

STATE OF NEW YORK

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PUBLIC MEETING

Commission of Legislative, Judicial and
Executive Compensation

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New York City Bar Association Street
42 West 44th Street
New York, New York
June 28, 2016

B E F O R E :

SHEILA BIRNBAUM ESQ.

MITRA HORMOZI, ESQ.

HONORABLE JAMES LACK

FRAN REITER

GARY JOHNSON, ESQ.

ROMAN HEDGES, Ph.D

HONORABLE BARRY COZIER

Kathy Y. Jones
Official Court Reporter

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2 MS. BIRNBAUM: We're going to begin. Everyone
3 be seated.

4 This is a meeting on judicial legislation and
5 executive salaries we are going to discuss today. We
6 don't have any more hearings. We have done a great deal
7 of inquiries and have gotten a great deal of information
8 from academics, from those who have sent us testimony, the
9 public hearings.

10 We're now at a stage I think where we need to
11 discuss how we're going to reach our decisions and if
12 there is any other material any of the commissioners need
13 in order to make those decisions.

14 We have really two issues I think on the table.
15 One would be executive salaries and the other legislative
16 salaries. I think the issues are quite different in both
17 of them.

18 So, I think, does any of the commissioners have
19 a strong feeling about how we should proceed or what
20 process we should use to start this discussion?

21 Barry.

22 MR. COZIER: Well, I would just recommend that
23 we maybe tackle the executive compensation issue first
24 because it is less permutations I think involved with that
25 than the legislative. We don't have the issue of part
26 time/full time. We don't have the issue of LULUs involved

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2 and I think it would be a little easier for us to proceed
3 with that. So, that's my suggestion that we start there
4 and talk about what our benchmarks should be.

5 MS. BIRNBAUM: Anyone disagree?

6 MS. REITER: I think it makes a lot of sense.

7 MS. BIRNBAUM: So, we do have a lot of
8 information.

9 MR. HEDGES: One small point as it relates to
10 largely executive. We have tried to reach out to
11 academics and not been terribly successful. From the
12 correspondence that we've all been receiving, we do have a
13 couple of recommendations for a couple of more academics
14 to try and I understand that we have not yet reached out
15 to try to get ahold of them.

16 I think it would be useful to make sure that we
17 have at least done that outreach and found out whether
18 they are willing or not. And to my way of thinking, the
19 place where they're going to be most valuable is in how it
20 thinks about the executive compensation.

21 So, I would like to make sure that we've allowed
22 for time to make that outreach occur and whatever returns
23 we're going to get we get. If we're not going to get any,
24 we can certainly recognize that and move on but I'd like
25 to at least conclude that if we could.

26 MS. REITER: The only thing I can say is we've

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2 done a lot of outreach. We've all been disappointed with
3 the lack of information that's been coming from academia.
4 While there are certainly experts we can still try to
5 reach out to, I don't know that I would allow that to
6 delay our beginning a serious discussion of executive pay.

7 We know we know a lot. We don't know everything
8 and states are different, but we certainly do know the
9 costs of living issues that arise here that have certainly
10 kept I think the State of New York from being able to
11 attract the best of the brightest to come and work for us.
12 We know what New York City salaries are in terms of
13 executive compensation. We've certainly done some
14 comparisons around the area, and you know, all governments
15 are different meaning that not all states govern
16 themselves the same way and some governments are smaller,
17 some are larger, whatever.

18 I think we have a pretty good sense of what has
19 transpired here in New York State for a very long time.

20 So, I'm fine with reaching out to the others.
21 We can always allow that to inform final decisions but I
22 certainly think we're at a point now with almost July 1st
23 when it's time to sort of get moving and start to hear
24 from people up here what they think about this and maybe
25 at least put some parameters in place.

26 MS. BIRNBAUM: I agree with Fran's approach with

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2 this. We'll certainly reach out and see if we can do
3 something on this timetable. Unfortunately, academics,
4 the months of July and August don't go together very well
5 with work but we will and we will tell them that there are
6 short deadlines and see if we can get any more
7 information, but I think we do have more than sufficient
8 information to at least begin the process as Fran says of
9 what are the criteria, what do we want to do and how and
10 will we get to a decision.

11 Does that work for you?

12 MR. HEDGES: Sure.

13 MS. BIRNBAUM: Just to bring you up to date,
14 we're going to talk about executive salaries first.

15 MS. HORMOZI: Thank you.

16 MS. BIRNBAUM: Who would like to start a
17 discussion on this?

18 I think just from the statistics we have, we can
19 all conclude that salaries have been kept very low because
20 there have been no inflationary increases for
21 commissioners and people of those categories who are
22 running most of the state government.

23 Maybe, Fran, we can get your thoughts and see.
24 You're closest to this issue from your experience and then
25 determine if we can get some consensus.

26 MS. REITER: Sure.

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2 Well, a couple of observations. Executive
3 salaries right now in New York City are on average running
4 around in excess of \$200,000. So, you are the low I think
5 and I have it somewhere and I can pull it out, but I think
6 the low is somewhere around the smallest agencies around
7 195 and it goes up to I think about two and a quarter for
8 some of the larger agencies. So, when you look at that
9 against a high end and I think around \$135,000 for the
10 state, that's a high end, I think that that's a disparity
11 that is so obvious you could drive a truck through.

12 The state right now just as a merit of
13 information, based primarily in New York City, has a
14 handful as commissioner, state commissioner, as the
15 housing commissioner. A New York City based state
16 commissioner get a stipend right now of, hold on to your
17 seats, \$3,000 a year because they live in New York City.

18 I would like to see us do something that
19 frankly, you know, does away with even the need for what
20 is really a paltry stipend and address the bigger issue of
21 what's a correct level, what is -- what is a reasonable
22 salary for people who are doing extraordinarily difficult
23 work and are being asked to run complex agencies both from
24 the administrative standpoint and from a policy
25 standpoint. These are important jobs that the people of
26 the State of New York should expect to be done well and be

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2 done by the best people the state can attract. I think
3 that the policy negates the salary levels, make attractive
4 people very very very difficult.

5 We also have long time public servants who have
6 worked their way up through the bureaucracy doing some
7 really superb work in many cases who deserve to rise to
8 the level of commissioner who get to the point of being
9 executive deputy commissioners where they are making so
10 much money that they refuse to take the commissioner's
11 post much as most of them would like.

12 What ends up happening and if you look at the
13 spreadsheet that I have supplied earlier, we have many
14 executive deputy commissioners who are serving as acting
15 commissioners because they are the best person for the job
16 but they don't want the title and we don't want to lose
17 them. I think our ability -- I think government's
18 ability, any administration's ability to look at long-time
19 public servants and reward them for that really fine
20 public service by allowing them to rise to the top
21 managerial position in an agency is a very very important
22 management tool for any governor and right now that's a
23 tool that's largely denied because of this ridiculous
24 situation.

25 Finally, I would say that that two things --
26 finally, I have no expectation nor do I necessarily

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2 support -- would support raising salary levels to the
3 levels of New York City. New York City has always been
4 higher and I would suggests that the commissioners in New
5 York City play a somewhat different role than state
6 commissioners do. They are much more accountable quite
7 frankly by people on the ground.

8 City government is a service delivery oriented
9 endeavor where agencies are making contact with the public
10 on a daily basis, and I think that that is a very big
11 difference between a state commissioner and a city
12 commissioner. The state makes policy that then needs to
13 be followed by localities and they track that and they are
14 policy makers, but from a day-to-day management
15 perspective, it's a very different managerial position
16 than the city commissioner. I think to a degree one
17 that's somewhat less taxing.

18 I think given the budget situation of the state
19 and that it would be highly doubtful that we could move
20 the salaries to that level and actually have it stand and
21 I think we want to do something that will be acceptable,
22 that will be good and also doable.

23 So, I have no illusion nor do I necessarily
24 support that.

25 What I would say is finally though, whatever we
26 do, we run the risks of finding ourselves right back in

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2 this position if we don't build some kind of escalator in
3 so that the commissioners always will be that much ahead
4 of their deputies. And it could well be not a cost of
5 living increase but it could be simply that whatever
6 percentage range those other managerials get, the
7 commissioners get going forward so that we don't run into
8 this situation.

9 I can tell you it is really a horror from a
10 managerial perspective what goes on in the state right now
11 in terms of both executive deputy commissioners and in
12 some cases deputy commissioners making considerably more
13 money than their bosses. And public sector or private
14 sector, that makes for real problems. So.

15 MS. BIRNBAUM: Thank you, Fran. That certainly
16 can kick off any discussions.

17 Yes, Jim.

18 MR. LACK: I totally agree with Fran.
19 Unfortunately, for the latter part of her argument based
20 on cost of living increase, we only have a four-year life
21 and there is no way we can put in what would be very
22 proper by the way for executives to keep them at a
23 reasonable advantage.

24 MS. REITER: Can we do it for four years then?

25 MR. LACK: We can do it over four years.

26 MS. REITER: That's a start.

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2 MR. LACK: But no problem with that at all. One
3 would think that we would do it and increase it whenever
4 we could for the four-year period but the state
5 legislature of course with the governor can always pass a
6 bill which would do that. They can take the whole order
7 of how to pay commissioners out and change it, take it out
8 of statute and put it into what Fran is suggesting which
9 would be cost of living based now.

10 One thing that we also can't do, I don't think,
11 I would assume in the 18 years since those salaries have
12 been changed, the relative importance and size of agencies
13 in which commissioners run has changed. As you know,
14 we're not talking about one commissioner's salary. We're
15 talking about a structure in law of rankings of
16 commissioners either off the top of my head from A to E
17 let's say and then the size of those agencies, and what
18 they do in 2016 is a lot different from what they did in
19 1998. But we really can't tackle that either.

20 Again, the legislature and the executive can
21 reorder that any way they would like but all we can do is
22 change the numbers as they stand now. I don't think and I
23 would be quite happy if somebody can second guess me and
24 tell me I'm wrong, that we can say Commissioner C because
25 of the size of agency today should be a Commissioner A but
26 I don't think we have the -- that's a substantive change

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2 which I don't believe we have the power to do although we
3 change the number of the salaries but that while we're
4 making suggestions is certainly something else that should
5 be done as well.

6 MR. JOHNSON: Picking up on Jim's thoughts and
7 given the fact that we are limited to salaries but we have
8 the ability to make recommendations, I think maybe one of
9 the recommendations we might really want to think about is
10 take the salaries -- that the salaries be taken out of
11 executive order; that is, the specific salaries. Maybe
12 the categories might either endorse that idea or not
13 endorse that idea to suggests that the specification of
14 the commissioner's salary be taken out.

15 MR. LACK: Somebody should suggests and find out
16 whether we actually have the power to make recommendations
17 based upon the enable statute or just the power to change
18 numbers. We've been talking about it here but whether our
19 ability is to make recommendations versus changing salary
20 numbers, somebody should get an opinion on that.

21 MR. JOHNSON: My understanding specifically
22 looking at the summary of the legislation is that we do
23 have the authority to make recommendations.

24 MS. BIRNBAUM: I think we will get an opinion on
25 that but we can sort of consider the fact that we can make
26 recommendations but we will confirm that.

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2 Let me just cut short just the discussion for a
3 moment.

4 Is everyone in agreement that the commissioners
5 after not getting an increase since 1998 should be getting
6 an increase and the only question that we have to look at,
7 if we have that consensus, is how much and how we would do
8 it?

9 MR. LACK: Absolutely.

10 MS. BIRNBAUM: So, we don't have to continue
11 this.

12 MR. COZIER: Absolutely.

13 MS. BIRNBAUM: Continue the discussion of
14 whether -- I see everybody shaking their head.

15 Gary, you shook your head too. You were blocked
16 by other heads.

17 I think we have that consensus.

18 I think if we have that consensus, maybe the
19 next step would be what we want to do by way of increase
20 and then maybe at the end of discussion we can talk about
21 recommendations separately that either will be in or out
22 of the report.

23 Does that make some sense?

24 Roman.

25 MR. HEDGES: I think that Fran's juxtaposing the
26 city commissioners and the state commissioners is an

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2 important concept to work from. I'm not sure I agree
3 completely with the observation that they are so different
4 across the board, that no comparability is appropriate. I
5 think that several agencies have that, as it were,
6 operational responsibility are almost identical in form.
7 Commissioner of Corrections, the Commissioner of Mental
8 Health, the Commissioner of DEC, the People with
9 Disabilities Commissioner, those are operational entities
10 that operate with large numbers of the public as it were,
11 different publics but the public.

12 MS. REITER: I agree but I think we can really
13 get bogged down in that though. My point is saying, yes,
14 that's true. There are agencies that are similar. But
15 there is no way in my view we can come up with a formula
16 that's going to take into consideration the exceptions to
17 the rules. So that, just as an example, if we said -- if
18 we said this is the largest -- I don't know how many
19 categories of agencies there are right now but let's say
20 that they are A through D, A, B, C and D. Do you know how
21 many there are? Is there five?

22 MR. HEDGES: E.

23 MS. REITER: So, there are five?

24 MR. HEDGES: Five. The commissioners are A
25 through C. The ones that use the title commissioners are
26 all C and above but A through F is the group. Certainly,

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2 the ones that one thinks of as major agencies are A
3 through C.

4 MS. REITER: Okay. Right. We might well
5 ultimately want to make a recommendation that an agency
6 that is currently in C ought to be in A, right, but I
7 suspect and I think that's probably a good recommendation
8 meaning that -- meaning that to say as a recommendation
9 when all is said and done that we believe there needs to
10 be a new look at this, a reordering of this, and while we
11 don't have the statutory power to do it, it is our
12 recommendation that these agencies be reordered, okay,
13 where it is appropriate.

14 But if we're thinking about A, B and C, you
15 know, I would almost start at what is a reasonable ceiling
16 for A. Right. If A is your largest most complex agencies
17 or what is considered the agency to receive the highest
18 compensation --

19 MR. LACK: That's what A is, supposedly the
20 largest but the highest compensation.

21 MS. REITER: Okay. So, what do we think the
22 highest compensation ought to be from which we will then
23 say, okay, if A is X --

24 MS. BIRNBAUM: B and C should be.

25 MS. REITER: -- B and C should be 20 percent
26 less or whatever it is. Right. It seems to me we need a

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2 starting point and I think there is probably going to be
3 lots of recommendations we're going to want to make along
4 with this, but as the critical thing that we're required
5 to do at the end of the day is we need to get to a number
6 somehow.

7 MS. BIRNBAUM: Let's go back to Roman's thought
8 and suggestion especially for the As.

9 Why isn't where the city council came out, let's
10 say, 200,000, a good benchmark to look at?

11 MR. HEDGES: Let me elaborate because --

12 MS. REITER: The city council came out for their
13 own salary. The city counsel -- The city salaries are not
14 on statute and are basically dictated by the mayor.

15 MS. BIRNBAUM: But the commissioner -- you gave
16 us initially the information that the commissioners in the
17 city government.

18 MS. REITER: Yes.

19 MS. BIRNBAUM: -- are an average of \$200,000 a
20 year and 195 to 225 was, let's take that as an
21 approximation.

22 MS. REITER: They are actually a little more
23 than that.

24 MR. COZIER: Let me say this. If we are looking
25 at who the A group would be for New York City, it would be
26 Commissioner of Health, Fire Commissioner, Police

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2 Commissioner. They are at \$214,000.

3 MS. REITER: They are not high end actually.

4 MR. JOHNSON: 413. The deputy is the most high.

5 MS. REITER: They are not highest among the
6 commissioners.

7 MR. COZIER: I was shocked actually that the
8 Fire Commissioner and the Police Commissioner make less
9 than some of the other commissioners. The high is about
10 225 actually. I'm looking it up right now.

11 MR. HEDGES: Let me try to finish the thought
12 that I was working on.

13 MS. REITER: I am sorry.

14 MR. HEDGES: I thought that part of the reason
15 for fastening on what the city commissioners are making
16 included this thought and whether you thought it or not,
17 Fran, I do. It is a part of the thinking that says to me
18 this shouldn't simply be an inflation adjustment, that we
19 need to think about this much more comprehensively with
20 respect to how do we get the best people, how do we retain
21 the best people, how do we think through the human
22 resources questions that we should be thinking through as
23 it relates to compensation for commissioners. And the
24 reason I was doing the equating of the two levels of
25 government was that there really are in the case of some
26 of the operationally substantial state agencies the same

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2 sort of issues in HR terms that you've got to deal with at
3 both levels of government.

4 To my way of thinking, it was an exclusive idea
5 that we need to make sure we put on the table that this is
6 more than just an inflation adjustment. This is a
7 comprehensive thought.

8 With respect to the detail of the differences
9 between state and local officials, I agree that's not the
10 whole point. But to get that inflation idea on the table
11 and then go back and think about how do we get the good
12 people and how do we keep them, that is the point. So, in
13 my mind, I want to make sure that we have that front and
14 center.

15 I think the second element that you put forward
16 which was we want to make sure that these people who are
17 the heads of large state agency type organizations are at
18 least paid more than the people who work for them. I
19 think that's another critical element. The question of
20 how to deal with that going forward I think that's a whole
21 separate mess we might want to address but it is a whole
22 separate mess having to do with how we want to think about
23 that. How we want to think about that going forward as we
24 were thinking about judges. We had a concept that we
25 could rely on about somebody else kind of figuring this
26 out and us tagging along. Whether we all agreed in detail

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2 about how much to tag along, that's another question as
3 well, but if the concepts of it's more than inflation,
4 it's substantial. It has to do with the purpose of the
5 compensation which is good people and that we should be
6 mindful of the other HR problem that these people face
7 which is the people who work for them, then you'll
8 comfortable trying to figure out what those numbers are
9 and what exactly are and whether we should be thinking
10 about A, B and C different than D and E and F, I think
11 that's a legitimate question as well but I know at least
12 with respect to A, B and C these are heads of what we
13 traditionally think of as state agencies.

14 MS. REITER: Right.

15 MS. BIRNBAUM: And my mind, those are an easier
16 group to think about. What a commissioner is on a
17 commission is a different thought.

18 MS. REITER: Right.

19 MR. HEDGES: Than head of the agency.

20 MS. REITER: Like who gets nothing.

21 Can I clarify one thing?

22 Barry, you are actually sort of right. I had
23 the wrong range. Just for information sake, city
24 executive salaries, commissioner salaries run from 184 --
25 low end to a high of 219,773 with most of the commissions
26 earning the mid level which is 214,413. But I do remember

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2 distinctly being shocked that the police and fire
3 commissioner were at the middle level not the highest
4 level. There are huge difference in the salary. It's not
5 a huge range. It's a 14,000 range from the smallest to
6 the largest. Be that as it may, I was pretty surprised at
7 that.

8 MS. BIRNBAUM: Thank you, Fran.

9 Jim.

10 MR. LACK: I think we have to be a little bit
11 careful as we look at the state as a whole and just not
12 concentrate on New York City executive salaries. This is
13 an age old question that in all my time in legislature
14 comes up 10 or 15 times a year. The state troopers that
15 are assigned to New York City as opposed to state troopers
16 that are in Plattsburg and they earn the same salary with
17 similar type differential that is meaningless. And that
18 always has to be looked at.

19 You got to look at commissioners' salaries in
20 Erie County and Buffalo and in Nassau and Suffolk as well
21 in terms of the large counties and what these people do
22 and when they are paid or we get totally out of sync in
23 terms of the way the state operates. I have no problem.
24 Philosophically, I agree with Fran. I want to get the
25 best people. You get the best people if you pay them what
26 they deserve. But there is also some realistic attitudes

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2 of how to operate the state that has to be looked at.
3 There is probably no area where that's been more common in
4 my experience than education. We have routinely paid
5 BOCES superintendents, BOCES superintendents, of course,
6 are employees of the state, fractional amounts of the
7 local school superintendents that they are quote/unquote
8 and I mean quote/unquote "supervising" in their regions
9 who of course have their salary set by local school
10 boards. In some cases, they are earning 100 percent more
11 than what the BOCES superintendent earned and sometimes
12 particularly on Long Island, the state -- it's very hard
13 to find qualified BOCES superintendents because no school
14 district superintendent would ever want to leave to become
15 a BOCES superintendent. But that's just an example.

16 We have the same problem throughout the
17 university system as well and we just have to be cognizant
18 of it as we go to set salaries. Part of it is geographic.
19 It's based -- again, not going on the size of the agency.
20 It's based in Albany as opposed to the city-based
21 commissioners and that has to be recognized as well.

22 The State Labor Commissioner makes far less than
23 labor experts that are part of unions from basic locals.
24 Again, that always has to be taken into consideration.

25 MS. REITER: I don't think any of us would think
26 that -- when I talk about raising the salary to levels

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2 where we can attract a real talent, I'm not comparing
3 that, number one, to the private sector. Okay.

4 MR. LACK: I'm not considering labor so much as
5 private sector.

6 MS. REITER: But it is.

7 MR. LACK: In terms of responsibility.

8 MS. REITER: What a union chooses to do in terms
9 of, you know, salaries for the executive of the union is
10 not a matter for public debate. It's a matter for debate
11 with the unions and its membership and, you know, we will
12 drive ourselves absolutely crazy and never get --

13 MR. LACK: Forget about labor and get about
14 education and the rest of the things when we have a
15 problem that we have to take into consideration.

16 MS. BIRNBAUM: I agree that we have to do that
17 across the entire state maybe. I agree we have to do
18 that. How do we do that?

19 It's one thing to say we're going to be giving
20 commissioners and some of them are going to be living
21 upstate and some in New York City. It still comes down to
22 trying to find a range of numbers that is going to at
23 least create a little more if not, you know, substantially
24 more than the fact that they haven't gotten any increase
25 for years and years and years.

26 MS. REITER: I think that -- again, I think

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2 we're going to get bogged down in a lot of stuff that will
3 keep us from moving forward in any kind of expeditious way
4 if we start thinking even about other governments,
5 meaning --

6 MS. BIRNBAUM: Other state governments.

7 MS. REITER: Well, local governments, county
8 governments and all that. I recognize there are always
9 going to be exceptions and we're never going to solve
10 every problem. We're just not going to be able to do it
11 and there will still be in my view an equity decision.

12 If you look at those circumstances with a
13 county, there may be a county out there that's paying
14 disproportionately high salaries to its executives. The
15 fact that it's county government versus state government,
16 notwithstanding the state has been a long time in running
17 and doing its business without comparable salaries or even
18 anything approaching salaries. Whatever we do, it is
19 going to be an improvement. I just didn't see how we
20 resolve or address all of those potential inequities.

21 I think the question is what can we do within
22 the framework of how the state has historically sort of
23 worked and it's traditional salary structures which have
24 always been lower than New York City as an example and
25 could well be lower than other counties, but dealing just
26 with the state and sort of the way it operates. We're not

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2 going to change all of that. And we're also going to have
3 to come up with numbers that are ultimately acceptable to
4 the political establishment or the work that we do is
5 going to get thrown out the window. So, you know, it will
6 never happen.

7 So, I'm just trying to say can we come up with
8 some numbers that deal with some of these inequities
9 within state government, right, get the state to a level
10 that allows it to attract talent, public service. Talent
11 does not come to public service because they're going to
12 get rich but there is a limit to how poor they are
13 prepared to remain for the honor of working in government.

14 I want to take sort of a practical approach to
15 this and in fact not get too bogged down into all of these
16 comparisons and all of these analyses because unless
17 you've got some algorithm that we can feed all this data
18 into it and it's going to shoot out perfect answers, we'll
19 never get out of that room if we deal with all these
20 issues.

21 MR. LACK: If you take inflation along on the A
22 level of commissioners, the grade salary is up to 193,000
23 just by itself. So, it's not a great amount of difference
24 above that. Certainly not below that that anybody is
25 talking about. There is no doubt.

26 MS. REITER: It could be below that. 190. If

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2 you're making 135,000 now as the top, right, raising it to
3 195,000, right, it's an increase that I'm not sure is
4 going to be totally palatable. I'm not sure of that.

5 MR. LACK: That's an inflation only increase.

6 MS. REITER: I don't believe in inflation only
7 increases.

8 MR. LACK: We previously did it for judges and
9 it came out to the same thing.

10 MS. REITER: I voted against what we did for
11 judges.

12 MR. LACK: I'm consistent.

13 MS. REITER: You are consistent and so am I.

14 I think using inflation only as the sole
15 barometer of the salary increase, there were lots of years
16 during that 18 year period when nobody got any raises when
17 we were going through terrible recessionary periods.
18 Government was in hock up to its ears, was in terrible
19 shape and there is no way anybody was getting raises
20 during those years. So, I think simply saying 18 years,
21 that is, if you look at the cost of living increases
22 during the consumer price index, right, during those 18
23 year periods, I don't know that that's the way we
24 necessarily get there. I think it can inform how we get
25 there but I'm not sure that that can be the sole criteria
26 for getting to a number.

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2 MS. BIRNBAUM: Does anyone have a proposal on
3 how we -- you do.

4 MR. JOHNSON: I'm not quite sure if this is the
5 kind of proposal you want.

6 I wonder if the members of the commission would
7 be willing to say that we'll just at this point try to
8 come up with a number for the A level commissioners that
9 will then ultimately be applied to --

10 MS. REITER: That's exactly what I would like to
11 do.

12 MS. BIRNBAUM: Proportionately be applied to B,
13 C.

14 MR. LACK: Fine.

15 MR. JOHNSON: We limit our discussion at least
16 that much.

17 MS. BIRNBAUM: I think that's a good start
18 forward.

19 Everybody is shaking their head.

20 You too, Barry?

21 MR. COZIER: Because the range between the Cs
22 are \$120,800. The Bs are \$127,000. And the As are
23 136,000. So, I think we don't have to worry. We had the
24 same problem with the judges.

25 MS. BIRNBAUM: Can you give me the C again?

26 MR. COZIER: The C is the \$120,800.

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2 MS. BIRNBAUM: So, if we are looking at the As
3 who are now 136,000.

4 MR. COZIER: Correct.

5 MS. BIRNBAUM: Anybody have a proposal on where
6 we go to a recommendation. Assuming.

7 I'm assuming for those purposes that you all do
8 not think we should go to as high as New York City but
9 somewhere between the two or maybe something otherwise.
10 That's at least the impression I'm getting.

11 So, yes.

12 MR. HEDGES: In my mind, part of the notion of
13 what we should be trying to accomplish starts with this
14 thing of how do we get good people and how do we retain
15 good people. There is a certain symbolism in the 200
16 number, and to my way of thinking, if I were thinking
17 about the A commissioners, it's a little bit more than
18 inflation but I would think 200 would be a good number.
19 And the reason I think that as a symbol is it's still
20 below what it is that judges are making. It's still below
21 what the city commissioners are making. It's more than
22 inflation and I think that while individuals have gone
23 through all sorts of idiosyncracics but I don't think by
24 that with different -- with different life circumstances,
25 changes across time, the world of the private sector has
26 in fact exceeded inflation. That's the whole concept

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2 behind the discussion about productivity. I'm not sure I
3 want to match that and it's certainly the case in the
4 world of executive compensation that, well, more than
5 inflation is what's going on in the private sector. So, I
6 think more than inflation to make sure we're recruiting
7 people and not discouraging people for symbolic reasons.

8 So, 200ish for the A commissioner sounds right
9 and with that I agree with the sentiment that was
10 expressed by you that perhaps thinking in terms of a
11 portion of that number for other commissioners is a way of
12 thinking about them as well. That to me gets you close to
13 what looks like the right kind of concept.

14 I have a little bit of -- I'm unsure as it
15 relates to judges. I don't want to make them be the
16 center point of my thinking but I do want to make sure our
17 executive agencies are staffed with people that can handle
18 that breath of supervision, responsibility that's
19 different than what a judge confronts. And it's a
20 different skill set. It's, you know, the corporate
21 scientist versus the corporate CEO. It's a different set
22 of things that we're looking for. They are not comparable
23 but sometimes we pay the chief scientist more than we pay
24 the CEO in some corporations because that skill set and
25 responsibility set is for ideas and not for supervision.
26 We got all those concepts out there, but for sake of

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2 argument, 200 number sounds good.

3 MS. BIRNBAUM: Thank you.

4 I think just having a number out there to get
5 people, the rest of the commissions can either think is a
6 good thing or can comment on, I think at least gives us a
7 good starting point.

8 So, Gary.

9 MR. JOHNSON: I understand the spirit of Roman's
10 suggestions. I'm not a good mathematician but the
11 calculation I just did, that would be something like a
12 47 percent increase. Would somebody please check that.

13 MR. HEDGES: It's close. A little bit more than
14 inflation.

15 MR. JOHNSON: I wonder about that, how that
16 listens that we would be doing a 47 percent increase.

17 MS. REITER: I think that's going to be
18 incredibly difficult to sell and I have no objection,
19 Roman, on paying people \$200,000 to head agencies but I
20 don't think it flies. And I mean, one of the things I
21 took a look at is to get a sense of what the executive
22 deputy makes. The highest that I can see the diagram is
23 so small and my old eyes, watch me look at it trying to
24 figure out who makes what, but I believe that the state
25 commissioner, the executive deputy corrections
26 commissioner I believe is the highest paid of the

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2 executive commissioners and he is making \$175,000. So,
3 sort of using that as something of a benchmark.

4 MR. LACK: That's because none of them are going
5 to get paid higher than the governor, \$179,000, those
6 deputies. That's just a practical political problem
7 that's been out there. One reason all those deputies are
8 struggling between the 136 and 175 is because their boss
9 is at 136 and the governor is at 179. And line employees
10 as opposed to the educational commissioner of course who
11 was appointed through the Regents but anything under the
12 governor's control is 170 -- below 179.

13 I know the governor has commented and rightly so
14 when the state university system for example started
15 paying people several hundred thousand dollars, a couple
16 hundred thousand dollars more than the governor is making
17 and they are running -- not even running one small unit of
18 the state university system.

19 Fran, your numbers are absolutely right but I
20 understand the policy behind it. The only thing I'm
21 saying is I don't think Roman's suggestion personally is a
22 bad thing.

23 MS. REITER: I think most of those increases are
24 coming, you know, are across the board when there have
25 been executive increases for --

26 MR. LACK: For staff.

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MS. REITER: -- for staff.

I'm not sure in my experience that the governor ever weighed in on those or there are lots of people in this government that make more than the governor does.

MR. LACK: You are absolutely right. I don't think the governor personally ever weighed in on any of it.

MS. REITER: There are lots of people in the government who are making more than the governor right now. They are running the Port Authority. They are running the MTA.

MR. LACK: They are not under the governor's control to set their salary. Let's not get into that.

MS. REITER: I'm not sure that's so true by the way but okay.

MR. LACK: We can go back to Stony Brook and talk about that.

Personally speaking, small people politically don't see any difference between the political acceptance of Roman's 47 percent versus a 42 percent inflation and that's going to tip over somebody's apple cart if we ever did that.

MS. BIRNBAUM: I think the governor should get paid more too. That's not our issue.

MR. LACK: Although the governor will once we

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2 get finished.

3 MS. BIRNBAUM: That's probably true. That
4 shouldn't be a problem.

5 The problem for us is what we think is
6 reasonable under these circumstance. Whether it's
7 politically feasible is another issue but I think first we
8 all have to come to what we think is reasonable.

9 Mitra, I know you want to speak.

10 MS. HORMOZI: What the inflation number would be
11 for the A group?

12 MR. LACK: 193 and change.

13 MR. COZIER: I don't really have a problem per
14 se with the 200,000 number. I think of course because we
15 do have political considerations involved I mean, yes, as
16 a pure percentage, it is a substantial increase but of
17 course as we did with the judges, we should consider
18 whether or not it should be a phasing or will -- over the
19 period of three years. I mean, that's the -- you know,
20 that way we don't jump to 47 percent the same way and that
21 I think, you know, an alternative certainly is to look at
22 whether it would be in three steps. So, I think that
23 that's another way that we can sort of look at it, and you
24 know, it's not much higher than the inflationary rate.
25 So, I certainly feel that we should not be looking at a
26 number under 195 for the A group.

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2 MS. BIRNBAUM: Okay. That's helpful. So, are
3 we between 195 and 200?

4 Gary.

5 MR. LACK: Don't say 197.5 please.

6 MR. JOHNSON: I have an information question.
7 When we say that the number for inflation is 193, that's
8 over what period of time?

9 MR. LACK: 18 years.

10 MR. JOHNSON: We're going back to when the
11 statutory amount was set?

12 MR. LACK: Correct.

13 MS. REITER: I'm not comfortable yet with that
14 high number.

15 MS. BIRNBAUM: What number would you be
16 comfortable with at this point just for the sake of
17 discussion?

18 MS. REITER: Probably something more in the
19 range of 175 to 180. I think we have to be realistic
20 about this too. This is again, you know, it shouldn't
21 come as any surprise where I was on the judges that I'm
22 not really interested in what we did for the judges
23 because I think we set a precedent or at least people are
24 making the argument that we set a precedent with the
25 judges which is exactly what I didn't want to do with them
26 because I knew we still had to deal with this and with the

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2 legislative salaries. I'm all for doing this without
3 consideration yet for the legislative salaries.

4 What we do here is ultimately going to be judged
5 by the legislature who can negate what we do here, and
6 since we haven't even begun to talk about what will be the
7 most controversial issues we face, which is legislative
8 salaries, that I think that if we come out with a number
9 that is -- that reflects the total inflation that's ensued
10 since and over the last 18 years, that we may very well
11 come up with a number that the legislature is not going to
12 be accepting particularly if we don't do exactly the same
13 thing for them. And quite frankly, I can tell you right
14 now somebody is going to have to do a lot of arguing with
15 me to get me to believe that we're going to raise
16 legislative salaries by 47 percent. I think we got,
17 particularly in view of what -- of nothing that happened
18 during this legislative session to address all of the
19 issues that don't bear repeating here today but I'm sure
20 we're going to be talking about on another date when we do
21 take those salaries up.

22 I want to do something that is rational and will
23 be acceptable and will not raise huge red flags that will
24 give commissioners a substantial raise but at the same
25 time be reasonable and take all of this stuff into
26 consideration and I'm looking more at the 175 to 180 range

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2 in my own head right now. So.

3 MS. BIRNBAUM: Just for purposes of discussion
4 and being a negotiator all my life, let's take the high
5 end of 180 instead of 175 to 180.

6 MS. REITER: I came in here at 175 and I'm
7 moving to 180 but because what we do here is meaningless
8 if it doesn't stand and it's possible none of this will
9 stand but.

10 MR. HEDGES: I'm not going to disagree with that
11 but let me go back on the question that was raised just a
12 few minutes ago. The notion of phasing it in.

13 In my mind coupled with the same conversations
14 that we had at the beginning of this discussions, if our
15 thought is that this is a number that is the beginning and
16 something additional, I would turn that around.

17 In my mind this is an end point and phasing in
18 is exactly what in my mind is the way you do that. So
19 that part of the reason to say more than inflation was
20 because I'm not looking at this as the end point of a
21 four-year period.

22 MS. BIRNBAUM: Are you saying that --

23 MR. HEDGES: I'm saying 200 would be the end
24 point.

25 MS. BIRNBAUM: Four-year period. You're not
26 saying the first year would be 200. Like with judges, we

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2 would phase it in.

3 MS. REITER: You're talking about starting at
4 200 and increasing it?

5 MR. HEDGES: 180 and phasing it in to get there.
6 I think right now the inflation number as a starting point
7 is probably too high to get in one step too. So,
8 inflation plus some expectation about the future. I end
9 at 200 and I do it in three steps.

10 MS. BIRNBAUM: Or four steps.

11 MR. HEDGES: I end at the fourth step.

12 MS. BIRNBAUM: If that were to be the case,
13 let's see if that concept is acceptable.

14 Talking about a phasing period with a number
15 starting with the first year going to the phasing in each
16 year and an additional increase, does that concept make
17 sense to every one?

18 MR. COZIER: I could support it.

19 MS. REITER: My issue is I go back to my
20 suggestion at the beginning which is that any increase, if
21 what we end up doing here in the first year should be tied
22 to increases others are getting in government to avoid the
23 problem that we have now, the number twos and the number
24 threes in an agency exceeding ultimately the salary.

25 MS. BIRNBAUM: How would you do that? We don't
26 know what the increase is.

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2 MS. REITER: You don't. So, what I'm saying is
3 at least for the four-year period that what we are
4 recommending is a salary number to increase
5 proportionately with any other increases that managerials
6 receive during that four-year period. So, if they get a
7 2 percent increase next year, I mean a government manager,
8 the notion of that regular cost of living increase is a
9 very difficult one to deal with budgetarily when the
10 economy may tank and the notion of any raises at all other
11 than those you are absolutely required to give through
12 unique contract or whatever, that for managerials, you
13 know, we don't do cost of living increases because there
14 are budget priorities that take -- that may be more
15 important than giving managerials a raise in a given year.

16 So, my point is that if you're going -- if you
17 now want to keep our commissioners ahead of the people
18 they manage, then whatever those people they manage get,
19 that the commissioner should get a similar percentage
20 raise and leave it as that as opposed to phasing in over
21 four-year period what again is related really to inflation
22 cost of living increases and that's a precedent I'm not
23 sure we're going to be able to sell.

24 MR. JOHNSON: So, Fran, in terms of a concept
25 and we don't have the numbers here now, I don't think you
26 would be comfortable with giving these commissioners

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2 whatever management confidential employees have received
3 over the 18-year period in terms of the increase.

4 MS. REITER: I would have to look at the
5 numbers.

6 MR. JOHNSON: Keep them in face with --

7 MS. REITER: I would like to take a look at
8 those. Can we get those? I think that would be worth
9 taking a look at.

10 MS. BIRNBAUM: Any other thoughts?

11 MS. REITER: They haven't gotten much at least
12 in my time to begin with.

13 MS. BIRNBAUM: Can we talk a moment about
14 process.

15 I think this conversation has been very well
16 discussed and very useful to everybody. Certainly has
17 been useful to me. We don't -- I mean, we have another
18 meeting coming up in July.

19 Does it make sense to put forth the proposal
20 that we have, maybe some more information that we can ever
21 want to get that was just discussed by Gary. Everybody
22 can now -- I think we have a sort of parameter that we can
23 focus on and that we continue this discussion at our next
24 meeting after getting the additional information and not
25 taking a vote, even a strong vote at this point until that
26 further information comes in and people have an

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2 opportunity to consider that and also to consider the
3 entire discussion we've had.

4 Does everybody think that makes sense at this
5 point?

6 MS. REITER: Yes.

7 MR. COZIER: Yes.

8 MS. HORMOZI: Yes.

9 MS. BIRNBAUM: Consensus.

10 Is there any more discussion that you think we
11 need to have on the executive salaries this morning?

12 I think for conceptually where we are, it may or
13 may not stay that way, is that we're starting with trying
14 to come up with a salary for the A commissioners that will
15 then be proportionate for the other commissioners and at
16 least in our discussions so far the numbers that have been
17 discussed between 180,000, 175 to 180,000 to 200,000 and
18 some of the questions that I think are still unresolved is
19 should whatever number we choose be put in proportionately
20 over the four years in some way or should it be a number
21 that is going to have all of the amount in the first year
22 is another consideration I think we have to continue to
23 discuss. That may depend on what the number is and how we
24 get in.

25 So, those are the things I think we all need to
26 think about before the next meeting.

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2 MR. COZIER: I just have one question and maybe
3 Jim is the most appropriate person to answer it. Is a
4 point of clarification.

5 All of those commissioners whose salary exceed
6 136, those are non-gubernatorial appointments?

7 MS. REITER: No, they are non-statutory.

8 MR. LACK: Non-statutory.

9 MR. COZIER: Okay.

10 MS. BIRNBAUM: Is there any other information
11 that any of the commissioners would like based on this
12 information?

13 MS. REITER: I think one of the things that we
14 all agreed on was, assuming that we're allowed to make
15 recommendation and I can't imagine why we even need
16 permission to make a recommendation, it might be helpful
17 to take a look at the agencies categorically and if
18 somebody can break out you know all the As, all the Bs,
19 all the Cs so we can actually see which ones are falling
20 right now into which groups.

21 MS. BIRNBAUM: I think we can do that.

22 MR. HEDGES: I think the statute of law does
23 that.

24 MR. LACK: That's the way it's written in the
25 statute. It's listed down.

26 MS. REITER: Okay.

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MS. BIRNBAUM: We'll circulate that.

MR. HEDGES: Section 169, it's actually by those paragraphs. That's where those terms come from.

MR. LACK: That's why they are A, B and C.

MS. REITER: We were only dealing with Section 169, right?

MR. LACK: Yes.

MS. BIRNBAUM: Okay. Any more discussions on this?

Okay. Great.

I think this was a great discussion. And it has moved us substantially along in this discussion of the executive salaries.

Do we want to begin today discussions of legislative salaries from the point of view of concepts, policies, et cetera, or leave it to the next meeting?

MR. HEDGES: Next meeting.

MS. BIRNBAUM: Next meeting.

Everybody in agreement?

Barry, you in agreement with that?

MR. COZIER: Well, I mean, I don't think it hurts for us to at least touch upon maybe the considerations so that we're a little more prepared in the next meeting in terms of what we're going to be looking at. So, it may be helpful just to, you know, have at

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2 least a general discussion as to, you know, the criteria
3 we're going to look to with respect to the legislative.

4 MS. BIRNBAUM: Okay.

5 Anybody want to start that discussion?

6 Barry, since you seem to be more anxious to do
7 it.

8 MR. COZIER: Well, I mean the first part of
9 course is the actual based fixed component and, you know,
10 which is what \$79,900 is about.

11 MR. LACK: \$79,500.

12 MR. HEDGES: \$79,500.

13 MR. COZIER: Okay. Across the board. So, I
14 guess you know we have some of the same considerations
15 there.

16 I mean, are we going to look at inflation as one
17 of the benchmarks in terms of you know the increase there?

18 Again, the only thing that is comparable with
19 respect to the stats we have to some extent would be the
20 city council or recent city council increase but of course
21 the city council is now a full time position as opposed to
22 a part time position. That's certainly something that we
23 have to take into account.

24 MS. BIRNBAUM: Well, I think we ought to just
25 comment on Evan Davis' letter to us in which he pointed
26 out that the constitutional convention which will be up

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2 coming -- when did he say?

3 MR. LACK: You vote on it in 2017 but it happens
4 to be 2019. Evan has been showing that all around now for
5 awhile.

6 MS. BIRNBAUM: That there is going to be an
7 attempt to make the legislature full time but I think we
8 still have an obligation now. For all we know, the
9 legislature is part time and not going to change.

10 MR. LACK: I don't think we can make any
11 assumptions of whether there will be a constitutional
12 convention. That requires a public vote, and two, if
13 there is, what the constitutional convention will do, and
14 three, then having done it, whether or not it will pass
15 which is an up and down vote relative to 1969.

16 There is a good reason that there hasn't been a
17 successful constitution convention since 1938. I'm not
18 going to get into a whole -- we're not going to have a
19 constitution convention discussion here but there is a
20 very good reason why it has not been since 1938.

21 MS. BIRNBAUM: I think I want to mention -- I
22 want to say I think at this point we can certainly make a
23 recommendation that it should be full time. It won't
24 change anything. Right now we're looking at part time
25 legislature.

26 MS. REITER: One of the things I found

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2 interesting about our hearing process, I think we heard
3 from two members in the legislature. I won't even, and
4 one of them --

5 MR. LACK: Not three. We got a letter.

6 MS. REITER: Okay. What I found interesting is
7 two things. One, that so few of them came forward to make
8 their case and on any level for any reason. But the other
9 thing is that one thing about the city council, the one
10 thing I can say about the city council is that this isn't
11 easy for me but the one positive thing I can say about the
12 city council is that, even before they became a full time
13 body in terms of constituent services, they were active 12
14 months a year. They were. They have constituent offices
15 in their district. You got a problem, you go to the city
16 council member. They very often will help you with it,
17 direct you to the right plate. Quite frankly, they don't
18 do a lot of legislating but that was really -- they were
19 the people you went to if you had no other means of really
20 petitioning your government and they have staff and they
21 have offices and those offices functioned. The ones that
22 functioned well, everybody knew about, right, who were the
23 guys that really took care of their district. Even before
24 they became full time, their purpose was full time. It
25 wasn't a big stretch of the imagination for them to go to
26 full time because again they are very much on the front

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2 lines there with their constituents, very engaged in
3 service delivery problems and stuff like that. Right. No
4 one, you know, that I can recall among the three that we
5 did hear from made any argument whatsoever that they are
6 full time.

7 Now, they have local offices but not one of them
8 came here and said to us, you know, the work we do is not
9 just when we're in Albany. We go back to our districts
10 and here are the kind of things we do and that would have
11 been a valid argument.

12 MR. LACK: Fran, cut it out.

13 MS. REITER: What do you mean cut it out?

14 MR. LACK: I was in the state legislature for 24
15 years. I never made a full time -- I had the first mobile
16 unit in the state legislature, had a full time district
17 office.

18 MS. REITER: You're great.

19 MR. LACK: Not that I'm great. So did a
20 majority of my colleagues. Not one went around
21 distinguishing it between full time and part time.

22 If you want to talk about the thousands of
23 citizen situations being handled, I'll give you mine for a
24 second. Obviously, I know mine best. Publicly, I'm not,
25 you know, I'm not allowed to keep my district office
26 outside my district --

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MS. REITER: I'm not disagreeing with you.

MR. LACK: -- outside my district boundaries but I put it in a state office building outside my district so when people had problems I could deal with all of your agencies that were in the building and resolve those problems although politically it would have been a lot better if I had my district building in my district and not a --

MS. REITER: I'm not disagreeing with you.

MR. LACK: I didn't bother to distinguish between full and part time.

MS. REITER: That's --

MR. LACK: Come on. Who cares about them?

MS. REITER: You didn't care about it but you know what, I care about it because I think I'm here, right, to try to do what's right for the people of the State of New York, not just its elected officials and if, you know -- you guys made a very good point that nobody from OMB showed up to talk about what budgetary increases of judicial salaries and what I'm saying to you is that if the legislators themselves are not prepared to come and talk to this body about why they deserve more, then you got a problem with that. Okay. You believe that -- you believe and I'm sure you did, right, that you served your constituents well and you were there and you had offices

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2 and it wasn't just a part time job and I know any number
3 of state legislators who I would put in that category but
4 the reluctance of the state legislature to make its own
5 cases for itself pisses me off and I'm sorry that you
6 don't get that.

7 MR. LACK: I get that and I certainly get why
8 they don't want to come and see you.

9 MS. REITER: Really.

10 MS. BIRNBAUM: Let's get it down.

11 We all knew that when we got to talk about the
12 legislature we would get the heat up but we don't have to
13 get the heat up this high. I think we understand that a
14 lot of people who might have contributed to this debate
15 and discussion didn't come before us. So, we just have to
16 take that.

17 MR. LACK: There is no precedent for it.

18 MS. BIRNBAUM: There is no precedent but they
19 could have if they wanted to be heard and certainly the
20 judges, they want to be heard.

21 MS. REITER: They sure did.

22 MS. BIRNBAUM: And they were heard. All kinds
23 of people came out for those hearings on that but there
24 were markers that are helpful to us but we have to deal
25 with what we have to deal with.

26 What we have at the moment could be part time

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1 legislature and we have to deal with that.

3 MR. HEDGES: I think that it's important to
4 consider the possibility that state agency commissioners
5 and legislators as part of the whole reason for setting
6 this up didn't come and testify. The whole design was to
7 make it somebody else's job, somebody else making the
8 decision. And while obviously there were some people who
9 said I disagree, the overwhelming bulk of the members of
10 the legislature said it's our job. I'm not going to
11 interfere. All of the commissioners did the same. The
12 exception to that was just as unusual in that was one of
13 the commissioners of the APA who wrote on behalf of her
14 employee and said, gee, this person is underpaid. I would
15 like to see them paid more. So, one of the agencies sort
16 of and a couple of junior members sort of testified in
17 some form. I don't want to read anything into that one
18 way or the other. I think they delegated it and the point
19 was to make sure that it wasn't political. Of course,
20 it's still political because all policy matters are. I'm
21 a political scientist. I believed that long before I
22 worked in government and so it goes.

23 I agree with Sheila. It's time for us to turn
24 down the heat a little bit. I don't want to read anything
25 into it one way or the other. I can understand that
26 others have a different view. I think they are wrong but

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2 I'm not going to get crazy about that. I think it's going
3 to be a hard question for us no matter what we do.

4 I think the question of full versus part time, I
5 can go through my 20 years experience and my 15 years as
6 an academic before that studying the legislature, knowing
7 that for all of the worldview of legislators, they make
8 their living by doing constituent service. That's how
9 they get elected. That's how they get reelected. That's
10 what they see their job as being.

11 If you look at academic studies of legislators,
12 that's what they all say that the legislative function is
13 to represent in many different senses of the word, not
14 least of which is the voice of the constituents as
15 constituents. Separate and apart from law making and law
16 making as a separate activity and not necessarily in the
17 minds of legislators throughout the country even, the
18 first important activity being the constituent servant is
19 for most members the thing they do, they care about and
20 it's probably the first thing they identify when you ask
21 them why do you do the job.

22 MS. REITER: You would have been a great
23 advocate for them to have shown up here and if it wasn't
24 them doing it there should have been somebody doing it.

25 MR. HEDGES: Fran, the point I think is they
26 made the decision when they created this thing to not

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2 involve themselves directly with exceptions. In the same
3 way that the commissioners view it as it's not my job to
4 come and advocate for my salary. I understand that a
5 whole bunch of judges saw it differently.

6 MS. REITER: There is a difference between an
7 elected official and somebody who is a paid employee and
8 what they comfortably can do and can't do.

9 MR. HEDGES: Fran, my point is I think that one
10 way of reading they didn't come in both instances is the
11 same thing. It's what was delegated to them. That's what
12 they are supposed to do. We can all disagree about that
13 but I don't think we should get crazy about it.

14 MS. REITER: I don't want to get crazy about it.

15 MS. BIRNBAUM: Let me suggest, whether they came
16 or not, we still have an obligation to come up with a
17 recommendation for salary freeze or not and I'm hoping
18 that in the couple of weeks before our next meeting that
19 we can go through the same kind of internal debate that we
20 have gone through with the executive and with somebody
21 hopefully coming up with a proposal that we can use as at
22 least a talking point to start a discussion and move the
23 discussion along.

24 Yes.

25 MR. LACK: Hopefully, we can thereafter dispense
26 with this because I think it's artificial. The difference

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2 between legislative executive and judiciary is the first
3 commission for the legislature and executive the second
4 commission for the judiciary. The vast majority of those
5 who appeared before us on behalf of the judiciary were
6 either representing anti-judiciary groups who have been
7 around for years or representatives of judiciary
8 associations which exists for that purpose and they
9 represented those associations.

10 To the best of my knowledge, there are no
11 legislative associations in the state and there are no
12 executive associations in the state to send
13 representatives to testify. There you have the
14 difference. If you look at -- you actually had three
15 individual legislators. So be it, but besides that,
16 that's the big difference in who would come and what they
17 were representing. I don't think it means anything in
18 terms of the work we have to do.

19 MS. BIRNBAUM: I think just for everyone and for
20 the commissioners, we have a meeting scheduled for
21 July 26th at 11:00 a.m. in which we will continue the
22 discussion of the executive salaries and really start a
23 discussion of legislative salaries. If anyone during that
24 time thinks they want additional information that we
25 haven't asked for, just let me and Mindy know and we'll
26 get what everybody needs.

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2 Is there anything else that we can discuss
3 today?

4 If not, this meeting is adjourned until
5 July 26th at 11 at the City Bar right here where we are
6 now.

7 Thank you all.

8 MS. REITER: Thank you.

9 (Whereupon, the meeting was adjourned to July
10 26, 2016, at 11:00 a.m.)

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12 C E R T I F I C A T E

13 Certified to be a true and accurate transcript of the
14 proceedings.

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16 _____
17 Kathy Y. Jones
18 Official Court Reporter
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