



This Week in New York

Covering New York State and City Government

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In the News – New York State



Justice A. Gail Prudenti Named Chief Administrative Judge of New York's Court System

The Honorable A. Gail Prudenti, Presiding Justice of the Appellate Division, Second Department, will take over as New York's Chief Administrative Judge on December 1st. Justice Prudenti succeeds Chief Administrative Judge Ann Pfau who earlier this week announced plans to step down.

Chief Judge Lippman today formally announced Judge Prudenti's appointment. The appointment was made with the approval of the Administrative Board of the Courts.

A graduate of Marymount College, Judge Prudenti earned her LLB from the University of Aberdeen in Scotland. She was appointed to her current position in 2002 by Governor George E. Pataki, who first appointed her an Associate Justice of the Appellate Division, Second Department, in 2001. From 1999 to 2001, Judge Prudenti served as the District Administrative Judge of Suffolk County by appointment of then-Chief Administrative Judge Lippman. She was elected Surrogate of Suffolk County in 1995, after previously being elected to the Supreme Court in 1992. Prior to being elected to the bench, Judge Prudenti spent a decade in private practice and also served as a Law Clerk in Surrogate's Court and an Assistant District Attorney in Suffolk County.



Judge Prudenti

Pursuant to Article VI, Section 28 of the New York State Constitution, the Chief Administrative Judge, on behalf of the Chief Judge, supervises the daily administration and operation of the Unified Court System, which has a \$2.5 billion budget, 3,600 State and locally paid judges, and 15,000 non-judicial employees in over 300 locations around the State. The Chief Administrative Judge is responsible for the performance, efficiency and productivity of every trial court in the State and works closely with the Chief Judge, Presiding Justices, Deputy Chief Administrative Judges and local administrative judges to review the performance of the courts, ensure the proper assignment of judges, and implement policies and standards governing practice and procedure in the courts and the legal profession.

Judge Prudenti has been active in bar association and civic activities, including the Executive Committee of the ABA's Council of Chief Judges, and as Presiding Member of the Judicial Section of the New York State Bar Association, member of the Executive Committee of the New York State Surrogates' Association, founding member of the Suffolk County Women's Bar Association, member of the Board of Directors of the Suffolk County Columbian Lawyers Association, and Co-Chair of the Chief Judge's Task Force on Delay in the Courts.

Earlier this week, Chief Administrative Judge Ann Pfau announced that she would step down December 1st to serve as the coordinating judge of the New York State Medical Malpractice Program. In her new position Judge Pfau will administer a \$3 million federal grant from the Justice Department and oversee the program's statewide expansion within the court system. The program, based on a pilot initiated by Justice Douglas McKeon in Bronx County, relies on judge-directed negotiations to promote early settlements that limit the heavy legal costs associated with medical malpractice trials and appeals. It is slated for expansion beyond the Bronx to courts in Brooklyn, Manhattan and Buffalo.

According to Office of Court Administration, the Obama administration has estimated that New York's approach could save the country a billion dollars per year in healthcare costs if adopted by state courts nationwide. This program could even become part of federal healthcare reforms.

During her service, Judge Pfau helped to streamline the judiciary's administrative leadership, promoted early court intervention in home foreclosures to contain the fallout from the financial meltdown in 2008, expanded e-filing, overhauled guardianship and fiduciary appointments to improve accountability and training, and has focused attention on the needs of families and children in Family Court.

"I again want to thank Judge Pfau for the spectacular contributions she made to the New York State courts as Chief Administrative Judge since May 2007," Chief Judge Lippman said. "I look forward to working with Judge Prudenti to continue the progress we have made to improve the courts and better serve the millions of New Yorkers who come to us seeking justice."

The Transition Begins at the Port Authority of NY & NJ Metropolitan Transportation Authority

Governor Cuomo Announces New Leadership at Port Authority & MTA

Bringing an end to months of speculation and rumors, Governor Andrew Cuomo this week announced his recommendations for the leadership of the Port Authority of New York/New Jersey (Port Authority) and the Metropolitan Transportation Authority (MTA).

Port Authority

Patrick J. Foye, Executive Director

Mr. Foye is currently the Governor's Deputy Secretary of Economic Development, a role in which he manages the state's initiatives for economic recovery, investment, and job creation, and oversees the Empire State Development Corporation (ESDC). Previously, Mr. Foye was Deputy County Executive for Nassau County Executive Edward Mangano. Prior to working for Nassau County, Mr. Foye was the downstate chief of ESDC for former Governor Eliot Spitzer as well as Vice Chair of the Long Island Power Authority. Mr. Foye was a partner at Skadden Arps and practiced law in New York, Brussels, Budapest, and Moscow and was a senior member of the management team of a S&P 500 REIT for six years. Mr. Foye also served as President and CEO of the United Way of Long Island for three years.

Mr. Foye's recommendation is subject to the approval of the PANYNJ Board.

Current Executive Director Christopher Ward will remain in his position until the end of October and then serve as an advisor to the Port Authority for a transitional period through the end of the year.

James P. Rubin, Port Authority, Board Member, & Senior Advisor for International Competitiveness at the Empire State Development Corporation

Mr. Rubin is currently President of the Atlantic Partnership. From 2008 to 2011, Mr. Rubin served as Executive Editor of Bloomberg View, the opinion section of Bloomberg News, and adjunct professor of international affairs at Columbia University's School of International and Public Affairs. Mr. Rubin served under President Clinton as Assistant Secretary of State for Public Affairs and Chief Spokesman for the State Department from 1997 to May 2000. He was also a top policy adviser to Secretary of State Madeleine K. Albright and acted as a special negotiator during the Kosovo war to secure the demobilization of the Kosovo Liberation Army. Mr. Rubin was also a Visiting Professor of International Relations at the London School of Economics from 2001-2004; a partner in the Brunswick Group – a financial advisory firm – from 2001-2004; and in 2002 and 2003, the host of the PBS series Wide Angle, a primetime, weekly international affairs program.

Rossana Rosado, Port Authority, Board Member

Ms. Rosado serves as the Publisher and Chief Executive Officer of El Diario La Prensa - the nation's oldest Spanish-language newspaper. Prior to joining El Diario in 1995 as Editor-in-Chief, Ms. Rosado was the Vice President for Public Affairs at the Health & Hospitals Corporation for the City of New York and continued to serve there under both the Dinkins and Giuliani administrations. From 1988 to 1995, Ms. Rosado was a public affairs programming producer at WPIX, where she became sole producer of daily program "Best Talk in Town." She is currently a member of the Pace University Board of Trustees.

David Emil, Deputy Executive Director

Mr. Emil has been serving as a pro-bono advisor to the Port Authority since 2010. He is the former chair of the Lower Manhattan Development Corporation and former owner of Windows on the World. Mr. Emil was president and C.E.O. of the Battery Park City Authority from 1988 to 1994.

Metropolitan Transportation Authority (MTA)

Joseph Lhota Nominated as Chairman and CEO of the MTA:

Mr. Lhota served as the New York City Deputy Mayor for Operations under Mayor Rudolph Giuliani, where he oversaw day-to-day management of the City and supervised City agencies. He also served as Budget Director, where he managed the City's \$36 billion operating budget and \$45 billion capital budget. Mr. Lhota served as Commissioner of Finance for New York City and has been an MTA Board Member.

Mr. Lhota currently serves as the Executive Vice President, Administration for The Madison Square Garden Company. His previous private sector experience includes serving as the Executive Vice President of Corporate Administration for Cablevision, the Director of Public Finance for First Boston, and the Managing Director of the Municipal Securities Group for PaineWebber Incorporated. Mr. Lhota received his M.B.A. from Harvard Business School and is a graduate of Georgetown University.

The Governor's appointment is subject to Senate confirmation. Mr. Lhota is expected to come on as interim CEO within one month.

Nuria Fernandez Chief Operating Officer

Ms. Fernandez is currently the Senior Vice President of CH2M Hill, a firm that provides engineering, construction, and operations services. In this position, Ms. Fernandez has been responsible for building the firm's strategic planning and consulting practice focused on urban environments and for developing sustainable solutions for large-scale, mixed-use urban communities. Ms. Fernandez previously served as the Commissioner for the Chicago Airport System, where she directed all airport operations, planning, engineering, and management services for O'Hare and Midway International Airport. She has also served in executive positions at the U.S. Department of Transportation, the Washington Metropolitan Area Transit Authority, and the Chicago Transit Authority.

In the News – New York City



Public Advocate Calls for Overhaul of NYC School Bus System

New York City's \$1 billion school bus system is unaccountable to taxpayers and unresponsive to parents, according to a report released by Public Advocate Bill de Blasio.

“Doing Less with More: How the School Bus System is Failing Students and Taxpayers”. The report finds a lack of oversight in the current no-bid contract system, “unreasonable standards” that permit children to spend more than 3 hours on the bus each day, and poor communication between parents and busing representatives.

“This is a \$1 billion part of New York City government that repeatedly fails to provide the basic services we pay for,” said Public Advocate Bill de Blasio. “We need to make this system accountable and responsive to parents and taxpayers. Kids should not be spending four hours a day on the bus, and parents deserve solutions, not bureaucracy, when they ask for help from the City. “

A five-point plan outlined by Public Advocate de Blasio will improve service and efficiency by reducing the maximum length of bus trips, bidding bus contracts openly, and improving communication with parents.

The report includes a review of Department of Education documents as well as 500 parent surveys and 350 constituent complaints compiled by the Public Advocate. The research found:

- **Bus contracts are effectively “no-bid,” without checks on increasing costs.** As long as the first year’s contract was bid competitively, contracts are renewed each year without any further competition to control rising costs. There are current contracts with operators that have not been bid competitively since 1979.
- **The cost of busing is increasing sharply even as other parts of the education budget face cuts.** The transportation budget for the Department jumped from \$937 million in FY2007 to \$1.08 billion in FY 2012—a 15.2% increase. Rising fuel costs, the basic rationale used by the Department to explain the need for yearly budget increases, only account for a 4% increase over that time.
- **There is little accountability in the system.** Fines for poor service by bus operators are insignificant compared to the size of each multi-million dollar contract, and are ineffective at incentivizing quality service.
- **Students with disabilities are disproportionately affected by poor bus service.** On one day alone, the Department posted a total of 398 bus delays; of these, 76% were special education routes.

According to the Public Advocate, the majority of the Department’s transportation budget is directed to private bus contractors that provide daily transportation services for City students. Currently, the Department lists 50 companies that is contracts with for transportation services; it has a total of 107 contracts for pupil transportation services. All drivers must obtain certification as per the State Education Department and enforced by the City Department, and are charged with maintaining order, keeping schedule, and assisting students who need extra help.

Public Advocate de Blasio asserted that bus contracts assume “a unique form” under New York City procurement policies. He explained that these contracts are in effect —no bid – as contractors are exempt from bidding under Section 305 of the New York State Education Law that permits the extension of contracts that had at one point been competitively bid when they are related to pupil transportation.

The Public Advocate noted that during one contract renewal hearing it was stated that most of the regular school bus contracts were bid in 1979, with another group of special education contracts bid in 1986. Therefore, most contracts only come up for renewal, and the Panel for Educational Policy regularly renews these preexisting bus contracts when extensions are necessary.

Public Advocate de Blasio has laid out a five--point plan to make bus service more effective and accountable:

- Reduce the maximum bus trip time for special education students from 90 to 60 minutes (within borough), and 115 to 90 minutes (out of borough).
- Instate a fair RFP process that removes ineffective bus operators.
- Allow reliable operators an opportunity to increase their business with the City.
- Notify parents of delays exceeding 15 minutes and create new procedures to report on-the-ground information in a timely way.
- Test bus routes thoroughly prior to the first day of school and do a dry run to prevent the major disruptions that occur at the beginning of each school year.

The Public Advocate has called for each of these changes to be implemented on special education routes first, where the need for improved service is most acute.

In Brief

Governor Reorganizes Port Authority

Not only did Governor Andrew Cuomo this week recommend new leadership for the Port Authority, he also suggested that the Board extend the PA's purview in New York City. The Governor called upon the board to approve a reorganization plan that will move operational control of the Moynihan Station Development Corporation and Lower Manhattan Development Corporations into the Port Authority. According to the Administration, there is no fiscal impact to the Port Authority as a result of these changes.

League of Women Voters of NYS Launches Electronic Voters Guide

The League of Women Voters of New York (League) this week launched Vote411.org – an electronic voters' guide -- in selected communities throughout New York State. League President Betsey Swan described VOTE411.org as a "one-stop-shop" for election-related information, providing nonpartisan information to the public with both general and state-specific information on the following aspects of the election process:

- An electronic voters guide with information provided by candidates
- Absentee ballot information
- Ballot proposition information (where applicable)
- Election dates
- ID requirements
- Military and Overseas Voting
- Polling place locations
- Registration deadlines
- Voter qualifications
- Voter registration forms
- Voting machines

It can be accessed through the League's website at www.lwvny.org. Currently, candidate information is available for Albany, Monroe, Saratoga, Schenectady, Wayne and Westchester Counties, as well as New York City and the Hamptons. Information for Broome, Erie, Rensselaer, and Tioga, as well as for the Huntington area, will be posted as it becomes available.

H. Carl McCall Appointed Chairman of SUNY Board of Trustees

Governor Andrew M. Cuomo this week announced the appointment of H. Carl McCall to serve as chairman of the State University of New York (SUNY) Board of Trustees. Carl McCall has served on the SUNY Board of Trustees since 2007 and currently chairs both the SUNY Finance and Administration Committee and the State University Construction Fund. From 1993 to 2002 Mr. McCall served as Comptroller of the State of New York, where as Chief Fiscal Officer of the state, he was responsible for governmental and financial oversight and pension fund management.

Previously, Mr. McCall served three terms as a New York State Senator representing the upper Manhattan district of New York City. He has also served as an Ambassador to the United Nations, Commissioner of the Port Authority of New York and New Jersey, and as Commissioner of the New York State Division of Human Rights. From 1985 to 1993, Mr. McCall served as a Vice President of Citibank. He also served as President of the New York City Board of Education from 1991 to 1993, where he set policy for the largest school system in the nation.

Mr. McCall was educated at Dartmouth College, Andover Newton Theological Seminary and the University of Edinburgh.

The SUNY Board of Trustees is the governing body of the State University of New York. The Board's responsibilities include appointing and approving University leadership including the Chancellor and senior system staff and campus presidents, regulating the tuition and fees charged by SUNY campuses, and granting the degrees, diplomas, certificates and honorary degrees that SUNY issues every year.

City Council Votes to Give Communities More Information About School Capacity

The City Council this week approved legislation that will require the New York City Department of Education (DOE) to report annually to the Council on school capacity and utilization in schools. The Schools F.A.C.T. (Facility Accountability Capacity Transparency) Act is aimed at allowing for more transparency regarding the types of spaces school buildings contain, allowing parents to make more informed choices regarding school enrollment.

Specifically, the legislation will require the Chancellor to report to the City Council on an annual basis, starting in November 2013, on the usage of certain instructional and non-instructional spaces within school buildings. The report will include information on the total number and square footage of rooms used for academic intervention services, instruction in the arts and computers, libraries, occupational or physical therapy, school-based support teams, testing accommodations for students with disabilities, health clinics, physical fitness space and non-school organization occupancy. The report will also indicate whether or not a room is shared by multiple schools, and whether or not non-instructional space, such as hallways and stairways, are used for instruction. This data will now reflect utilization citywide, as well as by school district, council district and borough.

Coming Up

New York City

Monday, October 24th

Committee on Higher Education, 250 Broadway - Committee Rm, 16th Fl., 10 a.m.

Oversight: Evaluating the Impact of College Remediation at Community Colleges and Other Postsecondary Institutions.

Committee on Health, 250 Broadway - Committee Rm, 14th Fl., 1 p.m.

Oversight: NYC's Efforts to Increase Organ and Tissue Donations.

Committee on Small Business Jointly with the Committee on Economic Development, North Brooklyn Industrial Business Zone 29 Meserole Avenue (Between Banker Street & Gem Street) Brooklyn, New York, 1 p.m.

Tour: North Brooklyn Industrial Business Zone

Tuesday, October 25th

Committee on Public Housing, 250 Broadway - Committee Rm, 14th Fl., 10 a.m.

Oversight: Improvements and Remaining Challenges to NYCHA's Section 3 Resident Employment Program.

Committee on Technology Jointly with the Committee on General Welfare, 250 Broadway - Committee Rm, 14th Fl., 1 p.m.

Oversight: Examining Worker Connect, the New Inter-Agency Database at ACS, HRA and DHS.

Wednesday, October 26th

Committee on Sanitation and Solid Waste Management, 250 Broadway - Hearing Rm, 1 p.m.

Oversight: An Overview of Waste-to-Energy Technologies

Committee on Waterfronts Jointly with the Committee on Economic Development, 250 Broadway - Committee Rm, 14th Fl., 1 p.m.

Oversight: Sunset Park Waterfront Vision Plan: Status of Economic and Waterfront Developments.

Thursday, October 27th

Subcommittee on Zoning and Franchises, 250 Broadway - Committee Rm, 16th Fl., 9:30 a.m.

Subcommittee on Landmarks, Public Siting and Maritime Uses, 250 Broadway - Committee Rm, 16th Fl., 11 p.m.

Subcommittee on Planning, Dispositions and Concessions, 250 Broadway - Committee Rm, 16th Fl., 1 p.m.

Committee on Governmental Operations, 250 Broadway - Committee Rm, 14th Fl., 2 p.m.

Int0634-2011 – A Local Law to amend the administrative code of the city of New York, in relation to requiring notice to the city council of challenges to local laws.

Friday, October 28th

Committee on Community Development, Urban Assembly Institute of Math and Science for Young Women, 283 Adams Street Brooklyn, N.Y, 9 p.m.

Tour: Urban Assembly Institute of Math and Science for Young Women

Committee on Consumer Affairs, 250 Broadway - Committee Rm, 16th Fl., 10 p.m.

Oversight: Ticket Sales in New York City – Setting the “Stage” for Increased Consumer Protections.

Int 0247-2010 A Local Law to amend the administrative code of the city of New York, in relation to the sale of tickets to individual consumers by operators of theater, music, or sporting events taking place in New York City at places of entertainment.

Committee on Aging Jointly with the Subcommittee on Senior Centers, 250 Broadway - Committee Rm, 14th Fl., 10 p.m.

Oversight: Seniors and Technology

Committee on Fire and Criminal Justice Services, 250 Broadway - Hearing Rm, 16th Fl., 10 p.m.

Oversight: Examining the Operation of Potter's Field by the N.Y.C. Department of Correction on Hart Island.

Committee on Technology Jointly with the Committee on Governmental Operations, 250 Broadway - Committee Rm, 14th Fl., 1 p.m.

Res 099-2011 Resolution pursuant to section 104-c of the New York State General Municipal Law, authorizing the New York City Department of Citywide Administrative Services to donate surplus city-owned computers, computer software and computer equipment to public and private institutions for secular educational use and to not-for-profit institutions for use by individuals with disabilities, senior citizens, or low income individuals.

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