PERALES: I certainly will try.

21 MS. DELGADO: Thank you.

22 CHAIRMAN PERALES: John Kelly.

23 MR. KELLY: Hello everyone. My name is John  
24 Kelly and I'm a community board member of  
25 Community Board 11. If you're going to quote me,

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1 please mention that tonight I speak for myself  
2 and not the community board.

3 Before I joined the community board as a  
4 public member, and for a decade before, I worked  
5 in community boards in the different boroughs.  
6 Of course the city and our community boards are  
7 failing in the same ways. Positions are  
8 functionally lifelong appointments which can  
9 create a culture of privilege. After decades on  
10 community boards, board members often act as  
11 judges of their neighbor's efforts instead of  
12 partnering to make their community better.

13 For a layperson to get a good idea through a  
14 community board, they often have to have  
15 connections with someone on the board, it's  
16 especially hard when the boards do not have the  
17 same culture as the areas they serve. Without  
18 strong oversight from the people that appoint  
19 them, community board members are given the right  
20 to only discuss issues that help them  
21 individually, either financially or personally.

22 One answer to this is to implement term  
23 limits. By only being able to serve for 8 or  
24 10 years, insures that the old guard is never so  
25 engrained that it has the power to stop progress.

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1 By continuously changing our representation, we  
2 make sure that new voices don't leave the process  
3 because they're disillusioned from waiting  
4 decades before they have served their time.

5 In our rapidly changing neighborhoods, term  
6 limits can help engage new residents into this  
7 great process, giving their communities some  
8 oversight of their surroundings. Most  
9 importantly, term limits shift the culture of the  
10 board themselves. If community board members  
11 know they're not going to be on the board  
12 forever, they may treat other non-board members  
13 with more respect because since they know they  
14 will be a non-board member soon.

15 Term limits help make corruption more  
16 difficult by diluting lifelong power, we decrease  
17 the judgmental culture and force cooperation.  
18 Bribery would also decrease since any paybacks  
19 would be short lived. Without term limits we'll  
20 create a culture that slows community (inaudible)  
21 change. Younger voices are especially encouraged  
22 since the decades near to serve their time by  
23 definition, age people out of certain  
24 demographics.

25 I hope you agree that implementing term

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1 limits, we can help upgrade the community board  
2 system to something that better serves our great  
3 city. Thank you.

4 CHAIRMAN PERALES: Let me just say that  
5 we're getting a lot of comments about community  
6 boards. This one about term limits is new but I  
7 think we're going to have to devote a great deal  
8 of time to the issue of community boards. Thank  
9 you very much.

10 I think there is a Mr. Hernandez. Is it  
11 Saul Hernandez.

12 MR. HERNANDEZ: Thank you for having me.  
13 Good evening, Commissioner, Chair and Commission  
14 members. Thank you for holding tonight's hearing  
15 and on behalf of myself and my fellow members of  
16 (inaudible) 32BJ, we applaud your efforts to  
17 strengthen our city democracy and insure that  
18 every New Yorker's voice is counted.

19 Our union is 163,000 strong here in New York  
20 City. We represent 85,000 building service  
21 workers and who keep our cities and residential  
22 building and schools, offices, stadiums, and  
23 airports clean and safe. Our union is hugely  
24 diverse and we hail from over 60 countries and  
25 speak dozens of languages but we are united in

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1 our fight to insure all people, regardless of the  
2 color of their skin, their immigration status or  
3 their income, can live a safe and healthily with  
4 liberty and respect.

5 As a member leader in the union, one of the  
6 things that I am most passionate about is the  
7 democratic process in talking with my union  
8 brothers and sisters. When members come  
9 together, we can make a difference and win  
10 progress for working families.

11 However, New York City current campaign  
12 finance law that governs how I communicate with  
13 my fellow union members makes it harder to  
14 involve more of them in politics. For example,  
15 the expense of organize members to canvas and  
16 talk to their fellow members is counted as a  
17 campaign contribution, if the candidate has been  
18 briefed by the union and is present to talk to  
19 the member before him.

20 This law discourages (inaudible) for  
21 engaging members face to face on political issues  
22 and encourages to simply make a contribution  
23 directly to the candidates all by media ads.  
24 The city's treatment of member to member  
25 communication is different from federal law in

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1 other cities and states. This is a shame. In my  
2 experience, allowing members to hear candidates  
3 describe what they are fighting for if elected  
4 before going out to canvas their fellow members  
5 is one of the best ways for them to understand  
6 the issues and feel connected to the democratic  
7 process.

8 I strongly support using the Charter  
9 Revision process, so that labor and membership  
10 organizations and communities freely with their  
11 members -- even if the community communications  
12 are coordinated with candidates, we should be  
13 doing everything we can to encourage more civil  
14 participation.

15 Thank you for your time and your efforts to  
16 insure that our democracy works for all including  
17 working people and unions.

18 CHAIRMAN PERALES: Thank you very much. Any  
19 comments? Let me thank you because organized  
20 labor has been present at a numbers of these  
21 hearings and it's very important that we hear the  
22 voices of your brothers and sisters and I think  
23 you were very good tonight and I thank you for  
24 taking the time.

25 James Hong.



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1           MR. HONG: Good evening, commissioners. My  
2 name is James Hong and in 2012 and '13, when the  
3 city was undertaking the redistricting of all 51  
4 City Council districts, my then organization, the  
5 MinKwon Center for Community Action, led ACCORD,  
6 a coalition of 13 Asian-American organizations in  
7 advocating for an end to the gerrymandering of  
8 Asian-American neighborhoods.

9           That coalition actually included Chhaya CDC,  
10 as well as Commissioner Seecharran and together  
11 we engaged the states, city and federal levels of  
12 redistricting. During our efforts at the City  
13 Council, we witnessed tremendous pressure being  
14 exerted behind the scenes by political  
15 operatives, such as former a state senator who  
16 had held office for 40 years in Eastern Queens  
17 and whose protege was in the City Council at the  
18 time.

19           Amazingly, this politician of decades had  
20 been appointed to the New York City Districting  
21 Commission and in his role, he helped cement a  
22 more easily winnable district for the city  
23 council member who had been blatantly anti-Asian  
24 in his prior campaign against an Asian-American  
25 candidate.

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1           Despite multiple organizations and  
2           individuals speaking to the identity and the  
3           shared understanding of Bayside, a neighborhood  
4           in Queens, the Districting Commission actually  
5           split Bayside even further moving portions of it  
6           into the adjacent district and increasing voter  
7           dilution.

8           Now I bring this up because Chapter 2A of  
9           the Charter does support, in Section 52B, "fair  
10          and effective representation of the racial and  
11          language minority groups," in New York City  
12          protected under the voting rights act and lines  
13          "that keep intact neighborhoods and communities  
14          with established ties of common interests." This  
15          is great.

16          However, the directive, this directive was  
17          undermined by the political will of an incumbent  
18          and a long-time politician invested in that  
19          incumbent's career. In closing, our districting  
20          commission in our Charter is not an independent  
21          redistricting commission which is sorely needed  
22          in this city and for all states and  
23          municipalities, which brings me to two requests  
24          of the Commission.

25          First, amend the charter to restrict any

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1 former elected officials from serving on the  
2 Districting Commission, And second, amend the  
3 charter to eliminate the direct appointment of  
4 Districting Commission members by current elected  
5 officials.

6 Now this is a little aside from the example  
7 that I gave, but the Mayor and City Council  
8 should not be appointing the very individuals  
9 tasked with the determining something so directly  
10 impacting those who place them there in that  
11 position as a commissioner; the conflict of  
12 interest is tremendous.

13 So just in closing, I do want to offer up  
14 California's reengineering of its redistricting  
15 process before its 2010 cycle. One that has been  
16 hailed by advocates as one of the most  
17 independent and free of political pandering.

18 I hope you'll consider this model for New  
19 York City. Our Charter should make  
20 redistricting, which is a critical component of  
21 democracy, shielded from self-interested  
22 pressures and insure that all New York City's  
23 communities are respected and their voting rights  
24 upheld.

25 CHAIRMAN PERALES: Thank you very much. Let

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1 me just make a quick comment because this is  
2 something that the Commission certainly has to be  
3 concerned with. The decision by the Supreme  
4 Court in Shelby took away the preclearance  
5 requirement, not just in the southern states but  
6 in New York City.

7 What you are suggesting, although you didn't  
8 say it, that there is a conflict between this  
9 idea that the Charter at one point calls for  
10 insuring the protecting of the civil rights of  
11 minority groups and the fact that no one any  
12 longer, no body any longer, will review the lines  
13 that are created by the districting commission,  
14 which as you noted, is appointed by current  
15 elected officials.

16 I'm not asking you a question. I'm asking  
17 my fellow commissioners what their reaction is to  
18 your comments.

19 COMMISSIONER HO: Well, thank you so much  
20 for testifying today. The idea of independent  
21 redistricting commissions is something that, you  
22 know, I've come across a lot in my work and no  
23 one likes partisan gerrymandering, and there's a  
24 view out there that an independent redistricting  
25 process, will address those concerns but what I

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1 remember from the 2010 debates in California were  
2 that actually minority communities were concerned  
3 that an independent redistricting commission  
4 might not be sufficiently attentive to making  
5 sure there's adequate representation for  
6 communities of color.

7 The map in California turned out to be, I  
8 think generally speaking, pretty good in that  
9 regard because there was a concern, I think, also  
10 not just in terms of the map itself and how it  
11 would turn out but also about the representation  
12 on an independent commission at a time when there  
13 are more elected officials of color than probably  
14 at any point in our nation's history, that that's  
15 the precise moment when we want to take the  
16 redistricting power away from elected officials  
17 and put it into an independent body.

18 I'm not saying that that's my view or my  
19 criticism but I'm just sort of wondering how you  
20 respond to those kinds of concerns.

21 MR. HONG: Well, in the sort of the  
22 guidelines for choosing the commissioners in the  
23 California process, there is actually in the New  
24 York City Charter, currently, a reference to sort  
25 of the diversity of the Commission. So it's in

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1 there and they have guidelines for that. So I'm  
2 sure there were, you know, those concerns were  
3 founded but like you said, the results, I think  
4 it speaks to the process to some degree and I  
5 think Commissioner Ho, I know that you are deeply  
6 in this work so I would defer to you on the  
7 knowledge of the California Commission but, you  
8 know, I think our city's Charter right now has  
9 good elements in it, such as that, you know, a  
10 reference to voting rights, to language diversity  
11 and ethnic minority communities.

12 It's just it needs to be stronger and I  
13 think we can get some elements from the  
14 California Commission.

15 COMMISSIONER HO: I'm just wondering if also  
16 in addition to maybe changing the process of  
17 redistricting, if you think it might also be a  
18 good idea to change the actual substantive  
19 requirements of redistricting to do more to  
20 enhance representation of communities of color.

21 I mean, California also has, not in their  
22 constitution, but in the California Voting Rights  
23 Act, which goes beyond the Federal Voting Act in  
24 terms of what it demands for representation of  
25 communities of color and I know that's not what

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1 you came here to testify about specifically  
2 but --

3 MR. HONG: But I would totally support that.  
4 I encourage all the commissioners to discuss  
5 that. Yeah, I'm not familiar with the details of  
6 that but it's, I know they have a very strong  
7 voting rights law over there.

8 COMMISSIONER SEECHARRAN: Thank you for your  
9 testimony, James and as you mentioned, my  
10 organization worked on this issue previously. I  
11 know that this is -- we've seen this play out  
12 time and time again in Queens. I wonder if you  
13 could speak a little bit more about the  
14 alternative of how you would form a commission  
15 that is more accountable and transparent.

16 MR. HONG: So again, I wish I was more  
17 versed on how the processing in California is.  
18 However, what I am aware of, is that there is a  
19 panel there is sort of a commission that then  
20 chooses a commission. So it's sort of like a  
21 body that will elect or sort of sift through  
22 applications to be on the commission in  
23 California.

24 I believe the resulting commission was 14  
25 members and for those 14 members, there was

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1 something like 30 -- there was 30,000  
2 applications and then there was a pretty detailed  
3 process of sort of diversifying the resulting  
4 body.

5 Again, I think Commissioner Ho would know  
6 very well about this honestly and but I'm also,  
7 of course, happy to follow-up on any request for  
8 information but it was sort of twice removed, at  
9 least from any elected -- I'm not sure how that  
10 initial body was formed but it was already twice  
11 removed from any involvement by elected  
12 officials.

13 CHAIRMAN PERALES: Commissioner Ho, since  
14 you're going to be doing all this work --

15 COMMISSIONER HO: Just one other question.  
16 We've been talking about redistricting a little  
17 bit in the abstract but you started by talking  
18 about the last redistricting process and I was  
19 just wondering if you could say a little bit  
20 about today, in your view, what is the current  
21 state of representation for Asian American  
22 communities in Queens on the New York City  
23 Council? Is there a lack of representation that  
24 you think needs addressing by improving the  
25 redistricting process?



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1           MR. HONG: Well, Asian Americans are right  
2 now over 15 percent of the city, probably  
3 16 percent. Out of city council members, I  
4 believe there's two that are -- out of the 51,  
5 there are two that are Asian American. Now I  
6 don't think there needs to be a 1 to 1  
7 correlation of like sort of race and  
8 representation but, at the city level, I think  
9 there could be better.

10           In places like Bensonhurst in Brooklyn, in  
11 Bayside as I mentioned, in Richmond Hill, we saw  
12 fragmentation that continued even after the  
13 redistricting process of last time where  
14 Asian-American communities that had already been  
15 established, were not recognized in the  
16 districting process unfortunately.

17           So, you know, the example that I gave was  
18 just a very clear one where we could see that  
19 there was an incumbent interest there but I think  
20 it happened in many parts of the city.

21           COMMISSIONER SEECHARRAN: So to answer your  
22 question Commissioner Ho, for example, I'll just  
23 say that the South Asian population in Queens is  
24 quite significant and there is no South Asian  
25 representative and specifically Richmond Hill,

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1 there have been South Asian candidates running  
2 since the 70s consistently and have gained very  
3 little inroads into achieving elected office.

4 CHAIRMAN PERALES: If there are no further  
5 questions, I can assure you we're going to be  
6 looking very closely at this question of  
7 redistricting and the impact it has on the  
8 ability of people to get elected and to encourage  
9 people to run.

10 MR. HONG: Thank you, Chairman. Thank you  
11 everyone.

12 CHAIRMAN PERALES: John Cho.

13 MR. CHO: Chair Perales and members of the  
14 commission, thank you for coming to Flushing, the  
15 most diverse and dynamic community in America.  
16 Since 1645, when Flushing was established by the  
17 Dutch, our community has welcomed people from  
18 around the world with open arms regardless of  
19 race, ethnicity or religion.

20 Flushing now has hundreds of languages and  
21 hosts the highest concentration of houses of  
22 worship in the United States. Generations of  
23 immigrants have found economic opportunities in  
24 Flushing, which is now the fourth largest  
25 commercial district in New York and according to

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1 the Census, 52 percent of the population in  
2 Community Board 7, which includes Flushing is of  
3 Asian decent. 26 percent are white, 18 percent  
4 are Hispanic, 2 percent are black.

5 However, the diversity is not reflected in  
6 the demographics of those appointed to serve on  
7 and officially represent Community Board 7.  
8 54 percent are white, 38 percent are Asian, 6  
9 percent are black and 2 percent are Hispanic.  
10 When you look at the leadership of Community  
11 Board 7, the Chair and the four Vice Chairs, the  
12 disparity between appointed officials and the  
13 community service is even (inaudible).

14 100 percent of the community board's  
15 officers are white. While I cannot provide  
16 statistics of the age distribution of Community  
17 Board 7 members, I can tell you that there are  
18 very few who are 40 years or younger. Why is  
19 this important? A few months ago, as an example,  
20 CB7 voted against a variance that would've  
21 allowed a nonprofit organization to build a new  
22 health clinic and expand their services to more  
23 than 40,000 low income people in our community.  
24 This clinic would have addressed an important  
25 need in our community: Improved health care

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1 outcomes for low income immigrants of color.  
2 Despite overwhelming evidence that this  
3 population does not own cars, certain members of  
4 Community Board 7 insisted that parking  
5 requirements be followed regardless of the  
6 circumstances and the project was rejected.

7 The vote was a shameful reminder of how  
8 removed many members of Community Board 7 are  
9 from this neighborhood that they are sworn to  
10 represent and serve. We cannot let another  
11 decade pass with hundreds of similar votes by  
12 similarly unrepresentative community boards.  
13 There is too much at stake and I urge the Charter  
14 Revision Commission to act.

15 At a minimum the city needs to establish  
16 term limits for community board members. We have  
17 too many entrenched people who are disconnected  
18 from the neighborhoods they were suppose to  
19 represent. In Flushing, we have a community  
20 board that does not represent a full diversity.  
21 We need people of different backgrounds,  
22 perspectives and ages; people that understand  
23 that our neighborhoods are constantly changing  
24 and that government needs to adapt as well. I  
25 have much more to offer but that's all I have to

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1 say at this moment.

2 CHAIRMAN PERALES: You've made a very good  
3 point. We've heard this before about problems  
4 and concerns by community boards. We've also  
5 heard about the desire to have term limits for  
6 members and so I'm glad to have heard your  
7 comments. Anyone else? Anybody want to add? If  
8 not, I thank you.

9 MR. CHO: Thank you very much for your time.

10 CHAIRMAN PERALES: Shirley Fipps (phonetic).

11 MS. FIPPS: Good evening to all. My name is  
12 Shirley Fipps. I reside at 87-32 (inaudible)  
13 Street, Hollis, New York. I am a native Queens  
14 resident, born and raised here, schooled here,  
15 worked here, retired here and I love Jamaica,  
16 Queens. I'm familiar with the south side and the  
17 north side of Queens.

18 My intro today pertains to Section 6 of the  
19 Charter, (inaudible) appoint and remove. The  
20 mayor shall appoint the heads of administrations,  
21 departments, all commissioners and other officers  
22 not elected by people except otherwise provided  
23 by law.

24 My statement is the police commissioner, New  
25 York City; Fire Department Commissioner, New York

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1 City and New York City School Chancellor. The  
2 people of New York City should be able to vote on  
3 the above commissioners due to daily  
4 responsibilities to the public.

5 The Police Commissioner has the force of  
6 police officers who have charged New York City  
7 residents for public safety and therefore the  
8 commissioner should be accountable to the people.  
9 The people should have a right to interview and  
10 ask questions to the Mayor's appointments prior  
11 to an election.

12 The residents in New York City pay taxes and  
13 as taxpayers, we should have a right to elect the  
14 commissioner and the process can be open to other  
15 qualified candidates prior to the elections; same  
16 process as an elected official running for  
17 office, the same for FDNY and New York City  
18 School Chancellor.

19 The mayor could appoint a nominating  
20 committee to have candidates submit their names.  
21 The Mayor's nominating committee will be  
22 responsible for the election process. The  
23 election candidates will be nonpartisan. The  
24 candidate will be responsible to finance their  
25 own campaigns and the reason why I say this, as

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1 being a long-time resident, is we've had so many  
2 issues in the city with our police commissioners  
3 and I feel the Mayor's choice may not be enough  
4 anymore.

5 As we look at Eric Garner, Fire Department,  
6 they had a very big lawsuit where they had  
7 discriminatory practices in hiring  
8 African-Americans, mainly women, and there was a  
9 big lawsuit and they had to reform in how they  
10 were going to hire firefighters.  
11 The Police Commissioner under, Kelly, Stop,  
12 Question and Frisk, 700,000 people, Stop,  
13 Question and Frisk, and nothing was really found,  
14 maybe some marijuana. The purpose of Stop  
15 Question and Frisk was to look for guns and most  
16 of the time they didn't even find -- or not even  
17 hardcore drugs.

18 If you study the court cases that came up on  
19 the Stop, Question and Frisk, a lot of it was not  
20 what it supposes to be and the policy that they  
21 implemented for Stop, Question and Frisk,  
22 blanketed people of color. If you have a policy,  
23 you cannot blanket people of color. It has to be  
24 for everyone.

25 I live in South Jamaica and I've see what

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1 they've done on Linden Boulevard, Merrick  
2 Boulevard; stop, question and they frisk. You go  
3 on Main Street, you go on Flushing, you go on  
4 Bayside, you go to Forest Hills, I've never seen  
5 a white male stopped, questioned and frisked on  
6 the streets as I've seen in South Jamaica.  
7 So I think we need people, commissioners that  
8 come before the body of people. We pay taxes  
9 here. We have a right to have commissioners that  
10 are going to really serve the people and not the  
11 politics or how they want to institute policies  
12 to our people or to anyone where it's not fair.  
13 So this is my statement.

14 CHAIRMAN PERALES: Thank you. Commissioner  
15 Clarke.

16 COMMISSIONER CLARKE: I hear you but if the  
17 commissioner of police messes up after he's  
18 elected, who would fire him? If the fire  
19 commissioner messes up after he's elected, who  
20 would fire him or her? I forget "her" because we  
21 are just as competent as the men. And if the  
22 Chancellor for the Board of Education was elected  
23 and he messes up, who would be the point person  
24 to fire the person?

25 I just want to make sure that you thought of



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1 the entire process of where we put  
2 responsibility. When you elect a mayor, you  
3 should elect a mayor who you know is  
4 understanding of all of the needs of the people  
5 so that whomever he appoints, and they disappoint  
6 us, that we can go to him and say it's time to  
7 fire but if we elect them, we have to wait to  
8 another election before we can fire him.

9 MS. FIPPS: Like our elected officials --  
10 most of the elected officials, if they're  
11 convicted for corruption, or if they're running  
12 and they have a corruption case against them,  
13 people don't usually vote for them but I mean,  
14 like I said, that's the process that could be  
15 looked at by a nominating committee if he  
16 appoints a nominating committee and it can still  
17 come back to the mayor. I'm just putting this  
18 out there. You know there's a lot of things that  
19 would have to be reviewed and understood.

20 CHAIRMAN PERALES: Anyone else?

21 COMMISSIONER BRAGG: Kyle Bragg.

22 I agree with your concerns because as a  
23 young black man who was born in Brooklyn and  
24 raised in Southeast Queens, I've not only  
25 experienced -- seen bias but experienced it

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1 myself. I'm not quite sure that your  
2 recommendation to have citywide elections for  
3 those commissioners is the answer. What the  
4 answer is I'm not sure of either but we need to  
5 have an answer, I agree with that. I want to  
6 thank you for coming here and providing your  
7 testimony.

8 CHAIRMAN PERALES: Thank you very much.  
9 Jesse Conrad. Is there a Jesse Conrad in the  
10 room? No longer in the room apparently.

11 Jobi Jacob.

12 MR. JACOB: Good evening, Commissioners. My  
13 name is Jobi and I reside in Hollis Hills and I'd  
14 like to speak about two topics.

15 One is the Vision Zero. I'm a big believer  
16 in Vision Zero. The proposition that no one,  
17 whether they're a pedestrian, a cyclist, or a  
18 driver, should die in traffic crashes.

19 We've made a lot of progress towards Vision  
20 Zero goals but as we have seen in the last year  
21 in Washington, the new administration can undo  
22 all our hard work. I would like to see the  
23 Charter amended to protect progress on Vision  
24 Zero. The DOT Commissioner's duties and powers  
25 should include Vision Zero and the Charter should

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1 include verbiage to insure that the Vision Zero  
2 task force meets regularly.

3           And the second topic I'd like to talk to you  
4 about is, community board reform. Community  
5 boards are full of dedicated public servants who  
6 volunteer their time to represent their  
7 neighborhoods. I count many of them as my  
8 friends and they need to be applauded for their  
9 service but there is need for reform.  
10 If I join my CB today and stay on for 30 years,  
11 it's unreasonable to expect that my views would  
12 reflect the values of society in 2048 as over  
13 30 years, society changes.

14           Many CB members have served 30 plus years  
15 and while I applaud their dedication and service,  
16 isn't it fair to say that most New York City  
17 neighborhoods demographically look nothing like  
18 they did 30 plus years ago? Is a board thus  
19 composed truly reflective of the community? I  
20 don't know what the answer to this. Is it term  
21 limits? Is it elections?

22           At the very least, all boards should be  
23 required to publish demographic data that shows  
24 what the board looks like, including information  
25 about race, ethnicity, how they get around, so

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1 that people can look at their own communities and  
2 compare and see if their community board is  
3 representative of them.

4 I would also like to suggest that while it  
5 is appropriate for a CB to bring an item to DOT's  
6 attention, it is not appropriate for public  
7 safety to be subject to a vote. In Turturro  
8 versus City of New York, the City was found  
9 liable after a Brooklyn CB torpedoed a plan to  
10 enact safety improvements on Gerritsen Avenue.  
11 Protecting lives is the first and most  
12 fundamental job for government, thus DOT should  
13 not feel that CBs should have a veto on street  
14 safety improvements and the Charter's language  
15 should reflect this. Right now DOT is required  
16 to seek approval from every CB for any change on  
17 the street.

18 Unfortunately not everyone can attend  
19 community board meetings. I would encourage that  
20 all community board meetings should be live  
21 streamed just like this meeting, so that people  
22 can access this information.

23 And one last thing I'd like to say, if I  
24 may, CB practices and procedures seem haphazard  
25 and seem to vary from board to board. The

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1 Charter should empower the council to define and  
2 standardize rules and procedures for all boards.  
3 So if I move from one neighborhood to the next, I  
4 should know how the board should function. Thank  
5 you.

6 CHAIRMAN PERALES: Thank you.

7 COMMISSIONER CLARKE: I just want to say  
8 that's great testimony and I commend you for your  
9 thoughtfulness and for the words you put in  
10 writing.

11 MR. JACOB: Thank you.

12 CHAIRMAN PERALES: Benedict Joson.

13 MR. JOSON: Good evening, Commissioners.  
14 Thank you Commissioners, the Mayor's Community  
15 Affairs Unit, and others for organizing this. My  
16 name is Benedict Joson and resident of Flushing,  
17 Queens and co-founder of 260 by 26, a global  
18 organization focused on children's education and  
19 youth skills.

20 Given that I have minimal knowledge on the  
21 Charter, my inputs are more on the process than  
22 on the content. For any civic and communal  
23 effort to achieve its potential, it must be  
24 intergenerational and inclusive of young people.  
25 On this note, I highly encourage that the

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1 commission and revision process be more  
2 accessible and inclusive of youth and this  
3 applies across government.

4 This could mean including high school and  
5 college-aged New Yorkers on the commission as  
6 decision makers. This could mean hosting these  
7 hearings at New York City high schools and  
8 colleges so that students could readily attend  
9 and participate and this could mean providing  
10 educational content to students on the Charter  
11 that aligns with their proficiencies.

12 At the core of these recommendations is that  
13 there's active participation and leadership from  
14 youth in the Commission and with the Charter.  
15 Thank you.

16 CHAIRMAN PERALES: Thank you. That's an  
17 important point. I think we're all sensitive to  
18 that.

19 COMMISSIONER CLARKE: That's another good  
20 point. You are very thoughtful, very smart, and  
21 we hear you.

22 CHAIRMAN PERALES: John Park, the executive  
23 director of the MinKwon Center.

24 MR. PARK: Thank you very much for coming  
25 out to our area to have this and listen, I

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1 appreciate it very much.

2 My name is John Park and I am executive  
3 director of the MinKwon Center for Community  
4 Action. Before I sort of talk a little bit more,  
5 I also wanted to note that a few of us were kind  
6 of plugged into these kinds of things. We heard  
7 pretty late about this. I don't know what kind  
8 of communications were happening around letting  
9 people know the days and times and the areas but  
10 like for myself, I didn't hear about this until  
11 pretty late in the process. I just want to note  
12 that.

13 James Hong, one of my colleagues, still a  
14 friend, a former colleague, spoke here very  
15 recently, right before I did. He was -- he had  
16 much more details and he spoke much more  
17 eloquently about the redistricting process. Back  
18 in 2010, I was also on the ACCORD. I was a  
19 student community member of the Asian-American  
20 Community Coalition on Redistricting Democracy  
21 and there were a couple of takeaways that I have  
22 from that as well.

23 I just wanted to double down on that. One  
24 thing that we learned is, in terms of having  
25 levers of influences, in terms of having leverage

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1 over the districting process, choosing who would  
2 sit at the table was just as powerful as sitting  
3 at the table and it was very clear to me, at that  
4 point, that we needed another level of  
5 independence between how the current  
6 redistricting commission was appointed because  
7 the influences were clear during that process and  
8 we knew then that something had to be fixed about  
9 it.

10 The other thing that was also clear was that  
11 when there was like a redistricting or an  
12 independent commission, it almost, it was almost  
13 like there was a veil of protection that existed  
14 now that wasn't there before. So even though  
15 there was a lot of like various types of  
16 influences, incumbent protections, now people  
17 could point to this is actually independent when  
18 it was clear to us that it wasn't truly  
19 independent and it even caused more problems and  
20 frustrations at our end.

21 So I just wanted to way in, again, at what  
22 my friend, James Hong, had said. That there  
23 should be another layer, another independent type  
24 of panel or commission to appoint the people who  
25 are going to sit at the table and also agree with



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1 the suggestion earlier that we could strengthen  
2 locally our own voting rights protocols and  
3 processes to shore up what's happening on the  
4 federal level. Thank you.

5 COMMISSIONER CLARKE: Your testimony was  
6 quite clear.

7 CHAIRMAN PERALES: We are going to look at  
8 the whole question of how the Redistricting  
9 Commission is selected and whether or not there  
10 are other models that we might employ. Thank you  
11 very much.

12 MR. PARK: Because currently, I'll just add,  
13 that the voting process is the most sacred thing  
14 that we can have and the gerrymandering, the  
15 types of things that are happening, is basically  
16 a loophole in our democracy.

17 So it is one of those areas where we  
18 fundamentally absolutely categorically have to  
19 get right because it immediately effects our  
20 communities directly. So thank you for  
21 listening.

22 CHAIRMAN PERALES: Thank you. Is there  
23 anyone else -- would you like to testify?

24 MS. KIVELSON: (Inaudible) Adrienne  
25 Kivelson from the League of Women Voters.

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1           CHAIRMAN PERALES: I apologize, Ms.  
2 Kivelson. I'm glad I asked if there was somebody  
3 else that wanted to testify. It says that you  
4 are from the League of Women Voters.

5           MS. KIVELSON: Yes, I am.

6           CHAIRMAN PERALES: So we certainly want to  
7 hear from you.

8           MS. KIVELSON: I'm very pleased that you're  
9 here because this time, I only had to come four  
10 blocks. I live in on Kissena Boulevard and  
11 usually I'm running around the city, so thank you  
12 for coming to Flushing.

13           I'm a volunteer with the League of Women  
14 Voters and I'm also the author of What Makes New  
15 York City Run, which is a citizen guide to the  
16 New York City Charter and we've been publishing  
17 this book since 1978 and we are coming out with  
18 an updated version on -- it's an e-book in about  
19 a month and it's going to have links to city  
20 agencies.

21           CHAIRMAN PERALES: We'd like to see it.

22           MR. KIVELSON: We will see that you get a  
23 copy and hope you all will get other copies. I'm  
24 going to talk about -- I'll summarize my  
25 presentation. I have written testimony. I'd

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1 like talk about two issues and the first one is  
2 instant-runoff voting.

3 We've been talking about instant-runoff  
4 voting in the city. We started in 2009 when they  
5 were ordering voting machines. We thought it was  
6 a wonderful opportunity to put in a computer  
7 program on instant-run off voting because we had  
8 spent \$13 million in 2009 on a runoff but that  
9 didn't happen and in 2013, we had another runoff  
10 for the public advocate.

11 Again, we spent \$13 million on the runoff.  
12 The voting turn out was 6.9 percent of the  
13 eligible voters. I don't pride myself on my math  
14 but I think that comes out to \$650 per vote.  
15 200,000 people voted, \$13 million, I came out to  
16 \$650 per vote.

17 With instant-runoff voting we could do this  
18 in one location. With ranked choice voting, it's  
19 used in municipalities all over the country and  
20 could successfully be implemented in New York  
21 because we have a voting system which can be  
22 adapted to do instant-runoff voting. We have a  
23 very secure voting system in New York. We're  
24 very pleased with it and could incorporate  
25 instant-runoff voting.

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1           We hope you will consider this because if  
2           you do, and it becomes a proposal that the voters  
3           vote on in November, we have two and a half years  
4           to implement instant-runoff voting, not only the  
5           computer program but to do a successful voter  
6           education program.

7           We're recommending it, to do away with the  
8           runoff. That's our first priority but we think  
9           it also can also be used in other ways. One way  
10          is to use it for military and absentee voters  
11          because there's a very short timeframe,  
12          particularly for military voters, to get ballots  
13          back on the second election.

14          And we'd also like you to think about using  
15          it in special elections for city council because  
16          the special elections have multiple candidates,  
17          nonpartisan multiple candidates, very low  
18          turnout, and people can be elected to the City  
19          Council with 20, 25 percent of the vote if there  
20          are enough candidates.

21          Instant-runoff voting would mean that some  
22          candidate arrived in a threshold. Which would be  
23          representative of the population. So I know  
24          other people have spoken for this I'll take, if  
25          you let me do that, one more consideration. We

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1 think it's time to codify the Department of  
2 Education in the City Charter.

3 We have had a New York City Department of  
4 Education authorized by the state legislature for  
5 16 years. You cannot find that department in the  
6 City Charter. There is nothing about the  
7 Department of Education in the City Charter. We  
8 think it's time it did; that the parents of our  
9 1.1 million school children and teachers and the  
10 taxpayers, should be able to look at the Charter  
11 to see what the governance of the Department of  
12 Education is.

13 Right now, you really have to depend on  
14 State Law and the labyrinth of figuring that out  
15 is beyond all of us but if it was codified in the  
16 City Council, parents and teachers and citizens  
17 would understand what the Department of Education  
18 does and we believe that this is time, 16 years  
19 since the legislature authorized mayoral control  
20 of the Department of Education. It's time to put  
21 in the Charter.

22 There are other city agencies that function  
23 under State Law like the Department of  
24 Transportation and the Civil Service Commission,  
25 that's in the administrative services; they

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1 operate under State Law. Police Department  
2 operates under State Law but they can be in our  
3 Charter.

4 The state literally has the ability to  
5 change things in our Charter any time they want  
6 to but to just not put the Department of  
7 Education in the Charter because they're  
8 something that's temporary when no one has  
9 suggested any other form of governance, we  
10 believe it's time for the New York City  
11 Department of Education to be in the Charter.

12  
13 And I have one personal request for the  
14 commission. In order to access the New York City  
15 Charter at the present time, New Yorkers have to  
16 know that they have to go to Administrative Laws  
17 on the city's website and then they can view the  
18 Charter chapter by chapter. The last Charter  
19 Commission put the entire Charter on its website,  
20 or the city website as one document, which would  
21 be a much easier way.

22 We understand it changes all the time but  
23 while the life of the commission is dealing with  
24 the Charter, it's a finite document and we hope  
25 you'll put it on the website. Thank you.

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1           CHAIRMAN PERALES: Let me just make a  
2 comment before I ask the other commissions if  
3 they have a question.

4           One of the reasons, I think, that there's  
5 been hesitancy to put the Department of Education  
6 as part of the City Charter, is that there are  
7 still a lot of people who hope that they will go  
8 back to the day where there is a Board of  
9 Education, not just mayoral control. So it's a  
10 political thicket, if that makes some sense.

11           Have you thought about that.

12           MS. KIVELSON: Well, we have and as  
13 contentious as the reauthorization of state funds  
14 and of the city, of the mayoral control in  
15 Albany, and its been ugly almost since the time  
16 it started, no one has suggested going back to  
17 the Board of Education. I haven't heard that, I  
18 haven't read that in any document. That was not  
19 seen as a viable model because no one was in  
20 control.

21           I spoke about this at earlier Charter  
22 Revision Commissions and the answer was well, if  
23 it were city controlled rather than mayor  
24 controlled, the Council would be more  
25 enthusiastic; that the Council isn't enthusiastic

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1 because it's mayoral control.

2 I don't know how you do this but I think the  
3 timeframe to say that it's 20 percent of our  
4 budget and it's not there and no one has really  
5 had a bill or a legislation or proposal for  
6 another form of control that. We haven't seen  
7 that. We haven't seen anybody proposing another  
8 form of control. So there's some people who  
9 would say it was better in the old days.

10 I was around when we had the Board of  
11 Education and some of our chancellors were  
12 wonderful people but it was an impossible  
13 situation with the spreading of control with the  
14 borough president. So there may be people who  
15 said it but they haven't proposed it and I think  
16 certainly everybody would be interested in a  
17 proposal but nobody has proposed anything so  
18 that's --

19 CHAIRMAN PERALES: I understand. Anyone  
20 else want to comment? We will consider it.

21 MS. KIVELSON: Thank you very much.

22 CHAIRMAN PERALES: Thank you very much. I  
23 will again ask if anyone else wants to testify?  
24 The hour draws late, so I hope this will be a  
25 brief comment.



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1 MR. KIERNAN: My name is Edward Kiernan.  
2 I'm a member of Community Board 3 here in Queens.  
3 We cover Jackson Heights, Corona and East  
4 Elmhurst and my main concern is that the  
5 community boards have diminished -- they've lost  
6 power since the time of the Board of Estimates.

7 Now we get stuff thrown at us from DOT or  
8 from DOB and we're kind of just told, you know,  
9 just take it and deal with it and we don't really  
10 have the input that boards used to have.

11 CHAIRMAN PERALES: Is it -- I'm trying to  
12 figure out what you're saying. Is it that you  
13 don't think you have the capacity in terms of  
14 support or is it that you don't have the time?

15 MR. KIERNAN: We don't have the authority.

16 CHAIRMAN PERALES: Then why does somebody  
17 give it to you? Ask you for the --

18 MR. KIERNAN: They essentially ask us for a  
19 rubber stamp.

20 CHAIRMAN PERALES: But you cannot say no?

21 MR. KIERNAN: No.

22 CHAIRMAN PERALES: And what you're asking  
23 for is greater authority?

24 MR. KIERNAN: What I would like is to -- if  
25 you recall back when the Board of Estimates was

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1 -- the way boards were then, we could actually  
2 say no to something and now we really can't.  
3 It's by --

4 CHAIRMAN PERALES: Your comment has to do  
5 with the community boards and their lack of  
6 authority in some areas.

7 MR. KIERNAN: Exactly.

8 CHAIRMAN PERALES: Well, we'll take that  
9 into consideration. I see lots of issues  
10 regarding community boards have been raised with  
11 us, so I thank you.

12 MR. KIERNAN: Thank you.

13 CHAIRMAN PERALES: Anyone else? Seeing no  
14 hands, I will ask for a motion.

15 COMMISSIONER BRAGG: Motion to adjourn.

16 CHAIRMAN PERALES: Is there a second?

17 COMMISSIONER ARCHER: Second.

18 COMMISSIONER BRAGG: All in favor?

19 COMMISSIONER BRAGG: Aye.

20 (A chorus of ayes.)

21 CHAIRMAN PERALES: Opposed? Hearing no  
22 opposition, the motion is passed and we are  
23 adjourned. Thank you.

24 (Whereupon, at 8:05 P.M., the above matter  
25 concluded.)

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STATE OF NEW YORK                    )  
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COUNTY OF NEW YORK                 )

I, ENRIQUE ALVARADO, a Notary Public for and within the State of New York, do hereby certify:

That the above is a correct transcription of my stenographic notes.

I further certify that I am not related to any of the parties to this action by blood or by marriage and that I am in no way interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my hand this 3rd day of May 2018.



\_\_\_\_\_  
ENRIQUE ALVARADO

|   |   |   |  |
|---|---|---|--|
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