
SUMMARY OF FINAL PROPOSALS

August 1989

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INTRODUCTION

These are the final recommendations of the New York City Charter Revision Commission for changes to the charter, New York's basic governing document. The commission adopted these proposals during public meetings on July 31, Aug. 1 and Aug. 2, 1989.* These were the last in a series of more than 30 public meetings and hearings held by the commission in all parts of the city over a seven-month period; the commission's final recommendations reflect extensive public comments on the powers and structure of New York City government.

The commission, an independent body of 15 volunteer members, was created in November, 1988, with eleven members who were reappointed from the earlier commission. Its recommendations are intended to redesign New York City government in light of the March 22 ruling of the U.S. Supreme Court which found unconstitutional the voting structure of the Board of Estimate, one of the city's most important governing bodies. The proposals will be on the ballot Election Day, November 7.

English copies of the complete legal language of these proposals are also available.

*Eleven of the 15 members approved the package; four voted against it.

OBJECTIVES OF THE PROPOSED CHARTER REVISIONS

- To ensure fair and effective representation of all New Yorkers in city government.
- To balance power in city government by increasing competition and oversight among the institutions of government.
- To fix accountability for government by clarifying responsibility.
- To enhance efficiency by streamlining government procedures.
- To encourage a shift from crisis management to long-term planning.
- To build opportunity for greater public participation in policy debates and decisions.
- To separate the executive and legislative branches of government with the legislature making policy and the executive carrying it out.

SUMMARY OF PROPOSED POWERS OF CITY OFFICIALS

The Mayor

- Would continue to appoint the heads of city agencies and departments.
- Would continue to propose the city budget to the Council, but would be required to consult with the borough presidents; would continue to approve or veto the Council's actions on the budget.
- Would name seven members of the reconstituted 13-member City Planning Commission. Currently names all seven members of the City Planning Commission.
- Could veto the Council's and the City Planning Commission's actions on zoning changes, landmark designations and other land use decisions; the Council could override these vetoes with a two-thirds majority.
- Would be required to review and approve or disapprove city leases and contracts of \$2 million or more.
- Would name three members of a five-member procurement policy board that will establish contracting standards for all city agencies.
- Would sit on a new committee that would review and approve or disapprove franchises and concessions.
- Would be required to issue a "strategic policy statement" every four years analyzing the long-term issues facing the city and proposing policies to address those issues.
- Would be required to make an annual report on social, economic and environmental conditions in the city including proposed strategies for addressing issues raised in this analysis.

The Council

- Would have sole power to approve or modify the annual budget and all mid-year budget modifications proposed by the mayor; would consider the borough presidents' budget

recommendations and could override mayoral budget vetoes with a two-thirds majority.

- Would be responsible for oversight of all city agencies.
- Could review and approve, modify, or disapprove all decisions of the City Planning Commission approving zoning changes, most dispositions of city-owned residential property, urban renewal plans and plans for the development of the city.
- Would review other City Planning Commission approvals of land use matters subject to ULURP, if the affected borough president and community board object, or if a majority of the Council's members vote to undertake such a review.

Borough Presidents

- Would work with the mayor in preparing the annual city budget
 - their recommendations would constitute five per cent of the city's capital budget and five per cent of the non-mandated increases in the expense budget.
 - the Council would have to consider and act on unresolved differences between the mayor and the borough presidents.
- Would work with agency heads to determine allocation of personnel and resources in key agencies in their boroughs.
- Would oversee boroughwide programs to monitor complaints about delivery of city services.
- Would make boroughwide strategic policy statements once every four years.
- Would each appoint one member to the City Planning Commission.
- Could each propose changes in the zoning resolution.
- Would review and make recommendations on all ULURP applications in their boroughs.
- Could, together with the affected community board, appeal to the Council decisions of the City Planning Commission to approve applications for special permits, locations of city facilities and other ULURP matters.
- Could participate in "scoping" sessions for projects requiring environmental impact statements in their boroughs.
- Could have legislation introduced in the Council.
- Could review contractor performance in their boroughs and request contract modification, termination or non-renewal if they produce documented evidence of poor contractor performance.

- Would have a representative on the committee that approves franchises and concessions when the committee is considering awards in their boroughs.
- Would establish planning and budget offices to assist the borough president in fulfilling his/her duties and to provide technical assistance to community boards.
- Could recommend sites for city facilities.

The Comptroller

- Would be the city's chief fiscal officer.
- Would have auditing duties clarified, with a requirement to report to the Council annually on major audits, giving attention to recurring problems.
- Would be required to report on the state of the city's economy and finances and analyze the mayor's proposed budgets.
- Would be empowered to stop agencies from entering into contracts if he or she has reason to believe corrupt practices attended the awarding of the contract and then to require clearance by the mayor.
- Would sit on the committee that reviews and approves the award of franchises and concessions.
- Would name two members to the five-member procurement policy board that will establish contracting standards for all city agencies.

The Council President

- Presides over the Council and votes in case of a tie.
- Stands first in line of succession to the mayoralty in case of disability or death.
- Would, as the city's Public Advocate, assist individuals in resolving complaints involving city agencies and suggest systemic solutions to such problems.
- Would assess the delivery of services to the public by city agencies and recommend reforms when problems are discovered.
- Would chair a new commission on public information and communication intended to facilitate public access to information.
- Would investigate and report on compliance with the charter by city officials and agencies.
- Would appoint one member to the City Planning Commission.

Major Political Party Officials

- All municipally elected officials and major appointed officials of the city would be prohibited from simultaneously being a county leader or state committee member of a political party. All of these officials, except Council members, would be prohibited from simultaneously serving as party district leaders. This would not take effect until the elections of 1991.

Community Boards

- Could, together with its borough president, require Council to review many decisions of the Planning Commission.
- Would have the opportunity for early involvement in "scoping" sessions on environmental impact statements for projects in their districts.
- Would be assured that "197-a" plans proposed by community boards that meet minimum standards would be reviewed by the City Planning Commission; the city would be required to complete the environmental review required for such plans.
- Budget consultations with city agencies and budget needs statements to the mayor, now carried out under executive order, would be established in the charter.
- Would consult with city agencies on the budget and in creating statements of local needs; currently done under executive order.

THE COUNCIL

The Council

- To encourage fuller representation of all New Yorkers, the Council would, in a 1991 election, be increased in size from 35 to 51 members who would be elected from smaller districts. (A Council of 35 members would be elected in 1989 under the current charter, but would serve for two years instead of the customary four-year term. The expanded Council, elected in 1991, would serve for two years; the Council elected in 1993 would serve a four-year term.)
- The new Council districts would be about 30 per cent smaller in population than the Council's current districts, bringing Council members into closer contact with their constituents. Smaller districts, if drawn properly, would also enhance the opportunity for racial and language minorities to elect representatives of their choice.
- The new Districting Commission which will redraw Council district lines after the 1990 census and after each succeeding ten-year census would be required to be politically and geographically diverse and to include fair and proportional representation of the city's racial and language minorities. Currently, the mayor is empowered to appoint all nine members of the commission. Under the new charter, the mayor would appoint seven of the 15 members, with five appointed by the majority party of the Council and three appointed by the minority party. The commission would designate one member as its chair.
- The Districting Commission will use the April, 1991 results of the 1990 census in drawing the new Council lines for the 1991 elections. The Council district lines might be redrawn again in 1993 to reflect any subsequent refinements in the 1990 census figures.

The charter would require the Districting Commission to draw district lines that ensure fair and effective representation of language and racial minorities in the city, and which keep intact neighborhoods with common interests and histories. Unless it is necessary to accomplish these objectives or to keep districts compact, district lines could not be drawn with the objective of diluting geographic concentrations of voters belonging to a particular party.

- To ensure broad and fair competition in elections for the new Council, funding for the city's system of partial, voluntary public financing of election campaigns—which city voters overwhelmingly approved last year—would be continued as long as the local law stands.

Increased Powers

- Sole authority to modify and adopt the city's \$27 billion annual budget—the document that sets New York's spending priorities—would pass to the Council.
- The Council would review and approve, modify or disapprove all decisions of the City Planning Commission on zoning changes, most dispositions of city-owned residential property, urban renewal plans and plans for the development of the city.
- Would review other City Planning approvals of land use matters subject to ULURP, if the affected borough president and community board object, or if a majority of the Council's members vote to undertake such a review.
- The City Council would have the power to confirm the appointment of the city's commissioner of investigation, and the mayor would be required to give the Council written reasons if he or she wishes to dismiss the commissioner of investigation.

Independent, Democratic and Accountable Rules

- The full Council would elect the chairs of Council standing committees.
- Each standing committee of the Council would be required to conduct comprehensive hearings at least once a year on the operation of the agencies under its jurisdiction.
- A Council member would be required to be present at a Council or committee meeting to cast a vote.
- All committee votes would be recorded and available for public inspection.
- The principal sponsor of a proposed local law could require a committee vote on that measure.
- A majority of the members of the Council could vote to discharge a proposed local law from a Council committee.
- The Council would be required to establish, by resolution, any system of stipends to Council leaders and committee chairs over and above their city salaries.
- Any commission created to evaluate the need for increases in salaries for Council members could also analyze the costs and benefits of restricting Council members earned income from other sources.
- Each proposed local law brought to the floor of the Council for a vote would be accompanied by a multi-year "fiscal impact statement" estimating the law's effects on city revenues and expenditures.

- The Council would draft and submit the budget for its own operations to the mayor. The mayor would be required to include it unchanged in the executive budget, but would have the ability to line-item veto any appropriation. The Council would be required to report quarterly and publicly on its budget.
- The Council's vice-chair, who is also the majority leader of the Council, would be called the Council's "speaker".

THE BOROUGH PRESIDENTS

The Budget Process

- The borough presidents would work with the mayor in preparing the annual executive budget submitted to the Council. The charter would require that the budget include:
 - Expense budget items recommended by the borough presidents amounting to five per cent of all non-mandated spending increases, allocated among the boroughs using a formula based on each borough's population, need and geographic area.
 - Capital budget items recommended by the borough presidents amounting to five per cent of all capital spending over which the city has substantial control.
- If a borough president recommends a budget item that the mayor has not included in the executive budget, the Council would be required to consider it as a formal amendment to the budget, so long as the borough president also recommends offsetting budget cuts within his or her borough or proposes revenue increases.
- The charter would establish a budget office in each borough to assist the borough president. This office would also assist community boards.
- Each borough president would name one member to a reconstituted 13-member City Planning Commission. (The City Planning Commission now consists of seven members, all of whom the mayor appoints.)
- Borough presidents would have 30 days for an independent review of all land use applications under the "uniform land use review procedure" ("ULURP") following community board review of these applications.
- If there has been a six-month delay in certifying a ULURP application that is consistent with the land use policy of a borough president, that borough president could appeal for certification to the City Planning Commission. A vote of five members of the commission would be sufficient to certify the application.
- Each borough president would review the annual citywide "statement of needs," which would describe city agency proposals for closing, opening or significantly expanding facilities. They would have 90 days in which to propose specific sites for the facilities proposed.

for their boroughs. (For more details, see "Fair Share Plan for Locating City Facilities.")

- If a city agency later proposes a facility at a site opposed by the affected borough president, and if the borough president has proposed another site, City Planning Commission approval of the agency-proposed site would require a vote of nine of its 13 members.
- If the affected borough president and community board oppose an affirmative action of the City Planning Commission on any of the following items, they could appeal that decision to the Council. These items would include:
 - site selection for city capital projects
 - disposition of city-owned property (except office leases)
 - city map changes
 - waterfront and sanitary landfills
 - subdivisions
 - acquisitions by the city of property (except for office use)
 - special permits
 - improvements to city-owned property not paid for by the city
 - revocable consents, major concessions and requests for proposals for franchises.
- The City Planning Commission would be required to review borough development (or so-called "197-a") plans proposed by borough presidents that satisfy standards established by Planning Commission rules.
- Each borough president could propose changes in the city zoning resolution.
- The charter would establish a planning office in each borough to assist the borough president in carrying out his or her land use duties. This office also would assist community boards.

Service Delivery

- Once a year, after budget adoption, each borough president would consult with agency heads responsible for six key city services in their boroughs concerning the allocation of personnel and resources for those services within the borough. If the agency head and borough president cannot reach agreement, the borough president would have the power to require reallocations within the borough which do not increase or decrease personnel or resources within any community district in the borough by more than five per cent. These services would include:
 - parks and recreation

- street cleaning and refuse collection
- housing code enforcement
- highway and street maintenance and repair
- sewer maintenance and repair
- maintenance of public buildings

- The borough presidents could review city contractor performance in their boroughs and request contract modification, termination or non-renewal if they produce documented evidence of poor contractor performance.
- The borough presidents would help coordinate the delivery of decentralized city services named in the charter by working with "borough commissioners" of agencies responsible for these services.
- The borough presidents could publish an annual report on the status of decentralized service delivery in their boroughs.

Other Powers

- Every four years, each borough president would be empowered to make a statement of short- and long-range objectives for the borough in such areas as city service needs and land use plans.
- The affected borough president would have a representative on the franchise and concession review committee when that committee would consider a franchise or concession in his or her borough.
- A borough president could have legislation introduced on his or her behalf in the Council.

THE COMPTROLLER

Auditing

- The comptroller's auditing duties would be clarified. Specifically, the comptroller would:
 - be required to audit one or more of the programs, activities or aspects of each city agency's operations every four years including the activities of elected officials; and
 - retain the discretionary power to audit the performance of any individual city contractor.

In addition, the comptroller's power to audit quasi-independent agencies such as the Public Development Corporation would be made explicit.

By March 1 of each year, the comptroller would be required to report to the Council on all major audits conducted during the previous year.

Budget Oversight

- The comptroller's responsibility for the city's budgetary soundness would be increased to include:
 - an annual report in the spring on the mayor's revenue estimates and proposed capital and expense budgets; and
 - an annual report to the Council in the fall on the state of the city's economy and finances.

Other Powers

- The comptroller could stop an agency from entering into any proposed contract, franchise, revocable consent or concession by presenting in writing reasons for believing that there had been corruption in letting the contract or that the contractor has engaged in corrupt practices. The mayor would be required to respond to such objections in writing and to personally make a final determination regarding the contract.

- The comptroller would name two members of the five-member procurement policy board that would establish contracting procedures for all city agencies.
- The comptroller would sit on the franchise and concession review committee.
- The power now exercised by the Board of Estimate to select an independent auditor to audit the city's books would pass to the audit committee, which currently assists the board in this responsibility. This committee would continue to consist of the mayor, comptroller, Council president and four private citizens expert in finance and accounting appointed by the mayor. Two of these private citizen members would be appointed on the recommendation of the comptroller.
- The comptroller, together with the Council president, would appoint the experts who will serve as the advisory committee of the Independent Budget Office.

COUNCIL PRESIDENT

- The Council president would continue to preside over the Council and would continue to stand first in line to the mayoralty in case of disability or death.
- The Council president, the city's "Public Advocate", would be charged with receiving, investigating and attempting to resolve individual citizen complaints.
- The Council president would monitor programs of the city agencies with particular emphasis on:
 - the handling by agencies of service complaints;
 - citizen information programs and the responsiveness of city agencies to requests for information; and
 - the compliance of city agencies and officials with the various requirements of the charter, such as decentralization of services.
- The Council president would be required to publish an annual report on those subjects with recommendations for reform, complete with fiscal impact statements.
- The Council president would have the authority to monitor the delivery of services to the public and to recommend legislation to the Council to correct systemic problems uncovered.
- The Council president would appoint one member to the reconstituted 13-member City Planning Commission.
- The Council president would chair a new commission on public information and communication (see the summary on "Access to Information" for more details.)
- The Council president, along with the comptroller, shall jointly appoint an advisory committee for the Independent Budget Office.

THE BUDGET PROCESS

The Expense Budget

- The mayor's Office of Management and Budget (OMB) would be required to explain in greater detail than it does now the methods and assumptions it uses in projecting city revenues. The comptroller and a proposed independent budget office would be required to comment on these revenue estimates. The mayor would have to consider those comments and any others in making these estimates.
- The mayor would be required to issue an annual report on the costs and benefits to the city of all discretionary tax abatements and exemptions.
- "Units of appropriation" are the conceptual building blocks of the expense budget. Currently, units of appropriation often are very large and cover a broad range of an agency's activities. For example, in fiscal year 1990, all of the personnel costs for the programs run by the Human Resources Administration appear in the budget under two units of appropriation totaling \$1.4 billion. The new charter would require city agencies to construct budgets with more specific and easily understandable units of appropriation.
 - A statement of the goals of each unit would be included in the budget.
 - A decision to include more than one program, institution, purpose or activity in a unit of appropriation would require the explicit approval of the mayor and Council.
- The expense budget would include a "contract budget" which would describe proposed contractual spending by each city agency (see the summary on "Contracting and Procurement" for more details).

Better Planning of the City's Capital Needs

- The new charter would require the mayor every other year to issue a "ten-year capital strategy" setting forth a ten-year plan for building capital projects in the city, including the goals, anticipated financing and expected economic, social and environmental effects of such a plan.
- The public would have an opportunity to shape this strategy. After a City Planning

Commission hearing on this report, the mayor could modify it and would be required to submit it as part of the budget.

- For the first time, projected dates for the start and completion of all capital projects would be included in the capital budget.

Borough Priorities in the Budget

- The mayor would be required to consult with the borough presidents in preparing the executive budget submitted to the Council and: 1) to include in the executive expense budget items recommended by the borough presidents amounting to five per cent of all non-mandated spending increases, allocated among the boroughs using a formula based on each borough's population, its need and geographic area; 2) to include in the executive capital budget items recommended by the borough presidents amounting to five per cent of all proposed capital spending over which the city has substantial discretion; 3) to state in the budget the reasons for not including any other items recommended by the borough presidents.
- If a borough president recommends a budget item that the mayor has not included in the executive budget, the Council would be required to consider it as a formal amendment to the budget, so long as the borough president also recommends offsetting budget cuts within his or her borough or proposes revenue increases.

Community Involvement in the Budget Process

- The charter would be amended to formalize procedures by which community boards submit expense and capital budget requests each year for consideration by city agencies and the mayor. The agencies and the mayor would be required to provide community boards with meaningful explanations of any decision not to adopt community board budget requests.

Making the Mayor Accountable

- The mayor would be required to notify the Council of any intention to "impound"—refuse to spend—money approved by the Council, and explain that decision.
- The comptroller would be required each fall to make a comprehensive report to the Council on the state of the city's finances. The comptroller also would be required to submit written analyses of the mayor's preliminary and executive capital expense budgets to the Council. Currently, the comptroller does this for the executive capital budget only.

INDEPENDENT BUDGET OFFICE

The proposed charter would establish an "independent budget office" that would provide Council members, borough presidents, community boards, and the public with expert budget analysis independent of that provided by the mayor's Office of Management and Budget (OMB) and the Council's Finance Committee.

- Specifically, the Independent Budget Office would provide information on:
 - the contents of the city budget and the budget process
 - actual and estimated city revenues
 - the fiscal impact of a proposed local law, when that information is requested by a borough president or the chair or ranking minority party member of a Council committee.
 - other fiscal information or analysis requested by elected officials or community or borough boards, to the extent practical.
- By Feb. 1 of each year, the office would be required to publish a report on the mayor's preliminary budget for the coming fiscal year, independently analyzing that budget's projected revenues and budget priorities. The office also would publish a similar report by May 15 on the mayor's executive budget.
- The charter would require all city agencies to provide the Independent Budget Office with the information it requires.
- The director of the Independent Budget Office would serve a four-year term and would be appointed by majority vote of a special committee composed of the Council president, the comptroller, a borough president chosen by the borough presidents, and a member of the Council chosen by the Council. This appointment would be made on the recommendation of an advisory committee of private citizens with expertise in economics, finance and public administration, chosen by the comptroller and City Council president.
- To ensure adequate funding for this new office, the charter would guarantee it a budget not less than ten per cent the size of OMB's budget.

SERVICE DELIVERY

- Each year, the mayor would be required to publish a report presenting important statistical indicators of social, economic and environmental conditions by community district throughout the city. The portion of this report on health care could, for example, provide statistics on such problems as low birth weight, incidence of communicable diseases, and the like. The report would be required to highlight and analyze variations in these indicators among communities cite relevant national statistics and standards, and propose appropriate steps to address these variations. This report would serve to inform the annual debate on city budget priorities.
- Every two years, the mayor would be required to publish a report on the functioning of the decentralized service delivery system required by the charter.
- City agencies required by the charter to decentralize their operations would be required to assign a "borough commissioner," or official with equivalent title, for each borough. This official would have authority over agency programs, personnel and facilities in the borough and would work with the borough president in coordinating local services.
- Once a year, after budget adoption, agency heads responsible for the services listed below would be required to consult with each borough president concerning the allocation of personnel and resources for those services within the borough. If the agency head and the borough president cannot reach agreement, the borough president would have the power to require reallocations within the borough which do not increase or decrease personnel or resources within any community board in the borough by more than five per cent. These services would include:
 - parks and recreation
 - street cleaning and refuse collection
 - housing code enforcement
 - highway and street maintenance and repair
 - sewer maintenance and repair
 - maintenance of public buildings.

- The borough presidents could publish an annual report on the status of decentralized service delivery in their boroughs.
- Within two years of adoption of the new charter, a task force representing the mayor, Council, borough presidents, community boards and city agencies would be required to report on service decentralization and to recommend improvements.
- The charter would establish an "office of language services" in the mayor's office to set standards for, provide technical assistance and training to, and monitor the performance of city agencies in providing translation and interpretation services in languages other than English.
- The City Council president would have the authority to monitor the delivery of services and to recommend legislation to correct systemic problems uncovered.

LAND USE REVIEW AND PLANNING

The City Council

- The Council would have the power to review and approve, modify or disapprove by majority vote significant land use decisions approved by the City Planning Commission.
- The Council would automatically have the authority to approve, modify or disapprove by majority vote the following matters if approved by the City Planning Commission:
 - zoning changes
 - disposition of city-owned residential property (except to non-profit organizations that develop low income housing)
 - housing and urban renewal plans and projects
 - plans for the development of the city (so-called "197-a plans") proposed by the mayor, City Planning Commission, Department of City Planning, a borough president, borough board or community board.

The mayor could veto such Council actions and a two-thirds vote of the Council would override a veto.

- The Council also could approve, modify or disapprove by majority vote the following matters if either (1) both the affected borough president and community board oppose the affirmative action of the City Planning Commission, or (2) a majority of the Council votes to bring such a matter up for review.
 - site selections for the city's capital projects—from homeless shelters to vehicle maintenance shops
 - dispositions of city-owned property (except office leases)
 - city map changes
 - waterfront and sanitary landfills
 - subdivisions

- acquisitions by the city of property (except for office use)
- special permits
- improvements to city-owned property not paid for by the city
- revocable consents, major concessions and requests for proposals for franchises.

The mayor could veto such Council actions and a two-thirds vote of the Council could override that veto.

If there is no objection by a borough president and the Council does not "call-it-up", the mayor may overturn the affirmative decision of the City Planning Commission. The Council may override the mayor with a 2/3 vote.

If the City Planning Commission disapproves a land use matter, the Council could not review the decision of the commission, unless the mayor requests that it review a zoning change, special permit or 197-a plan. A two-thirds vote of the Council would be required to override the commission and approve such a matter.

The City Planning Commission

- The City Planning Commission, which now consists of seven members, all appointed by the mayor, would be reconstituted. The new commission would consist of 13 members. The mayor would appoint seven, the Council president would appoint one and each of the five borough presidents would appoint one.
- All City Planning Commission members except the chair would serve staggered five-year terms, could be part-time, and could be reappointed. The chair would be appointed by the mayor and also would serve as the director of the Department of City Planning. As is the case today, all appointments except the chair would be subject to the advise and consent of the Council. No member of the commission could appear (for pay) before any city agency during his or her tenure on the commission, except for routine matters.

Local Voice in Land Use Planning

- The City Planning Commission would be required to review 197-a plans proposed by community or borough boards or borough presidents that satisfy standards established by the City Planning Commission rules. The city would pay for any environmental impact studies required in reviewing such plans originated by community boards. (See also the accompanying summary on "City Government in the Community.")

Uniform Land Use Review

- To cut down on delays in land use reviews, a land use applicant could appeal after six months to the City Planning Commission for certification that the application is complete and ready for ULURP. Within 60 days of such an appeal, the City Planning Commission would then be required either to certify the application or to state what additional information is needed to complete the application.
- If there has been a six-month delay in certifying a land use application that is consistent with the land use policy of the affected borough president, that borough president could appeal for certification to the City Planning Commission, and a vote of five members of the commission would be sufficient to certify the application.
- Major documents submitted as part of a "uniform land use review procedure" ("ULURP") application would be sent upon receipt to the appropriate borough president and community boards. Requests for proposals and letters of intent regarding the development of city-owned property would also be sent to the appropriate borough president and community boards.
- Borough Presidents and community board representatives would be invited to "scoping" sessions—meetings between city agencies and land use applicants to determine the scope of environmental impact statements for proposed land uses.
- Borough presidents would have 30 days for an independent review of all ULURP land use matters in their boroughs.

Strategic Planning

- The Department of City Planning would be required to have a deputy executive director in charge of "strategic" or long-range planning for the city.
- Every four years, the City Planning Commission would issue a comprehensive "zoning and planning report" stating the planning policy of the commission, reporting on the planning efforts of the commission and analyzing the portions of the zoning resolution that merit reconsideration in light of the planning policy.

A FAIR SHARE PLAN FOR LOCATING CITY FACILITIES

- The City Planning Commission would be required to develop criteria for locating city facilities emphasizing fair distribution of such facilities among communities, taking into account the social and economic effects of such facilities on the areas surrounding the sites.
- Every year, the mayor would be required to provide the public, borough presidents and community boards with a city-wide "statement of needs" that, consistent with the "fair share" criteria, lists all proposed new city facilities by borough and—where possible—by community district for the following two fiscal years. It also would contain proposals to close or significantly expand city facilities and a map showing existing facilities and plans for the use of city-owned land.
- The borough presidents would then have the opportunity within 90 days to propose specific sites for the facilities proposed for their boroughs.
- If a city agency later proposes locating a facility at a site opposed by the affected borough president, and if the borough president has proposed another site, City Planning Commission approval of the agency-proposed site would require a vote of nine of its 13 members.
- If the borough president and the affected community board oppose the site approved by the City Planning Commission, the borough president could appeal that action to the Council.
- The Council could also by a majority vote decide to review such a City Planning Commission decision.

LANDMARKS DESIGNATION

- The Landmarks Preservation Commission, now part of the Department of Parks and Recreation, would be established as a separate city agency.
- The City Planning Commission would be required to hold a public hearing and could make a recommendation to the Council on all historic district designations.
- The Council could approve or disapprove a landmarks designation by a majority vote. The mayor could veto Council action, and the Council could override such a veto with a two-thirds vote.
- The mayor would appoint, with the advice and consent of the Council, a five-member panel to hear appeals by the owners of tax-exempt property in cases in which their claims for "hardship" exemptions from landmarks designation have been denied by the Landmarks Commission. The procedures for review would be established by the Council in a local law.

CONTRACTING AND PROCUREMENT

- A five-member "procurement policy board" would be established to clarify and standardize contracting procedures for all city agencies. The mayor would appoint three members and the comptroller would name two. One member appointed by each would not hold any other public office.
- A "contracting budget" proposed by the mayor and approved by the Council would, for the first time, require each city agency to spell out how much money it wants to spend for contractual services for particular purposes and why.
- The charter would require agencies in all circumstances to use the most competitive method appropriate.
- In establishing the circumstances under which city agencies may contract out for technical, consultant or personal services, the procurement policy board would be required to include circumstances in which it is desirable to develop or strengthen relationships between non-profit and charitable organizations and the communities to be served.
- Agencies would be required to hold public hearings on contracts of more than \$100,000 about to be let by other-than-sealed-bid means. (The procurement policy board could establish rules waiving such hearings for contracts that are being renewed and have a dollar value of less than \$10 million.) The mayor also would be required to approve other-than-sealed-bid contracts of \$2 million or more going to anyone other than the company submitting the lowest sealed bid.
- The comptroller would be empowered to stop agencies from entering into any proposed contract by presenting in writing reasons for believing that there has been corruption in letting the contract or that the contractor has engaged in corrupt practices. The mayor would be required to respond to such objections in writing and to personally make a final determination about the contract.
- Borough presidents would be authorized to monitor contracts within their boroughs, compel hearings on contractor performance and recommend that contracts be modified, terminated or not renewed.
- The public would be given complete access to copies of all city contracts and to a centralized computer database of all city contract information, including contractor performance evaluations.

- The procurement policy board would establish rules setting deadlines for payments to contractors and requiring payment of interest to contractors—chargeable to the budget of the agency responsible for delay if—these deadlines are exceeded.

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OFFICE OF ECONOMIC AND FINANCIAL OPPORTUNITY

- The charter would create an "office of economic and financial opportunity" to enhance the ability of women- and minority-owned businesses to compete for city contracts. The office would promulgate rules for the certification of such businesses.
- Specifically, this office would:
 - help city agencies increase the participation of women- and minority-owned businesses as city contractors;
 - conduct and coordinate educational programs on city contract opportunities for such businesses;
 - assist city agencies in carrying out programs of technical, financial and management assistance to such businesses;
 - provide technical assistance to certified businesses and businesses applying for certification; and
 - report annually on efforts to meaningfully increase city contracting with women- and minority-owned businesses.

OFFICE OF LABOR SERVICES

The currently existing Bureau of Labor Services would be established in the charter as the "office of labor services." It would continue to monitor and enforce city, state and federal laws on equal employment opportunity practices.

- Specifically, this office would:

- monitor the employment practices and procedures of city contractors;
- ensure compliance with equal employment opportunity laws;
- establish by rule, circumstances under which city contracts can be denied to businesses that do not comply with equal employment requirements;
- work with city agencies to set affirmative employment goals and on the enforcement of such compliance.

CIVIL SERVICE

- The charter would enhance the independence of the city Civil Service Commission by requiring it to have its own counsel and budget.
- The five members of this commission would be appointed by the mayor from a list of qualified nominees provided by a six-member screening committee. Four of the members of this screening committee would be appointed by the mayor and two would be appointed by the municipal labor committee, which consists of the organizations representing the city workforce.
- The department of personnel would be required to issue quarterly reports to the mayor and Council on the number and length of service of provisional employees working for city agencies and on efforts to reduce this provisional workforce.

EQUAL EMPLOYMENT PRACTICES COMMISSION

City agencies are required to maintain effective affirmative action programs to ensure equal employment opportunities for minority group members and women. The new charter would require that the department of personnel establish uniform procedures and standards for all city agencies to establish such affirmative employment programs.

In addition, the charter would establish a five member equal employment practices commission to monitor such programs and recommend changes to the department of personnel and all city agencies on their procedures and processes. The mayor would appoint two members; the Council two; and the chair would be appointed jointly by the mayor and the speaker of the Council. All commission members shall serve part-time.

- Specifically, the commission would:

- report annually to the mayor and the Council on the effectiveness of city agency efforts to hire, retain and promote women and minority employees.

FRANCHISES, CONCESSIONS AND REVOCABLE CONSENTS

- Before the city grants franchises for a public service, the Council would have to pass an "authorizing resolution" detailing the nature of the franchise to be granted, their terms and conditions, the method for soliciting bids and the criteria to be used in awarding such franchises. The responsible agency—the department of transportation for an express bus line, for example—would then issue a "request for proposals" ("RFP") for the proposed franchise.
- Requests for proposals for franchises, revocable consents and major concessions with land use impacts would go through the "uniform land use review procedures" ("ULURP").
- If an affected community board and borough president objected to the City Planning Commission's ULURP decision on a proposed franchise, concession or revocable consent, the borough president could appeal that action to the Council for review.
- The Council could, by a vote of a majority of its members, bring up for review a Planning Commission ULURP decision on a franchise, concession or revocable consent. (See Land Use Planning and Review Chapter.)
- A new "franchise and concession review committee" would establish procedures for the award of concessions and would approve franchise agreements. It would consist of representatives of the mayor, comptroller, director of the Office Management and Budget, the corporation counsel and another person appointed by the mayor. If a proposed franchise award would affect only one borough, the affected borough president also would sit on the committee; if it would affect more than one borough, the affected borough presidents would designate one representative to sit on the committee.
- A public hearing on the terms and conditions of all franchises and revocable consents would be required as well as the separate approval of the mayor. Five of the six members of the review committee are needed to approve a franchise.
- The charter would create a department of telecommunications to oversee city policy in this area and to grant cable television and other telecommunication franchises.

CITY GOVERNMENT IN THE COMMUNITY

Community Board Membership and Procedures

- To ensure fair representation on community boards, the number of board members appointed by the borough president on the recommendation of Council members would be proportional to the percentage of the community district's population within each Council district. The charter also would direct borough presidents to consider representation of the entire community in making community board appointments.
- Borough presidents, assisted by city agencies, would be required to provide training to new community board members.
- To help them fulfill their duties, each community board would be authorized to hire professional staff or consultants, including planners or other experts.
- The cost of renting office space would be excluded from the base budget of each community board, thus equalizing the boards' budgets.
- Community boards would be required to make regular and systematic efforts to inform the public of their activities and to maintain a mailing list available to the public on request.

Land Use

- Community and borough boards would review and make recommendations on a newly required annual "statement of needs" concerning all plans for new city facilities and the closing of city facilities in the following two years.
- If an affected community board and borough president object to the proposed site for a city facility, approved by the City Planning Commission, they could appeal that decision to the Council or a majority of the Council could trigger an appeal.
- Community boards would receive all major documents concerning "uniform land use review procedure" ("ULURP") applications at the time of the applications. They would also receive requests for proposals and letters of intent regarding the disposition of city-owned land.
- Each community board affected by a proposed land use project would be invited to send a representative to the preliminary meetings between project sponsors and city officials to determine the scope of any required environmental review of the project.

- The City Planning Commission would be required to review community development (so-called "197-a") plans proposed by community boards or borough presidents that satisfy standards established by Planning Commission rules. The city would complete any environmental impact studies for plans originated by community boards.

(For more information, see the accompanying summaries on "City Planning" and "Fair Share Plan for Locating City Facilities.")

Budget

- City agencies and the mayor would be required to respond in writing to community and borough board budget requests.

ACCESS TO INFORMATION

- The charter would establish a "commission on public information and communication" chaired by the Council president that would review and monitor city policies and practices concerning public access to information, including information on city services available to the public.
- The charter would require that transcripts of the following public meetings and proceedings be available for free public inspection within 60 days, and that copies be available at a price covering the cost of copying and, if necessary, mailing:
 - all city Council meetings and committee hearings
 - all hearings held by the comptroller, Council president and borough presidents; and
 - all meetings and hearings of the City Planning Commission.
- All future cable television franchises and franchise renewals would require that channels be designated for governmental use. The Council and its committees and the Planning Commission would be required to make their meetings and hearings open for cablecasting and broadcasting. The department of telecommunication would be required to give priority in programming to these needs.
- The mayor would be required to maintain all city contracts and required contract information, including contractor performance evaluations and audits in a central place. This information would be computerized, as much as possible and the public would be allowed reasonable, controlled access to any computerized systems established for monitoring contracting activity.
- The commission on public information and communication would publish a directory of the computerized information maintained by the city and required by law to be publicly accessible.
- Free copies of the City Record would be available at the Municipal Reference Library and available for inspection in the offices of elected officials and community boards.
- The Council president would be required to evaluate citizen information programs and the responsiveness of city agencies to public requests for information.