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October 31, 2016

TO: Governor Cuomo's Public Information Officer Mongthu Zago
Secretary of the Senate Francis Patience
Assembly Records Access Officer Robin Marilla

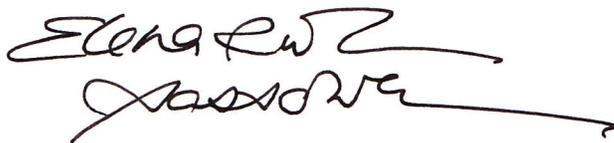
FROM: Elena Ruth Sassower, Director
Center for Judicial Accountability, Inc. (CJA)

RE: FOIL/RECORDS REQUEST: Governor Pataki's February 1, 2005 meeting with Senate and Assembly Majority and Minority Leaders "to discuss the budget in public"

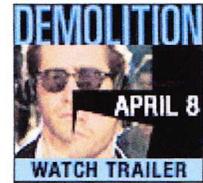
Enclosed are the February 2, 2005 New York Times article "*For Budget Talk, 3 Men in Room Are Joined by a Crowd*" pertaining to the February 1, 2005 meeting convened by then Governor Pataki, inviting the Senate and Assembly majority and minority leaders "to discuss the budget in public" – and, on the same topic, the February 2, 2005 New York Daily News article "*Finally, Five Men in a Well-Lit Room*".

Pursuant to Public Officers Law Article VI [Freedom of Information Law (F.O.I.L.)], Senate Rule XV "Freedom of Information", and Assembly Rule VIII, "Public Access to Records", request is made for records relating to such meeting – particularly videos and transcriptions of the meeting.

Thank you.



Enclosures



The New York Times

N.Y. / REGION

For Budget Talk, 3 Men in Room Are Joined by a Crowd

By **AL BAKER** FEB. 2, 2005

ALBANY, Feb. 1 - With increasing criticism of Albany's "three-men-in-a-room" style of government, where Gov. George E. Pataki and the leaders of the State Senate and the Assembly reach deals in secret -- the governor took the rare step on Tuesday of calling a meeting to discuss the budget in public.

Not only did Mr. Pataki invite the other two men who usually share the room with him for such meetings -- Joseph L. Bruno, the Senate's Republican majority leader, and Sheldon Silver, the Democratic speaker of the Assembly, but he also asked the minority leaders in each house to join the discussion. They did.

So in the end there were five men in the room, seated at a round wooden table under a portrait of Theodore Roosevelt, in a scene of legislative democracy uncommon in Albany's culture of closed-door politics. And they were surrounded by dozens of men and women: the television photographers, reporters, top aides to the top officials, lobbyists and rank-and-file lawmakers who are usually kept waiting outside the room.

At the start, the mood was light. When State Senator David A. Paterson, a Democrat from Manhattan and the minority leader, got the chance to speak, he said he was astounded to be there and joked that with the round table, bright

lights and array of electronic equipment, "I thought I was in a casino," an allusion to the governor's desire to expand gambling to pay for education.

But chuckling gave way to a debate about budget-making power, and which branch wields it and how, with the officials at one point jockeying for the best position in front of the lights.

Some said they felt the event was nothing more than political theater, a reflection of how desperate things are after 20 consecutive years of late state budgets.

Still, top leaders vowed to continue openness in the days ahead.

"Arguably, it will crash and burn; you don't know," said Blair Horner, a lobbyist with the New York Public Interest Research Group who was in Albany in 1995 when Mr. Pataki, shortly after taking office as governor, derided the state's budget-writing process as "three men and a budget" and vowed to change it. The April 1 budget deadline has not been met since.

At Tuesday's meeting, the most pressing issue was how to deal with the impact of a Court of Appeals ruling in December that found budget-making power rests decisively with the governor. That ruling left open questions of what to do in the case of a stalemate over the budget.

With different interpretations of the Court of Appeals ruling coming forth at the meeting, the officials said that lawyers would work on clarifying the ruling.

Mr. Pataki said the Legislature had "an awful lot of power and discretion" in budget-making. He said that if the leaders reached agreement on overhauling the budget process itself, he would voluntarily resubmit a budget without the language problems identified by the Legislature.

"I'm hopeful that this will prod everyone to work together in a way that allows us to have a budget for the first time in over 20 years on April 1, when it should be there," Mr. Pataki said. "We tried an open process 10 years ago, and I think this is a better process than it was then."

FINALLY, FIVE MEN IN A WELL-LIT ROOM

BY BILL HAMMOND

NEW YORK DAILY NEWS Wednesday, February 2, 2005, 12:00 AM

In a breakthrough for the "fix Albany" movement, Gov. Pataki and legislative leaders yesterday held a rare public negotiating session on the budget. They even invited the minority leaders of the Assembly and Senate, turning the much-derided "three men in a room" into five men in a room - with cameras. The resulting hour-long drama had all the entertainment appeal of a third-rate reality TV show without the cockroach-eating or sexual byplay. But at least New York's elected leaders were debating budget reform - in the open. This could be the start of something big. As Senate Majority Leader Joe Bruno said at the end of the session, "I would suggest we do it again real soon.

" Of course, Pataki, Bruno and Assembly Speaker Sheldon Silver would not be experimenting with openness if the traditional secretive process had not completely broken down. Albany hasn't approved a budget before the April 1 deadline since 1985. And balancing this year's budget looks more daunting than ever. Not only does Albany face a court order to increase funding for the New York City schools, a multibillion-dollar deficit at the MTA and mushrooming Medicaid costs, the leaders must also contend with a landmark ruling from the Court of Appeals. That ruling rejiggers the balance of budgetary power by allowing the Legislature to change dollar amounts in the governor's budget proposal, but bars lawmakers from altering a comma in language that dictates how the money should be spent. The session crystallized where they stand, which is the first step toward crafting a reasonable compromise. Here are their opening gambits: Pataki: The governor said he would amend language the Legislature finds objectionable in his spending plan, but only if the Legislature agrees to a package of other budget reforms. In particular, he wants lawmakers to approve a contingency budget that would automatically take effect April 1 if they fail to agree on a spending plan. He also wants the right to propose any additional spending after the contingency plan takes effect. This would preserve the governor's strong hand in fiscal affairs and avoid the runaway spending that might result if the Legislature were unleashed. Silver: He is resisting the idea of a contingency budget - a concept he endorsed last year - arguing that it might be unconstitutional. His majority Democrats are also leery of placing any restraints on spending growth. Silver wants Pataki to withdraw disputed language right away so that the Assembly and Senate could each approve a counterproposal, debate the difference in joint "conference committees," and then approve a compromise plan that would still be subject to Pataki's veto. Of course, there's no guarantee the Senate and Assembly could reach even a two-way deal by the budget deadline. Bruno: He supports Pataki's push for a contingency budget, portraying it as the only way to avoid the uncertainty that the annual budget delays cause for schools and local governments. But Bruno agrees with Silver that the balance of power between the executive branch and the Legislature tilts too far in Pataki's direction. So far, the five men haven't agreed on much. But they deserve credit for trying to make a public process work.

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