

**Minutes for the June 12, 2019 Meeting of the
New York City Charter Revision Commission 2019**

A duly noticed meeting of the New York City Charter Revision Commission 2019 was held in the Council Chambers at City Hall in Manhattan at 6:00pm on June 12, 2019.

The Chair, Gail Benjamin, presided at the meeting. The Chair called the meeting to order at 6:11pm. Also present were the following members of the Commission:

- Sal Albanese
- Dr. Lilliam Barrios-Paoli
- Lisette Camilo
- James Caras
- Stephen Fiala
- Paula Gavin
- Lindsay Greene
- Alison Hirsh
- Rev. Clinton Miller
- Sateesh Nori
- Dr. Meryll Tisch
- James Vacca
- Carl Weisbrod

The chair acknowledged the presence of a quorum.

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A motion was made by Commissioner Barrios-Paoli to adopt the Minutes of the May 14, 2019 meeting of the Commission. The motion was seconded and thereafter adopted unanimously by all Commission members present.

Chair Benjamin explained that the Commission would discuss, debate and make decisions about which proposals for Charter amendments should be drafted by staff for the Commission's approval (along with all necessary materials) and placement on the ballot at the November 2019 general election. Instructions to staff regarding eighteen proposals, as set forth in the attached "Draft Instructions to Staff" (hereinafter referred to individually as "Proposal No. ___"), were discussed, amended, referred back to staff for additional consideration and/or adopted in turn by the Commission as described below.

The Commission first considered Proposal No. 1 related to ranked choice voting in primaries and special elections for all city offices. A motion was made by Commissioner Fiala to amend Proposal No. 1 to also apply ranked choice voting to the City's general elections. The motion was seconded and subsequently failed by a vote of six in the affirmative (Albanese, Caras, Fiala, Miller, Nori, Vacca) and eight in the negative (Benjamin, Barrios-Paoli, Camilo, Gavin, Greene, Hirsh, Tisch, Weisbrod). Following this vote, a motion was made by Commissioner Weisbrod to adopt Proposal No. 1 in the Draft Instructions to Staff related to ranked choice voting. The motion was seconded and subsequently adopted by a vote of thirteen in the affirmative (Benjamin, Albanese, Barrios-Paoli, Camilo, Caras, Fiala, Gavin, Greene, Hirsh, Miller, Nori, Vacca, Weisbrod) and one in the negative (Tisch).

Thereafter, Commission considered Proposal No. 2 related to the timing of special elections. A motion was made by Commissioner Gavin to adopt Proposal No. 2 in the Draft

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Instructions to Staff related to the timing of special elections. The motion was seconded and thereafter adopted unanimously by all Commission members present (Benjamin, Albanese, Barrios-Paoli, Camilo, Caras, Fiala, Gavin, Greene, Hirsh, Miller, Nori, Vacca, Tisch, Weisbrod).

Thereafter, the Commission considered Proposal No. 3 related to the timing of redistricting for Council districts. A motion was made by Commissioner Barrios-Paoli to adopt Proposal No. 3 in the Draft Instructions to Staff related to the timing of redistricting. The motion was seconded and thereafter adopted unanimously by all Commission members present (Benjamin, Albanese, Barrios-Paoli, Camilo, Caras, Fiala, Gavin, Greene, Hirsh, Miller, Nori, Vacca, Tisch, Weisbrod). Following this vote, a motion was made by Commissioner Albanese to amend the adopted proposal to establish an independent redistricting commission, such as a commission whose members are selected by lottery. The motion was seconded and subsequently failed by a vote of one in the affirmative (Albanese) and thirteen in the negative (Benjamin, Barrios-Paoli, Camilo, Caras, Fiala, Gavin, Greene, Hirsh, Miller, Nori, Tisch, Vacca, Weisbrod).

Thereafter, the Commission considered Proposal No. 4 related to the structure of the Civilian Complaint Review Board (CCRB). A motion was made by Commissioner Barrios-Paoli to adopt Proposal No. 4 in the Draft Instructions to Staff related to the structure of the CCRB. The motion was seconded and subsequently adopted by a vote of eleven in the affirmative (Benjamin, Albanese, Barrios-Paoli, Camilo, Caras, Gavin, Greene, Hirsh, Nori, Vacca, Weisbrod), two in the negative (Fiala, Miller) and one abstention (Tisch).

Thereafter, the Commission considered Proposal No. 5 related to Police Commissioner deviation from disciplinary recommendations. A motion was made by Commissioner Nori to adopt Proposal No. 5 in the Draft Instructions to Staff related to deviation from disciplinary

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recommendations. The motion was seconded and subsequently adopted by a vote of thirteen in the affirmative (Benjamin, Albanese, Barrios-Paoli, Camilo, Caras, Fiala, Gavin, Greene, Hirsh, Miller, Nori, Vacca, Weisbrod) and one abstention (Tisch).

Thereafter, the Commission considered Proposal No. 6 related to the delegation of CCRB subpoena power. A motion was made by Commissioner Barrios-Paoli to adopt Proposal No. 6 in the Draft Instructions to Staff related to the delegation of subpoena power. The motion was seconded and subsequently adopted by a vote of thirteen in the affirmative (Benjamin, Albanese, Barrios-Paoli, Camilo, Caras, Fiala, Gavin, Greene, Hirsh, Miller, Nori, Vacca, Weisbrod) and one abstention (Tisch).

Thereafter, the Commission considered Proposal No. 7 related to false official statements in CCRB matters. A motion was made by Commissioner Hirsh to amend Proposal No. 7 to include CCRB authority to investigate all misconduct by a police officer who is the subject of a complaint already within CCRB's jurisdiction. The motion was seconded and subsequently failed by a vote of five in the affirmative (Barrios-Paoli, Caras, Hirsh, Miller, Nori), eight in the negative (Benjamin, Albanese, Camilo, Fiala, Gavin, Greene, Vacca, Weisbrod) and one abstention (Tisch). Following this vote, a motion was made by Commissioner Barrios-Paoli to adopt Proposal No. 7 in the Draft Instructions to Staff related to false official statements in CCRB matters. The motion was seconded and subsequently failed by a vote of five in the affirmative (Benjamin, Barrios-Paoli, Caras, Hirsh, Nori), seven in the negative (Albanese, Camilo, Fiala, Gavin, Greene, Vacca, Weisbrod) and two abstentions (Miller, Tisch).

Thereafter, the Commission considered Proposal No. 8 related to a guaranteed CCRB budget. A motion was made by Commissioner Greene to amend Proposal No. 8 to require that

the CCRB budget be sufficient to fund personal service expenses for a number of employees that is equal to 0.54% of the number of uniformed NYPD personnel, unless the Mayor makes a written determination of fiscal necessity. The motion was seconded and subsequently failed by a vote of five in the affirmative (Camilo, Gavin, Greene, Miller, Weisbrod), eight in the negative (Benjamin, Albanese, Barrios-Paoli, Caras, Fiala, Hirsh, Nori, Vacca) and one abstention (Tisch). Following this vote, a motion was made by Commissioner Caras to amend Proposal No. 8 to require that the CCRB personnel budget be at least a fixed percentage of the personnel budget for NYPD, but to not yet specify that percentage other than that it should be no less than 0.3% and no greater than 0.5% of such budget. The motion was seconded and subsequently failed by a vote of four in the affirmative (Benjamin, Caras, Nori, Vacca), eight in the negative (Albanese, Barrios-Paoli, Camilo, Fiala, Gavin, Greene, Hirsh, Weisbrod) and one abstention (Tisch). Following this vote, a motion was made by Commissioner Nori to adopt Proposal No. 8 in the Draft Instructions to Staff related to a guaranteed CCRB budget. The motion was seconded and subsequently failed by a vote of six in the affirmative (Benjamin, Albanese, Barrios-Paoli, Caras, Hirsh, Nori), six in the negative (Camilo, Fiala, Gavin, Greene, Vacca, Weisbrod) and one abstention (Tisch). Following this vote, a motion was made by Chair Benjamin to direct staff to develop a proposal for a guaranteed CCRB budget that would include a fiscal necessity safeguard, analysis on what metric to link the guaranteed CCRB budget to, and analysis on what the linked amount should be for the Commission's further consideration. The motion was seconded and subsequently adopted by a vote of twelve in the affirmative (Benjamin, Albanese, Barrios-Paoli, Camilo, Caras, Fiala, Gavin, Greene, Hirsh, Nori, Vacca, Weisbrod) and one abstention (Tisch).

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Thereafter, the Commission considered Proposal No. 9 related to the appointment of the Corporation Counsel. A motion was made by Commissioner Nori to adopt Proposal No. 9 in the Draft Instructions to Staff related to the appointment of the Corporation Counsel. The motion was seconded and thereafter adopted unanimously by all Commission members present (Benjamin, Albanese, Barrios-Paoli, Camilo, Caras, Fiala, Gavin, Greene, Hirsh, Nori, Vacca, Tisch, Weisbrod).

Thereafter, the Commission considered Proposal No. 10 related to the Conflicts of Interest Board (COIB) structure. A motion was made by Commissioner Vacca to amend Proposal No. 10 such that COIB be made up of two members appointed by the Public Advocate, one member appointed by the Mayor, one member appointed by the Comptroller, and one member appointed by the Speaker of the Council, with all such members being subject to the advice and consent of the Council. The motion was seconded and subsequently failed by a vote of five in the affirmative (Albanese, Barrios-Paoli, Fiala, Nori, Vacca) and seven in the negative (Benjamin, Camilo, Caras, Gavin, Hirsh, Tisch, Weisbrod). Following this vote, a motion was made by Commissioner Weisbrod to amend Proposal No. 10 to clarify that all appointed members of COIB would be subject to the advice and consent of the Council. The motion was seconded and thereafter adopted unanimously by all Commission members present (Benjamin, Albanese, Barrios-Paoli, Camilo, Caras, Fiala, Gavin, Greene, Hirsh, Nori, Vacca, Tisch, Weisbrod). Following this vote, a motion was made by Commissioner Vacca to amend Proposal No. 10 such that COIB be made up of two members appointed by the Mayor, one member appointed by the Public Advocate, one member appointed by the Comptroller, and one member appointed by the Speaker of the Council, with all such members being subject to the advice and consent of the

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Council. The motion was seconded and subsequently failed by a vote of six in the affirmative (Albanese, Barrios-Paoli, Caras, Fiala, Nori, Vacca) and seven in the negative (Benjamin, Camilo, Gavin, Greene, Hirsh, Tisch, Weisbrod). Following this vote, a motion was made by Commissioner Weisbrod to adopt Proposal No. 10 in the Draft Instructions to Staff related to the COIB structure, as amended to clarify the advice and consent requirement. The motion was seconded and thereafter adopted unanimously by all Commission members present (Benjamin, Albanese, Barrios-Paoli, Camilo, Caras, Fiala, Gavin, Greene, Hirsh, Nori, Vacca, Tisch, Weisbrod).

Thereafter, the Commission considered Proposal No. 11 related to a minority and women-owned business enterprise (M/WBE) citywide director and office. A motion was made by Chair Benjamin to adopt Proposal No. 11 in the Draft Instructions related to an M/WBE citywide director and office. The motion was seconded and thereafter adopted unanimously by all Commission members present (Benjamin, Albanese, Barrios-Paoli, Camilo, Caras, Fiala, Gavin, Greene, Hirsh, Nori, Vacca, Tisch, Weisbrod).

Thereafter, the Commission considered Proposal No. 12 related to units of appropriation in the City's budget. A motion was made by Commissioner Hirsh to adopt Proposal No. 12 in the Draft Instructions to Staff related to units of appropriation. The motion was seconded and thereafter adopted unanimously by all Commission members present (Benjamin, Albanese, Barrios-Paoli, Camilo, Caras, Fiala, Gavin, Greene, Hirsh, Nori, Vacca, Tisch, Weisbrod).

Thereafter, the Commission considered Proposal No. 13 related to the annual revenue estimate for the City budget. A motion was made by Commissioner Greene to amend Proposal No. 13 to allow the Mayor to submit an updated revenue estimate after May 25 if the Mayor

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provides an economic/fiscal explanation to the Council explaining the need for an updated estimate, rather than requiring the consent of the Council for such a submission. The motion was seconded and subsequently adopted by a vote of eleven in the affirmative (Benjamin, Albanese, Barrios-Paoli, Camilo, Fiala, Gavin, Greene, Hirsh, Nori, Tisch, Weisbrod) and two in the negative (Caras, Vacca). Following this vote, a motion was made by Chair Benjamin to adopt Proposal No. 13 in the Draft Instructions to Staff related to the City budget revenue estimate, as amended by Commissioner Greene's approved motion. The motion was seconded and thereafter adopted unanimously by all Commission members present (Benjamin, Albanese, Barrios-Paoli, Camilo, Caras, Fiala, Gavin, Greene, Hirsh, Nori, Vacca, Tisch, Weisbrod).

Thereafter, the Commission considered Proposal No. 14 related to City budget modification timing. A motion was made by Chair Benjamin to adopt Proposal No. 14 in the Draft Instructions to Staff related to budget modifications. The motion was seconded and thereafter adopted unanimously by all Commission members present (Benjamin, Albanese, Barrios-Paoli, Camilo, Caras, Fiala, Gavin, Greene, Hirsh, Nori, Vacca, Tisch, Weisbrod).

Thereafter, the Commission considered Proposal No. 15 related to the creation of a rainy day fund. A motion was made by Chair Benjamin to adopt Proposal No. 15 in the Draft Instructions to Staff related to a rainy day fund. The motion was seconded and thereafter adopted unanimously by all Commission members present (Benjamin, Albanese, Barrios-Paoli, Camilo, Caras, Fiala, Gavin, Greene, Hirsh, Nori, Vacca, Tisch, Weisbrod).

Thereafter, the Commission considered Proposal No. 16 related to guaranteed budgets for the Public Advocate and the Borough Presidents. A motion was made by Chair Benjamin to amend Proposal No. 16 to require that the personnel budgets for the Public Advocate and

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Borough Presidents be set at or above their respective Fiscal Year 2020 (rather than Fiscal Year 2019) personnel budgets, adjusted for inflation. The motion was seconded and subsequently adopted by a vote of twelve in the affirmative (Benjamin, Albanese, Barrios-Paoli, Camilo, Caras, Fiala, Greene, Hirsh, Nori, Tisch, Vacca, Weisbrod) and one in the negative (Gavin). Following this vote, the Commission discussed ways in which Proposal No. 16 should be amended to allow the Mayor to adjust guaranteed budgets of these offices in times of fiscal necessity. As a result of that discussion, a motion was made by Chair Benjamin to direct staff to develop a proposal for the Commission's further consideration that would protect these offices from inappropriate budgetary reductions while allowing for adjustments in difficult budget circumstances that automatic adjustments based on inflation might preclude. The motion was seconded and thereafter adopted unanimously by all Commission members present (Benjamin, Albanese, Barrios-Paoli, Camilo, Caras, Fiala, Gavin, Greene, Hirsh, Nori, Vacca, Tisch, Weisbrod).

Thereafter, Commission considered Proposal No. 17 related to a pre-certification notice period to community boards and borough presidents for applications filed under the City's uniform land use review procedure (ULURP). A motion was made by Commissioner Caras to amend Proposal No. 17 to extend the minimum notice period prior to the Department of City Planning's certification of a ULURP application from 30 to 60 days, and to require the ULURP applicant responses to comments submitted by community boards and borough presidents during this pre-certification period. The motion was seconded and subsequently failed by a vote of four in the affirmative (Albanese, Caras, Hirsh, Nori) and nine in the negative (Benjamin, Barrios-Paoli, Camilo, Fiala, Gavin, Greene, Tisch, Vacca, Weisbrod). Following this vote, a motion was

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made by Chair Benjamin to adopt Proposal No. 17 in the Draft Instructions to Staff related to the pre-certification notice period for ULURP applications. The motion was seconded and thereafter adopted unanimously by all Commission members present (Benjamin, Albanese, Barrios-Paoli, Camilo, Caras, Fiala, Gavin, Greene, Hirsh, Nori, Vacca, Tisch, Weisbrod).

Thereafter, the Commission considered Proposal No. 18 related to providing additional time to community boards to review and consider ULURP applications referred to them by the Department of City Planning in June, July and August of the calendar year. A motion was made by Chair Benjamin to adopt Proposal No. 18 in the Draft Instructions to Staff related to this additional ULURP review time for community boards. The motion was seconded and thereafter adopted unanimously by all Commission members present (Benjamin, Albanese, Barrios-Paoli, Camilo, Caras, Fiala, Gavin, Greene, Hirsh, Nori, Vacca, Tisch, Weisbrod).

Finally, a motion was made by Commissioner Weisbrod to adjourn. The motion was seconded and thereafter adopted unanimously by all Commission members present.

The meeting adjourned at 9:47pm.