

QUESTION ONE: TERM LIMITS

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Proposed Text

Section 1. Sections 1137 and 1138 of the New York City Charter, as amended by Local Law 51 for the year 2008, are hereby amended to read as follows:

§ 1137. Public Policy. It is hereby declared to be the public policy of the city of New York to limit the time elected officials can serve as mayor, public advocate, comptroller, borough president and council member so that [elected representatives are “citizen representatives” who are responsive to the needs of the people and are not career politicians] there is more opportunity for citizen participation in the legislative and executive branches and the airing of a greater diversity of ideas. It is further declared that this policy is most appropriately served by limiting the time such officials can serve to not more than [three full] two consecutive full terms. It is further declared that public confidence in government should be protected by restricting amendments that would affect the application of term limits to any elected official then in office.

§ 1138. Term Limits. a. Notwithstanding any provision to the contrary contained in this charter, no person shall be eligible to be elected to or serve in the office of mayor, public advocate, comptroller, borough president or council member if that person had previously held such office for [three] two or more [full] consecutive full terms, unless one full term or more has elapsed since that person last held such office[; provided, however, that in calculating the number of consecutive terms a person has served, only terms commencing on or after January 1,1994 shall be counted].

b. Notwithstanding any other provision to the contrary, no local law may be enacted by the city council, including but not limited to amendment of the provisions of this chapter, if such local law would alter or permit alteration of the term limit set forth in this section as such limit applies to any person then serving in the office of mayor, public advocate, comptroller, borough president or council member.

c. Severability. If any provision of this section, or any provision of paragraph one of subdivision k of section eleven hundred fifty-two relating to the application of this section, shall be held invalid or ineffective in whole or in part or inapplicable to any person or situation, such holding shall not affect, impair or invalidate the remainder of this section and such paragraph,

and all other provisions thereof shall nevertheless be separately and fully effective and the application of any such provision to other persons or situations shall not be affected.

§ 2. Section 1152 of the New York city charter is amended by adding a new subdivision k, to read as follows:

(k)(1) The amendments to the charter, amending sections eleven hundred thirty-seven and eleven hundred thirty-eight, approved by the electors on November second, two thousand ten, shall take effect immediately, and hereafter shall control as provided with respect to all the powers, functions and duties of officers, agencies and employees; provided, however, that, notwithstanding any inconsistent provision of the charter, persons holding the offices of mayor, public advocate, comptroller, borough president or council member on the date such amendments take effect shall be subject, with respect to eligibility to be elected to or serve in the offices so held, to the provisions of section eleven hundred thirty-eight that were in effect immediately prior to the approval of such amendments, and to the provisions of subdivision b of such section as added by such amendments until one full term or more has elapsed since having last held such offices, after which such persons shall be fully subject to the provisions of section eleven hundred thirty-eight, as amended by such amendments, in its entirety.

**QUESTION TWO: ELECTIONS AND GOVERNMENT
ADMINISTRATION**

DISCLOSURE OF INDEPENDENT EXPENDITURES

Proposed Text

Section 1. Subdivision a of section 1052 of the New York city charter, as amended by local law number 34 for the year 2007, is amended by adding a new paragraph 15 to read as follows:

15. (a) For purposes of this paragraph, the following terms shall have the following meanings:

(i) “Independent expenditure” shall mean a monetary or in-kind expenditure made, or liability incurred, in support of or in opposition to a candidate in a covered election or municipal ballot proposal or referendum, where no candidate, nor any agent or political committee authorized by a candidate, has authorized, requested, suggested, fostered or cooperated in any such activity. The term “independent expenditure” shall not include:

(1) the value of services provided without compensation by individuals who volunteer a portion or all of their time,

(2) the use of real or personal property and the cost of invitations, food and beverages voluntarily provided by an individual, to the extent such services do not exceed five hundred dollars in value,

(3) the travel expenses of any individual who on his or her own behalf volunteers his or her personal services, to the extent such expenses are unreimbursed and do not exceed five hundred dollars in value, and

(4) any expenditure made, or liability incurred, that is considered to be a contribution to a candidate under any provision of this charter or local law, or under any rule promulgated by the board.

(ii) “Entity” shall mean any corporation, limited liability company, partnership, limited liability partnership, political committee, political party or party committee, employee organization or labor organization, association, club, or other organization.

(iii) “Covered election” shall mean any primary, run-off primary, special, run-off special or general election for nomination for election, or election, to the office of mayor, public advocate, comptroller, borough president or member of the city council.

(b) Every individual and entity that makes independent expenditures aggregating one thousand dollars or more in support of or in opposition to any candidate in any covered election, or in support of or in opposition to any municipal ballot proposal or referendum, shall be

required to disclose such expenditure to the board. In addition, every entity that, in the twelve months preceding a covered election, makes independent expenditures aggregating five thousand dollars or more in support of or in opposition to any candidate in any covered election shall disclose the identity of any entity that contributed to the entity reporting the expenditure, and any individual who, in the twelve months preceding the covered election, contributed one thousand dollars or more to the entity reporting the expenditure.

(c) Any literature, advertisement or other communication in support of or in opposition to any candidate in any covered election that is paid for by an individual or entity making independent expenditures aggregating one thousand dollars or more shall disclose the name of any individual or entity making the expenditure.

(d) The board may, upon notice and opportunity to be heard, assess civil penalties in an amount not in excess of ten thousand dollars for each violation of this paragraph. The intentional or knowing violation of this paragraph shall be punishable as a misdemeanor in addition to any other penalty provided under law.

(e) The board shall promulgate rules concerning the form and manner in which independent expenditures are to be reported and disclosed, the information to be reported and disclosed, the periods during which reports must be filed, and the verification required. The board shall promulgate such additional rules as it deems necessary to implement, administer, interpret and enforce this paragraph and shall provide in such rules that information regarding independent expenditures be promptly made accessible to the public during the covered election cycle.

REDUCING SIGNATURE REQUIREMENTS FOR PETITIONS

Proposed Text

Section 1. The New York city charter is amended by adding a new section 1057-b to read as follows:

§ 1057-b. Designating and independent nominating petitions; number of signatures. a. The number of signatures required for any designating petition or independent nominating petition for the designation or nomination of a candidate for an elected office of the city shall be

governed by applicable provisions of the New York state election law, except that in no event shall the number of signatures required exceed the following limits:

(1) for the offices of mayor, comptroller, or public advocate, three thousand seven hundred fifty signatures;

(2) for the office of borough president, two thousand signatures; and

(3) for the office of member of the city council, four hundred fifty signatures.

b. (1) The following provisions of the election law shall not apply to the extent that they govern the designation or independent nomination of mayor, comptroller, public advocate, member of the city council, and borough president: paragraphs (a), (b), and (c-1) of subdivision two of section 6-136 (designating petitions; number of signatures); and paragraphs (b), (c), and (d-1) of subdivision two of section 6-142 (independent nominations; number of signatures). Section 6-100 of the election law shall apply, except to the extent that provisions of article six of the election law are inapplicable in accordance with this section.

(2) Any other provisions that from time to time may be added to the election law and that relate to the matters covered by the provisions of the election law that are inapplicable in accordance with this section shall similarly not apply to the extent that they govern the designation or nomination of such officers.

(3) References to provisions of the election law in this section shall be deemed to refer to any successors to such provisions.

RECONSTITUTING THE VOTER ASSISTANCE COMMISSION WITHIN THE CAMPAIGN FINANCE BOARD

Proposed Text

Section 1. Paragraph one of subdivision a of section 1052 of the New York city charter, as amended by local law number 34 for the year 2007, is amended to read as follows:

1. There shall be a campaign finance board consisting of five members. Two members of the board shall be appointed by the mayor, provided that not more than one such member shall be enrolled in any one political party, and two members shall be appointed by the speaker of the council, provided that not more than one such member shall be enrolled in any one political party, and one member, who shall be the chairperson, shall be appointed by the mayor after consultation with the speaker. The members shall first be appointed to serve as follows:

- (a) one member appointed by the speaker for a term of one year;
- (b) one member appointed by the mayor for a term of two years;
- (c) one member appointed by the speaker for a term of three years;
- (d) one member appointed by the mayor for a term of four years; and
- (e) the chairperson for a term of five years.

[Each] The first term shall commence on April first, nineteen hundred eighty-eight. Thereafter, each member shall be appointed, by the mayor or the speaker, according to the original manner of appointment, for a term of five years that shall, for any term beginning on or after March first two thousand eleven, commence on December first [by the mayor or the speaker, according to the original manner of appointment]. Terms that began before, and have not expired on, March first, two thousand eleven shall be extended and shall expire on the November thirtieth following their original March thirty-first expiration dates. Upon expiration of the term of a member, if the mayor or the speaker, as appropriate, shall fail to appoint a member within one hundred twenty days of the expiration of such term, the member whose term has expired shall be deemed appointed for an additional term of five years, provided, however, that if the expiration of such term occurs in a year in which elections, except special elections, covered by the voluntary system of campaign finance reform are scheduled, the member whose term has expired shall be deemed appointed for an additional term of five years if the mayor or the speaker, as appropriate, shall fail to appoint a member within ninety days of the expiration of such term. In case of a vacancy in the office of a member, a member shall be appointed to serve the remainder of the unexpired term by the mayor or the speaker, according to the original manner of appointment. If the mayor or the speaker, as appropriate, shall fail to appoint a member within one hundred eighty days of such vacancy, then a member shall be appointed by the board to serve for the remainder of the unexpired term, if additional time remains in such term, provided, however, that if such vacancy occurs in a year, or within ninety days prior to a year, in which elections, except special elections, covered by the voluntary system of campaign finance reform are scheduled, then a member shall be appointed by the board to serve for the remainder of the unexpired term, if additional time remains in such term, if the mayor or the speaker, as appropriate, shall fail to appoint a member within ninety days of such vacancy. Except for the chairperson, such member shall not be enrolled in the same political party as the other member appointed by the official who failed to so appoint. Each member shall be a

resident of the city, registered to vote therein. Each member shall agree not to make contributions to any candidate for nomination for election, or election, to the office of mayor, public advocate, comptroller, borough president, or member of the council which in the aggregate are in excess of the maximum contribution applicable to such office pursuant to any local law establishing a voluntary system of campaign finance reform. No member shall serve as an officer of a political party, or be a candidate, or participate in any capacity in a campaign by a candidate, for nomination for election or election to the office of mayor, public advocate, comptroller, borough president or member of the city council. Officers and employees of the city or any city agency, lobbyists required to file a statement of registration under section 3-213 of the administrative code and the employees of such lobbyists shall not be eligible to be members of the board. In appointing members to the board, the mayor and the speaker shall consider campaign experience in general and particularly campaign experience with the New York city campaign finance system. Members of the board shall be required to undergo training developed pursuant to paragraph 14 of this section.

§ 2. Section 1052 of the New York city charter, as amended by local law number 34 for the year 2007, is amended by adding a new subdivision e to read as follows:

e. The board shall take such actions as it deems necessary and appropriate to encourage, promote, and facilitate voter registration and voting by all residents of New York City who are eligible to vote, including, but not necessarily limited to the employment of a coordinator of voter assistance and other necessary staff. The board shall have authority to promulgate rules in order to implement the voter assistance provisions of this chapter, except that any rules with respect to city agency operations concerning voter registration and voting, including but not limited to implementation of section one thousand fifty-seven-a, shall be promulgated in conjunction with the office of the mayor through its office of operations.

§ 3. Sections 1054 and 1055 of the New York city charter are REPEALED and section 1054 is reenacted to read as follows:

§1054. Voter assistance advisory committee. a. There shall be a voter assistance advisory committee consisting of nine members, which shall assist the board with its duties and responsibilities under this chapter, including but not limited to overseeing the voter assistance

program established by this chapter. Two members shall be appointed by the mayor, provided that not more than one such member shall be enrolled in any one political party; two members shall be appointed by the speaker of the city council, provided that not more than one such member shall be enrolled in any one political party; one member shall be appointed by the comptroller; one member shall be appointed by the borough presidents acting together; and one member shall be appointed by the mayor in consultation with the speaker and shall serve as chair. In addition, the committee shall include the public advocate, or in his or her absence, a representative, and the executive director of the board of elections (or, in his or her absence, the deputy executive director of the board of elections). In appointing members to the committee, the mayor, speaker, comptroller and borough presidents shall consider experience with groups or categories of residents that are underrepresented among those who vote or among those who are registered to vote and community, voter registration, civil rights, and disabled groups. The appointed members shall first be appointed to serve as follows:

1. one member appointed by the speaker for a term of one year;
2. one member appointed by the mayor for a term of two years;
3. one member appointed by the speaker for a term of three years;
4. one member appointed by the mayor for a term of four years;
5. one member appointed by the comptroller for a term of four years;
6. one member appointed by the borough presidents for a term of five years; and
7. the chair, appointed by the mayor in consultation with the speaker for a term of five years.

Each term shall commence on January first, two thousand eleven. Thereafter, each member shall be appointed for a term of five years according to the original manner of appointment. Upon expiration of the term of a member, if the appointing official or officials shall fail to appoint a member within one hundred twenty days of the expiration of such term, the member whose term has expired shall be deemed appointed for an additional term of five years. In case of a vacancy in the office of an appointed member, a member shall be appointed to serve for the remainder of the unexpired term according to the original manner of appointment. For appointees of the mayor or speaker, such member shall not be enrolled in the same political party as the other member appointed by the official making the appointment to fill the vacancy. Each member shall be a resident of the city, registered to vote therein. No member other than the

public advocate shall serve as an officer of a political party, or be a candidate, or participate in any capacity in a campaign by a candidate, for nomination for election or election to the office of mayor, public advocate, comptroller, borough president or member of the city council. The members of the committee shall serve without compensation.

b. The board, with the advice and assistance of the committee and the coordinator of voter assistance, shall:

1. encourage and facilitate voter registration and voting by all residents of New York City who are eligible to vote, and recommend methods to increase the rate of registration and voting by such residents;

2. identify groups or categories of such residents who are underrepresented among those registered and those voting and recommend methods to increase the rate of voter registration and voting among such groups and categories;

3. consistent with all state and local laws, coordinate the activities of all city agencies in general and specialized efforts to increase registration and voting including, but not limited to, the distribution of forms for citizens who use or come in contact with the services of city agencies and institutions; mailings by city agencies to reach citizens; cooperative efforts with non-partisan voter registration groups, community boards, agencies of city, state, and federal governments, and entities doing business in the city; publicity and other efforts to educate youth about the importance of voting and to encourage eligible youth to register to vote; and other outreach programs;

4. make such recommendations as it deems appropriate to the mayor, the council, the borough presidents, and the board of elections for steps that should be taken by such officials or bodies or by city agencies to encourage and facilitate voter registration and voting by all residents of New York City who are eligible to vote;

5. undertake, by itself or in cooperation with other public or private entities, activities intended to encourage and facilitate voter registration and voting by all residents of New York City who are eligible or may become eligible to vote, including eligible voters who are limited in English proficiency;

6. prepare and publish reports, including, at the minimum, an annual report to be published no later than April thirtieth in each year, regarding voter registration and voter participation in New York City, and forward copies of such reports to the mayor, the council, the

borough presidents, and all other public officials with responsibilities for policies, programs and appropriations related to voter registration and voter participation in New York City and to private entities that are currently or potentially involved in activities intended to increase voter registration and voting. Such annual report shall include, but not be limited to (a) a description of voter assistance activities and the effectiveness of those activities in increasing voter registration and voter participation; (b) the number of voter registration forms distributed by the programs related to voter assistance and voter participation, the manner in which those forms were distributed and the estimated number of persons registered through the activities of the programs; (c) the number and characteristics of citizens registered and unregistered to vote during the previous primary, general and special elections and for the most recent time period for which such information is available; (d) the number and characteristics of citizens who voted during the previous primary, general and special elections; (e) a review and analysis of voter registration and voter participation processes in New York City during the previous year; (f) recommendations for increasing voter registration and voter participation; and (g) any other information or analysis the board deems necessary and appropriate; and

7. monitor voter registration and voting in New York City, and receive citizen complaints regarding such processes.

c. The committee shall meet at least every other month. The committee shall hold at least two public hearings each year, one following the issuance of the annual report, and the second between the day following the general election and December twenty-first, regarding voter registration and voter participation in New York City. Any member of the board may attend and participate in committee meetings and hearings.

§ 4. Sections 1056 and 1057 of the New York city charter, as added by vote of the electors of the city of New York at a general election held on November 8, 1988, are amended to read as follows:

§1056. Cooperation of mayoral agencies. Heads of mayoral agencies shall cooperate to the extent practicable with the board of elections and the campaign finance board and [the] its coordinator of voter assistance to improve public awareness of the candidates, proposals or referenda in all elections in which there are contested elections held in the city of New York for any city, county, state, or federal office and/or ballot proposals or referenda pursuant to city,

county, state, or federal law, and to encourage voter registration and voting by all residents of the city of New York eligible to vote[, and shall prepare annually, in accordance with rules and guidelines of the coordinator of voter assistance, plans specifying]. Such cooperation shall include providing the campaign finance board with appropriate information concerning the resources, opportunities, and locations the agency can provide for public awareness and voter assistance activities.

§1057. Non-partisanship in program operations. The campaign finance board[, commission] and [coordinator] the voter assistance advisory committee shall conduct all their activities in a strictly non-partisan manner.

§ 5. Subdivision 1 of section 1057-a of the charter, as amended by local law number 52 for the year 2003, is amended to read as follows:

1. Participating agencies shall adopt such rules and regulations as may be necessary to implement this section. The [New York city voter assistance commission] campaign finance board shall prepare and distribute to participating agencies written advisory agency guidelines as to the implementation of this section and may establish training programs for employees of participating agencies; provided that any guidelines promulgated by the voter assistance commission prior to the effective date of this clause shall remain in effect unless further amended or repealed by the board. Participating agencies may consider such advisory agency guidelines in the promulgation of their rules and regulations.

AMENDMENTS TO CHAPTER 68, CONFLICTS OF INTEREST – INCREASED FINES AND DISGORGEMENT

Proposed Text

Section 1. Subdivision b of section 2606 of this charter, as added by vote of the electors of the city of New York at a general election held on November 8, 1988, is amended, and a new subdivision b-1 is added, to read as follows:

b. Upon a determination by the board that a violation of section twenty-six hundred four or twenty-six hundred five of this chapter has occurred, the board, after consultation with the head of the agency involved, or in the case of an agency head, with the mayor, shall have the power to impose fines of up to [ten] ~~twenty-five~~ thousand dollars, and to recommend to the appointing

authority, or person or body charged by law with responsibility for imposing such penalties, suspension or removal from office or employment.

b-1. In addition to the penalties set forth in subdivisions a and b of this section, the board shall have the power to order payment to the city of the value of any gain or benefit obtained by the respondent as a result of the violation in accordance with rules consistent with subdivision h of section twenty-six hundred three.

AMENDMENTS TO CHAPTER 68, CONFLICTS OF INTEREST – MANDATORY TRAINING

Proposed Text

Section 1. Paragraph 2 of subdivision b of section 2603 of the New York city charter, as added by vote of the electors of the city of New York at a general election held on November 8, 1988, is amended to read as follows:

2. (a) The board [shall provide training to all individuals who become public servants to inform them of the provisions of this chapter, shall assist agencies in conducting ongoing training programs, and] shall make information concerning this chapter available and known to all public servants. On or before the tenth day after an individual becomes a public servant, such public servant [must file] shall be provided with a copy of this chapter and shall sign a written statement [with the board], which shall be maintained in his or her personnel file, that such public servant has received and read and shall conform with the provisions of this chapter.

(b) Each public servant shall undergo training provided by the board in the provisions of this chapter on or before the sixtieth day after he or she becomes a public servant, and periodically as appropriate during the course of his or her city service. Every two years, each agency shall develop and implement an appropriate agency training plan in consultation with the board and the mayor's office of operations. Each agency shall cooperate with the board in order to ensure that all public servants in the agency receive the training required by this subdivision and shall maintain records documenting such training and the dates thereof. The training required by this subdivision may be in person, provided either by the board itself or by agency personnel working in conjunction with the board, or through an automated or online training program developed by the board.

(c) The failure of a public servant to receive the training required by this paragraph, to receive a copy of this chapter, or to sign the statement required by this paragraph, or the failure of the agency to maintain the required statement on file or record of training completed, shall have no effect on the duty of such public servant to comply with this chapter or on the enforcement of the provisions thereof.

CONSOLIDATION OF ADMINISTRATIVE TRIBUNALS

Proposed Text

Section 1. Subdivision e of section 1046 of the New York city charter, as added by vote of the electors of the city of New York at a general election held on November 8, 1988, is amended to read as follows:

e. Hearing officer. Except as otherwise provided for by this charter the person presiding at a hearing shall be assigned solely to adjudicative and related duties. Except as otherwise provided for by the rules of the agency or by order of the mayor issued in accordance with subdivisions two and three of section one thousand forty-eight, such hearing officer shall make final findings of fact and shall not make any final decision, determination, or order, but shall only recommend such, and shall forward such recommendation and the record of the adjudication to the agency, who may adopt, reject or modify any such recommended decision, determination or order.

§ 2. Section 1048 of the New York city charter, as added by local law number 49 of the city of New York for the year 1991, is amended to read as follows:

§ 1048. Office. 1. There shall be an office of administrative trials and hearings which shall conduct adjudicatory hearings for all agencies of the city unless otherwise provided for by executive order, rule, law or pursuant to collective bargaining agreements. The office shall be directed by the chief administrative law judge, who shall be an attorney admitted to practice for at least five years in the state of New York. The chief administrative law judge shall be appointed by the mayor.

2. Notwithstanding any inconsistent provision of law and except as provided in subdivision five of this section, the mayor shall be authorized to designate by executive order the

office of administrative trials and hearings as the tribunal for the impartial administration and conduct of adjudicatory hearings for violations of this charter, the administrative code of the city of New York, rules promulgated pursuant to this charter or such code and any other laws, rules, regulations or other policies enforced or implemented by the agencies of the city through the conduct of adjudications. Pursuant to any such order, the mayor may transfer entire tribunals or parts thereof, or categories of adjudications to such office, which may perform such responsibilities, including responsibilities delegated elsewhere by this charter or other law, as the mayor shall direct in such order. In furtherance of any such order, agencies shall be authorized to establish their tribunals, or parts thereof, within such office. No existing right or remedy of any character shall be lost, impaired or affected by reason of a transfer of a tribunal or part thereof or category of adjudications pursuant to this subdivision except as may be necessary to implement such transfer.

3. Any order issued by the mayor pursuant to subdivision two of this section may include provision for matters pending at the time that any transfer pursuant to such subdivision shall take effect and may in appropriate instances deem agency rules in effect on the date of any transfer to be rules of the office of administrative trials and hearings. Any such order may in addition address circumstances in which agencies shall continue to make final findings of fact and/or decisions, determinations or orders.

4. (a) The mayor shall constitute a committee to evaluate the adjudicatory functions carried out by city agencies and to make recommendations with respect to the transfers authorized by subdivision two of this section. Such committee shall be chaired by the deputy mayor for legal affairs or another designee of the mayor. It shall have representatives from the office of administrative trials and hearings, the law department, the department of citywide administrative services and any other agency the mayor deems necessary to implement the transfers described in this section. The work of such committee shall be deemed complete upon submission to the mayor of a final report identifying the tribunals or parts thereof, or categories of adjudications, that have been consolidated or that should be considered for future consolidation, provided that the mayor may reconstitute the committee at any time to perform the functions described in this section.

(b) Before recommending transfers of tribunals or parts thereof, or of categories of adjudications, the committee shall solicit comments from the public, including, to the extent

practicable, any segments of the public particularly affected by such transfers. In furtherance of such solicitation, the committee or a person or agency designated by the committee shall hold a public hearing, on notice of at least twenty days published in the City Record. Such notice shall specify the transfers that are under consideration by the committee for recommendation to the mayor.

(c) The authority conferred upon the mayor by subdivisions two and three of this section shall not be limited by or contingent upon the requirements of this subdivision.

5. Subdivisions two through four of this section shall not apply to the office of administrative tax appeals, including the tax commission and the tax appeals tribunal, or the board of standards and appeals.

§ 3. Subdivision 1 of section 1049 of the New York city charter, as added by local law number 49 of the city of New York for the year 1991, is amended to read as follows:

1.(a) The chief administrative law judge shall have authority to direct the office established pursuant to section one thousand forty-eight with respect to its management and structure and to appoint a staff of administrative law judges. Each administrative law judge shall be an attorney admitted to practice in the state of New York for at least five years. Each administrative law judge shall be appointed for a term of five years removable only for cause after notice and opportunity for a hearing on a record.

(b) The provisions of paragraph (a) of this subdivision relating to terms and qualifications shall not be mandatory with respect to any administrative law judge or hearing officer transferred from another agency pursuant to subdivision two of section one thousand forty-eight of this chapter or assigned to any particular tribunal or part thereof, or category of adjudications, transferred pursuant to such subdivision that may be specified by the chief administrative law judge. The chief administrative law judge may prescribe alternative qualifications and terms and conditions of employment for any administrative law judges or hearing officers who are not subject to paragraph (a) of this subdivision.

§ 4. Subdivision a of section 1049-a of the New York city charter, as amended by local law number 35 of the city of New York for the year 2008, is amended to read as follows:

a. There shall be in the office of administrative trials and hearings an environmental control board consisting of the commissioner of environmental protection, the commissioner of sanitation, the commissioner of buildings, the commissioner of health and mental hygiene, the police commissioner, the fire commissioner and the chief administrative law judge of the office of administrative trials and hearings, who shall be chair, all of whom shall serve on the board without compensation and all of whom shall have the power to exercise or delegate any of their functions, powers and duties as members of the board, and six persons to be appointed by the mayor, with the advice and consent of the city council, who are not otherwise employed by the city, one to be possessed of a broad general background and experience in the field of air pollution control, one with such background and experience in the field of water pollution control, one with such background and experience in the field of noise pollution control, one with such background and experience in the real estate field, one with such background and experience in the business community, and one member of the public, and who shall serve for four-year terms. Such members shall be compensated at [the] a rate [of one hundred fifty dollars per day when performing the work of the board] that may be specified by the chair and approved by the mayor. Within [its] the board's appropriation, the [board] chair may appoint an executive director, subject to the approval of the board, and such hearing officers, including non-salaried hearing officers, and other employees as [it] the chair may from time to time find necessary for the proper performance of [its] the board's duties.

§ 5. Section 2203 of the New York city charter is amended by adding a new subdivision (g) to read as follows:

(g)(1) Notwithstanding any inconsistent provision of law, the department shall be authorized, upon due notice and hearing, to impose civil penalties for the violation of any laws or rules the enforcement of which is within the jurisdiction of the department pursuant to this charter, the administrative code or any other general, special or local law. The department shall have the power to render decisions and orders and to impose civil penalties for all such violations. Except to the extent that dollar limits are otherwise specifically provided, such civil penalties shall not exceed five hundred dollars for each violation. All proceedings authorized pursuant to this subdivision shall be conducted in accordance with rules promulgated by the commissioner. The remedies and penalties provided for in this subdivision shall be in addition to any other remedies

or penalties provided for the enforcement of such provisions under any other law including, but not limited to, civil or criminal actions or proceedings.

(2) All such proceedings shall be commenced by the service of a notice of violation. The commissioner shall prescribe the form and wording of notices of violation. The notice of violation or copy thereof when filled in and served shall constitute notice of the violation charged, and, if sworn to or affirmed, shall be prima facie evidence of the facts contained therein.

(3) For the purposes of this subdivision, no act or practice shall be deemed a deceptive trade practice unless it has been declared a deceptive trade practice and described with reasonable particularity in a local law or in a rule or regulation promulgated by the commissioner.

(4) Notwithstanding any other inconsistent provision of law, powers conferred upon the department by this subdivision may be exercised by the office of administrative trials and hearings consistent with orders of the mayor issued in accordance with subdivisions two and three of section one thousand forty-eight of this charter.

CITYWIDE REVIEW OF REPORTING REQUIREMENTS AND ADVISORY BODIES

Proposed Text

Section 1. The New York city charter is amended by adding a new section 1113 to read as follows:

§1113. Report and Advisory Board Review Commission.

a. Notwithstanding any inconsistent provision of this charter, the administrative code or any local law and except as provided in this section, any requirement in this charter, the administrative code or otherwise in any local law that mandates the issuance of periodic or multiple reports by public agencies, officers or employees where at least one such report is due on or after the effective date of this section, and any requirement that mandates the establishment of a commission, committee, board, task force or other similar body that is solely advisory in nature, shall be subject to waiver in accordance with the provisions of this section.

b. There shall be a report and advisory board review commission, which shall consist of the speaker of the city council, two members of the council to be chosen by the speaker, the

corporation counsel, the director of the mayor's office of operations, the director of management and budget, and the commissioner of information technology and telecommunications or designated officers or employees of the agencies headed by such members or in the case of the council members, designated employees of the council. The director of the mayor's office of operations shall be the chair of the commission.

c. The commission shall meet on a regular basis, at intervals determined by the chair, to perform the reviews required by this section. The commission shall hold at least one public hearing each year to solicit comment from members of the public on matters required to be reviewed by the commission pursuant to this section. The chair shall have charge of the organization of the commission and shall have authority to employ, assign and superintend the duties of such officers and employees as may be necessary to carry out the provisions of this section. In addition, the speaker of the city council, the commissioner or head of any agency or office represented on the commission or the commissioner or head of any other appropriate city agency or office may, if requested by the chair or the commission, provide staff and other assistance with respect to any matter within the jurisdiction of the commission.

d. (1) Except as provided in paragraph six of this subdivision, the commission shall have the power and responsibility to review all requirements in this charter or the administrative code or elsewhere in the local laws of New York city that mandate the issuance of periodic or multiple reports by city agencies, officers or employees where at least one such report is due on or after the effective date of this section, and all requirements that mandate the establishment of commissions, committees, boards, task forces or other similar bodies that are solely advisory in nature. Notwithstanding any inconsistent provision of this charter, the administrative code or any local law, the commission shall further have the power and responsibility, subject to review by the council and the mayor as provided in paragraphs four and five of this subdivision, and except as provided in paragraph six of this subdivision, to waive any such requirement. The commission shall be empowered to review requirements in effect on and after the effective date of this section regardless of the date of enactment of such requirements; provided, however, that the powers and duties of the commission shall not extend to the mayor's management report required pursuant to subdivision c of section twelve of this charter as in effect on July first, two thousand ten, or to requirements mandating the issuance of reports, or the creation of bodies, that are required pursuant to any state or federal law, rule or regulation or that are both (i) in effect on

July first, two thousand ten and (ii) set forth in or required by sections ninety-three, ninety-five or ninety-six, or by chapters six, nine, ten or eleven of this charter.

(2) Prior to making any determination to waive a requirement pursuant to this section, the commission shall, to the extent practicable, solicit the views of groups, organizations, or entities representing the interests of persons and entities that the chair or the commission reasonably determines are the subject of or are otherwise affected or benefited by the requirement under review. Any such determination made by the commission shall include a statement that the commission has solicited input in accordance with this paragraph.

(3) The commission shall review all requirements within its jurisdiction. Except as provided in this subdivision, the chair may establish the agenda and priorities of the commission with respect to the order in which the commission reviews requirements and with respect to similar matters. Upon completing its review of each such requirement, the commission shall issue a written determination whether or not to waive such requirement and, if the commission determines such requirement shall be waived, stating the reasons therefor. A report waived by the commission, subject to the review process set forth in paragraphs four and five of this subdivision, shall cease to be required. In the event that the commission determines to waive the requirement that mandates the establishment of an advisory body, if such waiver is approved by the council and the mayor pursuant to the provisions of this section, such body shall cease to exist following such approval. The commission may waive a reporting requirement in part rather than in whole by identifying particular required elements of such report that should be waived or retained. The commission shall issue determinations with respect to requirements that are in effect on the date of adoption of this section no later than November first, two thousand fifteen, and shall issue determinations with respect to requirements enacted after such date of adoption no later than five years after the date of enactment of such requirements. The commission may from time to time make further determinations with respect to the waiver of any such requirement; provided, however, that when a requirement has been retained by the commission or as a result of the review process set forth in paragraphs four and five of this subdivision, the commission shall again review such requirement within five years of the date of the determination to retain the requirement.

(4) The commission shall promptly file with the council and the mayor, publish in the city record and post on the city website each determination to waive a requirement, whether in

part or in whole, that is issued pursuant to paragraph three of this subdivision, and shall promptly provide copies of such determination electronically or by any other reasonable means to groups, organizations or entities from which the commission has solicited input in accordance with paragraph two of this subdivision. Within one hundred twenty days of the filing of a determination by the commission, the council may either approve or disapprove such determination by the affirmative vote of a majority of all the council members. If, at the end of such one hundred twenty days, the council has failed to act on a determination of the commission, the council shall be deemed to have approved such determination, and such determination shall take effect.

(5) All actions of the council pursuant to this subdivision shall be filed by the council with the mayor prior to the expiration of the time period for council action under paragraph four of this subdivision. Any approval by the council pursuant to this subdivision, whether as a result of council action or failure to act, shall be final. Any disapproval by the council pursuant to this subdivision shall be final unless the mayor within ten days of receiving a filing with respect to such action files with the council a written disapproval of the action. A mayoral disapproval pursuant to this paragraph shall have the effect of vetoing any council disapproval and shall be subject to override by a two-thirds vote of all the council members within fifteen days of such filing by the mayor.

(6) Notwithstanding any other provision of this section, in no event shall the commission make a determination to waive a requirement otherwise subject to its jurisdiction for three years following the date of enactment of the most recent local law imposing any such requirement.

e. The commission shall base its reviews and determinations on such criteria as it may deem appropriate. Such criteria shall include but not be limited to the following:

(1) With regard to requirements mandating the issuance of reports: whether the report provides useful information for evaluating the results of programs, activities and functions and their effectiveness in achieving their goals and objectives; whether the report provides useful information for assessing the effectiveness of the management of city resources; whether the report is entirely or partially duplicative of the subject matter of any other mandated report; whether the report remains relevant in light of changing circumstances, current information needs and technological advances; and whether the benefits and usefulness of the report outweigh the expenditure of public resources to produce it.

(2) With regard to requirements mandating the establishment of advisory commissions, committees, boards, task forces or other similar bodies: whether the body substantially furthers the mission of city agencies with which it interacts or within which it is located; whether the function or jurisdiction of a body is entirely or partly duplicative of the function or jurisdiction of any other mandated body; whether the function or jurisdiction of a body is limited to the production of reports that have been waived pursuant to this section; whether the function or jurisdiction of a body remains relevant in light of changing circumstances and needs; and whether the benefits and usefulness of the body outweigh the expenditure of public resources to support and interact with it.

f. In addition to the powers set forth in subdivisions a through e of this section, the commission may recommend to the mayor and the council the modification of existing requirements with respect to the issuance of reports and the establishment of solely advisory bodies in order to make the implementation of such requirements more effective in achieving their intended purposes; such recommendations may include, but not be limited to recommendations designed to modify or consolidate reporting requirements in light of technological advances, and may also evaluate, and make recommendations to the mayor and the council concerning, additional data needs.

g. Nothing in this section shall be construed to prevent the city council from acting by local law to limit or repeal any requirement otherwise subject to this section at any time, or to enhance or extend such requirement. Any such enhancement or extension shall be subject to commission review pursuant to this section, provided, however, that such review is limited by the three-year period set forth in paragraph six of subdivision d.

FAIR SHARE

Proposed Text:

Section 1. Subdivision d of section 204 of the New York city charter, as amended by local law 20 for the year 2002, is hereby amended to read as follows:

d. The statement of needs shall be accompanied by a map together with explanatory text, indicating (1) the location and current use of all city-owned real property, (2) all final commitments relating to the disposition or future use of city-owned real property, including assignments by the department of citywide administrative services pursuant to clause b of subdivision three of section sixteen hundred two, and (3) to the extent such information is available to the city, (i) the location of health and social service facilities operated by the state of New York or the federal government or pursuant to written agreement on behalf of the state or the federal government; and (ii) the location of transportation or waste management facilities operated by public entities or by private entities pursuant to written agreements with public entities, or by other private entities that provide comparable services. Information which can be presented most effectively in text may be presented in this manner. In addition to being transmitted with the statement of needs pursuant to subdivision a of this section, such map shall be kept on file with the department of city planning and shall be available for public inspection and copying. The map shall be updated on at least an annual basis.