

CHARTER REVIEW

March 2005

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NEW YORK CITY charter REVISION COMMISSION

MESSAGE FROM THE CHAIR



When Mayor Bloomberg appointed the 2005 Charter Revision Commission, he gave us three specific tasks and a general one. First, the mayor instructed us to consider whether continuation of the City's sound financial practices could be guaranteed into the future by reform of the City Charter. As you will see from the article below, many of those practices were mandated by state legislation during the City's fiscal crisis in the 1970's and are scheduled to sunset in 2008. The mayor also instructed us to consider reforms to the City's administrative judicial system and to look for ways to increase agency efficiency and accountability. Finally, Mayor Bloomberg charged us with reviewing the entire City Charter with an eye to identifying provisions that should be updated. In some instances, charter provisions may have outlived their usefulness, while in others technological progress may present opportunities for working smarter and more efficiently.

Since the fall, the Commission has held several public meetings to discuss these issues. As this newsletter is being issued, the Commission has embarked on a first round of public hearings in all five boroughs and three expert forums. The forums feature public testimony by experts on each of the specific issues the Commission is considering. The forums are being held as a way of informing and stimulating the public dialogue on charter revision, and to bring a variety of informed opinions before the Commission.

We believe that examining a range of opinions and options is the best way of arriving at a consensus on how to improve municipal operations through charter revision. Improving city government is the Charter Revision Commission's sole purpose. This newsletter will keep New Yorkers informed about our work. We also hope it will contribute to a wide-ranging civic discussion on ways to improve city government through charter reform. We encourage people to attend the meetings and contribute their proposals. All New Yorkers have a stake in improving city government.

Ester Fuchs, Ph.D.
Chair

THE COMMISSION'S UPCOMING FORUMS AND PUBLIC HEARINGS

March 30, Wednesday

Richmond County Juror Assembly Center,
126 Stuyvesant Place, Staten Island
6:00 pm Public hearing

April 4, Monday

Hunter College, CUNY
695 Park Ave., West Bldg, 8th floor
4:00 pm Expert forum on operational efficiency
6:00 pm Public hearing

Ester R. Fuchs, Chair
Dall Forsythe, Vice Chair
Stephen J. Fiala, Secretary

Robert Abrams
Curtis L. Archer
Lilliam Barrios-Paoli
Amalia V. Betanzos
David Chen
Anthony Crowell
Stanley E. Grayson
Mary McCormick
Stephanie Palmer
Jennifer Raab

About the Commissioners

Dr. Ester R. Fuchs, Special Advisor to the Mayor for Governance and Strategic Planning, is on leave from her position as Professor of Political Science and Public Affairs and Director of the Center for Urban Research and Policy at Columbia University and Barnard College.

Dr. Dall Forsythe is the Chief Administrative Officer of the Episcopal Diocese of New York. He was Budget Director for New York State and the NYC Board of Education.

Stephen J. Fiala is the County Clerk and Commissioner of Jurors for Richmond County. He was a member of the City Council.

Robert Abrams is a partner at Stroock & Stroock & Lavan LLP. He was formerly the NY State Attorney General. He also served as the Bronx Borough President and was a member of the State Assembly.

Curtis L. Archer is Executive Director of the Rockaway Development and Revitalization Corporation and is the former Director of Small Business Development for the Upper Manhattan Empowerment Zone.

Dr. Lilliam Barrios-Paoli is the President and CEO of Safe Space, Inc. She was previously the Senior Vice President of the United Way of NYC. She also served as the Commissioner of several New York City government agencies.

Biographical Information on the other Commissioners will be presented in the next newsletter.

CHARTER REVIEW

ENSURING THE CITY'S FISCAL STABILITY

In 1975, after years of spending more money than it had, borrowing more than it could afford and not keeping track of its finances, New York City nearly went bankrupt. The ensuing financial crisis led to large-scale layoffs of municipal employees and cutbacks in city services. New York State helped the City avert bankruptcy when it passed landmark legislation that helped set the City's finances aright, restoring the credit markets' confidence in the City's ability to manage its affairs.

The New York State Financial Emergency Act for the City of New York

was critically important to resolving the City's fiscal crisis. Known as FEA, the law addressed serious shortcomings in the City's accounting and financial practices. Perhaps FEA's best known provision was

FEA was crucial to saving New York City from bankruptcy

the Financial Control Board, a group of public officials and private sector appointees who exercised extraordinary powers over the City's financial affairs. For a time the board's power rivaled that of the City's executive and legislative branches. The Financial Control Board's powers were at their height from 1975 to 1986, a period referred to in FEA as a Control Period, when the City's financial situation was still

recovering from the crisis and warranted close supervision.

Since 1986, FEA's provisions have been in a "sunset" period, meaning that although FEA is still in force, the City's finances are sufficiently healthy that the Financial Control Board was able to relax its oversight. Despite the Board's loosened reins, the City is still required to maintain a four-year financial

planning process. The City must also balance its budget and is permitted to have an operating deficit of no more than \$100 million. There are also limits on how much short-term debt the City may assume, and it must maintain certain accounts designed to guarantee that holders of municipal bonds are repaid in a timely fashion. If the City were to violate these or other important FEA provisions, the Financial Control Board could step in and re-impose the strong supervisory powers it exercised during the Control Period.

FEA is scheduled to expire in 2008 and the Charter Revision Commission is considering whether to propose that some of its provisions be placed in the City Charter. Doing so would go a long way to ensuring that New York City would continue the sound money management and accounting practices that have kept it financially healthy since the dark days of the fiscal crisis.

A COORDINATOR FOR CITY TRIBUNALS

For many New Yorkers, administrative law tribunals represent the face of civil justice and, as a result, play a role in shaping their opinion of local government. When people are offended by rude cab drivers, or awakened by noisy nightclubs, or issued parking tickets that they wish to challenge, their recourse lies with the City's administrative tribunals. The tribunals are where the public goes to settle matters like the enforcement of civil violations, appeals of licensure denials, municipal employee discipline, and challenges to real estate and commercial tax assessments. And because of the wide array of issues under their umbrella, it is important that these tribunals continue to resolve disputes fairly, impartially, efficiently, and consistently. Some of the tribunals include the Parking Violations Bureau, the Environmental Control Board, the Office of Administrative Trials and

Hearings and the tribunal of the Taxi and Limousine Commission.

Over the last 30 years, the number of administrative tribunals has increased, just as the body of administrative law has grown and regulatory enforcement has become more necessary. What the growing system lacked, though, was a centralized mechanism to coordinate operational policy, management and training practices.

That's where the idea of an Administrative Justice Coordinator comes in. For several years, the idea of appointing someone to serve as a coordinator of the City's administrative tribunals has been gaining favor in the halls of City government. A coordinator could provide oversight of tribunals' performance standards, set budget priorities, and help improve training programs. The purpose of creating the position would be to enhance

the efficiency and bolster the integrity of the City's administrative justice system, ensuring equal and timely access to justice for all New Yorkers.

MORE INFORMATION

The Commission web site contains information on the charter revision process. There are transcripts of public hearings, the Commission's preliminary report, and reports of previous charter Commissions. All may be downloaded. You can also send us email. The address is WWW.NYC.GOV/CHARTER

You can also reach the Commission by telephone: 212-676-2060 and by fax: 212-676-2069

Our postal address is:
NYC Charter Revision Commission
2 Lafayette Street 14th floor
New York, NY 10007