



CITIZENS UNION OF THE CITY OF NEW YORK

2010 CITY CHARTER REVISION RECOMMENDATIONS

Increasing Avenues for Participation in Governing and Elections in New York City

EXECUTIVE SUMMARY AND RECOMMENDATIONS

June 30, 2010

EXECUTIVE SUMMARY

This City Charter revision process provides New Yorkers with an historic opportunity to take stock of the past twenty years of city government and consider meaningful prospects for greater reform for our local democracy. The City Charter Commission of the City of New York appointed in February by Mayor Bloomberg should be guided in that task by creating not necessarily more government, but rather government that is more accessible, transparent, and accountable to the citizens it serves.

It is with these principles in mind that Citizens Union presents its current recommendations on city government's form and function as represented in the City Charter. In making its recommendations, it looks broadly at five major objectives:

1. Ensure Checks & Balances
2. Open Elections
3. Strengthen Accountability
4. Protect Integrity
5. Increase Transparency

Citizens Union approaches its own broad evaluation of city government and recommended City Charter changes with an ardent belief that a strong mayor form of government has been good for the City of New York. It has contributed to the revival of New York City as a vibrant urban center for its residents, neighborhoods and communities, commerce and business, and trade and tourism. But Citizens Union also believes that in a city that is as large and diverse as New York, there needs to be more avenues for shared decision-making and local input

Improving the form and function of city government to enhance different voices without diminishing the power of a strong mayoral form of city government is no small challenge, but it is one which Citizens Union believes is critical for the continued progress of our city. It is this challenge that frames Citizens Union's set of recommendations.

No radical makeover is needed in our city government, but some fine tuning is in order. In 1989, the powers of the borough presidents were curtailed and the office of council president reconfigured into the less influential office of public advocate. We believe the offices of borough president and public advocate can be valuable offices, but need to be better defined and supported in order to justify their continued existence.

The City Council has become a more deliberative and serious legislative body, but given its importance in representing neighborhoods it should be provided an appropriate, but limited, increase in authority and responsibility for governing this city.

While 311 is a welcome resource providing greater access to city information, there remain ways to make government more accountable and transparent in its operations. Further coordination is needed to better facilitate the public's access to government information, particularly given all the advances made in information technology. The Internet did not functionally exist when the 1989 Charter Revision was written.

New York needs election reform. The number of voters participating in the elections that matter most is in decline, and we need to reengage them. While democratic practice and party affiliation have changed dramatically over the past 60 years, elections are conducted in much the same way as they were in 1950. Closed partisan primaries determine the winners of most local offices, excluding too many

New Yorkers from full participation in the elections that matter most. . Citizens Union believes that we can increase voter participation and politicians' accountability by opening up the election process and empowering a greater number of eligible voters to participate in choosing their representatives in elections that matter.

New York City needs to find a better way to conduct land use decision-making and planning that is more inclusive and sensitive to the fabric of its neighborhoods and communities, while still encouraging and supporting the kind of economic development that this city needs in order to thrive and maintain its appeal to businesses, current residents, and immigrants. This charter revision process has the opportunity to provide this greater balance, but not enough time exists to do a full enough review that is fair and balanced to the interests of all which is why we make only a few but necessary recommendations in this arena.

In the report that follows, Citizens Union makes forty-nine specific and distinct recommendations that are summarized into the following seventeen broad recommendations.

They are as follows:

1. Maintain a strong Office of the Mayor. Preserve the office's authority to set revenue estimates for the city budget and appoint commissioners without council approval.
2. Keep the Office of Public Advocate and assign it greater authority and provide it with an independently funded budget. Give the public advocate the power to make one appointment each to the Franchise and Concessions Review Commission, the Board of Standards and Appeals and the Conflicts of Interest Board. Empower the public advocate to request and receive documents from agencies without having to go through a city council committee. Dissolve the Commission of Public Information and Communication and transfer its major duties into the public advocate's office, giving him a greater level of responsibility for expanding public access to government data, information and reports.
3. Keep the Offices of Borough President and assign them greater authority and provide them with an independently funded budget as well. Give the borough presidents the power to require the appearance of borough commissioners at monthly interagency meetings led by borough presidents. Allow them to share an appointment to the Board of Standards and Appeals, similar to the arrangement they presently have on the Franchise and Concessions Review Commission.
4. Make the first primary election open to all eligible voters, regardless of party status, so that every registered voter can participate in the election that is often the most determinative of who is elected to office. The top two candidates would then move onto the general election in which all eligible voters would again vote, as in the system recently selected by California voters and currently in place in Washington State. Candidates would have the option of listing their party affiliation and political parties would be allowed to endorse a party candidate.
5. Increase candidate access to the ballot by reducing the number of signatures needed to secure a ballot line and strengthen campaign finance disclosures by requiring independent campaigns to be reported to the Campaign Finance Board.

6. Keep the term limits to three four-year terms for members of the city council and, decrease the term in office for the three citywide and five borough presidents to no more than two four-year terms.
7. Condition the effectiveness of any city council charter amendment that would alter or appeal a voter-installed provision on subsequent voter approval via referendum.
8. Create a new Election Integrity and Lobbying commission housed within the current Campaign Finance Board. The new entity would have responsibility for the city's campaign finance program, voter assistance activities currently under the purview of the Voters Assistance Commission, and enforcement and oversight of the city's lobbying law and reporting requirements currently the responsibility of the city clerk.
9. Grant greater authority and responsibility to the City Council in the decision making process by requiring the city to more narrowly define a "program" and provide for smaller units of appropriation. Require the mayor to issue a final non-property revenue projection prior to the start of council hearings on the executive budget allowing for more integrity in the budget negotiating process.
10. Lulus should be banned and future compensation increases should only occur for the prospectively elected officials and not those presently serving. The discretionary funding reforms should be enshrined in the charter and distributed equally among all fifty-one members of the council, regardless of relationship to the speaker or party. Council members should be allowed to continue to earn outside income but only if greater disclosure of financial activity is required to ensure no conflicts of interest or self-dealing are occurring by maintaining a job outside the council.
11. Improve the independence of ethics oversight by giving each the comptroller and public advocate an appointee to the five-member Conflicts of Interest Board (COIB) with the mayor having the power to appoint the other three members, down from the five. All five would still need to be confirmed by the city council. Provide independent budgeting for the COIB tied to a percentage of the Department of Law since it serves as an ethics watchdog over the very same officials who determine the size of its budget.
12. Improve public confidence in public safety and oversight of the police department by granting the Civilian Complaint Review Board the power to prosecute all cases it substantiates and make permanent the Commission to Combat Police Corruption, empowering it with subpoena authority.
13. Improve the independence of the council redistricting process by having the nonpartisan Campaign Finance Board appoint five of the fifteen commissioners with the council and the mayor each appointing five. The chair and the executive director would be appointed by the Campaign Finance Board.
14. Strengthen the 59 local community boards by providing them with an independently funded budget and on-call professional planning staff. Require a more rigorous process of selecting members to the community boards that allows for a more professional approach to recruitment, retention and service.

15. Begin reforming the process of making land use and zoning decisions by modestly starting with changing the fair share provisions of 1989 that was undercut by rulemaking, standardizing responses from the various groups involved in ULURP, and creating a stricter process for integrating 197-a plans into the strategic planning and land use decisions of the city.
16. Improve the information contained within, and the use of, the Mayor's Management Report by making it complement better with the Citywide Performance Report.

The 2010 City Charter Revision Commission (The Commission) has wisely chosen to hold a number of open public hearings and to solicit public testimony of expert witnesses followed by additional public comment. Making the hearings accessible via webcast has provided a new means of participation for those New Yorkers who are not able to attend in person.

The suggestions put before the Commission are many, and the decisions to be made by the Commission and the voters are important to the continued success of our city. Because these decisions are so important, Citizens Union believes that the Commission should not put all that it seeks to accomplish before the voters in 2010. Rather, it should focus on what is needed now and postpone other matters so that they can receive for greater public review and consideration in time for their inclusion on the 2012 ballot. We feel that the off-cycle 2011 election, where only judgeships will be on the ballot, will have too low a turnout to present Charter proposals to a sufficiently large enough number of New Yorkers.

SUMMARY LIST OF RECOMMENDATIONS

I. ENSURE CHECKS AND BALANCES

A. *The Office of Public Advocate*

- i. Continue the Office of Public Advocate and grant it some additional powers, responsibilities and appointments as presented throughout this report.
- ii. Empower the public advocate to request and receive documents from city agencies. This should be achieved in the City Charter by mandating that agencies provide documents to the public advocate when requested, rather than requiring the public advocate go through the relevant City Council committee. Exceptions to this currently in the City Charter, namely those documents for which a claim of privilege may properly be raised or that are being used by the Department of Investigations for use in an investigation, should be maintained as indicated in Chapter 2, Section 24(j) of the City Charter.

B. *The Office of Borough President*

- i. Continue the Office of Borough President and grant it additional appointment authority as presented in this report.
- ii. Empower borough presidents to require the appearance of borough of city agencies to attend to monthly interagency meetings led by the borough presidents. This should be done through an amendment to Chapter 4, Section 82 of the City Charter.

C. *Independent Budgets for the Public Advocate, Borough Presidents and Conflicts of Interest Board*

- i. Set the annual funding of the public advocate's office between five and seven percent of the City Council's budget. Because mayoral staff can be transferred to lower the perceived funding level of the mayor's office, the council's budget makes it a better peg to which to link the public advocate's budget. In FY 2010, the council budget was \$50,882,967. Five to seven percent of the FY2010 budget would create a budget of between \$2,544,148 and \$3,561,807 for the public advocate's office.
- ii. Set the operating budgets for the borough presidents' offices, like the public advocate's office, to the City Council's budget. In FY 2010, the City Council's budget was \$50,882,967. Making the operating budget 50% of the City Council's proposed FY2011 budget of \$52,882,967 million would yield \$26,441,483 for *all* borough presidents, which would then be divided among the five officeholders. This is \$328,000 less than the peak level for all the borough presidents' budgets back in FY2002, but \$2,243,112 more than their funding in FY2010.

The expense budget borough allocation and the capital budget borough allocation in the City Charter serve as a model for dividing the budget allocation among *each* of the borough president's offices. Factors like the share of the total land area of the City, total population below 125% of the poverty level, and share of the total population of the City should be used to create a formula allocating the total operating budget among the five borough presidents.

- iii. The Conflicts of Interest Board should also receive an independent budget that is pegged to the City Law Department. While Citizens Union has recommended independent budgeting for some city officials, COIB is the only agency for which it makes this recommendation. COIB is unique in that it oversees ethics across all agencies and elected officials' offices. Given this oversight role, it should not have its budget determined by the very people who are subject to its scrutiny and judgment. This distinct mission separates the COIB from other agencies seeking similar budget independence and justifies the request as being fundamental to its overarching function in the City Charter.

The COIB budget should not be linked to the Department of Investigation (DOI), as that does not remove the conflict of interest that is inherent in the Council and the Mayor determining the funding of bodies that oversees their conduct. Nor should it be linked with the city expense budget, which would likely lead to significant increases in the COIB's budget every year.

D. *Strengthen the Powers of the Civilian Complaint Review Board*

- i. Empower the Civilian Complaint Review Board (CCRB) to file and handle the prosecution of complaints substantiated by the CCRB with the recommendations of charges and specifications, instead of NYPD lawyers from the Department Advocate's office. The CCRB should be given full authority and responsibility for developing its own team of qualified and experienced lawyers to litigate the substantiated cases. Using the City Charter revision process to effectuate such a change would allow the public to decide on this issue of great concern, particularly within communities where police-community relations have been or continue to be less than optimal. Such a change would amend Section 440 of Chapter 18-A of the New York City Charter.
- ii. Enhance the CCRB's authority to permit it to initiate an investigation into reported or known incidents of police misconduct within its jurisdiction in the absence of a complaint. Such authority would track the authority of the Police Department's Internal Affairs Bureau. With this authority, the CCRB would no longer be forced to remain on the sidelines when there is a notorious or sensitive incident that has become the focus of community and police concern. Such a change would amend Section 440 of Chapter 18-A of the New York City Charter.
- iii. Empower the CCRB to investigate complaints filed by the public against members of the police department's school safety division, a unit of public safety officers under the supervision and control of the Police Department. While there have been differing views concerning the role of the school safety division officers in the City's schools, there should be no doubt or confusion as to how members of the public who believe they have been aggrieved by a school safety officer can file a complaint. Such a change would amend Section 440 of Chapter 18-A of the New York City Charter.

E. *Make Permanent the Commission to Combat Police Corruption*

- i. Establish the Commission to Combat Police Corruption (CCPC) as a permanent commission in the City Charter under a new section of law. Mayor Bloomberg's reauthorization of the CCPC notwithstanding, the Commission remains a temporary entity. The City Council, on at least two occasions, thought that the corruption problem identified by the Mollen Commission was sufficiently serious so as to merit the establishment of the CCPC as a City

Charter agency. Its reauthorization could also be interpreted as a statement of continuing concern about the problem.

- ii. Empower the CCPC to issue subpoenas when appropriate. The NYPD has not been as cooperative historically as it should be in responding to requests for information from the CCPC, primarily because the CCPC has no power to back up its request through subpoena.

F. *Strengthen Community Boards*

- i. Community boards should receive an independent budget allocation that is not at the discretion of the mayor or City Council, which could potentially diminish community input in a very centralized system of governance. This independent budgeting will empower community boards to carry out their charter-mandated responsibilities as an advisor on land use, planning, and budgeting. Community boards should be provided enough funding to be able to hire a land use and/or budgetary expert that could also be shared with other boards.

The budget for community boards should be linked to that of borough presidents' offices, which, as recommended above, should be linked to the City Council's budget. Community boards in total should receive 65% of the borough presidents' allocation, with each board receiving an equal amount in addition to allocations to cover offices, electricity and heat, which would still be determined through the regular budget process. Sixty-five percent of the FY2010 borough presidents' allocation would have provided the boards in total with \$874,000 more than in FY2010, or \$14,813 more per board in addition to revenues for offices, electricity and heat (which are not included in this formula for an operating budget). The additional revenue from the operating formula coupled with a separate allocation for offices, electricity and heat should provide for the hiring of staff with expertise on land use.

- ii. A mechanism should be created that provides an available pool of urban planners outside of the borough presidents' offices that can be accessed by community boards. This is critical to provide meaningful and informed input on land use and to develop 197-a plans. These urban planners should be connected to one or more boards, thereby establishing relationships with those boards and the larger communities they serve. While housing urban planners with the borough presidents is aligned with their current responsibilities to "establish and maintain a planning office...for the use, development or improvement of land located in the borough" under Section 82 of Chapter 4 of the City Charter and to "provide training and technical assistance to the members of the community boards" it becomes problematic when the borough president may disagree with a community board on a land development issue. Given their distinct roles in the Uniform Land Use Review Process (ULURP) and instances in which borough presidents have sought to remove community board members who have not aligned their votes with the sentiments of the borough presidents on land use proposals, it is essential that the independence of the community boards, and the urban planners that serve them, be maintained.
- iii. Reform the process for selecting members to community boards. Community boards are too often plagued by vacancies and an insular culture. To professionalize and open the boards to the communities they serve, a formal standardized and transparent process should be created for filling community board positions, as has been done by Manhattan Borough President Scott Stringer. Language should be added to the City Charter that:

- a. Requires written applications and interviews of all appointees or reappointees by the borough presidents;
- b. Establishes a deadline of 30 days for filling vacant positions; and
- c. Requires borough presidents to issue an annual report detailing their outreach efforts, whom they notified of the process, methods used and the demographics of those serving on community boards in comparison to the communities served by the boards.

G. *Add Representation to the Franchise and Concessions Review Committee and Board of Standards and Appeals*

- i. Expand the Franchise and Concessions Review Committee (FCRC) from six to seven members, adding a designee of the public advocate to address concerns that the franchise and concessions process is too centralized and that the voices of consumers or other affected groups are not given enough weight during negotiations. The public advocate’s representative would be a natural advocate for consumer issues and constituent groups citywide given the office’s ombudsman role. This expansion will preserve a majority appointed by the mayor or representing mayoral agencies, while providing three votes for appointees of other elected officials (the Comptroller, the Borough Presidents, and the Public Advocate). It will also create an odd number of votes on the FCRC.
- ii. The appointment process for the Board of Standards and Appeals should include additional representatives from the borough presidents and the public advocate. Specifically, the BSA should be expanded to include one appointee from the public advocate and one appointee from each of the five borough presidents. For a given ruling, the voting BSA members would consist of seven members, five appointed by the mayor, one by the public advocate, and one representing the borough impacted by the ruling, as is the practice with the Franchise and Concessions Review Committee. Members of the BSA from the mayoral appointments also should now be required to possess professional expertise, with two of the five appointees being architects, and one of the five being an urban planner. Additional members to the BSA should be put in place immediately while professional expertise should be phased in as mayoral appointees are replaced.

H. *Strengthen City Council Participation in Development of the City Budget*

- i. There should be greater transparency into the contents of the budget before it is voted on by the City Council. To that end, “program”, along with “purpose”, “activity” and “institution” needs to be defined in the City Charter (Chapter 6, Section 100) in relation to units of appropriation so that units of appropriation will be made more narrow and finite rather than continue as catch-all categories reflecting numerous programs or an entire agency’s budget.
- ii. Create maximum thresholds for units of appropriation that are a proportion of agency spending. For example, require that one unit of appropriation can’t be greater than the majority of an agency’s budget. This will result in greater transparency as it relates to agency spending by creating more specific units of appropriation. Agency flexibility in moving money from one unit of appropriation to another under new narrower, defined units of appropriation, will be preserved as there is currently in the City Charter (Chapter 6, Section 107(b)) a minimum threshold of 5 percent of agency spending or \$50,000, whichever is greater, for the transfer to be considered a budget modification and trigger notification of the council.

- iii. Eliminate the distinction between units of appropriation for personnel and other than personnel services (OTPS). Units of appropriation should reflect spending on particular programs, purposes, or activity, and include both personnel and other than personnel services.
- iv. Require the release of final non-property revenue projections by the mayor and the Office of Management and Budget prior to the beginning of Council hearings on the executive budget (typically May 5th) and before the adoption of the executive expense budget. Currently this is done by the Office of Management and Budget on June 5th, after the spending proposals are known, rather than providing the non-property revenue projections in advance to determine what the appropriate spending levels should be. This would enable the Council to know part of the revenue picture (other than property taxes) before indicating its priorities related to the expense budget.

II. OPEN ELECTIONS

A. *Establish a Top-Two Election System*

- i. Establish a top-two election system, similar to the one that is in place in Washington State, Louisiana, and Wisconsin for municipal and judicial elections, and was recently passed by voters in California. This would replace the current closed partisan primary system with a more open alternative consisting of two rounds of voting. In the first round, all candidates regardless of party affiliation and including independents would run, and all registered voters would be eligible to choose among all the candidates. The top two vote-getters would then advance to the general election or “round two”, with the voters again casting ballots to determine the ultimate victor. This is not the same as non-partisan elections. Candidates would have the option of indicating their party registration (or unaffiliated status) next to their name on the ballot. This identifier would provide voters with a sense of the candidate’s values and political platform. Moreover, party organizations would be free to endorse and campaign for candidates.

B. *Require Disclosure of Independent Expenditures*

- i. Require disclosure of independent campaign expenditures, including top donors, by organizations and entities engaging in campaign activities designed to influence the outcome of city elections, to be implemented by the Campaign Finance Board. Following the *Avella v Batt* ruling in 2006 and the recent U.S. Supreme Court ruling in *Citizens United*, independent expenditures by party committees, corporations, unions, interest groups, and wealthy individuals will likely continue to grow. There is a need for disclosure of independent expenditures, including the dates, sources, amounts and beneficiaries of these expenditures. This would inform voters and the citizenry of the indirect supporters of various candidates running for office.

C. *Increase Ballot Access by Reducing Petitioning Signature Requirements*

- i. Reduce the barriers for candidates attempting to get on the ballot by decreasing the number of signatures candidates need to collect. Lowering the signature requirement would likely enable more candidates to get on the ballot because they could better withstand aggressive challenges from other candidates who seek to prevent them from getting on the ballot to

avoid a competitive election. This would also limit the confusion for those collecting petitions. Due to the large number of signatures currently required, signatures are often collected for more than one candidate and include combinations of local and state offices. Lowering signature requirements would not change the requirements for who can sign a petition and would eliminate the need to memorize complex sets of rules while reducing the legal gamesmanship that often attempts to block legitimate candidates from the ballot based on a technicality. Additionally, Citizens Union will continue to push for greater reforms to ballot access at the state level to ensure there is an even playing field and consistency among local and state elections.

D. Integrate the Voter Assistance Commission within the Campaign Finance Board

- i. Integrate the Voter Assistance Commission and its voter education efforts within the Campaign Finance Board (CFB). Given the VAC's persistently low budget, it makes sense, particularly during difficult fiscal times, to fold the VAC into the CFB given common elements of their mission and a history of collaborative work and shared governance. This should enable the CFB to leverage its larger size, budget and presence to better achieve the goal of engaging and involving voters in the democratic process. Through its experience with the Voter Guides, planning and hosting debates, and as an advisor to VAC through its board, the CFB is positioned to expand upon its current experience in voter engagement to address the dismal and declining voter turnout in the city. This will prove to be an important focus of its work during years when municipal elections are not held and workload with respect to campaign finance diminishes.

E. Reform City Council Redistricting

- ii. Change the appointments to the districting commission drawing council district boundaries so that 3 members are appointed by the council delegation of the majority political party, 2 members are appointed by the council delegation of the minority political party, 5 members are appointed by the mayor with a maximum of 3 from the same party, and 5 members are appointed by the Campaign Finance Board (The CFB itself consists of 2 members not of the same party appointed by the council speaker, 2 not of the same party appointed by the mayor, and the chair appointed by the mayor in consultation with the speaker for five-year staggered terms). The apportionment commission should strive to reflect the gender, racial, ethnic, language, and geographical composition of the city and not include officials and employees of the city or city agencies, registered lobbyists, employees of registered lobbyists, and officers of any political party. Members of the apportionment commission can be removed by their appointing authority for cause.
- iii. Require the CFB to designate the Chair of the appointing commission from among its five appointees, as well as appoint the Executive Director of the apportionment commission
- iv. Amend section 52 specifying criteria for drawing a council district plan:
 - a. Reduce the variance between the most populated and least populated districts to 1 percent of the average population for all districts. Maintain the provision specifying that "any such differences in population must be justified by the other criteria set forth in this section.";
 - b. Replace section 52(f) with "council districts shall not be drawn with an intent to favor

- or oppose any political party, an incumbent legislator, or any previous or presumed candidate for office.”; and
- c. Require the number of apportionment commission signatures to adopt a council district plan to be a minimum of 11 of 15 signatures (73 percent). This threshold will ensure requirements of Section 52, particularly provisions preventing partisan gerrymandering, are met in the plan.
- v. Make the commission and its activities more visible to the general public to support the independence of the board and guarantee transparency. This can be achieved by requiring the commission have a website that lists the names and biographical information of members, having a posted copy of the redistricting plan being reviewed at hearings, listing dates and times of public hearings, and posting hearing proceedings for public review.

In light of the expanded role and authority of the Campaign Finance Board, we would recommend a commensurate name change reflecting the function and responsibilities of the new entity.

III. STRENGTHEN ACCOUNTABILITY

A. *Require Mandatory Referenda for Laws Passed by the Voter-Initiated Referendum*

- i. Condition the effectiveness of any City Charter amendment that would alter or repeal a voter-initiated charter provision on voter approval. A voter-initiated charter provision could be amended or repealed by (i) a second voter-initiated measure, or (ii) a City Charter Revision Commission proposal that is approved by the voters. But if the Council seeks to amend or repeal a voter-initiated charter amendment such a Council measure would not be effective unless approved by the voters. This would prevent the Council from overturning voter-initiated measures without the voters’ consent.

B. *Change Appointments to the Conflicts of Interest Board*

- i. The present appointment system should be changed to create greater independence so that the mayor does not appoint all five members with council approval. It is recommended that the newly reconstituted Conflicts of Interest Board should have three appointees by the mayor, one by the comptroller, and one by the public advocate. The council would retain its role and power through its advise and consent authority for all appointees. Citizens Union felt that to go from all mayoral appointees to one in which a small plurality would be appointed by the mayor would inject too much change and politicize what has been a professional approach to ethics enforcement even though justifiable concerns exists over one elected official making all the appointments. Removal of Board members would be for cause only, at the discretion of the appointing office.

C. *Change Term Limits for City Council and Citywide Elected Officials*

- i. Change term limits for the three citywide offices (mayor, comptroller, and public advocate) as well as borough presidents to no more than two consecutive four-year terms. Term limits for city councilmembers should be kept at its current three consecutive four-year terms or twelve years, whichever is longer. Due to redistricting, once every twenty years, the Council is elected for two successive two-year terms. If a member is elected to two consecutive two-year terms, that would be treated as one four-year term. If a member is elected to the second

two-year term, he or she would be eligible to serve for the three following consecutive four-year terms, for a maximum of fourteen years.

IV. PROTECT INTEGRITY

A. Ban Council “Lulus” or Legislative Stipends

- i. Revise the City Charter to ban lulus except for the positions of speaker, majority leader, and minority leader. The next Quadrennial Advisory Compensation Commission should take this ban into account when establishing salaries for the City Council. This would require amendments to Chapter 2, Section 26(a), (b), and (c) of the City Charter.

B. Changes to Council Voting on Salary

- i. Require laws enacted by the City Council to change their own compensation go into effect after the next council election. This would require an amendment to Chapter 2, Section 27 of the City Charter.
- ii. Change the convening of the Quadrennial Compensation Commission for determining raises for the council, mayor, comptroller, public advocate, borough president, and district attorney to the year before a citywide election. This would prevent the mayor from delaying raises (or decreases in salary) by not convening the Quadrennial Compensation Commission and disrupting a prospective approach to salary increases. For the City Council, this would require an amendment to Chapter 2, Section 26(c) of the City Charter. Other offices would require additional language to be added to the City Charter in sections relevant to those offices.

C. Enhance Disclosure of Outside Income Earned By the Council

- i. City Council members should retain their ability to earn income from jobs other than their work as council members. However, City Council members should be subject to enhanced disclosure of outside income through the use of a different disclosure form from other filers like the mayor, public advocate, comptroller, and borough presidents, who cannot earn outside income. Therefore, the Charter Revision Commission should direct the COIB in the City Charter in Chapter 68, Section 2603(d) to create a separate financial disclosure form for City Council members that would require more detailed reporting of information about the source and amount of compensation, and time spent working outside of the Council. Specifically, the form for City Council members should require:
 - a. increased disclosure for Council members regarding the relatives of filers in City service, as well as the non-City employers of the filer’s siblings, parents and adult children;
 - b. reporting of all board memberships of any companies or not-for-profit organizations and indicate what business, if any, the entity has with any city agency; and
 - c. information regarding the nature of outside income, specifically:
 - i. the number of hours City Council members spend each month, or on average during the reporting year, working at their other jobs;
 - ii. income reporting ranges that are tighter than current income ranges so as to better know the range of outside income earned; and

- iii. information regarding the nature of outside income, including the identity of paying clients, the amount and nature of all fees and income above a minimum threshold that is received from clients, and the name of any city agency relevant to the representation and a general description of the services rendered in exchange for the fees. Regarding disclosure of clients:
 - 1. The disclosures should apply prospectively, meaning only to new clients and new matters for existing clients as of the City Charter provision's effective date.
 - 2. Exceptions from this disclosure requirement would be granted for the disclosure of the identities of clients the City Council member represents in criminal, family or transactional matters that have not been revealed in public records. In such situations, the fees, city agencies involved and general nature of the work involved should be disclosed unless the Conflict of Interest Board determines that such disclosure would result in the identification of the client involved.
 - 3. City Council members should also be permitted to seek exceptions from the Conflict of Interest Board where the disclosure of the fact of representation itself is privileged or where such disclosure is likely to be embarrassing or detrimental to the client.

Citizens Union recognizes that lawyers who are City Council members have ethical responsibilities with regard to clients' confidential information, and that their client interactions are subject to the attorney-client privilege. Nevertheless, we believe that disclosure of the above information is consistent with lawyers' ethical obligations, particularly as the law would apply prospectively, so that attorney-council members can inform their clients in writing of their disclosure obligations.

D. Transfer Lobbying Reporting and Enforcement to the Campaign Finance Board

- i. Transfer lobbying and reporting responsibilities from the City Clerk's office to the Campaign Finance Board to create a more independent and effective system of lobbying law enforcement.
- ii. Require the Campaign Finance Board to publish an annual reporting of lobbying activity

E. Codify Provisions Enhancing Transparency and Equity of Council Discretionary Funding

- i. Codify in the City Charter recent reforms regarding the City Council's discretionary funding process, so that if discretionary funding continue to be distributed, they will be subject to requirements which include:
 - a. Disclosure of conflicts of interest by elected officials distributing funds and organizations receiving funds;
 - b. Preclearance of organizations by the Mayor's Office of Contract Services; and
 - c. Creation of an online searchable database of discretionary funding allocations and applications for such funding.
- ii. Place in the City Charter additional reforms providing that if discretionary funding continue to be distributed:

- a. Require that discretionary funding be distributed equally to all 51 members of the City Council. For members choosing not to receive discretionary funding, their portion should go back into the general fund; and
- b. Require that a statement of need be provided for every discretionary funding application to demonstrate how the funding would be utilized to meet said need.

F. Reform the Uniform Land Use Review Procedure

- i. Change the Fair Share Provisions related to site selection subject to ULURP. These include:
 - a. Requiring city facilities sitings, expansions and reductions be properly identified in the Annual Citywide Statement of Needs by undoing rules that allowed for amendments to the Statement of Needs mid-year;
 - b. Including all polluting/infrastructure facilities in the Atlas of City-Owned Property, not just those owned by the city. This will provide a more accurate picture of services provided in a community that can be taken into consideration for new sitings, or expansions or closures of existing facilities; and
 - c. Utilizing more updated indicators of environmental burdens, including number of brownfields, highways, and air quality
- ii. Standardize responses from the various groups involved in ULURP. This requirement that rules create greater standardization from entities providing feedback during ULURP could be referenced in Chapter 8, section 197-c. Specifically, subsection i can be amended the following way (additions underlined):

The city planning commission shall establish rules providing

- i. guidelines, minimum standards, and procedural requirements for community boards, borough presidents, borough boards and the commission in the exercise of their duties and responsibilities pursuant to this section,
- ii. minimum standards for certification of applications pursuant to subdivision c of this section,
- iii. specific time periods for review of applications pursuant to this section prior to certification, and
- iv. uniform guidelines to community boards, borough presidents, and borough boards for providing recommendations for different types of applications such as the impact on local schools, housing, public space, streetscapes, environmental sustainability, and coherence with the community's architectural character.

This would also require changes to Rules pursuant to ULURP, namely Section 2-03, Community Board Actions. Changes to the Rules may be the preferred approach rather than changing language in the City Charter.

G. Create a Process to Integrate 197-a Plans into Long-term Planning

- i. Create in the short run, a process to better integrate 197-a plans into strategic planning so, at a minimum, they are acknowledged and addressed when other planning that is in conflict with 197-a plans is done. In the long run, there is a need for a mandated and well-resourced

comprehensive planning process that coordinates the disparate approaches currently in existence while integrating community planning.

H. *Consider the Creation of an Office of Inspections*

- i. Consider whether a new independent Office of Inspections (OOI) should be created to handle, at a minimum, buildings inspections currently handled by the Department of Buildings. Citizens Union is interested in the proposal to create an Office of Inspections, but has not fully evaluated the potential of this idea. This issue also could be addressed by the Mayor through the creation of a task force to review city agency inspections. In considering whether the responsibility for other City agencies' inspections should be consolidated into the new OOI, such as the Department of Health and Mental Hygiene, the Fire Department, and the Department of Environmental Protection, the following items should be considered by the Charter Revision Commission:
 - a. Would it enhance public safety?
 - b. Would it limit corruption?
 - c. Would it improve customer service?
 - d. Would it result in any greater efficiency?
 - e. Would it separate needed knowledge of industry-specific inspections from enforcement?
 - f. Should it be included in the City Charter?

V. **INCREASE TRANSPARENCY**

A. *Reform the Mayor's Management Report*

- i. Continue posting the Mayor's Management Report (MMR) online and eliminate print requirements while requiring the updating of its performance indicators as quickly as is possible: on a monthly or quarterly basis, as is done for similar programs measuring agency performance like the agency performance reporting which is part of the Citywide Performance Report (CPR). The online MMR should continue to include a narrative that provides performance goals for city agencies and measures performance relative to those goals.

B. *Transfer the Responsibilities of the Commission on Public Information and Communication to the Public Advocate's Office*

- i. Eliminate the Commission on Public Information and Communication (COPIC) and transfer its major duties and responsibilities into the public advocate's office. In addition, city agencies shall be required to provide information, documents, and other data to the public advocate who, as the City's watchdog of public information, will be better able to evaluate the ease of public access to city government information and the breadth of information available.
- ii. Require the public advocate to make recommendations on improving access to data and information via new technologies, such as the internet and mobile devices, and on the reporting mechanisms developed.
- iii. Require the public advocate to review the City's procedures and timeliness of response related to Freedom of Information Law (FOIL) requests, and make recommendations in this area.

- iv. Require the public advocate to review current law requiring agency reports and make recommendations on sunseting reports when they are no longer needed or useful.
- v. Require the publication of the Public Data Directory by the Department of Information Technology and Telecommunications (DOITT) in an accessible format on the City's website.

C. *Expand Public Access to Government Data, Information and Reports*

- i. Require the proactive publishing of city government reports and data that are currently publicly available under law in a singular web portal. This should be accomplished through building off of and combining existing City government websites such as NYCStat, the Department of Records and Information Services website and NYC Data Mine to allow for ease of public use. All data and reports should be published in open formats, when possible, that allow for automated processing and analysis. The public advocate should be charged with facilitating the development of this website and making recommendations for improvements after its implementation.
- ii. Require the City Record to be published for free online. The Charter Revision Commission should examine whether the City Record should be maintained by the Department of Administrative Services, or whether it should be provided on an expanded website that houses other government information or data, as recommended above.
- iii. Require each city agency, committee, commission and task force and the City Council to webcast and record its open meetings and hearings subject to the Open Meetings Law. Public entities that receive significant city funds, such as the New York City Board of Elections, should also be required to webcast and record their meetings. This video should be archived for at least twelve months and made available to the public on the City's website in a centralized location or on an expanded "C-Span" like website.