



NYC Racial Justice Commission

Racial Justice Commission Meeting 12/9/21

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APPEARANCES:

- [Jennifer Jones Austin, Chair](#)
- [Henry A. Garrido, Vice Chair](#)
- [Lurie Daniel Favors, Esq.](#)
- [Ana M. Bermudez](#)
- [Yesenia Mata](#)
- [K. Bain](#)
- [Darrick Hamilton](#)
- [Rev. Frederick Davie](#)
- [Chris Kui](#)
- [Jo-Ann Yoo](#)
- [J. Phillip Thompson](#)
- [Anusha Venkataraman](#)
- [Jimmy Pan](#)
- [Melanie Ash](#)

Jennifer Jones Austin (JJA): 10:52

I think we've achieved quorum for the Racial Justice Commission. I am calling to order the Racial Justice Commission meeting, public meeting for December 9, 2021. We have a very full agenda. Our aim for a number of reasons is to be done by 6 p.m. And so we're going to keep to a tight schedule. We will begin the meeting first by just welcoming everyone into this space. I am delighted that we have here with us, in person, several commissioners. And from my far left is Commission member Jo-Ann Yoo. Then Commission member and Deputy Mayor, Phil Thompson. And to my right, we have Commissioner Chris Kui, and Commissioner Ana Bermudez. And I am the Commissioner and chair, Jennifer Jones Austin. Joining us virtually, we have commission members, Lurie Daniel Favors, as well as Commission member Darrick Hamilton. We anticipate that we will be joined by commission members Fred Davie and Yesenia Mata as well as Commission member K. Bain, and our Vice Chair, Henry Garrido, whose 50th birthday it is today. And so maybe he's somewhere having cake. You know, he'll be with us shortly. And we will maybe sing Happy Birthday to him. You all will surprise him. So I'm excited to welcome people from the community. And I understand that we may also have members of the media who are with us today. It is a very significant and important meeting in the life and the work of the Racial Justice Commission. It is significant and important because we have arrived at that point in our process, where

we are taking the step, the very critical step of formally solidifying our ballot proposals and voting on a resolution to direct the commission staff to produce the final report. Before we jump into the substance of the meeting, I want to have us take a look at the December 3, 2021 meeting minutes. And everyone should have received them already. I'm going to give you a second to take a look at them. May I have a motion to approve the minutes of December 3, 2021?

Anusha Venkataraman (AV): 13:52

Motion moved.

Jennifer Jones Austin (JJA): 13:54

May I have the motion seconded?

Chris Kui (CK): 13:55

Yeah, I second.

Jennifer Jones Austin (JJA): 13:56

Any discussion, any questions, comments, changes? Hearing and seeing none. All in favour, please indicate by saying aye.

Commissioners: 14:10

Aye.

Jennifer Jones Austin (JJA): 14:10

Any opposed? All right. The minutes for the December 3, 2021 Meeting have been approved and absolute. So today, as I said, we're going to be taking a critical step forward, solidifying the ballot proposals and voting on a resolution to direct the staff to produce the final report which will contain the ballot proposals in the form of ballot measures, as well as a Racial Justice Roadmap that looks to the work that extends beyond what the commission has done and makes recommendations for going forward and to the you know taking further steps in pursuit of racial equity. Today, we are going to go through the recommendations, the proposed ballot measures. But before we do that, we're going to have a discussion about the Racial Justice Roadmap recommendations. I believe it's critical that before we jump into the proposals that we have been spending a lot of time on, we first have some conversation and discussion about this Racial Justice Roadmap, which will accompany the ballot measures in the final report. What I want everybody to appreciate is that we knew at the beginning of the Commission's journey, that we would not be able to tackle everything, and that we needed to center on a finite set of ballot measures. The proposals for charter revision that we're putting forward today set a foundation for racial equity that would propel the city across the city of New York, the institutions of government forward in advancing power, access and opportunity for everyone. What I want people to appreciate is that our aim was to set the foundation for going forward. Identifying the harms that have been exacted upon BIPOC persons and communities, and then creating a path forward to address those harms, and work to prevent them on a going forward basis. The Commission appreciated that there were several recommendations brought forward by the public, by the community, by various thought leaders, as well as by commissioners themselves, that when we looked at them, did not fall within the authority of the charter revision commission itself. Some of them fall outside of the Charter, the New York City

Charter, some were legislative in nature, and some would require action at the state and the federal levels, all undertakings that fall beyond the authority, extend beyond the authority of the charter. We also appreciated that there were issues and specific policy recommendations that, how do I say this, that were not necessarily in keeping with this thinking about, okay, how do we, on a prospective basis, try to undo the harms, and advance to change, sustainable change in a foundational matter. And so what we want to do at this time, is present some of these overarching or present these, I should say, these overarching issues and specific policy changes that the Commission along with the commission staff gave consideration to. And then ultimately, a determination was made when we went through the criteria that commission members were made aware of, for how we approach this work, where we made a determination that they would not be presented as invalid changes, but rather would be incorporated into a Racial Justice Roadmap that would indicate to the public at large, to administrations to follow this administration, to other branches of government and other levels of government at the state and federal level, the additional work that needs to be done, that must be done to bring about racial equity. A few words about the overarching framework that we determined not to engage and address at this particular point. And then our executive director, Anusha Venkataraman and possibly our policy director, Jimmy Pan will go into some more of the specific recommendations that do not appear as valid measures. There were two overarching frameworks that we gave some consideration to. One being reconciliation, and the second being reparations. Racial reconciliation and healing, also often talked about as truth and reconciliation involves the public naming and acknowledgement of past harms and traumas, recognition of responsibility in causing or creating the conditions that cause those harms, and taking actions to repair relationships and social bonds. Reconciliation can also involve public apologies, and repair to the actions that bring justice to those harmed. At the outset of our work together, the Commission recognized the importance of moving our city towards reconciliation. Some will remember that in our public meetings, we acknowledged the extensive harms that had been visited upon BIPOC communities and upon the land on which we stand and sit and the persons who occupied those lands in the earliest days of this society. And we did that, but we also took some time to examine the way in which reconciliation processes have worked in other cities and countries, consulted with experts who have engaged in reconciliation processes. We had conversations with persons who were involved in the Truth and Reconciliation Commission in South Africa that was led by Bishop Desmond Tutu. And what we heard repeatedly and consistently, was that their universal experience was that a meaningful reconciliation process is a lengthy one, in which considerable time must be invested to create a foundation of trust upon which to build so that it can move forward with the sensitivity, seriousness and respect that it deserves. Understanding the time constraints under which we had been operating, the Commission did not want to shortchange that important process by proceeding without the necessary deliberation and foundation of trust. And so with that appreciation, we determined that we were not going to engage in a full-blown reconciliation effort. What the commission does recommend and this would appear in the final report is that city government continue to engage in the work of exploring reconciliation through deep engagement with communities, continuing to clearly acknowledge the harms, both past and present, and by employing a reparative frame in decision making processes whenever possible. Closely tied to reconciliation, reparations brings justice to those impacted by severe injustice often through monetary or material compensation. While some municipalities in other states have begun modest and targeted programmes centered on reparations, the scale of the

injustices suffered, we believe must be great in scope, and you know, must be looked at also through the eyes of what is happening nationally. Through H.R. 40 at the national level, which has been named symbolically for the unmet promise that people who were formerly enslaved would receive 40 acres and a mule. It's a bill with nearly 200 co-sponsors that was advanced early this year by the House Judiciary Committee, and its companion Senate Bill. There has been an attempt to at least begin at the national level a conversation about reparations. The commission is hopeful that these conversations will move beyond the current exploratory phase and into concrete action. No doubt, this is a large and costly endeavor as it should be. But again, one the commission largely believes is worth meaningful exploration by lawmakers and policymakers. Given the scope of the issue and the limited time we had to pursue structural change, we made a determination again, looking at the criteria that we would use our current opportunity to center on dismantling systemic racism, with a focus on prospective change that would rebuild structures for the benefit of future generations. But we do feel that it's important to discuss the inclusion in our reparations in our final report with a recommendation to that effect. And so what we are seeking to do is advance in the final report, a recommendation as follows: Advocate to the federal government to formally study and make recommendations for national reparations programme. Use such a frame in making decisions around resources at the city level. I now will pass this part of the meeting to the staff to share an overview of what is to be included in the roadmap to appear in the final report. And then we will have an opportunity for commission members to share their thoughts and provide feedback. I want to say as we move into this portion of the meeting, appreciating that we are under time constraints, and that we have a critical vote to be undertaken, with respect to the resolution, we are going to limit discussion, and this is pursuant to the Robert's Rules and to the authority under the commission. We are going to limit the discussion on the Racial Justice Roadmap to 4:55 p.m.–25 minutes for this discussion. And so now for the presentation and the discussion, I will turn to our Executive Director, Anusha Venkataraman and to our Policy Director, Jimmy Pan to present specific recommendations for inclusion in the Racial Justice Roadmap to appear in the final report.

Anusha Venkataraman (AV): 24:43

Thank you so much, chair. This is working, correct? Yes. So thank you for providing the overarching framework. I think the frameworks of both reconciliation and reparations can be viewed as overarching the other recommendations, which are much more specific in nature as well, and which will sound very familiar to many of you, certainly to our commissioners, as well as to members of the public who've been following along with our process. The team, the staff, has already been working on drafting up the roadmap with these recommendations, but we wanted to make sure that we're discussing them with you as the commission to make sure that we have the opportunity to revise them, to add to them, and get some consensus around what we're moving forward with as the stated recommendations from the Commission that go beyond the ones that we're putting forward as revisions to the New York City Charter. So I'll name the high-level proposals for those recommendations. And then I'll go into some greater detail and Jimmy and also Sam Stanton will help us as well. So one, strengthen existing government oversight bodies. Two, enhance accountability for racial equity. Three, develop and implement tools to measure racial equity. Four, advanced community safety and reform the criminal legal system. Five, expand voting and community power, and six, use land justice as a frame for land use and planning. So going into further details on those overarching recommendations or those

higher level recommendations, one, strengthen existing government oversight bodies. We did have an extensive conversation on this point at our last meeting. It should sound quite familiar. The recommendation here is to strengthen the following existing city oversight structures, which all play a critical role in ensuring racial justice and equity for New Yorkers, especially in their interactions with New York City government and at times with private companies. So one is to give the Board of Correction the ability to bring administrative action against the Department of Correction. Two, to put some recommendations forth to strengthen CCRB, particularly in recommending that MOUs around pattern and practice investigations continue to seek final authority for CCRB. And in all cases, there are also some state level amendments that we weren't able to consider at the city level, giving those oversight or giving the oversight body or CCRB final authority in police discipline. Under strengthening existing oversight structures, we also saw a potential to strengthen the City Commission on Human Rights, including ensuring that they have a minimum secure budget, giving the Equal Employment Practices Commission more explicit jurisdiction over city bodies, beyond the mayoral agencies, including City Council, Public Advocate Comptroller, borough presidents. Allow them to fill vacancies and create a general rule that allows charter entities who oversee single agencies such as the Board of Corrections, such as CCRB, to be able to request data and information from the agencies that they oversee and to have that published. So this made some very specific recommendations, all from something that we had previously considered as a target proposal. The rationale for moving it to the recommendation for further exploration is that this needs further work. There are many specific ideas contained within this recommendation, which do need some greater consideration. We decided not to take it up as a commission, but do think that the next administration, future charter revision Commissions, and the state should take up exploring these.

Jennifer Jones Austin (JJA): 29:07

If I may just quickly add on this point. We also appreciated that the recommendations that were put forward were not exhaustive in nature. And we had concerns about essentially doing one-off recommendations, where we felt very strongly that each of these entities must be more, you know, thoroughly examined with respect to what are the shortcomings when it comes to oversight. And so we did not want to shortchange the work that needs to be done there. And that's why we are advancing in the final report that there must be more thorough and comprehensive review of these particular oversight bodies to bring forth the measures that are necessary to bring about the strengthened oversight that is so critical.

Anusha Venkataraman (AV): 29:59

Absolutely. So I can move through the remainder and then we can take questions afterwards, take comments afterwards, if that works. So the second was enhancing accountability for racial equity. You should remember that we considered the creation of a racial equity watchdog, as well as stronger consequences for failure of agencies and entities to correct issues that have a racial equity impact. We do believe that we're setting a real foundation with the proposals, as discussed in last week's meeting, and as you'll see in the resolution today, but in time there may be need for more. And so while we're not proposing right now that a watchdog be created, or those consequences be put in place, we do want to go on record as a commission and saying that it may be necessary and want to ensure that they receive adequate consideration and tracking into the future. This may be a role that in fact, the commission that we are proposing, may play in terms of saying we need

stronger enforcement that go beyond their power. So they may be able to act as an advocating body in that regards. But we wanted to put them down into our recommendations for the future to note that, you know, we've put in a system where we're recommending a foundation through our proposals, but we may need to go further. Third, around developing and implementing tools to measure racial equity, there are some things that we're doing in our proposal. Specifically, we have included setting under the Office of Racial Equity, setting standards for disaggregation of data, as a responsibility of that office, and those standards would be sent to all city agencies, and there would be a coordination and compliance there. But there are other things that we discussed as a commission have considered, and that there might be general support for, but with further details that would need to be worked out in order to be implemented, particularly racial equity impact assessments, as well as racial equity scoring. Scoring could be applied in the context of budgets, budget requests. It could also be applied in the context of policy decisions. So what might be the impact, there could be a scoring mechanism for determining what that impact may be? Again, you know, we did hear general support from commissioners, but also a lot of concerns about how well fleshed out these ideas were at this point in time, what the precedent is, how well it's worked in other cities, and the desire to work out what the model might be further before committing to implementing it. So some of those conversations have happened in commission meetings, as well as in individual conversations with commissioners. For under advancing community safety and reforming the criminal legal system, there are a number of things here that the Commission considered earlier on. We certainly heard much from community members, that criminal justice reform and community safety were priorities for them. But generally, there are some very large issues to tackle there within a very short period of time. And so we felt more comfortable putting them forth as recommendations for further work, recognizing that there is much work that is already underway and some processes in place that could address them. We had, for instance, considered a refined mission for the NYPD, that really centers racial equity, justice and fairness for all in terms of how they deliver their services. Potential restructuring of criminal justice agencies, this was a proposal that we had heard from many community members and some elected officials in terms of creating a Department of Public Safety that may oversee the NYPD. Those were things that were very large, and we felt that we didn't have the adequate time and space to address them meaningfully, because there would need to be much work and much conversation to tackle those. There are some processes that are happening particularly with the Mayor's Office of criminal justice around race and reconciliation in the coming year. So we look towards that process as a place where some of that work can happen. We also are advancing anti-marginalization work within the Office of Racial Equity as well as within the city-wide racial equity plans. But there may be some more specific things that we want to recommend like an outright prohibition on unnecessary criminal bars or criminal background checks, including for jobs, housing, licensing, city contracts, as well as universal fair chance for those that are justice involved. So moving on to the final two, we heard a lot from community members around the city about civic engagement, civic participation and community power. We heard about support for non-citizen voting, which I understand the City Council is voting on today, maybe right now. We also heard about community boards as a place that needs to be rethought to be effective vehicles for civic participation. And we also as a commission, have discussed that youth civic participation opportunities need to be supported and expanded. So those are some of the potential inclusions under expanding voting and community power. Lastly, and particularly in our recent public input sessions, we heard from many advocates who wanted

us to explore making changes to how city land is used, particularly requiring or promoting community land trust and community ownership. And the commission had also explored but ultimately decided not to advance reform of the city's fair share process, but do believe that there is critical work to be done there that should be taken up in the short term. So I leave that with all of you as commissioners. We're here to clarify anything, but I think all of this is up for discussion and up for your input, if anything is missing, if there's anything that you would change, are there particular things that the commission would want to put forth as hearing from the community as important and validating and want to put them in our recommendations? So looking forward to hearing your thoughts on these.

Anusha Venkataraman (AV): 37:22

Happy birthday.

Jennifer Jones Austin (JJA): 37:23

Excellent, thank you. We will begin the discussion process. I ask the commissioners recognized, help us to appreciate that you'd like to speak by raising your hand if you are with us virtually. Raise your hands and I see we've already got a hand up. And so we'll get to you in just a minute, Commissioner Hamilton. I do want to acknowledge the presence of additional commission members, Commissioner Mata and Commissioner Bain, as well as Commissioner Davie have joined us here at Henry Street. And additionally, Commissioner and vice chair and Birthday, birthday, birthday boy, birthday man, Henry Garrido is also with us. Happy Birthday, Commissioner vice chair, Garrido.

Jennifer Jones Austin (JJA): 38:20

Glad you can join us.

Henry A. Garrido (HAG): 38:22

Thank you, everybody.

Jennifer Jones Austin (JJA): 38:24

Hey, I'm even more glad that I'm not singing.

Henry A. Garrido (HAG): 38:29

Thank you.

Jennifer Jones Austin (JJA): 38:31

Glad to see you. So I'm going to turn first to Commissioner Hamilton, but I do want to just note that when you were speaking, Executive Director, Venkataraman, when you were speaking about the strengthening oversight of certain government bodies, as well as advancing community safety and reform in the criminal legal system, what I appreciate is that one of the proposals centering on the racial equity office and work to be done to look at government policies and practices, operations and functions, given that these are government entities, they would be covered. They would fall under the umbrella and would fall under the jurisdiction, if you will, the domain of responsibilities for the Racial Equity Office. So it's not that they are being essentially given a you know, like carved out or given a pass on, you know, addressing and bringing about greater racial equity in those offices and oversight bodies. This is just an additional undertaking that we think should be done. Is that correct?

Anusha Venkataraman (AV): 39:50

Yes, correct. Thank you.

Jennifer Jones Austin (JJA): 39:51

Good deal. All righty. Let us begin. I'm going to begin with Commissioner Hamilton. And I'm going to ask every Commission member, not yet knowing who wants to speak, if I can ask you to limit your remarks to three minutes. And then if we need to, we will circle back. I'm just gonna call out Commissioner Hamilton and Commissioner Thompson has noted that he would like to speak. And we'll go from there and then Commissioner Yoo.

Darrick Hamilton (DH): 40:22

Thank you, chair. Thank you, executive committee, for all this work. I'm sorry for the echo. I'm not sure how to address that. But I'll say the equity scoring, race equity scoring, I think should be as one of our charter revision recommendations, not just in the roadmap. I think that it is essential with regards to purporting values to measure it. And similar to how we fiscally score policies, I think if we really are committed to race equity, we should be scoring proposals, as well as budgets in a routine regular way. I think that the wherewithal to get it done is part of the task of the executive to begin with. The executive can be charged with coming up with the metrics and manner by which we can make absolute and comparative scoring on proposals related to anything that the city engages in, as it relates to whether it's going to enhance or reduce equity. Last thing I want to say is that from a values perspective, it's important, I think it's essential, I think we have the wherewithal to get it done. And I don't think we should leave it to the discretion of administrations. That's why I think it needs to go into the charter. If these are our values, then it should be foundational, regardless of administration. And it should have the political accountability of transparency of how you're going to score these policies, and voters can hold administrations accountable with this information.

Jennifer Jones Austin (JJA): 42:12

Commissioner Thompson?

Phil Thompson (PT): 42:13

Yes, I actually wanted to speak to that point, as well. To argue that I think there are a number of things that have been mentioned that include disaggregating data, that include constructing a racial equity impact statement, as well as racial scoring, that fall under the category of monitoring, evaluation, and other language that the Racial Equity Office is being charged to do. And, you know, I forget the exact words, but we can pull them up. I think it's a mistake this late in the process, to try and be very specific about methodology. The previous speaker mentioned the way budgets are fiscally scored now. Actually, there's a big difference between how Moody's and Standard & Poor's score the same budget, because they have different methodologies, they value different things. And I think if we're going to do racial equity scoring, which I actually am in favor of, I would prefer a data heavy process for determining scores. I would prefer a dynamic accounting approach that makes use of multivariate analysis of city spending in different categories over time and its effects on outcomes over time. So for example, measuring different kinds of social spending, and whether or not it leads to reductions in say, crime, or violence, or homelessness or other things over time, that actually save money over time where that can be demonstrated. And

that is a dynamic that will require, in my opinion, a dynamic multivariate analysis over time. And then equity scores can have real legitimacy based on hard data. However, this is complicated stuff. I don't know how many people understood what I just said. And we have not had any conversation about it, to really tease out what these different approaches would mean. And I think putting it before voters would be thoroughly confusing, and it takes a lot of work to actually construct such a dynamic and powerful tool, if it is going to be dynamic and powerful. And I think it should be, but that will take a lot of work, a lot of argument, a lot of explanation. So I support, including it the way it is now, and then actually doing the work to win people over to such, you know, a powerful tool and its specificity once we know what it is.

Jennifer Jones Austin (JJA): 45:18

Thank you. Commissioner Yoo.

Jo-Ann Yoo (JY): 45:21

Thank you. I think my recommendation isn't necessarily framed to the six. I think one of the most compelling narratives that I've heard that I was really deeply moved by were the stories of Nigerian residents talking about how the formerly incarcerated could not live there. And it just sounded so (inaudible) to me. And I know that we can address that because, you know, there are parameters. But I'm wondering, are there opportunities for us to include some of these recommendations, so that that way we can ask our congressional leaders to be able to talk about this and bring it to the next level? Because we've heard those stories. Those stories really shaped, you know, our work, and they've changed us. And I think, you know, I would like to figure out, how do we hold other people's feet to the fire? Because how do you get-- you know, everybody needs housing. The road to building a life is having a roof over your head, having an address, getting a job. And so, you know, those stories, really, you know, it was deeply moving. And so I'd like to figure out how do we advocate for all those stories that we heard, and let's put together a list to say, here's what we're able to tackle. But here are all the things that you also need to tackle at the federal level. Thank you.

Jennifer Jones Austin (JJA): 46:43

Very much appreciated. Are there any other commissioners who would like to comment at this point? Okay. I'm going to begin with Commissioner Bain. And then Commissioner Davie, and we've got to try to keep this to about three minutes each.

K. Bain (KB): 46:57

I'll be very short. Just in terms of testimony that was very compelling, that resonated that I would love for us to address in some form, when we talked about or heard the community speak about food injustice. And as you think about basic human rights of New Yorkers, when you think about that triangle food, clothing and shelter, because housing is coming up in the conversation, it is central to survival. So just to echo the sentiment of things that we heard that were extremely compelling that I don't see us, in all the work that we've done, you know, we can't capture the universe. But I just want to highlight and underscore the fact that food over commodification and food insecurity, food injustice, is something that I think is worth us not letting go of entirely. Thank you.

Jennifer Jones Austin (JJA): 47:52

Commissioner Davie.

Fred Davie (FD): 47:53

Thank you. Thank you, Madam Chair. I want to speak just briefly to two topics, both of which have been raised. One is the issue of racial equity scoring and the second is the recommendations for a strengthening oversight body. So to the issue of the racial equity scoring, I like Commissioner Thompson, deputy mayor Thompson, I agree with my fellow Commissioner, that it needs to be done. But like with Commissioner Thompson, I think it needs to go in at this point as a recommendation. And we need to do more extensive study. I'm afraid if we try to move now to include racial equity scoring, given that it is such a complex topic, it could be a heavy lift on the part of moving forward the overall recommendations that we have for a vote and overall proposals we have for a vote in November 2022. And I wouldn't in this case, want the perfect to be the enemy of the good. So I think we should take some time, make a strong recommendation about racial equity scoring, but take some time to make sure that we do it in a way that we can bring both the elected officials as well as the general public along. So that's one point. And then the second one is to strengthen the oversight bodies, particularly CCRB. As chair of CCRB, I clearly strongly support that going in as a recommendation. With luck, we'll have some further strengthening of the organization's oversight with a council vote, maybe even today and certainly by the end of the week that was voted out of committee to allow the CCRB to self-initiate complaints which we think we strongly need in light of technological advancements. Being able to then self-initiate, looking at patterns and practices, as well as having an MOU of some sort that support CCRB having final authority over its disciplinary decisions, I think will go far to strengthen the work of this body. So I'm in strong support of those recommendations that have to do with with oversight bodies as well. So thank you, Madam Chair.

Jennifer Jones Austin (JJA): 50:25

Thank you, Commissioner Davie. Are there others who would like to comment at this point? Okay. We have kept within the time limitations that I put forward. What I do want commission members to appreciate is that as we move to a review, and vote on the resolution, we will be walking through the resolution and the specific provisions. That's the time's up to tell me I need to be quiet as well. We will be walking through the specific provisions of the resolution. And at that time, you know, as we do, there will be an opportunity, if commission members would like to make proposal amendments to the resolution, as a concern to racial equity scoring or as it concerns the inclusion in the Racial Justice Roadmap of provisions concerning housing, food and justice. You will have an opportunity to do so during that time and during that process. And so we've heard your thoughts on the matter. And now we're going to move to act on the resolution itself. So I want to walk you through some of the particulars concerning the resolution and the process. Commissioner Hamilton? Yes.

Darrick Hamilton (DH): 51:53

So really quick, just a point of clarification with regards to the process. If there is something that was not put in the roadmap and not in the resolution, is there a point in which we can discuss?

Jennifer Jones Austin (JJA): 52:04

Yes, what we are about to do is walk through the resolution. And then we will have opportunity for discussion. And if commission members want to make proposed change, they can do so at that time. Right, but it's part of the resolution to vote on it. Right. So yes.

Darrick Hamilton (DH): 52:36

And again, just for clarity, even if an item's not included in the resolution, that's really my point of question, in addition about an amendment.

Jennifer Jones Austin (JJA): 52:46

So we're going to be voting on the proposals. And you have an opportunity. I'm looking at our counsel. As I understand it, we have an opportunity to make amendments to what is contained in the resolution. We're also going to be voting to move forward to include the Racial Justice Roadmap in the final report. That vote exactly on the Racial Justice Roadmap and the final report will come next week, the specifics of it, but you can voice what you would like to see presented in it.

Melanie Ash (MA): 53:16

To elaborate, if I could-- sorry, the echo got me there. The commissioners will have the opportunity to propose an amendment to the resolution to add something or change something as it's written in the resolution. That amendment would be subject to all of the other Commissioners voting to approve or reject it. If it was approved, it will be added to the resolution for a vote on the resolution as a whole. So there is the opportunity, as the Chair said to propose an amendment which would be considered by the body here and voted on one way or another and then the resolution would move forward for a complete vote on the entire resolution, whether amended or non-amended.

Jennifer Jones Austin (JJA): 54:02

I think we're good. All right. So we're going to move now to consider and vote on the resolution. The proposals being advanced, for valid measures will appear as one resolution. And then there is a component of the resolution that centers on the Racial Justice Roadmap. The commission members have been provided with the resolution. And it should come as no surprise to anybody what the contents of the resolution are, because they embody the many meetings and discussions that have been had to date. It was determined that one resolution with all three proposals is the best path forward considering that the way that we've approached this work is that, you know, one of the proposals builds upon the next. And they work in tandem and in concert together, and so we're going to treat them as one resolution. I do want to make it clear that when it comes to the actual proposals, turning into ballot measures, and being on the New York City ballot in 2022, the measures will be individual in nature. But for our purposes, we are putting forth one resolution. The way that this will work, is I'm going to read the resolution in its entirety. For ensuring that the public at large has a complete appreciation for what's in it, we will read the resolution aloud in its entirety. And then we'll call for a motion to approve the resolution. And then to have it seconded. After it has been motioned and seconded, we will then open the floor for discussion among the commissioners on the motion. Should any member of the commission determine that a modification or an amendment should be made on any aspect of the resolution, at that time, during discussion, the Commissioner can make that known to the remainder of the Commission. The commissioner would move to amend the resolution, and then it would have to be seconded. And then there would be discussion and a vote

taken on it. If the motion to amend is approved, then we would amend the resolution to incorporate the amendment. If it is not approved, we'll move on to the next proposed amendment if there is one. Once all amendments, if there are any, are voted upon, and discussion is concluded and there is a vote, we'll close the discussion and call the question on the resolution, amendments included if there are any, and then we will commence the vote. It will be a roll call vote where I will call on every commissioner individually and in alphabetical order. I need some help there. And each Commissioner will be called on by their name to vote. When voting, each commissioner has the opportunity to make a statement or provide an explanation of their vote if they so choose, but be clear whether you are voting for or against the resolution. All votes will be recorded yeas and nays by the staff. At the end of the resolution vote, the staff will share the final vote count with me. And we will announce whether the resolution has passed, whether the yeas are the nays have carried it, along with the vote count. And we'll state that the resolution is approved or rejected. Any questions about the process? Okay. The resolution. Resolution of the 2021 New York City Racial Justice Commission, December 9, 2021. Whereas the 2021 New York City Racial Justice Commission has conducted extensive public outreach, including holding numerous public input sessions, including sessions focused on and located in each borough of the city, as well as multiple virtual sessions, with one of those focused on hearing input from youth below the age of 24. And WHEREAS the commission has heard and received written testimony from members of the public, at those sessions in person and virtually, including from representatives of public interest in advocacy groups, civic and community organizations, elected officials and local community residents. And WHEREAS the commission has heard and received testimony from thought leaders through its series of transforming foundations, issues, panels, and WHEREAS the commission has engaged community leaders in a series of conversations to solicit their input and ideas, and WHEREAS the commission has solicited input and ideas, and encouraged public comment from New Yorkers through a variety of methods and in multiple languages, including at community-based events, on the Commission's website, and through various forms of social media, and WHEREAS the commission has solicited comments and ideas from city agencies, including leadership and staff, and WHEREAS the commission has reviewed the entire charter as part of the revision process, and WHEREAS the commission staff prepared an interim staff report, identifying from New Yorkers testimony, written input, comments, and ideas, six persistent areas of racial inequity across the city, including but not limited to, one, inequity in quality services that promote social and emotional well-being. Two, inequity in work, advancement and wealth building. Three, inequity within and across neighborhoods that inhibit thriving individuals, families, and communities. Four, marginalization and over-criminalization of communities of color, and six, lack of enforcement and accountability of government and other entities. And WHEREAS the commission directed staff to further research and analyze the underlying causes of the persistent inequities identified, as well as potential solutions, including those presented by the public. And WHEREAS after the release of the interim staff report, the Commission engaged in a second round of public input sessions to solicit public input on the interim staff report, and other planned areas of focus for the commission's work. And WHEREAS a part of that public engagement, the Commission hosted focus groups with social justice organizations to solicit their ideas and suggestions on solutions to address the six persistent inequities identified. And WHEREAS at the Commission's direction, the staff prepared and the Commission considered multiple proposals to address the inequities identified. And WHEREAS commissioners have noted the absence in the New York City Charter of a unifying statement that speaks directly to the

spirit of the city, to the values that unite New Yorkers and to a vision for the future. And WHEREAS in charters and constitutions across the country and around the world, preambles often serve the function of unifying the people and creating an aspirational vision for the future. And WHEREAS many members of the public and government officials have expressed a strong interest in the unifying and aspirational potential of a preamble. WHEREAS over the past several months, including at public input sessions and through requests for submissions online, the commission has sought public input on the values that unite New Yorkers, and the values that should guide New York City's government as it carries out its work. And WHEREAS the commissioners have engaged in extensive discussions at public meeting and reviewed, edited, and WHEREAS the commission has determined that a preamble would help unite the people of New York City around historical narratives, which have shaped the city's common identity and the fundamental goals of the city and would also serve as a guide to New York City's government as it carries out its work for and on behalf of all New Yorkers. Now, therefore be it resolved that the New York City Racial Justice Commission hereby directs the staff to prepare a proposal or portion of a proposal to be placed before the voters at the General Election to be held on November 8, 2022 if adopted by the Commission, consistent with the following: Add a preamble to the New York City Charter that will serve as a unifying statement of the values of New Yorkers. Ensure the preamble includes a strong aspirational vision for an equitable city, an acknowledgement of the displacement of the original Lenape inhabitants from the land that now comprises New York City. And an acknowledgement of historical wrongs that have caused and continue to cause harm and an intention to reconstruct, revise and reimagine our city's foundations, structures, institutions and laws to promote justice and equity for all New Yorkers in the aim of repairing these past and continuing harms. And in addition to its symbolic and unifying value, provide that the values in the preamble must inform and guide the actions of city agencies and offices in carrying out their mandates under the charter, including planning, programmatic reviews and audits and the preparation of agency specific and citywide racial equity plans. And programmatic reviews and audits must examine the extent to which such values have been fulfilled through the policies and programmes of city agencies and officers and provide that the preamble will not create any private rights of action. WHEREAS in its public testimony and submissions, the public including local and national thought leaders, and academics recommended and/or advocated for the inclusion of a racial equity framework or analysis in decision making and policy development, especially in budgeting and capital planning. And WHEREAS the Commission received compelling testimony and submissions from leaders and representatives of city agencies, and from the city's taskforce on racial inclusion and equity, about the challenges of integrating racial equity into decision making and policy development, and the need for technical assistance to facilitate effective consideration, coordination, and application of racial equity principles into city government. And WHEREAS the commission has determined that the establish of a Racial Equity Office would help to embed the values of work racial equity into the charter and provide opportunities and assistance to city agencies and offices to integrate racial equity considerations into the city's planning and budgeting processes in a more systemic way, thereby prioritizing meaningful consideration of racial equity throughout the operation of city government. And WHEREAS the Commission received compelling testimony regarding the importance of ensuring that government is proactive, and responsive to community needs when setting priorities and developing policies and practices aimed at furthering racial equity and justice, and WHEREAS the Commission received compelling testimony that the absence of

meaningful government accountability could undermine the effectiveness of efforts to integrate racial equity considerations into city government policies and processes. And WHEREAS the commission has determined that a racial equity commission would serve as a vehicle to identify New York City community's priorities for racial equity and justice, as well as provide opportunities for ongoing community oversight to increase government accountability through the tracking and measurement of quantitative outcome indicators, including the assessment of year over year performance on or achievement of stated priorities and goals. Now, therefore, be it resolved that the New York City Racial Justice Commission hereby directs the staff to prepare a proposal or portion of a proposal to be placed before the voters at the general election to be held on November 8, 2022 if adopted by the Commission, consistent with the following: Establish a Racial Equity Office led by the city's chief equity officer. Ensure that a secure and adequate level of funding for the Racial Equity Office is provided for in the charter, and provided the Racial Equity Office shall be responsible for the following functions: technical assistance in partnership to agencies to support their capacity to engage in meaningful equity analysis and planning. Oversight of and technical assistance for the creation of agency specific and citywide biennial racial equity plans as set forth in the Racial Equity Plan portion of this resolution. Staffing and providing administrative support for permanent taskforce on racial inclusion and equity, comprising leaders from across city agencies, who will function as an interagency coordinating body for citywide racial equity policy development, and implementation, including incorporation into city capital, and expense budgeting. Working to ensure alignment between the most recently issued equity goals and strategies from the citywide Equity Plan and the annual capital and expense budget. Building a programme to improve equitable access to city programmes and services through focus on service design, and expanded focus on plain English, language access, access and removing other barriers to access. Coordinating collection and reporting of data and indicators related to equity, particularly the tracking of performance and outcome indicators to assess progress on the citywide Equity Plan, and the setting of standards for the disaggregation of data to allow the city and public to track racial disparity across the city and its neighborhoods. And supporting city agencies in prioritizing the development of policies and practices aimed at reversing the marginalization of individuals and communities, including through addressing wage/occupational segregation, and equitable hiring and promotion; providing access to services, information, and decision making for all New Yorkers, regardless of language ability, education, time availability or expertise; limiting the use of criminal history and background checks, except when necessary, as demonstrated; identifying and employing alternatives to punitive enforcement; and prioritizing resources and services into neighborhoods with the greatest need and deepest disparity. Mandate the development by the mayor of a city wide biennial racial equity plan to incorporate agency-specific racial equity plans. Provide that the citywide racial equity plan shall: consider, and be informed, by the values identified in the preamble to the New York City Charter. Establish strategic priorities, goals and programmes in pursuit of equity and racial justice. Document efforts by city agencies to repair the marginalization of individuals and communities. Include identification and mapping of needs-based priority neighborhoods and neighborhood specific goals for equitable distribution of burdens and benefits. Be coordinated with and subject to a specified timeline and release date aligned with the city's budget process, beginning no earlier than the 2024 budget cycle; and be submitted to the Racial Equity Commission and publicly released. Establish a Racial Equity Commission, led by a chair and supported by full-time staff and with a secure budget. Establish that the Racial Equity

Commission shall have an appointment structure that includes mayoral and non-mayoral appointments, and be composed of community members who are resident in New York City, with particular consideration for appointment given to those with expertise and/or lived experience focused on racial equity, and identify disciplines and subject matters. Provide that the Racial Equity Commission shall have the ability to propose priorities for racial equity in city decision making, and policymaking and assess performance towards those priorities, including through the following functions: proposing community focused priorities and outcome indicators for the racial equity plan; tracking compliance with equity plan submission requirements; reviewing and reporting on the racial equity plans for adequacy and effectiveness; reviewing progress reports and indicators to ensure accountability of outcomes and revising proposed priorities; exercising proactive accountability powers to track agency compliance, and provide a public accounting; exercising reactive accountability powers, including the ability to receive complaints; and providing for wide-ranging community accountability, including collaboration and partnership, and public transparency and reporting. WHEREAS commenters expressed serious concerns about the unaffordability of the city. And WHEREAS the lack of shared standards to assess the true state of self-sufficiency among New Yorkers makes it difficult to create accountability to address the patterns of inequity and work, advancement and wealth building. And WHEREAS the federal poverty line creates an inaccurate and misleading perception of the needs of New Yorkers and the adequacy of wages. And WHEREAS the commission has determined that the establishment of a more accurate measure would allow the city of New York to properly assess the self-sufficiency of its population and inform its programmatic and policy decisions. Now, therefore, be it resolved that the New York City Racial Justice Commission hereby directs the staff to prepare a proposal or portion of a proposal to be placed before the voters at the general election to be held on November 8, 2022 if adopted by the Commission, consistent with the following: mandate the development and creation of a new and additional indicator to measure the true cost of living in New York City by capturing the minimum cost of housing, childcare, food, and other essential goods; mandate the annual reporting of this indicator to provide critical data to better assess the true state of self-sufficiency among New Yorkers and thereby inform programmatic decisions and service needs. And WHEREAS the commission has recognized that it will not be possible to advance valid proposals to address all of the many other proposed solutions to the six inequities that were surfaced and considered during its extensive public engagement process. And WHEREAS the commission has determined that many of the proposed solutions have significant open questions worthy of and requiring further study in order to determine their feasibility. Now, therefore, be it resolved that the New York City Racial Justice Commission hereby directs the staff to carefully address those proposals that the commission has determined to be worthy of further study in a Racial Justice Roadmap to be included in the final report with a recommendation that they be considered by a future charter revision Commission, or other executive or legislative body. And be it further resolved that the New York City Racial Justice Commission directs the staff to prepare a final report and valid questions and abstracts consistent with the foregoing directives and with such further amendments as may be deemed necessary and appropriate by the chair with notice to the commissioners and provided further that such final report and valid questions and abstracts cumulatively reflecting the commission's proposals shall be submitted to the Commission for consideration of whether to place such proposals before the voters at the General Election to be held on November 8, 2022. That is the resolution, and so now we will move to the process of considering the resolution. First, I will call for a

motion to approve the resolution and then to have it seconded. And then to move us into discussion. And before I do that, I just want to quickly acknowledge the presence of the Henry Street Settlement Executive Director, David Garza, who is a friend to many commission members, and to the Human Services Center and to the city on the whole. Thank you for hosting us and giving us the opportunity to present to the New York City community the resolution for achieving racial justice in New York City.

Henry A. Garrido (HAG): 01:15:34

Madam Chair, I make the motion that we accept the resolution.

Jennifer Jones Austin (JJA): 01:15:52

Thank you. Thank you. Thank you, Director Garza. So I will now call for-- let me just, again, remind everybody how this process is going to work. I'm going to call for a motion to approve the resolution. And then to have it seconded. And then we will move into discussion on the proposals being advanced. As I said, and as you heard, they appear as one resolution. The way that we will work through the discussion is that we will open the floor and have commissioners examine one proposal at a time. So first, we will center on the preamble. Then we will move to a discussion focused on the Racial Equity Office and commission and center the true cost of living measure. And then fourthly, we'll have a conversation about the Racial Justice Roadmap. And I want everybody to be mindful of the time. This, you know, I presume will not be a lengthy process because these proposals have been put forth time and time again. Presenting for discussion, any thoughts, comments that you have, that you keep your comments to no longer than two minutes. We need to vote on this resolution. So I'm going to ask for a motion to approve the resolution.

Fred Davie (FD): 01:17:33

Motion moved.

Jennifer Jones Austin (JJA): 01:17:34

Commissioner Davie has moved. May I have a second? Seconded the motion. We will now have a discussion, beginning with the preamble. Is there any commission member that would like to make a statement, put forth a proposed modification or amendment to the preamble as it has been presented? I see that we have Commissioner Garrido and then Commissioner Mata. So if I may hear first from Commissioner Garrido. And then we will move to Commissioner Mata.

Henry A. Garrido (HAG): 01:18:17

Thank you, Madam Chairman. I hope that you can hear me, and I hope that everybody's okay. I apologize I'm not there. I'm there in spirit right now. Um, but I wanted to speak about the preamble, because it's such an important aspect of the proposed changes that we're making because it seems to me that it's quite astonishing, that in a city with a rich of history as we have in New York, we don't have a preamble that unifies the values and principles by which not only was our city formed, but has been operated on. And I think that this is one of the biggest steps. If you look at, for instance, the United States Constitution preamble, there has been so much debate about what he does and what he doesn't do and how much of a person when it was first created. You know, it actually ascertain value to people as if they were objects and good or bad or indifferent, it began a process by which we discuss a

unifying statement of values. And I think that one of the best aspects of the processes of this commission has been the proposal preamble and I'm in full support of that. Thank you.

Jennifer Jones Austin (JJA): 01:19:44

Commissioner Mata.

Yesenia Mata (YM): 01:19:48

I will take less than a minute. I just want to say that I'm very excited that we are going to have a preamble the first time ever here in New York City, one of the most diverse cities in the world. So I just feel like this is helping us get to the next level. And I love the term that was used like New Yorkers, right? I think New Yorkers include everyone, whether you're Latino, African American, whatever type of background, but also that is inclusive to those that are undocumented, that are immigrants that come to the city. So I think I love how New Yorkers was used. It is more of a comment, I think it would also be helpful in the report, in somewhere in the report to just include that New Yorkers include immigrants. And that status doesn't define a New Yorker. That we are all New Yorkers. I think it is more of a comment. But I'm really excited about the preamble and that we're finally going to be having a constitution for New York City.

Jennifer Jones Austin (JJA): 01:20:55

Excellent. Thank you. Commissioner Thompson.

Phil Thompson (PT): 01:21:01

I would just like to recommend a sentence or two be added to the preamble highlighting the history of New York as a center for the fight for racial justice and equity, historically, on whose shoulders we stand, and bring out that positive part of New York's history. Henry Highland Garnet, who issued the appeal to slaves to rise up and overthrow slavery. Henry Highland Garnet was a Presbyterian minister in Harlem in the 1840s. The NAACP, as was just mentioned, was founded next door. The Statue of Liberty was actually changed at the feet, because it was funded by abolitionist mainly from France, who in celebration of the heroic role of American people in destroying slavery. That is what the Statue of Liberty was actually funded to symbolize. And I just think we are in New York, we stand on the shoulders of Ella Baker and so many others that we should just acknowledge that in a sentence or two in our preamble.

Jennifer Jones Austin (JJA): 01:22:21

Very much appreciated. Commissioner Lurie Daniel Favors.

Lurie Daniel Favors (LDF): 01:22:29

Good evening, everyone, and hello to all who are in attendance, both virtual and in person. I just want to note for the record that while I am clear, and that our staff have painstakingly explained the rules through which we had to agree to have a preamble, I will note that I am excited about the preamble. I think this is fantastic. But I am concerned that the preamble is used or is framed as an informative component, as a guiding component for the actions of city agencies. I think one thing that we have seen over the course of our several months together and throughout the hearings, and the presentations, and the testimony that we have heard is that we have no shortage of good laws. We have no shortage of regulations on the books that speak to these issues. What we lack is enforcement. And I recognize

again, that we were not able to create a private right of action with the preamble. But I do wish and I want to state for the record that our preamble would do more than simply inform and guide, and that it would be a form of construction to which decisions being made by agencies would have to adhere beyond informing and beyond guiding their directions. I do wish that we were able to restrict those actions and decisions at the agency level so that they were in alignment with the preamble and not just an informative or a guidance piece. I do recognize that this is something that will require additional work. And I'm just stating this for the record now because it is my hope that those to whom we will pass this, assuming these ballot measures pass, knock on wood, that they would take that battle up as well. And that they would also seek to inform or I should say strengthen the preamble so that it is more than just an informative notion. It is more than a guide and is more than a statement of values. That it is actually setting out the rules of construction through which agency decision making will actually be evaluated. Excuse me. Thank you

Jennifer Jones Austin (JJA): 01:24:35

Very much appreciated. Commissioner Kui.

Chris Kui (CK): 01:24:39

Yeah. --preamble because in a way, this is like finally a recognition of the Asian Americans, you know, experienced in New York City and helping the city to develop and grow and that we're no longer invisible in any way. I think for the past couple of years, it's like, you know, there's all the anti-Asian violence that's happening, taking place. A lot of it is like, you know, people in a community saying that, you know, we have always been treated as foreign, right? That we're not really part of the city or the country. And for preamble of New York City recognizing the contributions of everyone, right, including Asian American, this is really significant. This is a moral standing authority, you know, for us to continue to build the city, and then to fight for our rights, and then also work with everyone to build a stronger community. So I just really feel that this is something that for the Asian American community is very, very significant.

Jennifer Jones Austin (JJA): 01:25:51

Thank you. Thank you, Commissioner Kui. Are there other commission members who'd like to comment on the preamble? I'm going to turn to our General Counsel. Commissioner Thompson suggested that we add a sentence or two highlighting New York City as you know, a center, the historical center for racial equity. That is not necessarily language, but we need to work up an amendment if he'd like to make a motion to amend the resolution to include. If he wants to officially make a motion to do so, then we will hear that and second it and we'll see if we have any discussion on it.

Phil Thompson (PT): 01:26:39

I'd like to make a motion recognizing New York as a center of the fight for racial justice and equity over centuries, and that this commission continues to work in that tradition and stand on the shoulders of the many who have come before us.

Jennifer Jones Austin (JJA): 01:27:02

Right, any discussion? Any questions? So, before we move to a vote, I want to know if our General Counsel has-- I'm sorry. Commissioner Hamilton, please.

Darrick Hamilton (DH): 01:27:21

Just a quick question or maybe clarification. I like the amendment a lot and recognizing that certain individuals, but I want to be careful that we don't want to misrepresent the city in totality as always being a beacon of racial justice. So I guess we can massage the language to make that clear.

Phil Thompson (PT): 01:27:45

Friendly, I don't want to give the impression that we've achieved it. I want to convey that we've been a center of the fight for it. So I appreciate that.

Jennifer Jones Austin (JJA): 01:27:56

The language concerning resolution in order to be able to vote on it. Do you have language for us General Counsel?

Melanie Ash (MA): 01:28:10

I think we would just add a bullet point. I'd say next to ensure the preamble includes and then there are sub bullets, strong aspirational vision for an equitable city, an acknowledgement of the displacement of the original Lenape inhabitants. And then under that we could say, and a recognition of New York City as a center of the fight for racial equity and justice and acknowledge that we stand on the shoulders of those New Yorkers who were active in that fight. Is that a fair way to say it Commissioner Thompson, deputy mayor Thompson?

Jennifer Jones Austin (JJA): 01:28:58

--on the amendment, the proposed amendment. And keep in mind that this specific language will appear in the final report in the final ballot measure that will vote on next week, but we understand what is being put forward. Commissioner Hamilton?

Darrick Hamilton (DH): 01:29:16

Yeah. Again, I just want to get more clarity. There's certain individuals in New York that have championed it. But I wonder are we saying that the city itself has been the beacon of racial justice because the former I'm supportive of. The latter, I'm not so sure is the case.

Melanie Ash (MA): 01:29:35

--directly above that, that we're going to be-- acknowledges the historical wrongs that have taken place and they continue to cause harm. So I think that wouldn't supplant that. It would just be a different acknowledgement that would be included as well.

Jennifer Jones Austin (JJA): 01:29:55

And efforts of individuals and institutions, but not, you know, not all inclusive. A good appreciation for this change. If you would, once again, Melanie, just read what we would add to this resolution so everybody's clear, and then we'll move to a vote.

Melanie Ash (MA): 01:30:27

I should clarify that this doesn't need not be the exact language that would be in the preamble. There will be obviously opportunities that the commissioners will have a chance to see that before voting on that. But this is a recognition of content that the commissioner is interested in, if they approve this amendment, is interested in having included in the draft

charter or the draft preamble that they will vote on. So the language is after the bullet point that says an acknowledgement of the displacement of the original Lenape inhabitants from the land that now comprises New York City and an acknowledgement of historical wrongs that have caused and continue to cause harm semicolon and recognition of New York City as a center of the fight for racial equity and justice and acknowledgement that we stand on the shoulders of those New Yorkers who have engaged in that fight.

Jennifer Jones Austin (JJA): 01:31:32

The proposed amendment, I ask for a vote by roll call. Do I have to do this alphabetically? Thank you. All right. I can advertise that on the fly if I don't have to. So we are voting on the proposed amendment. And I'm going to do a roll call vote beginning and please just indicate yay or nay, beginning with Commissioner Bain?

K. Bain (KB): 01:32:04

Yay.

Jennifer Jones Austin (JJA): 01:32:05

Commissioner Bermudez?

Ana M. Bermudez (AMB): 01:32:06

Yay.

Jennifer Jones Austin (JJA): 01:32:07

Commissioner Daniel Favors?

Lurie Daniel Favors (LDF): 01:32:08

Yay.

Jennifer Jones Austin (JJA): 01:32:10

Commissioner Davie?

Fred Davie (FD): 1:32:11

Yay.

Jennifer Jones Austin (JJA): 01:32:11

Commissioner Garrido?

Henry A. Garrido (HAG): 01:32:13

Yay.

Jennifer Jones Austin (JJA): 01:32:15

Commissioner Hamilton?

Darrick Hamilton (DH): 01:32:17

I'm going to abstain, sorry, on the way it's written, if that's a possibility. I know you want yay or nay but I'm for it if it's institutions and individuals, but the city as a whole, I don't think is necessarily the case. So that as read, I want to nay.

Jennifer Jones Austin (JJA): 01:32:34

It is institutions and individuals.

Darrick Hamilton (DH): 01:32:37

Then yay.

Jennifer Jones Austin (JJA): 01:32:39

Commissioner Jones Austin, yay. Commissioner Kui?

Chris Kui (CK): 01:32:44

Yay.

Jennifer Jones Austin (JJA): 01:32:45

Commissioner Mata?

Yesenia Mata (YM): 01:32:45

Yay.

Jennifer Jones Austin (JJA): 01:32:46

Commissioner Thompson?

Phil Thompson (PT): 01:32:47

Yay.

Jennifer Jones Austin (JJA): 01:32:48

Commissioner Yoo?

Jo-Ann Yoo (JY): 01:32:49

Yay.

Jennifer Jones Austin (JJA): 01:32:50

The amendment has been approved. Are there any other proposed amendments or modifications to the preamble? Hearing and seeing none. We will move to the proposal to establish the Office of Racial Equity and the commission.

Anusha Venkataraman (AV): 01:33:11

Madam Chair, I believe there is an additional request related to the preamble from Commissioner Hamilton.

Jennifer Jones Austin (JJA): 01:33:17

I apologize.

Darrick Hamilton (DH): 01:33:19

I apologize. This was the next one. I thought we had moved on. So I apologize. We're right.

Jennifer Jones Austin (JJA): 01:33:27

Point to consider, the racial equity accountability proposal, specifically the Office of Racial Equity and the Racial Equity Commission. May I have a motion to approve this proposal? Or we don't have to motion. No, I'm sorry. I forgot.

Melanie Ash (MA): 01:33:46

We just need to call see if there is any discussion on the proposal and any amendments.

Jennifer Jones Austin (JJA): 1:33:51

Good deal. Is there any discussion? Commissioner Hamilton?

Darrick Hamilton (DH): 1:33:58

So here's where I think we need two amendments. And I feel strongly about that. I think that we could improve this resolution with some more accountability. So the two amendments that I would like to bring up as a vote separately, one involves explicitly bringing race equity scoring into our recommendation for charter revisions. We had some discussion earlier, the concerns around it being complicated. I think that the charge of the executive is to overcome those complications. And those complications, in fact, would be somewhat analogous if we were to go forward with things like changing the ways in which we measure cost of living. All types of measurement oftentimes involves nuance and complication. Dynamic scoring should absolutely be part of what we do with race equity. But if we want to value something, I think New York City should be on the vanguard and lead in putting a measurement behind the value of race equity. If we don't, I think we are not putting forth some of the accountability that's necessary. I think it's not new. It's been talked about amongst us. And there is some leadership in doing so. In fact, it's part of the President's executive order, the first one that the new president actually put out, not obviously a constitutional amendment, but it included accountability and at least consideration around race equity scoring. I can talk about the Second Amendment, but I wonder if it's appropriate to go to that one or just pause here.

Jennifer Jones Austin (JJA): 1:35:47

Why don't we begin with this one first, because they would be acted upon individually. Any members who at this time would like to comment upon this particular proposal to amend the resolution, and the proposal concerning an Office of Racial Equity, to establish racial equity scoring as a requirement of the office. We heard earlier from commission members. Is there any commission member who would like to comment further at this time?

Anusha Venkataraman (AV): 1:36:25

I have a question. Is the proposal amendment, Commissioner Hamilton, to add to the responsibilities of the Racial Equity Office to develop a race equity scoring to be used, or-- so that's where I'm not clear.

Darrick Hamilton (DH): 1:36:51

You know, there are many--

Jennifer Jones Austin (JJA): 1:36:52

We can't hear you.

Darrick Hamilton (DH): 1:36:54

I was gonna say there are many places that could fit. But yes, that could be a place in which, given the template that we put forth, where I think it could be readily amendable to add that as part of the task and duties.

Lurie Daniel Favors (LDF): 1:37:15

I have a question as well.

Jennifer Jones Austin (JJA): 1:37:22

Commissioner Daniel Favors.

Lurie Daniel Favors (LDF): 1:37:24

Thank you. I know that we are time limited, but I am wondering if we are able to hear from the staff, specifically with regard to the provisions that speak to accountability within this particular proposal.

Jennifer Jones Austin (JJA): 1:37:41

Concerning the racial equity scoring?

Lurie Daniel Favors (LDF): 1:37:42

Yes, ma'am. Or concerning-- sorry, my mute button has a delay function. Specifically with the racial equity office's capacity for engaging in accountability measures.

Jennifer Jones Austin (JJA): 1:38:02

And I just want to be clear, concerning specifically racial, because we're talking about racial equity scoring right now. Okay. Director Pan.

Jimmy Pan (JP): 1:38:20

Was it confirmed we're talking about scoring?

Jimmy Pan (JP): 1:38:22

The staff has looked into it. And the office right now does not, as proposed here, undertake that racial equity scoring to answer the Commissioner Daniel Favors' question. What it does do is begin to set forth indicators which the city will track the programmatic success of its, you know, its efforts, its programmes, its resources. I think that is the start to a broader system that would contemplate scoring the budget itself against outcomes, you know, anticipated or not. But we haven't put it in here, partly because of the complexity and partly because we think that laying this foundation would allow for the office to then collaborate with Office of Management and Budget to develop that sort of more direct scoring programme. I'm not sure if that fully answers your question.

Jennifer Jones Austin (JJA): 1:38:22

Yes.

Lurie Daniel Favors (LDF): 1:38:26

It does in part. I guess my follow up would be then am I clear? Am I correct in understanding that, and this is alluding to the proposal submitted by Commissioner Hamilton, am I correct in understanding that then this office is really more charged with monitoring and observing as it pertains to its functions as opposed to engaging in corrective action?

Jimmy Pan (JP): 1:39:48

So there would be two components to this proposal. So the office is the portion of this proposal that sets out what the city's equity plan and strategy would be and develops those indicators. The second component of the proposal is the Racial Equity Commission, which firstly suggests priorities for the commission or for the office to incorporate into the city's plans, and then reviews the output of those plans. So looking at quantified indicator data to see how the city is performing, reviewing the city's strategies, reviewing that output, and providing a vehicle for the community to really see the performance. And as well, issuing statements to that effect. And so that is almost a fertile ground for that type of scoring that Commissioner Hamilton is proposing. It's the start of that. Does that make sense?

Lurie Daniel Favors (LDF): 1:40:44

It does, I guess, if there's nothing specific within the resolution that speaks to the need to move towards that type of scoring and we were not able to successfully maintain the check on the city budget, my fear is that if we don't have some sort of explicit statement, then we're going to end up having a really powerfully well-written series of reports and observations that don't have any meaningful capacity to mandate change in the way that the city is functioning. If we don't have the check on the budget, if we don't have some sort of scoring mechanism, recognizing the complexities, as has already been discussed, it just feels to me that we may be in a position where we are creating a set of bodies that will have observation faculties, but no real stick to accompany the carrots or there's no teeth. There's not sufficient enough bite, it'd seem to me.

Jennifer Jones Austin (JJA): 1:41:49

I think that's an appreciable point. But let's keep in mind that racial equity scoring alone, I mean, depending upon whether or not you're looking at policies, you're looking at budgeting, that alone does not necessarily create the enforceability mechanism. You can track it, but that doesn't mean that you create enforceability with it. And I think that that is one of the concerns that is being generated at this point that you can put it down there. But if you do not have a full appreciation of you know, the enforceability mechanisms, and it's not more thoroughly studied, then it too just becomes another thing on a piece of paper. Other commission members who have comments. Commissioner Thompson?

Phil Thompson (PT): 1:42:32

Yeah, on page four, I think, where it says coordinating collection and reporting of data and indicators related to equity, particularly the tracking of performance and outcome indicators, to assess progress on the city wide Equity Plan, etc., I think that allows for racial equity scoring. I think that is it doesn't say here are the specific mechanisms or methodologies we will use, but it is authorizing and calling for such methodologies to be created. I suggest leaving it at that level because I don't think if asked, what is racial equity scoring? I think if we ask each Commission member at this point, we'd get a different answer, because we've reached no consensus on even what the methodologies should or would be. And they are complicated. So that's my point. I actually think we should move that way. But I think we should, as Commissioner Davie said early, have everyone on board with us. Second point I didn't make as clearly, I favor a data-heavy approach, and want more work in discussion on this because I believe that racial equity is actually fiscally responsible. And it takes data to show that providing funding for community health on the front end, in

low income communities of color actually saves money on the other end. But I think those kinds of arguments can be made, in addition to just tracking how much money we're putting in for racial equity for community health. We can also track outcomes and show and I think, we and the public more support for these kinds of measures. So, you know, I think we have an opportunity to do something even more than track but make arguments that would be persuasive in budget discussions as a whole. I just don't think we've had the time or the ability to dig into these nuances as part of this process yet, but we have a language that allows and authorize.

Jennifer Jones Austin (JJA): 1:44:47

Okay. Commissioner Kui and then Commissioner Garrido.

Chris Kui (CK): 1:44:52

I just want to express. You know, I'm like, you know, favoring what Commissioner Thompson is talking about because I think that you know, like I mean, this whole scoring methodology system, it is a little bit, at least for myself, um, I have different interpretation, you know, or understanding. Yeah. So then I think that it is not a necessary prudent thing to kind of just put it in and then kind of outcast ourselves, you know, into it. You know, so I think that I would support what Commissioner Thompson is bringing on this.

Jennifer Jones Austin (JJA): 1:45:26

Commissioner Garrido?

Henry A. Garrido (HAG): 1:45:29

Yes, Madam Chair. Thank you so much. I would suggest the following. I would not support an amendment to this that would create a measuring stick where the same agency that's supposed to implement it is supposed to promulgate the rules by which you're scoring. I think that's an inherent conflict if we're going to be so sure. And I would not support an amendment that would mandate a scoring mechanism without knowing what the scoring mechanism would be. I think you could do a greater disservice if you will, to the big issue that we tackle here, which is the issue of inequity, because there are accountability measures or measuring formulas have been used for decades to try to justify the inequities. And the whole purpose of us getting together was to you know, as part of the commission was to review inequities. If we're going to establish a mechanism by which agencies are going to be monitoring themselves, I will not support that. Thank you.

Jennifer Jones Austin (JJA): 1:46:37

Commissioner Davie.

Fred Davie (FD): 1:46:38

Madam Chair, I withhold the question. I think we are repeating ourselves.

Jennifer Jones Austin (JJA): 1:46:48

Commissioner Hamilton, other commissioners have commented upon your amendment. I am asking you if you'd like to withdraw your amendment, keep your amendment as it is, would you like to modify it based on what you've heard?

Darrick Hamilton (DH): 1:47:06

I'd like to modify it and bring it to a vote. I believe that Commissioner Thompson identified a place in the resolution in which it can fit. So where he identified on page four, I would like to add that the charge includes a race equity scoring of activities around legislation and budgets, as part of the work of the Racial Equity Office.

Jennifer Jones Austin (JJA): 1:47:44

I just want to restate it to make sure we have it for the record. An amendment for racial equity scoring on legislation and budgeting on an agency by agency basis?

Darrick Hamilton (DH): 1:48:03

Proposed legislation and budgeting as part of the work of that Racial Equity Office that's identified.

Jennifer Jones Austin (JJA): 1:48:14

So I just want to get like--

Melanie Ash (MA): 1:48:16

A sentence with additional words so that we can make sure we're capturing them correctly, Commissioner Hamilton?

Darrick Hamilton (DH): 1:48:24

And of course, it's a little tricky to get the exact wording on the fly, which I guess we all can appreciate. But the sentiment of that part of the charge of the executive committee is to come up, in their charter proposals, that the Racial Equity Office be charged with race equity scoring as it relates to budgeting and legislative proposals in which the city is engaged.

Jennifer Jones Austin (JJA): 1:49:00

Yes, so you're saying the executive branch's proposal of legislation?

Darrick Hamilton (DH): 1:49:10

Yes, I'll settle for that.

Jennifer Jones Austin (JJA): 1:49:13

Does everybody understand the resolution amendment that has been put forward?

Henry A. Garrido (HAG): 1:49:19

Madam Chair, point of order. Can you hear me?

Jennifer Jones Austin (JJA): 1:49:24

Yes. Yeah.

Henry A. Garrido (HAG): 1:49:26

I just want to ask. For us to take a vote, if a motion has been made, there needs to be a second for that motion to be considered. If there is no second, it dies before consideration.

Jennifer Jones Austin (JJA): 1:49:40

Okay. Okay, so is there a motion? Commissioner Hamilton, are you making a motion to amend the resolution as stated? Is there a second?

Lurie Daniel Favors (LDF): 1:49:54

I second.

Jennifer Jones Austin (JJA): 1:50:00

Commissioner Garrido, are you seconding?

Lurie Daniel Favors (LDF): 1:50:05

That was Commissioner Lurie Daniel Favors. I second the motion.

Jennifer Jones Austin (JJA): 1:50:08

Very good. Okay. We will now call for a vote, and I am going to take the liberty of reversing the order so as to not to put Commissioner Bain on the spot at every turn. Commissioner Yoo?

Jo-Ann Yoo (JY): 1:50:22

Yay.

Jennifer Jones Austin (JJA): 1:50:22

Commissioner Thompson?

Phil Thompson (PT): 1:50:23

Nay.

Jennifer Jones Austin (JJA): 1:50:25

Commissioner Mata?

Yesenia Mata (YM): 1:50:26

Yay.

Jennifer Jones Austin (JJA): 1:50:27

Commissioner Kui?

Chris Kui (CK): 1:50:28

No.

Jennifer Jones Austin (JJA): 1:50:30

I say no. Commissioner Hamilton?

Darrick Hamilton (DH): 1:50:32

Yay.

Jennifer Jones Austin (JJA): 1:50:34

Commissioner Garrido?

Henry A. Garrido (HAG): 1:50:36

No.

Jennifer Jones Austin (JJA): 1:50:38

Commissioner Davie?

Fred Davie (FD): 1:50:40

Nay.

Jennifer Jones Austin (JJA): 1:50:41

Commissioner Daniel Favors?

Lurie Daniel Favors (LDF): 1:50:43

Yay.

Jennifer Jones Austin (JJA): 1:50:44

Commissioner Bermudez?

Ana M. Bermudez (AMB): 1:50:46

Nay.

Jennifer Jones Austin (JJA): 1:50:47

Commissioner Bain?

K. Bain (KB): 1:50:50

Nay.

Jennifer Jones Austin (JJA): 1:50:50

I believe-- is that a six tie?

Melanie Ash (MA): 1:50:55

I was having trouble distinguishing between whether you were saying nay or yay because the quality of the Zoom was tough.

Jennifer Jones Austin (JJA): 1:51:04

Yes or no. Commissioner Yoo?

Jo-Ann Yoo (JY): 1:51:06

Yes.

Jennifer Jones Austin (JJA): 1:51:07

Commissioner Thompson?

Phil Thompson (PT): 1:51:08

No.

Jennifer Jones Austin (JJA): 1:51:09

Commissioner Mata?

Yesenia Mata (YM): 1:51:10

Yes.

Jennifer Jones Austin (JJA): 1:51:11

Commissioner Kui?

Chris Kui (CK): 1:51:13

No.

Jennifer Jones Austin (JJA): 1:51:15

Commissioner Jones Austin is a no. Commissioner Hamilton?

Darrick Hamilton (DH): 1:51:20

Yes.

Jennifer Jones Austin (JJA): 1:51:21

Commissioner Garrido?

Henry A. Garrido (HAG): 1:51:23

No.

Jennifer Jones Austin (JJA): 1:51:24

Commissioner Davie?

Fred Davie (FD): 1:51:26

No.

Jennifer Jones Austin (JJA): 1:51:26

Commissioner Daniel Favors?

Lurie Daniel Favors (LDF): 1:51:28

Yes.

Jennifer Jones Austin (JJA): 1:51:29

Commissioner Bermudez?

Ana M. Bermudez (AMB): 1:51:31

No.

Jennifer Jones Austin (JJA): 1:51:32

Commissioner Bain?

K. Bain (KB): 1:51:33

Yes.

Jennifer Jones Austin (JJA): 1:51:34

All right. I believe that it's a six-five with no. So the amendment does not pass. The second amendment that you'd like us to consider, Commissioner Hamilton?

Darrick Hamilton (DH): 1:51:49

This is also in the vein of accountability. And this is that audit, routine audits are performed to proactively detect discrimination. I think that we as a commission can do something else that's very practical to redress discrimination beyond just reaction to claims, but proactively going out and monitoring with one of the best mechanisms of detecting discrimination, which is audit, an auditing system. And I can give more details about what I mean by auditing. I think it's been brought up before, but auditing as it relates to the city practices and employment, city practices and service delivery, as well as product delivery and those entities in which the city contracts with. So direct auditing to see if indeed there are patterns of discrimination in hiring of service provisions would be something that would really strengthen the city's ability to make sure that we have an environment that does not discriminate, and go along with the accountability. And having this in place, the randomness about it also is useful to make sure that people are engaging in good practices, knowing that there very well might be some accountability if systematic evidence is uncovered. So I propose that that be added to the duties of the commission and that a budgetary commitment to perform this activity is also included.

Jennifer Jones Austin (JJA): 1:53:39

Good deal. I just want to make sure-- I appreciate that. I just want to make sure that we are getting the rules correct. So General Counsel, does the discussion occur before the motion and the seconding?

Melanie Ash (MA): 1:53:51

I think Henry Garrido is probably the more the expert on Robert's Rules of Order. But I would say that we would need a seconder to have a discussion on the amendment.

Jennifer Jones Austin (JJA): 1:54:01

--appears in the papers. So the motion is to make an amendment to the resolution to provide for the commission to have the authority to conduct audits.

Darrick Hamilton (DH): 1:54:21

The responsibility to conduct audits, sorry.

Jennifer Jones Austin (JJA): 1:54:24

Responsibility. Okay. So you making that motion? Is that motion seconded?

Anusha Venkataraman (AV): 1:54:33

Did you say the Commission or the Racial Equity Office?

Jennifer Jones Austin (JJA): 1:54:37

Commission or Racial Equity Office?

Darrick Hamilton (DH): 1:54:39

To be honest, I'm open to both entities having that possibility. So if my commissioners are persuaded by it fitting in one of the other, that would be suitable to me. It's the activity that I think is really important.

Jennifer Jones Austin (JJA): 1:54:55

Okay. Is there a second?

Anusha Venkataraman (AV): 1:54:59

Second.

Jennifer Jones Austin (JJA): 1:54:59

Okay, we'll now have discussion. And what I will do is first, make sure that everyone is aware that the preamble, that one of the provisions that the preamble will provide for an audit to be conducted by city agencies and by other city offices and officials. And so there is an auditing function, that it will be in the preamble. There's an auditing clause in the preamble that will essentially dictate that audits, you know, should be conducted or required, I think. That's the way that it would present. There is an element that speaks to auditing in the preamble to be carried out by city agencies and officials.

Melanie Ash (MA): 1:55:49

Not in the preamble itself. It's in the effectuating language for the preamble. And it speaks to the fact that whenever an audit is being undertaken, it shall examine whether the conduct that's being examined is fulfilling the values set out in the preamble. So as the Chair mentioned, there is a way in which the values of the preamble and equity is being brought into any audit that is being performed.

Jennifer Jones Austin (JJA): 1:56:19

As mentioned in the preamble to the resolution?

Melanie Ash (MA): 1:56:21

Yes.

Jennifer Jones Austin (JJA): 1:56:23

Commissioner Garrido?

Henry A. Garrido (HAG): 1:56:25

Yeah, I have a question. I thought we could not bear on the part regarding the commission. I thought we're talking about right now the specific duties of the Racial Equity Office, or my mistake.

Jennifer Jones Austin (JJA): 1:56:42

Actually, we were looking at them as both, the racial equity accountability, but the first point was made specifically to the Racial Equity Office.

Henry A. Garrido (HAG): 1:56:50

Okay, thank you. Can I ask for clarification, since Commissioner Hamilton offered the ability to have the audit function in both? I think that's very different application. Whereas one would envision the Racial Equity Office to have staff that will be able to be assigned to this thing, and the Commission may have less stuff or less of resources. If we could kindly clarify which of the two areas we are finding this responsibility to do, that would be helpful to me. Thank you. Yeah.

Darrick Hamilton (DH): 1:57:31

So I'm happy to respond. To me, it seems like the commission might be the better place because there's some layer of independence so it would require that the commission received, in addition, the staffing and the resources necessary to carry out the audit. And then, you know, just as a point of clarification, by audit, beyond the preamble, I'm talking about testers as well. To literally send out either testers in the form of resumes, or testers in form of actors to examine if they are treated the same as others, regardless of race, gender, or other equity concerns that we may have.

Jennifer Jones Austin (JJA): 1:58:19

Understood. Commissioner Davie?

Fred Davie (FD): 1:58:22

Once again, I really resonate with the spirit of my colleague, and what he's proposing. But I'm really concerned about burdening these set of proposals with such additional, and perhaps overlapping responsibilities with other agencies in the city. That we're going to have city officials lobbying against these proposals being approved by the charter. You know, the City Comptroller has responsibility for considerable auditing functions in the city. And I just wonder if we could not put this in the recommendations that the Office of the Comptroller develop a fairly sophisticated approach to doing the level of racial auditing that my fellow Commissioner is recommending, so as not to, again, unduly weight this work with these other functions that could and perhaps should have their life in existing city agencies and existing city functions. I'm just so fearful we're going to end up with city officials lobbying against the approval of our proposal.

Jennifer Jones Austin (JJA): 1:59:49

Commissioner Thompson?

Phil Thompson (PT): 1:59:53

I just want to agree with Commissioner Davie's approach. Number one, certain agencies have audit authority now, including MWBE. It has auditing authority on city contracts. And it's not clear whether this would be overlapping with a number of different existing agency functions. Secondly, in my experience, what to audit is actually a big question. And that actually gets into do agencies have diversity officers who monitor certain things all the time, and bring it to the attention of some of the body. So when would even know what to audit in the context of tens of thousands of contracts, for example. And Commissioner Davie's main point, which is the Comptroller office is empowered to do this as their main function now. And I think there's a language which includes the Comptroller, saying, the Comptroller is responsible for ensuring that the values embodied in the preamble are actually applied and the Comptroller has all kinds of powers to do all kinds of investigations, if they so warrant. And now this is authorizing them, and in fact, requiring them to take this into consideration. So anyway, I think I agree with Commissioner Davie. I think it should be in the recommendations, if we direct the Comptroller or at least recommend that the Comptroller develop methodologies, etc. I think that'll be sufficient, and actually more powerful than trying to create other things where we have a strong body with staff, money, organization, etc., to do that.

Jennifer Jones Austin (JJA): 2:01:48

Commissioner Garrido. Commissioner Garrido, is your hand up?

Henry A. Garrido (HAG): 2:02:00

Sorry about that chair, apologies. That was from before.

Jennifer Jones Austin (JJA): 2:02:04

Very much appreciated. Thank you. So having heard, is there another-- Commissioner Hamilton, having heard from your fellow commissioners, their thoughts and concerns, would you like to withdraw, modify or advance your proposed amendment as it is?

Darrick Hamilton (DH): 2:02:30

I would like to advance it for a vote. I again, feel strongly that I think we could benefit from more accountability. I think that this is not necessarily investigation, but rather proactive mechanisms that are not at the discretion of particular comptroller's, but put into the values of our charter and becomes routine. And, again, proactive, which is the keyword that why I think we need to bring it to vote and ultimately get it into the charter.

Jennifer Jones Austin (JJA): 2:03:05

Understood. You know, I will just, again, make my comment that the way that the preamble is constructed, it provides for auditing functions, as performed by the authorities and institutions that have that responsibility as is and to be responsive to the preamble and what the preamble lays out by way of driving and advancing equity. I, like Commissioners Thompson and Davie, do have concerns about the added burden that you put on a commission that is just getting started and that is essentially a community-led commission, and the-- an exploration of how this would work, and it could actually work against us. So you've heard my comments. You're talking about the proposal as is to establish an auditing function for the Commission, the Racial Equity Commission. We will now move to-- Oh, Commissioner Daniel Favors.

Lurie Daniel Favors (LDF): 2:04:29

Thank you, Madam Chair. Point of clarification, does the language in the preamble contemplate a permissive capacity to engage in audits or a requirement?

Jennifer Jones Austin (JJA): 2:04:42

I don't have the language before me, but essentially the intent of the language is to ensure that every city agency and office and official move to adapt, I should say adopt, you know, programming policy and operational functions to carry out the aims of the preamble. And so if the City Comptroller has auditing function responsibility, then the City Comptroller will have to implement auditing functions that ensure that the preambles, you know, provisions are being carried out by city agencies.

Melanie Ash (MA): 2:05:29

Commissioner Daniel Favors to page three of the resolution under this bullet, in addition to its symbolic and unifying value, the second bullet underneath talks about the way in which the audit functions would be impacted by the values of the preamble.

Lurie Daniel Favors (LDF): 2:05:53

Thank you for that. I see that language. I appreciate that.

Jennifer Jones Austin (JJA): 2:06:00

No further comments, hands raised, we're going to move-- oh, Commissioner Bermudez.

Ana M. Bermudez (AMB): 2:06:09

--verification for process. Can I make my comment before casting my vote? Or do I need to make it now?

Jennifer Jones Austin (JJA): 2:06:18

Yes, you would and it's just you know, essentially, comment as you (inaudible) or you're fine with waiting. You don't have to make it now.

Ana M. Bermudez (AMB): 2:06:27

That's fine. Then I'll wait.

Jennifer Jones Austin (JJA): 2:06:29

So we will now go once again, in alphabetical order. Commissioner Bain?

Henry A. Garrido (HAG): 2:06:35

Madam Chair, was there a second?

K. Bain (KB): 2:06:41

I'm excited about the idea of race equity scorecard. I know there are a lot of unanswered questions. I know that this has been alluded to, pointed to, by different agencies, various agencies around us. It just has never happened.

Jennifer Jones Austin (JJA): 2:07:01

--right now on the auditing?

K. Bain (KB): 2:07:03

Yeah.

Jennifer Jones Austin (JJA): 2:07:04

Okay.

K. Bain (KB): 2:07:04

I'm with you.

Jennifer Jones Austin (JJA): 2:07:05

Okay.

K. Bain (KB): 2:07:07

So the short version is I'm saying yay, to the change to propose the amendment. And it's exciting the direction that we're heading right now.

Ana M. Bermudez (AMB): 2:07:20

Give me this. So, like Commissioner Davie, the spirit of this is very important. And it's a very important function that needs to exist. I am, however, concerned about the practicality on a number of levels, including its ability to pass as a ballot measure. And given at least the

platform that the comptroller-elect has run on, I believe this can be achieved through that entity. So I'm going to vote no.

Jennifer Jones Austin (JJA): 2:07:58

Commissioner Daniel Favors?

Lurie Daniel Favors (LDF): 2:08:07

I'm sorry, madam chair. Could you repeat that? For some reason, my screen keeps freezing.

Jennifer Jones Austin (JJA): 2:08:11

I'm just calling for your vote. An amendment to establish as a requirement of the Racial Equity Commission, the conducting of audits.

Lurie Daniel Favors (LDF): 2:08:26

In light of the language that was pointed to on page three, I vote no.

Jennifer Jones Austin (JJA): 2:08:32

Commissioner Davie?

Fred Davie (FD): 2:08:34

Establishing my appreciation in resonance with the direction Commissioner Hamilton is proposing and believe that the language of the preamble as well as our ability to make recommendations can eventually get us to where he wants us to be, but not willing to burden these proposals with any more responsibilities, I'm going to vote no but with a word of thanks to Commissioner Hamilton for raising these issues.

Jennifer Jones Austin (JJA): 2:09:10

Commissioner Garrido?

Henry A. Garrido (HAG): 2:09:14

No.

Jennifer Jones Austin (JJA): 2:09:16

Commissioner Hamilton?

Darrick Hamilton (DH): 2:09:18

I vote yes. And I understand we have a time constraint. But for those that are concerned about practical implications of implementation, I'm happy to send some literature and documentation that might be useful in alleviating those concerns.

Jennifer Jones Austin (JJA): 2:09:34

I echo the sentiments and concerns of Commissioner Davie and Commissioner Bermudez. I vote no. Commissioner Kui?

Chris Kui (CK): 2:09:45

No.

Jennifer Jones Austin (JJA): 2:09:45

Commissioner Mata? Commissioner Thompson?

Phil Thompson (PT): 2:09:56

I vote no. But I do appreciate the intention and I do think there will be a lot of work to be done with the Comptroller to actually flesh out how to do this in the future.

Jennifer Jones Austin (JJA): 2:10:10

Commissioner Yoo?

Jo-Ann Yoo (JY): 2:10:12

I vote no. I express my appreciation for the conversation that Commissioner Hamilton is raising. I vote no because I think Racial Justice Commission's work just can't be within the commission. I think it needs to be some shared responsibilities. And if the Comptroller's office is charged to do that and certainly step up, I think that is a way for us to go.

Jennifer Jones Austin (JJA): 2:10:38

Thank you, all. The vote tally is nine to two.

Jennifer Jones Austin (JJA): 2:10:48

Nine nay, two yay. And like other commissioners have said, I very much appreciate Commissioner Hamilton and the points that he has raised in this moment and the contributions that have been made over the course of the last several weeks that have been incorporated into other aspects, other proposals of the resolution due to Commissioner Hamilton. So are there other questions, comments, proposed amendments to the proposal concerning the Racial Equity Office and the Commission?

Melanie Ash (MA): 2:10:48

Nine to two.

Jennifer Jones Austin (JJA): 2:10:55

Commissioner Hamilton, are you able to hear?

Darrick Hamilton (DH): 2:12:29

I'm not.

Lurie Daniel Favors (LDF): 2:12:29

Commissioner Garrido, are you able to hear?

Henry A. Garrido (HAG): 2:12:39

Yes, I can.

Lurie Daniel Favors (LDF): 2:12:41

Are you able to hear what's happening in the room? I believe the video feed has dropped.

Henry A. Garrido (HAG): 2:12:48

I can hear you now but I could not hear what the video feed was.

Lurie Daniel Favors (LDF): 2:12:52

Okay. It appears that the Zoom connection into that room is not working and it's frozen. I'm seeing in the chat that they're working on rebooting.

Ana M. Bermudez (AMB): 2:13:04

They have to be accountable on race equity. So I don't know how to phrase it.

Jennifer Jones Austin (JJA): 2:13:11

--we move to discussion and have a motion to consider an amendment that would require that the Racial Equity Office provide guidance to the legislative body of City Council for--

Ana M. Bermudez (AMB): 2:13:45

Incorporating equity matters into--

Jennifer Jones Austin (JJA): 2:13:51

Annual budget here. (Inaudible). Commissioner Thompson?

Phil Thompson (PT): 2:17:01

--says shall have the ability to propose priorities for racial equity in city decision making and policies. And I think what Commissioner Bermudez is suggesting falls within city decision making. And I also think the commission is the right body to actually really work with the council to review agency performance as opposed to asking a city agency to you know, advise the Council on how to review another city agency, which I do not think is a very good idea.

Jennifer Jones Austin (JJA): 2:17:39

Comments, questions? Seeing and hearing none, Commissioner Bermudez, would you like to modify your proposed amendment? Would you like to withdraw it? Or advance it as it is?

Ana M. Bermudez (AMB): 2:18:03

I would like to modify it.

Jennifer Jones Austin (JJA): 2:18:04

Okay.

Lurie Daniel Favors (LDF): 2:18:19

Madam Chair, we're not able to hear the readout of the amendment. And nor were we able to hear the discussion as it appears the Zoom feed may have collapsed a bit so I am unfortunately, I'm not clear on what is currently on the table.

Ana M. Bermudez (AMB): 2:18:37

Okay. Can you hear us, Lurie? Okay. So the proposal is amended for the last bullet on page five to read: to propose priorities for racial equity in city decision making and policy including advising City Council oversight committees on racial equity matters. That is the proposed amendment.

Jennifer Jones Austin (JJA): 2:19:23

I can't tell if her hand is raised again. Commissioner Daniel Favors, you're good? Okay. All right. All righty. All right. I am going to move us to a vote. Commissioner Yoo?

Jo-Ann Yoo (JY): 2:19:38

Yay.

Jennifer Jones Austin (JJA): 2:19:39

Commissioner Thompson?

Phil Thompson (PT): 2:19:40

Yay.

Jennifer Jones Austin (JJA): 2:19:41

Commissioner Mata?

Yesenia Mata (YM): 2:19:43

Yes.

Jennifer Jones Austin (JJA): 2:19:43

Commissioner Kui?

Chris Kui (CK): 2:19:44

Oh, yay.

Jennifer Jones Austin (JJA): 2:19:46

Jones Austin, yay. Commissioner Hamilton?

Darrick Hamilton (DH): 2:19:49

Yes.

Jennifer Jones Austin (JJA): 2:19:51

It's a yes, right, sir?

Darrick Hamilton (DH): 2:19:52

Yes.

Jennifer Jones Austin (JJA): 2:19:53

Okay. Commissioner Garrido?

Henry A. Garrido (HAG): 2:19:56

Yes.

Jennifer Jones Austin (JJA): 2:19:58

Commissioner Davie?

Fred Davie (FD): 2:19:59

Yes.

Jennifer Jones Austin (JJA): 2:20:00

Commissioner Daniel Favors?

Lurie Daniel Favors (LDF): 2:20:01

Yes.

Jennifer Jones Austin (JJA): 2:20:02

Commissioner Bermudez?

Ana M. Bermudez (AMB): 2:20:04

Yes.

Jennifer Jones Austin (JJA): 2:20:04

Commissioner Bain?

K. Bain (KB): 2:20:06

Yes.

Jennifer Jones Austin (JJA): 2:20:07

All right. That amendment is passed. So I believe we are ready to move on to the third proposal, which is the true cost of living proposal. May I have a motion to approve this proposal? So moved by Bermudez. I acknowledge the motion to approval. Bermudez, seconded by Thompson. Okay. Now we'll move to discussion.

Fred Davie (FD): 2:20:37

Just a point of order. Do we really need the motion?

Melanie Ash (MA): 2:20:41

No, we didn't need a motion to move to discussion. I know. It's complicated. Okay. Well, we just need to hear if anybody has--

Jennifer Jones Austin (JJA): 2:20:52

Is there any discussion? All right, look, we are overdoing the rules. So it's gonna be ironclad and tight. And nobody can challenge whether or not we took the proper steps, right? So it's gonna be locked in. All right. Not only locked and loaded. It's gonna be locked down. Any discussion? Any comments, questions? All right. Looking at the screen. Seeing and hearing none, we will move to a vote on this proposal beginning-- oh, okay. I'm like, you know, we're going home. That's what we're doing. We're gonna vote to go home.

Melanie Ash (MA): 2:21:41

So at this point, we're just calling the vote on the amendment proposal. Oh, I'm sorry. That was racial--

Jennifer Jones Austin (JJA): 2:21:50

Okay. All right. All right. We've taken care of the proposals. We're now going to consider the Racial Justice Roadmap. And I just want to revisit very quickly, there were considerations put forward, suggestions, when we first began discussing the Racial Justice Roadmap, and I want to make sure that we revisit them at this moment. So Commissioner Yoo surfaced the idea of including in the Racial Justice Roadmap, housing for justice-involved persons, and addressing the rules and systems that are in place right now, that essentially prevent from

persons who are justice-involved re-entering society and cohabitating with them. So we want to take a look at that. We heard from Commissioner Bain that we need to advance as a further consideration an exploration and focus on the deprivation of basic human rights, including food, clothing and shelter. We talked about racial equity scoring, and that a mention is made of that in the roadmap. But I want to just very quickly ask Commissioner Hamilton if he would like us to ensure that language is beefed up there or is enhanced to address this issue. Any particulars?

Darrick Hamilton (DH): 2:23:51

Sure, yes.

Jennifer Jones Austin (JJA): 2:23:56

And centering on much of what we talked about during this conversation. Is that fair, this meeting? Good deal. Are there other ideas? Do we have to make a motion too?

Anusha Venkataraman (AV): 2:24:13

Currently, the resolution doesn't have detail on what's included in the roadmap. But if there are things that the commission was to ensure that are included, the language could say including but not limited to, so that I can include these items and potentially others as well.

Jennifer Jones Austin (JJA): 2:24:30

Okay. Commissioner Hamilton?

Darrick Hamilton (DH): 2:24:33

I would recommend that the roadmap include a recommendation that the city periodically go out and collect asset and debt information disaggregated by ancestry of origin so that we can monitor what wealth looks like, along with other information. And I could provide an abstract that could be helpful for this purpose, but I think is useful that the city itself is going out and collecting data routinely as another mechanism of accountability, and also measuring and benchmarking.

Jennifer Jones Austin (JJA): 2:25:11

Okay.

Anusha Venkataraman (AV): 2:25:14

Commissioner Hamilton, a point of clarification. This is beyond the setting of standards for the disaggregation of data, which currently falls under the Office of Racial Equity as a responsibility of theirs?

Darrick Hamilton (DH): 2:25:27

Correct. This includes literally going out and collecting data on these attributes, which aren't necessarily routinely available.

Jennifer Jones Austin (JJA): 2:25:36

You know, I will just say that I very much appreciate, and I concur with what Commissioner Hamilton is speaking to. We live in a society where, you know, we have to be very careful about whether or not people are even centric on asset development as an equity

component. And so I think it needs to be expressly stated. Are there other comments or thoughts? And so what I'm hearing-- Commissioner Thompson?

Phil Thompson (PT): 2:26:01

Just one minor thing in addition to that. The city also doesn't collect data on unemployment, and the state doesn't do it for the city separate from surrounding counties. So I would just add unemployment, too, in terms of going out and collecting data.

Jennifer Jones Austin (JJA): 2:26:18

So it seems like there is a joint proposal on the table to modify the words illusion with respect to the Racial Justice Roadmap to provide specificity that extends beyond the proposals that were presented earlier, and to include those that have been talked about here at this commission meeting, including housing for formerly justice-involved persons; including human rights: food, clothing and shelter; including more detail concerning racial equity scoring; including a provision around collecting data concerning assets, pursuant to the language it has been, and we can look at the minutes to make sure we incorporated with specificity. And also, Commissioner Thompson's add on which is escaping me, unemployment. Forgive me. So, motion to amend. I move to amend. Can I move? All right, any questions, comments?

Anusha Venkataraman (AV): 2:27:46

May I ask a question? To clarify the items that were just mentioned, is in addition to also listing out the six or eight that we discussed earlier directly in the--

Jennifer Jones Austin (JJA): 2:28:00

Yes. And in the roadmap.

Anusha Venkataraman (AV): 2:28:03

So including reconciliation and reparations? Okay.

Jennifer Jones Austin (JJA): 2:28:08

Add them to the roadmap.

Anusha Venkataraman (AV): 2:28:09

Correct. I'm clarifying that you want those items discussed earlier to be added to the resolution?

Jennifer Jones Austin (JJA): 2:28:16

What we are proposing is that we make sure-- let me think about this for a second. What we're really centering on is that there are additional issues that we want to be incorporated into the roadmap. And what we are saying is that what you presented for roadmap are those six plus the two overarching, and we have talked today about additional concerns, additional issues being added to the roadmap. So what we are moving to do is to have the roadmap that is being approved via resolution to incorporate both the items that you presented, and the issues that have been raised here in this commission meeting, including housing for the justice involved, human rights: food, clothing and shelter, racial equity scoring, unemployment and asset, disaggregated data concerning assets.

Phil Thompson (PT): 2:29:27

Unemployment is just within disaggregated data, just going out and collecting data on it.

Jennifer Jones Austin (JJA): 2:29:34

So that is the motion. It's been moved and seconded. We will do a roll call. Commissioner Yoo?

Jo-Ann Yoo (JY): 2:29:42

Yes.

Jennifer Jones Austin (JJA): 2:29:42

Commissioner Thompson?

Phil Thompson (PT): 2:29:43

Yay.

Jennifer Jones Austin (JJA): 2:29:44

Commissioner Mata?

Yesenia Mata (YM): 2:29:50

Yes.

Jennifer Jones Austin (JJA): 2:29:51

Commissioner Kui?

Chris Kui (CK): 2:29:55

Yes.

Jennifer Jones Austin (JJA): 2:29:56

Jones Austin, yay. Commissioner Hamilton?

Darrick Hamilton (DH): 2:30:00

Yes.

Jennifer Jones Austin (JJA): 2:30:01

Commissioner Garrido?

Henry A. Garrido (HAG): 2:30:04

Yes.

Jennifer Jones Austin (JJA): 2:30:05

Commissioner Davie?

Fred Davie (FD): 2:30:07

Madam Chair, yes, but I want to be sure that we're saying these things, but inclusive of but not limited to.

Jennifer Jones Austin (JJA): 2:30:15

Fair.

Fred Davie (FD): 2:30:16

Yes.

Jennifer Jones Austin (JJA): 2:30:17

Okay. Commissioner Davie? You said yes. Commissioner Daniel Favors?

Lurie Daniel Favors (LDF): 2:30:22

Yes.

Jennifer Jones Austin (JJA): 2:30:23

Commissioner Bermudez?

Ana M. Bermudez (AMB): 2:30:25

Yes.

Jennifer Jones Austin (JJA): 2:30:25

Commissioner Bain?

K. Bain (KB): 2:30:27

Yes.

Jennifer Jones Austin (JJA): 2:30:28

All right. All amendments have been voted on. And everyone being clear, I think it's very important just to reiterate as we move to a vote on the resolution overall, that the solution has been amended to incorporate-- General Counsel, I need your help on the following amendments.

Melanie Ash (MA): 2:30:57

--resolution to add the language that we discussed concerning New York City having a history of struggles for racial justice and equity. The second resolution was pursuant to the amendment by Commissioner Bermudez, I believe, to add to the responsibility of the Racial Justice Commission to provide guidance to the Council for-- sorry, to propose priorities for decision making and policy including advising city council committees on racial equity matters. And the final proposal, the final amendment was to provide a list for the Racial Justice Roadmap that should be including but not limited to housing, the human right to food, clothing and shelter, racial equity scoring, and data collection, disaggregated data collection concerning assets, debt and unemployment.

Jennifer Jones Austin (JJA): 2:32:17

Persons who've been justice involved. Okay. All right. Having the resolution and the amendments read, may I have a motion to approve the resolution? May I have that motion seconded? All right.

Fred Davie (FD): 2:32:41

Madam Chair, I just want to get another point of order. Don't get mad at me.

Jennifer Jones Austin (JJA): 2:32:44

No, I'm okay.

Fred Davie (FD): 2:32:45

Haven't we already made that motion?

Melanie Ash (MA): 2:32:49

We're just calling the motion.

Fred Davie (FD): 2:32:50

We're just calling the motion.

Jennifer Jones Austin (JJA): 2:32:54

(Inaudible) Anyway, let's call the vote. Commissioner K. Bain?

K. Bain (KB): 2:33:01

Yes.

Jennifer Jones Austin (JJA): 2:33:03

Commissioner Bermudez?

Ana M. Bermudez (AMB): 2:33:07

Yes.

Jennifer Jones Austin (JJA): 2:33:08

Commissioner Lurie Daniel Favors?

Lurie Daniel Favors (LDF): 2:33:11

Yes.

Jennifer Jones Austin (JJA): 2:33:12

Commissioner Fred Davie?

Fred Davie (FD): 2:33:15

With great appreciation for you and your leadership, Madam Chair, yes.

Jennifer Jones Austin (JJA): 2:33:21

Commissioner Garrido?

Henry A. Garrido (HAG): 2:33:23

Yes.

Jennifer Jones Austin (JJA): 2:33:25

Commissioner Hamilton?

Darrick Hamilton (DH): 2:33:27

With appreciation of fellow commissioners, the leadership and executive committee, I'm going to vote yes, but a concern that we don't have enough accountability in what we're

proposing and that a statement that there are indeed some practical ways in which we can enhance accountability.

Jennifer Jones Austin (JJA): 2:33:48

Thank you. Commissioner Jones Austin is a yes. Commissioner Kui?

Chris Kui (CK): 2:33:52

Overwhelming yes.

Jennifer Jones Austin (JJA): 2:33:53

Commissioner Mata?

Yesenia Mata (YM): 2:33:56

Yes.

Jennifer Jones Austin (JJA): 2:33:57

Commissioner Thompson?

Phil Thompson (PT): 2:33:58

Yes.

Jennifer Jones Austin (JJA): 2:33:59

Commissioner Yoo?

Jo-Ann Yoo (JY): 2:34:01

Yes. With appreciation for our chair who read through seven pages of text and that wasn't all. Thank you.

Jennifer Jones Austin (JJA): 2:34:13

Thank you, all. The resolution passes. I am delighted, and I am thrilled, and I am most thankful to all commission members for staying the course, to commission staff so ably led by our Executive Director, Anusha Venkataraman. We have a resolution. This is good work. Congratulations to all of you. We will be meeting next week, Thursday, December 16, from 4 to 6, maybe to 6:30. And for all who can attend in person, we would appreciate it. It's our final meeting. It's the meeting where we will be voting upon the final report, including the specific ballot language. So there being no further business, this meeting is now brought to a close. Thank you, all.