

CHARTER REVISION COMMISSION PRELIMINARY REPORT





June 25, 2024

Dear Chair Scissura and Commissioners,

This year, thirteen New Yorkers were called together by Mayor Eric Adams to form a Charter Revision Commission. The law tasks this Commission with reviewing the City Charter in its entirety. The Mayor also asked, as part of that review, that the Commission particularly evaluate ways to promote public safety and fiscal responsibility.

Every commission brings together New Yorkers from all walks of life and from every borough to work together, find ways to improve our City, and make a positive impact for generations to come. This one is no different.

Since its creation, the Commission and our staff have visited all five boroughs and heard from numerous New Yorkers. We have solicited testimony through in-person public hearings in each borough, allowed virtual testimony at all public hearings, and collected written testimony from experts and everyday New Yorkers alike.

The Commission also held three informative issue forums to help the Commission and members of the public better understand the public safety, fiscal responsibility, and government reform challenges that are of special interest to the Commission.

This preliminary report serves as both a summary of the work of the Commission so far, and as a guide for the Commission as it continues its work. This

is not the final report of the Commission and the recommendations contained within it are not binding on the future work of the Commission.

Over the coming month, the Commission will hold another round of hearings in each borough to solicit feedback on this report and to continue to hear new ideas and proposals from the public before determining those questions, if any, to pose to voters at the November 5th General Election.

On behalf of the dedicated staff of the Commission, we look forward to working with you to make our City a better place to live and work.

Sincerely,

A handwritten signature in dark ink, appearing to read "Diane Savino". The signature is fluid and cursive, with a large initial "D" and a long, sweeping underline.

Diane Savino
Executive Director

TABLE OF CONTENTS

INTRODUCTION.....	4
About This Document.....	4
Background	4
Members of the Commission	6
Public Outreach and Public Participation	9
Upcoming Borough Hearings	11
FISCAL RESPONSIBILITY	11
Fiscal Impacts.....	13
Capital Planning	18
Budgetary Efficiency	20
Staff Recommendation.....	20
PUBLIC SAFETY.....	21
Staff Recommendation.....	26
MINORITY AND WOMEN-OWNED BUSINESSES.....	27
Staff Recommendation.....	32
MODERNIZATION	32
Film Permitting	32
Public Bonds	36
Waterfront Permitting	37
Sanitation.....	39
Duplicative Archive Review Boards.....	40
Resident Feedback	41
Staff Recommendation.....	42
OTHER PROPOSALS	44
Elections.....	44
Additional Budget Proposals.....	50
Appendix A – Agency Proposals	52

INTRODUCTION

About This Document

This document contains the preliminary recommendations of the staff of the 2024 Charter Revision Commission (the Commission). Following a review of the entire Charter of the City of New York, discussion with Commissioners, public feedback, expert testimony, research, and investigation, in this report the staff recommends certain ideas and proposals for the Commissioners' consideration and public review. This report also identifies other areas of interest and proposals that staff recommends be reserved, including proposals that may warrant consideration by a future commission or legislative action.

These recommendations are intended to inform the Commissioners in their work. They are not the final recommendations of the Commissioners or in any way binding on the Commissioners. The Commissioners may choose to add proposals for discussion or decline to pursue these recommendations. Further public feedback will shape the contours of these and other proposals and assist the Commissioners in their deliberations. Ultimately, it is for the Commissioners to decide what proposals advance to the ballot for consideration by the people of the City of New York.

Background

The Charter of the City of New York functions as the local constitution and sets out the structure, powers, and responsibilities of New York City's government. The Charter establishes the institutions and processes of the City's political system and broadly defines the authority and responsibilities of City agencies and elected officials, including the Mayor, the City Council, the Comptroller, Borough Presidents, and the Public Advocate.

The Charter may be amended in several ways, including through a charter revision commission established pursuant to the Municipal Home Rule Law (MHRL). Section 36 of the MHRL permits the Mayor to create a commission to revise the Charter.¹ It empowers the Mayor to appoint between nine and fifteen members to such a commission.² It provides that a commission shall review the entire Charter, and it authorizes a commission to recommend a revision of the Charter in full, or to propose one or more amendments.³ Proposals to amend the Charter are then presented to the voters of the City for approval.⁴

Mayors have frequently established charter commissions to examine our City's governing document. For example, in 2018 then-Mayor Bill de Blasio established a charter revision commission, which went on to – among other things – recommend the creation of the Civic Engagement Commission to enhance popular participation in the governance of New York City.⁵

On May 21, 2024, Mayor Eric Adams established the 2024 Charter Revision Commission and appointed Carlo Scissura, as chair, and 12 other community leaders to serve on the Commission. The Mayor has charged the Commission with reviewing the entire Charter to ensure that it works efficiently and is responsive to all New Yorkers. The Mayor also asked the Commission to examine, in particular, whether the Charter can be amended to promote public safety and fiscal responsibility.

¹ MHRL § 36(4).

² *Id.*

³ *Id.* at § 36(5)(a).

⁴ *Id.* at § 36(5)(b).

⁵ Charter Revision Commission, *Final Report of the 2018 New York City Charter Revision Commission* (Sep. 6, 2018).

Members of the Commission

The following distinguished New Yorkers serve as members of this Commission.

Carlo Scissura (Chair)

Carlo Scissura has participated in two Charter Revision Commissions in the past. Scissura currently serves as president and CEO of the New York Building Congress, a position he has held since January 2017. Previously, Scissura was president and CEO of the Brooklyn Chamber of Commerce. Prior to joining the Brooklyn Chamber, Scissura served as both chief of staff and general counsel to Brooklyn Borough President Marty Markowitz for nearly five years.

Dr. Hazel N. Dukes (Vice Chair)

Dr. Hazel N. Dukes is president of the NAACP New York State Conference. She is also a member of the NAACP National Board of Directors, a member of the NAACP Executive Committee, and an active member of various NAACP board subcommittees. Dr. Dukes is a woman of great strength and courage whose dedication to human rights and equality is exemplified by her role linking business, government, and social causes. Additionally, Dr. Dukes serves as the president of the Hazel N. Dukes & Associates Consultant Firm, specializing in the areas of public policy, health, and diversity.

Ken Ngai (Secretary)

Ken Ngai is a well-respected law enforcement professional with more than 20 years of experience protecting public safety in New York City. He has an extensive background in high-risk global financial crimes, undercover narcotics investigations, counter terrorist financing, and cyber environments. Ngai is an expert in identifying financial crime patterns, risk assessment, and enterprise risk

management, as well as identifying trends and emerging threats to address and mitigate risks.

Kyle Bragg

Kyle Bragg served for four decades at the Service Employees International Union (SEIU), Local 32BJ, and retired as president after serving in that position since 2019. He now serves as a trustee of several 32BJ funds and as chair of the union's social and economic justice committee. He is also a member of the executive board of the National African American Caucus of SEIU and serves on the international union's first Racial Justice Task Force.

Reverend Herbert Daughtry, Sr.

Reverend Herbert Daughtry, Sr. is a civil rights activist who hails from a family that has produced five generations of church leaders. He serves as the national presiding minister of the House of the Lord Churches, headquartered in Brooklyn. With more than 60 years of involvement in church and community service, Reverend Daughtry Sr. has earned the title of "The People's Pastor."

Ruben Díaz, Jr.

Ruben Díaz, Jr. represented his hometown and the people of the Bronx for more than two decades, serving in the state Legislature for seven terms and serving as Bronx borough president for three terms. During his career in public service, Díaz Jr. championed a "New Bronx" agenda on economic development, housing, education, and public safety.

Lorraine Grillo

Lorraine Grillo began her public service career as a community relations specialist at the New York City School Construction Authority, serving in several senior roles in the authority before being appointed as CEO and president in 2014. Grillo served as senior advisor to Mayor Bill de Blasio for COVID-19 recovery and as commissioner of the New York City Department of Design and Construction from

July 2018 until December 2021. She most recently served as First Deputy Mayor to Mayor Adams.

Christopher B. Lynch

Christopher B. Lynch is a lifelong public servant. For the last decade, he has worked as a substitute teacher with the New York City Department of Education. Previously, he served over 20 years with the New York City Department of Correction's Health Management Division, retiring as a captain.

Stephanie McGraw

Stephanie McGraw is the founder and CEO of We All Really Matter (WARM), a domestic violence organization founded in 2010 out of her own vicious cycle of abuse. Through her journey, McGraw yearned to see service providers working through an inclusive, culturally competent lens. By establishing WARM, she became the first Black woman to create a domestic violence agency in Harlem. The organization now operates citywide and has expanded to provide economic empowerment services in Ghana and throughout Africa.

Max Rose

Max Rose is the vice chairman of The Soufan Group, a global intelligence and security consultancy, and chairman and CEO of Pontis Partners, a strategic advisory firm for private companies and nonprofits. A former congressman from New York's 11th District, Rose proudly represented Staten Island and South Brooklyn in the U.S. House of Representatives from 2019-2020. Rose was commissioned in the U.S. Army in 2010 as an infantry officer and still serves in the U.S. Army Reserve as a major.

Jackie Rowe-Adams

Jackie Rowe-Adams worked tirelessly with youth and seniors as a music specialist with the New York City Department of Parks and Recreation from 1986 until her retirement in late 2021. After losing two sons to gun violence, Rowe-Adams co-

founded Harlem Mothers Stop Another Violent End, an organization instituted to end the dreaded scourge of violence in the Harlem community. She has received numerous awards and citations for her social activism, and her efforts have inspired love and respect from all who have had the opportunity to meet her. She is a life-long resident of Harlem.

Bishop Gerald G. Seabrooks

Bishop Gerald G. Seabrooks is the pastor of the Rehoboth Cathedral, a purpose-driven ministry located in the heart of Bedford-Stuyvesant, Brooklyn. Bishop Seabrooks has actualized “the holistic approach” by servicing humanity both spiritually and socially. He is also currently employed as a licensed guidance counselor and pedagogue by the New York City Department of Education. He previously served as the executive vice president of a prestigious community multi-service corporation for over 25 years.

Rabbi Chaim Steinmetz

Rabbi Chaim Steinmetz is the senior rabbi of Congregation Kehilath Jeshurun in New York. A much sought-after speaker and teacher with over three decades of experience in the rabbinate, Rabbi Steinmetz has mastered the art of presenting the timeless wisdom of ancient texts in a contemporary way.

Public Outreach and Public Participation

From its creation, the Commission has pursued a robust public outreach campaign to solicit ideas from the diverse communities and stakeholders that make up New York City. To date, these efforts have included:

- Live webcasts of all Commission hearings and meetings;
- Publishing hearing notices, press releases, transcripts, resolutions, archived video, and other materials on the Commission’s website: www.nyc.gov/charter;

- Holding public hearings at accessible locations in each borough both during the day and in the evening in an effort to provide multiple opportunities for the public to address the Commission in person;
- Allowing virtual public testimony during all public hearings to allow New Yorkers to have their voice heard in whichever way best suits their schedule;
- Translation services at all hearings and public meetings;
- Television interviews, community newspaper op-ed, and ethnic and community roundtable discussion with the Chair to raise awareness of public hearings;
- Work with elected officials and community organizations to spread the word about Commission hearings; and
- Acceptance of written testimony through July 12th at charterinfo@citycharter.nyc.gov.

Through these channels, the Commission has solicited and heard feedback from members of the public, elected officials, community-based organizations, city agencies,⁶ experts, and other stakeholders.

A wide-range of proposals and ideas – touching virtually every facet of New York City government – have been raised by the public and considered by the Commission. Nevertheless, throughout the testimony, the Commission has heard a pronounced interest in reforms concerning fiscal responsibility, public safety, and electoral reform.

⁶ See Appendix A for a digest of Charter reform ideas proposed by city agencies to the Commission.

Upcoming Borough Hearings

Following issuance of this report, the Commission will undertake further efforts to solicit public input. A schedule of public hearings to come is available at nyc.gov/charter. Currently scheduled public hearings include:

- **Queens**
 - Wednesday, June 26, 2024
 - 5:00 PM – 8:00 PM
 - New York City Department of Design and Construction, 30-30 Thomson Avenue, Long Island City, NY 11101
- **Brooklyn**
 - Thursday, June 27, 2024
 - 5:00 PM – 8:00 PM
 - Medgar Evers College, 1650 Bedford Avenue, Brooklyn, NY 11225
- **Manhattan**
 - Monday, July 8, 2024
 - 5:00 PM – 8:00 PM
 - Schomburg Center for Research in Black Culture, 515 Malcolm X Boulevard (entrance on 135th Street), New York, NY 10037
- **Staten Island**
 - Tuesday, July 9, 2024
 - 5:00 PM – 8:00 PM
 - Staten Island University Hospital, 475 Seaview Avenue, Staten Island, NY 10305
- **Bronx**
 - Thursday, July 11, 2024
 - 5:00 PM – 8:00 PM
 - Fordham University, 441 East Fordham Road, Bronx, NY 10458

FISCAL RESPONSIBILITY

The current Charter-mandated process for preparing, adopting, and managing the City budget in large measure reflects decisions made by the 1989 Charter

Revision Commission, which proposed to voters a highly structured framework for determining how the City will raise revenue and fund expenses.⁷ At its core, the framework New Yorkers approved requires the Mayor to submit to the City Council for its review a proposed annual budget for the City, and it requires the Council to adopt an annual budget before the beginning of each fiscal year.⁸

Within that simple design, however, is a complex series of steps, involving not only the Mayor and the Council, but other elected and unelected stakeholders. For example, the process provides that multiple iterations of the annual budget must be submitted by the Mayor to the Council throughout the fiscal year.⁹ The Mayor's Office of Management and Budget (OMB) prepares and submits multi-year capital plans to the Mayor and City Council.¹⁰ Future revenues are projected, and actual revenues are compared with past estimates.¹¹ Borough presidents and community

⁷ Office of the New York City Comptroller Scott M. Stringer, *A New Charter to Confront New Challenges* (Sep. 2018); Michael A. Cardozo, *Reflections on the 1989 Charter Revisions*, 58 N.Y.L. Sch. L. Rev. 85 (2013).

⁸ N.Y.C. Charter §§ 225 (budgetary responsibilities of the Mayor, the Director of Management and Budget and the Comptroller), 249 (by April 26 the Mayor submits a proposed executive budget for the ensuing fiscal year to the Council), 254 (Council's authority to alter the budget submitted by the Mayor in specified ways).

⁹ *Id.* at §§ 236 (in January the Mayor submits a preliminary budget for the ensuing fiscal year to the Council), 249, 254, 258 (Mayor issues an update of the 4-year financial plan after the budget has been adopted).

¹⁰ *Id.* at §§ 213 (preliminary capital budget), 214 (executive capital budget), 215, 248 (10-year capital strategy).

¹¹ *Id.* at §§ 229 (revenue reports of the Mayor and Comptroller), 237 (Independent Budget Office report on revenues and expenditures).

boards weigh in on borough and community priorities.¹² The Comptroller reports on the health of the City's finances.¹³ And the Council holds dozens of hearings on various drafts and reports relating to the City's annual budget.¹⁴

Each step in the Charter is meant to ensure that the budgetary process is deliberative, that the City is following sound accounting practices,¹⁵ and that the public is afforded an opportunity for meaningful review. At the suggestion of Commissioners and in response to public testimony, the staff of the Commission has examined, and continues to examine, several milestones in the budget process and related processes to determine whether there are opportunities for better budgeting in the City, including how to assess legislation with a budgetary impact that is passed and made effective outside the Charter-mandated process and annual appropriations cycle.

Fiscal Impacts

The Charter requires that each year the Mayor propose, and the City Council adopt, a balanced budget.¹⁶ The budget, which encapsulates the joint budgetary priorities of both the Council and the Mayor, serves two primary purposes. First, it provides a comprehensive and predictable structure to the City's expenditures and

¹² *Id.* at §§ 245 (Borough President recommendations to the Mayor), 251 (Borough President responses to the executive budget).

¹³ *Id.* at §§ 232 (Comptroller's report on capital debt and obligations), 233 (Comptroller's report on state of the City's finances).

¹⁴ In fact, the annual budgeting process requires many more steps and actions than the above list and is detailed across several chapters of the City's Charter, most notably in Chapter 10.

¹⁵ Cardozo, 58 N.Y.L. Sch. L. Rev. 85.

¹⁶ The schedule in the Charter reflects an expectation that the budget will be adopted by the start of the subsequent fiscal year, or July 1st. N.Y.C. Charter §§ 225, 226.

revenue over the fiscal year. Second, it promotes sound fiscal management. A balanced municipal budget has been required since 1975 when the New York State Financial Emergency Act for the City of New York (“FEA”) was enacted.¹⁷ This requirement was subsequently enshrined in the City Charter by referendum in 2005 to memorialize the fiscal controls placed on the City under the FEA.¹⁸

While reviewing and approving the City’s budget is arguably the most significant legislative action taken by the Council each year, its legislative reach extends well beyond the annual budget process. The Council has the power by majority vote to pass proposed legislation on many diverse issues, and it frequently exercises this power with legislation that affects municipal operations, including City services and benefits. From the moment a bill is presented to the Mayor, the Mayor has 30 days to decide whether to sign the bill into law, veto it, or allow it to lapse into effect.¹⁹ Should the Mayor choose to veto a bill, the City Council has the power to override a veto by a vote of two thirds of the body.²⁰

City Council legislation frequently affects the City budget. In view of this reality, the Charter requires that no local law may be voted on by the Council, or a committee of the Council, unless it is accompanied by a Fiscal Impact Statement.²¹ These statements, which are pursuant to Council Rule prepared by the Finance Division of the City Council, detail the City Council’s estimate of the fiscal impact

¹⁷ N.Y. N.Y.S. Financial Emergency Act for the city of N.Y. § 2-a, Chapter 868 of the Laws of 1975, as amended.

¹⁸ N.Y.C. Charter § 258; Cardozo, *Reflections on the 1989 Charter Revisions*, 58 N.Y.L. Sch. L. Rev. 85; New York City Charter Revision Commission, *2005 Ballot Questions* (Aug. 2, 2005); N.Y. N.Y.S. Financial Emergency Act for the city of N.Y. , Chapter 865 of the Laws of 1975.

¹⁹ N.Y.C. Charter § 37(b).

²⁰ *Id.*

²¹ *Id.* at § 33.

of a law on City revenues and expenditures.²² The Charter provides that a Council Committee may request information from City agencies to assist it in preparing a fiscal statement, and that agencies must promptly furnish this information to the Council.²³ The Charter further provides that the fiscal statement must identify the sources of information used in its preparation, but it does not dictate the process or establish a methodology for formulating the fiscal impact statement or require that the statement be validated by an independent body.²⁴ And there is no Charter-mandated difference in treatment between legislation that is accompanied by a Fiscal Impact Statement predicting an impact, and legislation where the Fiscal Impact Statement predicts no impact.

Further, the Council typically publishes Fiscal Impact Statements only when proposed legislation is on the cusp of adoption as a law.²⁵ This means that much of the public debate around a law – including the Council’s public hearing on the proposed bill – occurs in the absence of the Fiscal Impact Statement.²⁶ Moreover,

²² N.Y.C. Council Rule 6.50 (providing for Council finance division review).

²³ N.Y.C. Charter § 33(a).

²⁴ *Id.* at § 33.

²⁵ It is common practice for a Fiscal Impact Statement to be formulated in the week leading up to a legislative introduction’s passage, and not earlier. This is largely because the final text of the legislation is typically finalized a week prior to the full Council Stated Meeting at which the full Council intends to pass the legislation — due in part to requirements that a bill be in its final form at least 7 days (not including Sundays) prior to the full Council vote. Thus, relevant costs are typically only presented in the calendar week during which the Stated Meeting of the City Council is scheduled so that the Council can vote on the proposed legislation. N.Y.C. Charter § 36.

²⁶ For example, the Council’s initial Committee hearing for the bill that became Local Law No. 196 of 2017 was held on January 31, 2017, but the fiscal note for the bill was not published until

these statements may underestimate actual cost. For example, many bills impose reporting requirements that, while estimated to have zero cost, require significant staffing resources. Consider Local Law 38 of 2022, which created additional reporting requirements for the emergency assistance grant program. It was estimated to have \$0 in fiscal impact.²⁷ However, OMB reports that its implementation required an estimated 175 hours per year of staff time (including some overtime) for reporting alone. Additionally, upgrades to the HRA service protocol and tracking system were anticipated at a cost of \$4.1M to operationalize and implement the legislation's requirements.

Thus, while the annual budget is intended to fund the operations of the City throughout the fiscal year, legislation passed outside of the budget process impacts the use of tax revenues and governmental expenditures. Where legislation with a fiscal impact is passed, it falls on agencies and the Office of Management and Budget to determine how to fund new obligations that were not accounted for when the fiscal year began. In such cases, additional revenues or savings generated from other areas of the City budget are needed to carry out the legislation.²⁸ Fiscal monitors and bond rating agencies have expressed concern that local legislation imposing fiscal impacts

September 20, 2017, the same day as Committee's second and final public hearing on the legislation, and a week before its passage on September 27, 2021.

²⁷ Fiscal Impact Statement, Proposed Int. No. 2081-A.

²⁸ For an example of testimony regarding how unaccounted expenditures demand additional revenues or savings, see Budget Director Jacques Jiha, *Preliminary Hearing at Committee on Finance* (Mar. 4, 2024) (testimony), at 58.

not accounted for in the annual budget represents a potential risk to the City's finances.²⁹

The Commission heard from numerous budget experts on this topic, including Kathryn Wilde, president and CEO of Partnership for New York City. In her testimony, Ms. Wilde advocated for meaningful independent analysis and public discussion of both the fiscal and economic impacts of legislation prior to passage, as well as application of the disciplined annual budget process to any legislation with a significant budget impact.³⁰ Ms. Wilde proposed that the Charter be amended to involve the IBO, OMB, and Council Finance Division in the formulation of a Fiscal Impact Statement. Ms. Wilde suggested that the Fiscal Impact Statement for a proposed law be published in advance of the first hearing on a proposal, and that the existing Fiscal Impact Statement requirement is inadequate as it does not consider the financial impact on the City's residents and economy.

Similarly, the New York City Citizens Budget Commission (CBC) proposed earlier publication of Fiscal Impact Statements to promote appropriate consideration of fiscal needs in the legislative process.³¹ CBC further suggested either requiring that Fiscal Impact Statements identify a way to pay for a legislative proposal or that

²⁹ Office of State Comptroller, *Review of the Financial Plan of the City of New York* (May 2024), at 28-34; Moody's Investors Service, *Credit Opinion for the City of New York* (Feb. 22, 2024), at 2; Fitch Ratings, *Fitch Rates New York City, NY's \$1.28B Ser D, E & F GO Bonds 'AA'; Outlook Stable* (Mar. 22, 2024), at 9.

³⁰ Kathryn Wilde, President and CEO of Partnership for New York City, *Charter Revision Commission Fiscal Responsibility Forum & Manhattan Public Hearing* (June 13, 2024) (testimony).

³¹ Andrew S. Rein, President of Citizens Budget Commission, *Charter Revision Commission Fiscal Responsibility Forum & Manhattan Public Hearing* (June 13, 2024) (testimony).

there be limitations on the City’s obligation to implement a local law with major budget implications, if such law has not been incorporated into the budget.

Capital Planning

Capital planning enables the City to strategically implement critical infrastructure investments. To help guide these investments – and balance priorities ranging from the maintenance and modernization of existing infrastructure to fiscal responsibility, geographic distribution, climate-readiness, and economic growth – the City publishes a 10-year capital plan that holistically assesses the City’s infrastructure projects.³²

The City’s capital planning is addressed in section 1110-a of the City Charter, which requires the City to inventory and provide project maintenance estimates for City capital facilities and infrastructure. The section includes several requirements for the capital planning of both City agencies and the Mayor. This work then informs the City’s larger capital planning, including the Ten-Year Capital Strategy and the Citywide Statement of Needs, which are prepared jointly by the Office of Management and Budget and the New York City Department of City Planning.³³

Comptroller Brad Lander submitted testimony recommending several initiatives concerning managing New York City’s finances.³⁴ One proposal relates

³² See New York City’s Ten-Year Capital Strategy for Fiscal Year 2024, <https://tycs.planning.nyc.gov/>.

³³ Office of the Mayor, “City Launches Ten-Year Capital Strategy Website for Fiscal Year 2022,” *The Official Website of the City of New York*, July 20, 2021, <https://www.nyc.gov/site/planning/about/press-releases/pr-20210720.page>.

³⁴ Office of the New York City Comptroller Brad Lander, “Comptroller Lander Proposes Charter Revisions to Better Manage New York City’s Finances,” *New York City Comptroller Brad Lander*,

to modernizing the City’s approach to infrastructure assessment, capital planning and budgeting.³⁵ The Comptroller recommends explicitly mentioning the link between infrastructure assessment and the Ten-Year Capital Strategy and identifying certain considerations that should be considered in the Ten-Year Capital Strategy.³⁶

In November of 2023, Mayor Eric Adams and the Comptroller released the City’s first comprehensive capital projects tracker, which allows users to view the status and budget of all capital projects from major agencies.³⁷ The Mayor has released the largest ever Ten-Year Capital Plan, a plan that prioritizes transportation, housing, environmental protection, and schools.³⁸ Additionally, he has committed to increasing efficiency and fiscal responsibility throughout the capital budgeting process by convening the Capital Process Reform Task Force, which includes the Comptroller, the construction industry, labor unions, MWBE firms, and others.³⁹

Revisiting Charter language regarding infrastructure assessment could provide better data to inform capital planning and ensure that future Administrations use best practices in developing the 10-year capital plan.

June 7, 2024, <https://comptroller.nyc.gov/newsroom/comptroller-lander-proposes-charter-revisions-to-better-manage-new-york-citys-finances/>.

³⁵ *Id.*

³⁶ *Id.*

³⁷ Office of the Mayor, “Mayor Adams, Comptroller Lander Bring Transparency and Accountability Into Capital Process with City’s First Comprehensive Capital Projects Tracker,” *The Official Website of the City of New York*, Nov. 1, 2023, <https://www.nyc.gov/office-of-the-mayor/news/837-23/mayor-adams-comptroller-lander-bring-transparency-accountability-capital-process-with>.

³⁸ Samar Khurshid, “Promising Projects Faster and Cheaper, Adams Administration Pursues Capital Construction Reforms,” *Gotham Gazette*, Feb. 14, 2024, <https://www.gothamgazette.com/city/11807-nyc-capital-construction-reforms-mayor-adams>.

³⁹ *Ibid.*

Budgetary Efficiency

The Mayor's Office of Management and Budget has also suggested that certain technical fixes to the Charter could promote efficiency and ensure that the Charter-mandated process reflects modern realities.

For instance, the Charter still mandates that certain documents be physically printed when they are simultaneously made available online.⁴⁰ Additionally, a number of Charter-prescribed dates could be better aligned. For example, the Ten-Year Draft Capital Strategy is required to be released in November, which causes unnecessary misalignment with the publishing of two other relatively contemporaneous reports that are released in September and January.⁴¹ Similarly, the required dates for the release of the Preliminary and Executive Budgets potentially deprive these plans of constructive input during formulation. The Preliminary Budget is to be released by January 16th which falls shortly after the winter holidays and new year.⁴² The Executive Budget is to be released by April 26th,⁴³ which does not allow for much consideration of the mid-month April tax receipts reported on April 15th. Allowing just two weeks of additional time to release these financial plans could promote a more considered and efficient budget process.

Staff Recommendation

Staff recommends that the Commission further consider and solicit feedback concerning measures to:

⁴⁰ N.Y.C. Charter § 249.

⁴¹ *Id.* at §§ 213-215, 228, 234.

⁴² *Id.* at § 236.

⁴³ *Id.* at § 249.

1. Improve assessment of the financial impact of legislation on the budget, including by requiring an assessment of fiscal impacts earlier in the legislative process and by involving additional parties in the assessment process;
2. Harmonize the Charter-mandated budget process with the Council’s power to pass legislation with budget impacts outside the annual appropriations process;
3. Update provisions concerning capital plan inventory and maintenance estimates, including by adding an explicit statement of purpose linking the infrastructure assessment to the Ten-Year Capital Strategy, modifying the inventory to reflect additional pertinent details, and including additional criteria for identification of capital needs to be included in the Ten-Year Capital Strategy; and
4. Modernize deadlines and related technical requirements to promote efficiency in the budget process.

PUBLIC SAFETY

One of the most basic obligations of government is to protect public safety. The history of New York City, in particular, underscores that the fortunes of the City as a whole are inextricably linked to its ability to protect the public and maintain public confidence in law enforcement. Today, after decades of progress, New York City is one of the safest big cities in America. Nevertheless, New Yorkers continue to identify crime and public safety as top issues of concern.⁴⁴

⁴⁴ See, e.g., Rebecca C. Lewis, “Siena poll: New Yorkers are still worried about crime,” *City & State New York*, July 12, 2023, <https://www.cityandstateny.com/politics/2023/07/siena-poll-new-yorkers-are-still-worried-about-crime/388402/> (noting that New Yorkers consistently express concerns about crime and public safety in public polling).

Under the Charter, several mayoral agencies are charged with duties to protect public safety. The Charter provides for the Police Department, headed by a police commissioner appointed by the Mayor and charged with the core obligation to “preserve the public peace, prevent crime, [and] detect and arrest offenders.”⁴⁵ It provides for the Department of Correction, which is responsible for the care and custody of those imprisoned or detained.⁴⁶ It provides for the Fire Department, which is granted the “sole and exclusive power and authority to extinguish fires at any place within the jurisdiction of the city” and the power and authority to operate the City’s emergency medical services.⁴⁷ And it establishes the Department of Sanitation, which is “responsible for ... the cleanliness of the streets and the disposal of waste,” including “the removal of ice and snow.”⁴⁸

In addition to these four uniformed agencies, the Charter charges a number of additional mayoral agencies and offices with critical public safety functions. These include the Office of Emergency Management (OEM), responsible for “coordinat[ing] the city’s response to all emergency conditions” including “severe weather,” “natural disasters,” and “acts of terrorism,”⁴⁹ and the Office of Criminal Justice, to “advise and assist the mayor” in carrying out “criminal justice programs and activities.”⁵⁰ Other Charter-created entities also serve public safety functions,

⁴⁵ N.Y.C. Charter §§ 431, 435.

⁴⁶ *Id.* at §§ 621, 623.

⁴⁷ *Id.* at § 487(b), (f).

⁴⁸ *Id.* at §§ 751, 753.

⁴⁹ *Id.* at §§ 495, 497. OEM was formally adopted into the Charter by referendum at the November 6, 2001 General Election. *See* Charter Revision Commission, *Final Report from the 2001 Charter Revision Commission* (2001), at 73-79.

⁵⁰ N.Y.C. Charter § 13.

such as the Civilian Complaint Review Board, which is granted “authority to investigate allegations of police misconduct.”⁵¹

The City Council, as the legislative body of the City, also plays an important part in public safety. The Council’s role in the budgetary process helps determine the resources available to the City’s public-safety agencies.⁵² The Council also frequently passes legislation bearing upon the agencies responsible for public safety, or which may indirectly promote or inadvertently impair public safety.⁵³

After a proposed bill is introduced, it is given an introduction (commonly referred to as “intro”) number, published on the Council website and assigned to a committee.⁵⁴ Before a proposed bill is passed by the Council, there is typically a public hearing in front of the committee where the bill is assigned, and notice of

⁵¹ *Id.* at § 440(a).

⁵² *See, e.g.*, N.Y.C. Charter §§ 247, 253 (requiring City Council to hold hearings and make recommendations related to the budget).

⁵³ *See, e.g.*, Local Law No. 23 of 2024 (requiring NYPD to share body-worn camera footage with DOI within 10 days of DOI’s request); Local Law No. 20 of 2024 (requiring NYPD to report when an individual denies consent to a search); Local Law No. 25 of 2024 (requiring NYPD to disclose donations of \$1 million or more); Local Law No. 26 of 2024 (requiring NYPD to report their justifications for a vehicle stop).

⁵⁴ *See* N.Y.C. Council Rule 5.110, *Legislative Tracking* (requiring local laws be published online); N.Y.C. Council Rule 6.00, *Preparation and Presentation of Papers*; N.Y.C. Council Rule 6.30 (assigning intro numbers in chronological order of introduction), *Papers Referred to Committee*; *Change of Reference* (referring intros to vote by a committee). According to N.Y.C. Council Rule 7.00, the Committee on Public Safety has oversight over the Police Department, civilian complaint Review Board, mayor’s Office of Criminal Justice, courts, legal services, District Attorneys, and the Office of the Special Narcotics Prosecutors. N.Y.C. Council Rule 7.0, *Appointment-a*.

such a hearing is provided at least 72 hours in advance.⁵⁵ At this hearing, representatives of the Administration and members of the public may provide testimony on a proposed bill.⁵⁶ In general, at least 7 calendar days (exclusive of Sundays) prior to taking a vote, a proposed bill must be in its final form and laid upon the desk of each Council Member, which the Charter provides may be accomplished by electronic means.⁵⁷ In practice, this means that proposed legislation may go from introduction, to a public hearing, to passage by the Council in less than two weeks.

The Commission has heard considerable testimony expressing concern about the Council’s passage of legislation pertaining to public safety with limited opportunities for public input or consultation with experts, affected agencies, and critical stakeholders. Members of the public expressed frustration with the opportunities for public comment on a measure that became Local Law 43 of 2024, which requires the NYPD to report on common and low-level encounters with members of the public.⁵⁸ Officials from public safety agencies⁵⁹ and unions

⁵⁵ See N.Y.C. Council Rule 7.60(a) (granting the committee chairperson authority to “call public hearings on any matters referred to such committee”); N.Y.C. Council Rule 7.50(d) (requiring 72 hours’ notice in advance of a hearing).

⁵⁶ N.Y.C. Council Rule 7.60(a).

⁵⁷ See N.Y.C. Charter § 36.

⁵⁸ See, e.g., Yiatin Chu, Charter Revision Commission Public Hearing (June 5, 2024) (testimony); Statement of Commissioner Bragg, Charter Revision Commission Public Hearing (June 6, 2024); Jean Han, Charter Revision Commission Public Safety Forum & Brooklyn Public Hearing (June 20, 2024) (testimony).

⁵⁹ See Howard Singer, Deputy Chief of Staff of NYC Department of Correction, Charter Revision Commission Public Safety Forum & Brooklyn Public Hearing (June 20, 2024) (testimony); Bob Barrows, Deputy Commissioner of Strategic Initiatives for NYPD, Charter Revision Commission

representing public safety professionals⁶⁰ testified that the City Council has passed legislation without sufficient consultation or discussion with agencies. One testified that critical stakeholders are frequently unaware of proposed public safety legislation before formal introduction and are afforded only limited opportunities to provide input after introduction, and further that the absence of consultation and deliberation in public safety matters may contribute to the passage of legislation that heightens risks to public safety and endangers public safety professionals in particular.⁶¹

At present, requirements for the passage of legislation relating to public safety do not differ from the requirements for passage of legislation on other matters. Applying additional requirements for input and review in the City Council's consideration of public safety legislation could promote careful deliberation and ensure that affected communities across the City are heard when legislation touches upon this important area. At the same time, the preservation of public safety sometimes requires expedited action by the Council. Measures to promote

Public Safety Forum & Brooklyn Public Hearing (June 20, 2024) (testimony); Jason Shelly, Assistant Commissioner for External Affairs at FDNY, Charter Revision Commission Public Safety Forum & Brooklyn Public Hearing (June 20, 2024) (testimony); Carolina Chavez, First Deputy Director of Mayor's Office of Criminal Justice, Charter Revision Commission Public Safety Forum & Brooklyn Public Hearing (June 20, 2024) (testimony).

⁶⁰ See Patrick Hendry, President of the Police Benevolent Association, Charter Revision Commission Public Safety Forum & Brooklyn Public Hearing (June 20, 2024) (testimony); Benny Boscio, Jr., President of the Corrections Officers Benevolent Association, Charter Revision Commission Public Safety Forum & Brooklyn Public Hearing (June 20, 2024) (testimony); Andrew Quinn, General Counsel of the Sergeants Benevolent Association, Charter Revision Commission Public Safety Forum & Brooklyn Public Hearing (June 20, 2024) (testimony).

⁶¹ Boscio, *supra* (citing an absence of consultation in the passage of Local Law 42 of 2024, which prohibits corrections officers from implementing punitive segregation or from handcuffing inmates while transporting them to and from court appearances).

deliberation on topics of public safety must, therefore, account for the need to act with speed when necessary.

One potential response would be to require a limited period of additional public review prior to a vote on a proposed public-safety related bill by the full Council. During this period, notice of the proposed measure would be provided to the public and at least one additional public hearing would be required before the Council could act on a proposal. Such a change would afford more time for consideration and deliberation in matters of public safety, and additional opportunities for formal public input. To ensure that government can also act quickly when public safety requires it, these requirements could be made waivable when necessary.

Staff Recommendation

Staff recommends that the Commission further consider and solicit feedback concerning measures to:

1. Enhance the deliberative process for legislation pertaining to public safety while preserving the City's ability to take expedited action when necessary;
2. Strengthen opportunities for input by the public, agencies, and critical stakeholders on legislation relating to public safety; and
3. Revise the Charter to promote public safety.

MINORITY AND WOMEN-OWNED BUSINESSES

New York City is one of the most diverse cities in the United States.⁶² It also has a deep and complex history of confronting – and overcoming – injustice in many forms. Today, New York’s government reflects a commitment to lift up and support historically marginalized communities. One important piece of this effort is the City’s Minority and Women-owned Business Enterprises (MWBE) office, which works to expand access to government contracts and provide support services to grow businesses.

The MWBE office concept dates back to the 1989 Charter Revision Commission. The 1989 Commission oversaw some of the most significant changes to the City Charter since its inception.⁶³ Along with sweeping changes to the City’s governing structure, voters also approved several initiatives the Commission had recommended to promote equal opportunity and compliance with nondiscrimination

⁶² NBC New York Staff, “These 2 Tri-State Cities are Among the Most Diverse in the US, Study Says” *NBC New York*, Apr. 17, 2023, <https://www.nbcnewyork.com/news/local/these-2-tri-state-cities-are-among-the-most-diverse-in-us-study-says/4248482/>.

⁶³ Frederick A.O. Schwarz Jr. and Eric Lane, *The policy and politics of Charter making: the story of New York City's 1989 Charter*, 42 N.Y.L. Sch. L. Rev. 723, 729 (1998).

laws.⁶⁴ One of these initiatives was the creation of the Office of Economic and Financial Opportunity, which was designed to “assist, guide and monitor City agencies” in “establish[ing] reasonable measures and procedures to assure the meaningful participation” of MWBEs in city contracts.”⁶⁵ During deliberations, however, visions for the role of the Office of Economic and Financial Opportunity varied considerably among the commissioners: Some envisioned a vehicle to promote community-based not-for-profits;⁶⁶ others saw an entity that would help minority and women-owned business enterprises (MWBEs) navigate the City’s contracting process.⁶⁷

In 1991, the Council enacted and Mayor David Dinkins signed legislation merging the nascent Office of Economic and Financial Opportunity and other entities into the Department of Business Services and renaming it the Division of Economic and Financial Opportunity (“DEFO”).⁶⁸ The following year, the City commissioned a consultant to perform a disparity study to assess the City’s utilization of MWBEs relative to their availability in the market.⁶⁹ When that study identified underutilization of MWBEs in many areas of procurement, the Department of Business Services promulgated regulations that required agencies to

⁶⁴ Charter Revision Commission, *Final Report of the New York City Charter Revision Commission* (March 1990), at 26.

⁶⁵ *Id.*

⁶⁶ See Apr. 25, 1989 Pub. Meeting, *supra*, at 40-46, 51-57.

⁶⁷ Frederick A.O. Schwarz Jr. and Eric Lane, *The policy and politics of Charter making: the story of New York City’s 1989 Charter*, 42 N.Y.L. Sch. L. Rev. 723, 729 (1998).

⁶⁸ Local Law No. 61 of 1991.

⁶⁹ Nat’l Econ. Research Assocs., *The Utilization Of Minority- And Women-Owned Business Enterprises By The City Of New York* (1992) at 75.

adopt measures including utilization goals for some contracts.⁷⁰ The regulations sunset by their own terms during the Giuliani Administration.⁷¹

Toward the end of the Giuliani Administration, the City Council commissioned a new disparity study.⁷² Based on the study's finding that the City was underutilizing minority and women owned business enterprises relative to their availability, the Council enacted and Mayor Bloomberg signed Local Law 129 of 2005, which established aspirational Citywide MWBE utilization goals,⁷³ and a requirement that each agency adopt MWBE utilization goals.⁷⁴ Mayor de Blasio continued to prioritize City support for and utilization of MWBEs. The Mayor designated a Deputy Mayor to also serve as Director of the City's MWBE program, appointed a Senior Advisor to prioritize these issues, and created the Mayor's Office of MWBE in 2016.⁷⁵ The City Council continued to hold hearings on, and pass

⁷⁰ See Staff Of Comm. On Econ. Dev. & Comm. On Women's Issues, N.Y.C. Council, *Report of the Infrastructure Division and the Human Services Division, Oversight: Strategies for Improving City's Programs for Minority and Women Owned Businesses* (Comm. Print Feb. 23, 2000), at 7.

⁷¹ Randy Kennedy, "Giuliani Defends His Decision on Issuing City Contracts," *The New York Times*, Mar. 24, 1997, <https://www.nytimes.com/1997/03/24/nyregion/giuliani-defends-his-decision-on-issuing-city-contracts.html>.

⁷² See MGT Consulting Group "City of New York Disparity Study," May 2018, <https://www1.nyc.gov/assets/mwbe/business/pdf/NYC-Disparity-Study-Report-final-published-May-2018.pdf>.

⁷³ See Local Law No. 129 of 2005 § 3 (codified as amended at Admin. Code § 6-129(d)(1)).

⁷⁴ See *id.* (codified as amended at Admin. Code § 6-129(d)(2)-(3)).

⁷⁵ Office of the Mayor, "Mayor de Blasio Announces Bold New Vision for the City's M/WBE Program," *The Official Website of New York City*, Sep. 18, 2016, <https://www.nyc.gov/office-of-the-mayor/news/775-16/mayor-de-blasio-bold-new-vision-the-city-s-m-wbe-program#/0>; Bill de Blasio, Exec. Order No. 24 (December 16, 2016).

legislation addressing, this important issue.⁷⁶ The de Blasio Administration also added resources across City agencies and set ambitious goals for MWBE certification, achieving their goal of 9,000 City-certified MWBEs.⁷⁷

Despite significant accomplishments over the years to support MWBEs, the City has faced criticism for failing to increase MWBE participation in its procurement to a greater extent.⁷⁸ To address access issues and promote utilization of MWBEs, Mayor Adams created the first ever Chief Business Diversity Officer (CBDO) and secured important legislative changes for the City's MWBE program in the 2023 Albany legislative session.⁷⁹

⁷⁶ See e.g., Local Law No. 109 of 2016; Local Law No. 12 of 2018; Local Law No. 176 of 2019.

⁷⁷ Office of the Mayor, "De Blasio Administration Reaches Milestone Goal of 9,000 City-Certified M/WBEs," *The Official Website of New York City*, July 8, 2019, <https://www.nyc.gov/office-of-the-mayor/news/333-19/de-blasio-administration-reaches-milestone-goal-9-000-city-certified-m-wbes>.

⁷⁸ See e.g., The Black Institute, *Not Good Enough: The Myth of 'Good Faith and Best Efforts' Report on Minority- and Women-owned Businesses*. April 2015.; Office of the New York City Comptroller Brad Lander, "NYC Comptroller's Annual M/WBE Report Shows City Agencies Continuing to Fall Woefully Short of Needed Progress," *New York City Comptroller Brad Lander*, Feb. 14, 2024, <https://comptroller.nyc.gov/newsroom/comptrollers-annual-m-wbe-report-shows-city-agencies-continuing-to-fall-woefully-short-of-needed-progress/>.

⁷⁹ Office of the Mayor, "Mayor Adams Makes Major Investments in Mayor's Office of Minority and Women-Owned Business Enterprises," *The Official Website of New York City*, Feb. 16, 2023, <https://www.nyc.gov/office-of-the-mayor/news/118-23/mayor-adams-makes-major-investments-mayor-s-office-minority-women-owned-business>; Office of the Mayor, "Mayor Adams' Statement of 2023 State Legislative Session," *The Official Website of New York City*, June. 23, 2023, <https://www.nyc.gov/office-of-the-mayor/news/449-23/mayor-adams-of-2023-state-legislative-session>.

Since then, Mayor Adams has issued several executive orders to strengthen the MWBE office and empower the Chief Business Diversity Officer to further support MWBEs.⁸⁰ There has been meaningful progress to celebrate. In FYs 22 and FY23, the City awarded over \$6 billion in total contracts to MWBE firms, an increase from the \$4.21 billion in FY21.⁸¹

MWBEs still face significant challenges. Navigating the complex procurement process can be difficult for businesses and leaders that have historically not participated to a significant extent in government procurements. Today, support is spread across various City government entities and agencies, with no single agency having a clear mandate.⁸² Additionally, no single entity has exclusive

⁸⁰ See e.g., Office of the Mayor, “Mayor Adams Makes Major Investments in Mayor’s Office of Minority and Woman-Owned Business Enterprises,” *The Official Website of the City of New York*, Feb. 16, 2023, <https://www.nyc.gov/office-of-the-mayor/news/118-23/mayor-adams-makes-major-investments-mayor-s-office-minority-women-owned-business>; Office of the Mayor, “Mayor Adams Issues Executive Order Creating More Streamlined and Accountable Minority and Women-Owned Business Enterprises Program,” *The Official Website of the City of New York*, Aug. 8, 2023, <https://www.nyc.gov/office-of-the-mayor/news/578-23/mayor-adams-issues-executive-order-creating-more-streamlined-accountable-minority-and>.

⁸¹ Office of the Mayor, “Mayor Adams Announces \$50 Million Initiative to Reduce Barriers and Support Minority-Owned Developers to Build More Affordable Housing,” *The Official Website of the City of New York*, Mar. 4, 2024, <https://www.nyc.gov/office-of-the-mayor/news/162-24/mayor-adams-50-million-initiative-reduce-barriers-support-minority-owned#/0>; OneNYC, *M/WBE Reports Archive*, <https://www.nyc.gov/site/mocs/opportunities/m-wbe-reports.page#:~:text=Purchase%20Reports%20Archive-,OneNYC%20M/WBE%20Reports,-Mayor%20Eric%20Adams>.

⁸² See e.g., N.Y.C. Charter §§ 1304 (authorizing SBS to administer programs for the identification, recruitment, certification and participation in City procurement of MWBEs and emerging business enterprises); 311(i) (authorizing the Procurement Policy Board to promulgate rules allowing for

rulemaking authority or primary responsibility for outreach, monitoring, or reporting. The MWBE Program may benefit from a scheme where a single agency is clearly charged with leadership in these functions.

Staff Recommendation

Staff recommends that the Commission further consider and solicit feedback concerning measures to improve services provided to, and promote the utilization of, MWBEs, including the creation of a new agency dedicated to this purpose.

MODERNIZATION

The New York City Charter has existed in a variety of forms for over a century.⁸³ And as the 2010 Charter Revision Commission noted, the Charter was amended over 100 times between 1989 and 2010, variously by local law, referenda, and state law.⁸⁴ As a result, it is no surprise that agencies and the public have identified inconsistencies and outdated policies that require attention.

Film Permitting

New York City's film and television legacy can be traced back to the birth of the motion picture industry in the New York/New Jersey area when some of the earliest productions, such as *Herald Square* filmed in 1896 by Thomas Edison's production company, were filmed on public streets.⁸⁵ The City issues more than

the use of special procurement methods to increase opportunities for MWBEs); 324 (authorizing agencies to consider MWBE status when compiling lists of prequalified bidders).

⁸³ Charter Revision Commission, *Final Report of the 2010 Charter Revision Commission* (Aug. 23, 2010), at 14.

⁸⁴ *Id.*

⁸⁵ Michael Pollak, "The First Film Shot in New York," *The New York Times*, Apr. 18, 2015, <https://www.nytimes.com/2015/04/19/nyregion/the-first-film-shot-in-new-york-city.html>.

11,000 permits annually⁸⁶ for film and television productions, which in turn contribute more than \$82 billion to New York City's economy – a testament to the City's appeal and the success of municipal government in supporting the industry.⁸⁷

A cornerstone of the film and television industry's success is a suite of services that the City government provides to coordinate film shoots in one of the most dynamic and densely populated areas in the world. That includes a robust and streamlined production permitting system. The City's authority to issue film permits is granted to the Commissioner of Small Business Services (SBS) pursuant to Charter section 1301(1)(r) and Administrative Code section 22-205.⁸⁸ The current permitting regime is the result of decades of transformation, most recently through Mayor Eric Adams' reorganization of the Mayor's Office of Media and Entertainment (MOME).⁸⁹

Although Mayor La Guardia courted companies to relocate from California to New York City, formal efforts to support the film industry did not begin in earnest until 1947 when Mayor William O'Dwyer established an office of film coordination.⁹⁰ Consolidating economic development and film permitting under the leadership of one individual was programmatically consistent in the early days of filming, but as productions grew in number and complexity, these responsibilities developed from a part-time responsibility of the Commissioner to a dedicated office.

⁸⁶ Mayor's Office of Media and Entertainment, *New York City Film & Television Industry Economic Impact Study 2021* (2021), at 14.

⁸⁷ *Id.*

⁸⁸ There are two sections numbered 22-205 in the Administrative Code; the relevant section is located in Chapter 2 of Title 22.

⁸⁹ Eric Adams, Exec. Order No. 21 (July 21, 2022).

⁹⁰ Fred Keefe, Spencer Klaw, and E.J. Kahn, Jr., "Coordination," *The New Yorker*, Jan. 3, 1948, <https://www.newyorker.com/magazine/1948/01/03/coordination>.

By the 1960s, the process for securing the necessary permits for filming had become more complex: producers had to obtain a permit for each day of production and secure approval from the Police Department, Highways Department, Traffic Department, and others.⁹¹ Based on the structure and disparate functions of many of these Departments, productions might be required to secure up to 50 permits for a single project.⁹² Local Law 44 of 1962 established a dedicated film permit. Mayor John Lindsay's Executive Order 10 of 1966 streamlined the permitting process by eliminating antiquated agency endorsement requirements and removing City officials' power to censor films shot in public locations.⁹³ Film production boomed in New York City. During Mayor Lindsay's two terms, 366 movies were shot in New York City and permits generated a robust revenue stream of \$20 million to the City.⁹⁴

Further reform and refinement happened across succeeding Administrations. For example, Mayor Abraham Beame created the Mayor's Advisory Council on Motion Pictures with its own director; a 1991 Charter Amendment placed the film permitting authority under SBS;⁹⁵ and in 2008, SBS promulgated the first film regulations.⁹⁶ In 2010, MOME was established, with staffing and administrative technical support being provided by the Department of Information Technology and Telecommunications (now OTI).⁹⁷ Over the course of this history, the media and

⁹¹ *Id.*

⁹² John Lindsay, Exec. Order No. 10 (May 31, 1966).

⁹³ *Id.*

⁹⁴ Ellen Stern, "How to Make a Movie in New York" *New York Magazine*, Year-End Issue 1975 at 55.

⁹⁵ Local Law No. 61 of 1991.

⁹⁶ *See id.*

⁹⁷ Eric Adams, Exec. Order No. 3 (Jan. 19, 2022).

entertainment business – and MOME’s responsibilities – have grown. The early structure of the film business, which depended on theaters to screen and distribute media from feature films to newsreels has been succeeded by new modes of media distribution, including television broadcasting, cable networks, and digital entertainment. The provision of staff and administrative technical support of MOME within OTI⁹⁸ works well because it allows MOME to take advantage of its television and radio network relationships and leverage OTI’s extensive procurement infrastructure.⁹⁹ The arrangement is also beneficial because OTI holds the licenses granted by the Federal Communications Commission for television, radio, and internet franchise agreements.¹⁰⁰

One source of inefficiency is that the Charter grants the authority to issue film permits only to SBS.¹⁰¹ As a result, in order to effectively discharge their duties, the Commissioner of MOME must be an employee of SBS. In addition, the permitting power lies with the MOME Commissioner only, and not with MOME employees. This structure creates operational challenges for MOME when it does not have an active Commissioner, for example, during a time of leadership transition or in case of incapacitation due to a medical emergency. MOME’s employees are knowledgeable experts who are qualified to assess and process film permits on their merits. They already conduct most of the work necessary to approve permits via meetings, briefings, and recommendations to MOME’s Commissioner. The 11,000 film permits issued by the Office each year are a crucial component in supporting

⁹⁸ Michael Bloomberg, Exec. Order No. 138 (July 26, 2010).

⁹⁹ *Id.*

¹⁰⁰ *Id.*

¹⁰¹ N.Y.C. Charter § 1301(1)(r).

the City’s economy, creating over 185,000 jobs, either directly or indirectly.¹⁰² Therefore, it is important to make film permitting as efficient as possible. Granting the authority to issue permits to MOME employees would rationalize the Charter’s division of powers and allow MOME to continue operations during times of transition.

Public Bonds

Section 1122 of the City Charter requires “each officer of the city who has possession of or control over any funds of the city” to secure a bond “in such sum as may be fixed and with sureties to be approved by the comptroller.” In practice, however, the Comptroller has not fixed sums and sureties, and as a result this provision is generally inoperative. However, the City’s Administrative Code contains bond requirements for various officials, including for example the Comptroller and the Corporation Counsel.¹⁰³ Section 11 of the New York Public Officers Law details the procedural requirements for such bonds.

The surety bond requirement was created over one hundred and fifty years ago to ensure the “faithful performance of the duties” of each office.¹⁰⁴ Records dating back to 1872 offer evidence of surety bonds being obtained for City elected

¹⁰² Mayor’s Office of Media and Entertainment, *New York City Film & Television Industry Economic Impact Study 2021* (2021), at 14, nyc.gov/assets/mome/pdf/FilmTV_report_091521.pdf.

¹⁰³ See e.g., Admin. Code § 3-301 (requiring the Comptroller to execute a bond); Admin. Code § 7-101 (requiring the Corporation Counsel to execute a bond).

¹⁰⁴ N.Y.C. Charter § 1122.

officials.¹⁰⁵ The requirement was implemented at a time when concerns around financial impropriety among elected officials were more salient. Even as recently as 1932, Mayor Walker resigned following serious concerns relating to the use of unaccounted City funds for personal expenditures.¹⁰⁶

Government administration has become more professionalized since Mayor Walker's malfeasance. Elected officials no longer have personal or direct access to city funds and there are many checks and safeguards in place to protect against improper withdrawals. These and other safeguards arguably render the bond requirement less necessary than it was in the past. In addition, it is the City, and not the individual elected officials, that bears the cost of obtaining the required bonds.¹⁰⁷

Although the rationale for the bond requirement has diminished, officers who fail to procure and file a bond can face consequences.¹⁰⁸ As a result, the bond requirement can serve as an unnecessary distraction from the important work of government.

Waterfront Permitting

Throughout the City's history, the development of New York's waterfront has always been critical to the city's growth. Recognizing the importance of the waterfront for economic development, the City created the Department of Docks in

¹⁰⁵ N.Y.C. Department of Records and Information Services: Surety bonds issued for New York City public officials circa 1872 to 1882, <https://a860-collectionguides.nyc.gov/repositories/2/accessions/4845>.

¹⁰⁶ Herbert Mitgang, "The Downfall of Jimmy Walker: Judge Seabury Cleans Up New York," *The Atlantic*, Oct. 1962, <https://www.theatlantic.com/magazine/archive/1962/10/the-downfall-of-jimmy-walker-judge-seabury-cleans-up-new-york/658851/>.

¹⁰⁷ See N.Y. Pub. Off. Law § 11(1).

¹⁰⁸ See *Id.* at § 30(1)(h).

1870, and gave it the authority to repair and construct wharves and piers.¹⁰⁹ The Department and its powers changed over subsequent years before its final iteration as the Department of Ports and Trade (1986-1991).¹¹⁰

In connection with the dissolution of the Department of Ports and Trade in 1991 and transfer of its responsibilities, the Charter and Administrative Code were amended to provide the Department of Business Services the exclusive authority to regulate and issue work permits and certificates of completion for all construction related to improvement or maintenance within its jurisdiction along the City's 520-mile coastline.¹¹¹ The jurisdiction of the Department, now named the Department of Small Business Services, includes work performed on private property being used for maritime purposes and all work on City-owned waterfront property, including marine waste transfer stations owned by the Department of Sanitation and park buildings located on waterfront parcels.¹¹²

For privately-owned waterfront property, the New York City Department of Buildings (DOB) oversees permitting for non-maritime structures, while SBS handles permitting for maritime structures, such as piers and seawalls and all

¹⁰⁹ Laws of the State of New York, Passed at the Ninety-Third Session of the Legislature, 1870, Article 14, §99. Of the Department of Docks, <https://babel.hathitrust.org/cgi/pt?id=nyp.33433090741947&view=1up&seq=404>.

¹¹⁰ Kenneth R. Cobb, "New York's Working Waterfront," NYC Department of Records & Information Services, July 24, 2020, <https://www.archives.nyc/blog/2020/7/24/new-yorks-working-waterfront>.

¹¹¹ N.Y.C. Charter § 1301(2)(b); N.Y.C. Admin. Code Title 22; New York City Department of City Planning, *New York City: A City of Water*, <https://www.nyc.gov/site/planning/planning-level/waterfront/nyc-city-of-water/nyc-city-of-water.page>.

¹¹² NYC Small Business Services, *Waterfront Permits*, <https://www.nyc.gov/site/sbs/businesses/waterfront-permits.page>.

structures on city-owned waterfront property.¹¹³ This division of permitting responsibilities complicates comprehensive administrative oversight. Revising the Charter to consolidate waterfront permitting responsibilities in DOB could simplify and rationalize the City’s approach.

Sanitation

The Charter assigns the Department of Sanitation (DSNY) responsibility for and control over all functions and operations of the City relating to the cleanliness of its streets and the disposal of waste.¹¹⁴ It also gives the DSNY Commissioner the power to adopt regulations controlling the use of sidewalks and gutters by abutting owners and occupants with respect to sweepings, garbage, refuse, or rubbish, and to issue violations for failure to comply with such regulations punishable by fine, imprisonment or civil penalty.¹¹⁵

While DSNY has promulgated several rules that limit the amount of time that non-containerized refuse spends on City streets, the Charter does not set forth any requirement to containerize refuse. Additionally, DSNY’s existing Charter authority does not extend its cleanliness writ, and accompanying authority to enforce, to all City property – including many center medians and the perimeters of City-owned property. This incomplete jurisdiction can hamper efforts to keep our City clean.¹¹⁶ Broadening the authority for DSNY to clean and enforce cleanliness rules on all city property, contingent on the Mayor’s direction, could allow DSNY to be more effective.

¹¹³ *Id.*

¹¹⁴ N.Y.C. Charter § 753(a)(1-5).

¹¹⁵ *Id.* at § 753(d).

¹¹⁶ Mirrors language applicable part of Section 435 that gives NYPD broad jurisdiction to enforce laws across all public streets, parks and places.

So too, despite the fact that the Office of Street Vendor Enforcement is housed within DSNY, DSNY lacks certain enforcement authority over vending that occurs on City property other than its streets and sidewalks.

New Yorkers have expressed a desire for cleaner streets, including the enforcement of cleaner sidewalks and alternative solutions to the placement of garbage bags on the sidewalk.¹¹⁷ Updating the Charter to clarify and expand DSNY responsibilities could help promote these important objectives.

Duplicative Archive Review Boards

The City Charter establishes many advisory boards, often with reporting requirements that may no longer be necessary or relevant to New Yorkers. Recognizing that reporting requirements can be onerous, section 1113 of the Charter established a Report and Advisory Board Review Commission to periodically review advisory boards and reporting requirements to recommend changes that improve efficiencies.¹¹⁸ Section 1113 emphasizes the importance of reducing unnecessary bureaucracy by waiving reporting or commission requirements when suitable.¹¹⁹

¹¹⁷ Melissa Kravitz Hoeffner, “All NYC businesses are now required to bin their trash instead of throwing it on the sidewalk,” *Timeout*, Sept. 20, 2023, <https://www.timeout.com/newyork/news/nyc-food-establishments-now-need-to-bin-their-trash-instead-of-throwing-it-on-the-sidewalk-080123>; Emily Badger and Larry Buchanan, “The absurd problem of New York City trash,” *The New York Times*, Mar. 02, 2024, <https://www.nytimes.com/interactive/2024/03/02/upshot/nyc-trash-rules.html>; Emily Badger and Larry Buchanan, “The absurd problem of New York City trash,” *The New York Times*, Mar. 02, 2024, <https://www.nytimes.com/interactive/2024/03/02/upshot/nyc-trash-rules.html>.

¹¹⁸ N.Y.C. Charter § 1113.

¹¹⁹ *Id.*

Some Charter sections create advisory boards with overlapping, redundant, or missing missions. One such redundancy is the existence of both the Archival Review Board¹²⁰ and the Archives, Reference and Research Advisory Board.¹²¹ The Archival Review Board is tasked with preparing an annual report “reviewing the archival processing of any city papers.”¹²² The Archives, Reference and Research Board, in turn, is required to prepare an annual report regarding the “development of municipal archives, reference and research services in the government and administration of the city.”¹²³ These very similar, and perhaps indistinguishable, missions and responsibilities could easily be performed by the same Board, achieving efficiencies and saving City resources.

Resident Feedback

The Citizens Budget Commission (CBC) proposed that the Charter be amended to require the City to periodically conduct and publish a statistically valid resident feedback survey and report.¹²⁴ CBC suggested that such a survey could include findings at the community district level, and across major demographic categories, in order to improve the City’s understanding of quality-of-life concerns and views on local service delivery. These findings could, in turn, inform decisions about municipal operations and the City budget.

¹²⁰ *Id.* at § 3005.

¹²¹ *Id.* at § 3009.

¹²² *Id.* at § 3005.

¹²³ *Id.* at § 3009.

¹²⁴ Andrew S. Rein, President of Citizens Budget Commission, *Charter Revision Commission Fiscal Responsibility Forum & Manhattan Public Hearing* (June 13, 2024) (testimony).

Staff Recommendation

Staff recommends that the Commission solicit and consider further feedback concerning:

1. Granting employees of the Mayor's Office of Media and Entertainment the power to issue film permits by revising section 1072 of the Charter to give the Department of Information Technology and Telecommunications (which houses the Mayor's Office of Media and Entertainment) the same powers and authorities for film and television permitting as are currently vested in the Department of Small Business Services by section 1301;
2. Repealing Section 1122 and superseding Ad. Code provisions requiring surety bonds for elected officials;
3. Revising Sections 643 and 1301 of the Charter to move the waterfront permitting process for the construction and alteration of all structures on waterfront property, including maritime structures, to DOB;
4. Exploring updates to Chapter 31 of the Charter to clarify and expand DSNY responsibilities to facilitate cleaner streets, sidewalks and City-owned property;
5. Combining the Archival Review Board and the Archives, Reference and Research Board into one body; and
6. Collecting resident feedback respecting local quality-of-life and service delivery to inform municipal operations and the budget.

OTHER PROPOSALS

The following proposals were the subject of significant interest by members of the public, or among members of the Commission, but – in the view of the staff – require further study, are not within the Commission’s authority, or for other reasons should be reserved for the future.

Elections

In 2019, at the recommendation of a prior charter revision commission, voters approved a significant change to the way in which local elections for Mayor, Public Advocate, Comptroller, Borough President, and City Council are conducted.¹²⁵ Starting in 2021, primary and special elections for these offices are now determined through a process known as ranked-choice voting (RCV). Under the RCV system, voters have the opportunity to rank up to five candidates in order of preference. If a candidate receives a majority of first-choice votes, that candidate wins. If no candidate receives a majority of first-choice votes, then the candidate who received the fewest first-choice votes is eliminated, and voters who had marked that eliminated candidate as their first choice have their vote transferred to their next ranked choice. This process repeats until only two candidates remain and the candidate with the most votes wins the election. The adoption of RCV by the voters in 2019 was the culmination of years of study and consideration by multiple charter revision commissions. Indeed, commissions explored the idea of RCV in 2003,

¹²⁵ Charter Revision Commission, *Final Report of the 2019 Charter Revision Commission* (Aug. 2, 2019), at 22-34.

2010, and 2018, but 2019 was the first time a ballot proposal was submitted to voters.¹²⁶

Prior to 2021, the City used different election systems for local offices. Most municipal elections used a traditional “plurality” or “first-past-the-post” system, in which voters would select one candidate for each race and the candidate with the most votes would win.¹²⁷ Primary elections for Mayor, Comptroller, and Public Advocate would use a hybrid plurality system, which involved a run-off election between the top two candidates if no candidate received more than 40% of the total vote.¹²⁸

The shift to ranked-choice-voting was intended to have a number of benefits. By eliminating the need for run-off elections, it would save the City money and allow the same voters who participated in the primary to determine the winning candidate without the need to participate in a separate election a short time later.¹²⁹ So too, it would allow voters to “vote their true preferences” at the ballot, rather than cast a “strategic” vote for a candidate that is less desirable in an attempt to prevent a

¹²⁶ Charter Revision Commission, *Final Report of the 2018 New York City Charter Revision Commission* (Sep. 6, 2018), at 107-112; Charter Revision Commission, *Preliminary Staff Report and Recommendations to the Chair of the 2010 Charter Revision Commission* (July 9, 2010), at 28-34.

¹²⁷ Charter Revision Commission, *Final Report of the 2019 Charter Revision Commission* (Aug. 2, 2019), at 22.

¹²⁸ *Id.*

¹²⁹ *Id.* at 24. 2019 estimates for the cost of a citywide election predicted that eliminating primary runoff elections would save \$16 million in election administration costs per election. New York City Office of Management and Budget, *February 2019 Financial Plan Detail Fiscal years 2019-2023*, at E-85.

third undesirable candidate from winning.¹³⁰ It would help eliminate “vote splitting” – that is, when like-minded candidates divide support, allowing another candidate out-of-step with the electorate to prevail.¹³¹ And, it was hoped, it would encourage candidates to seek votes outside their assumed natural support base – and even reduce negative campaigning.¹³² At the same time, the 2019 Commission heard testimony expressing several concerns about the proposed reforms, including the need to perform extensive voter education, as well as the potential effect of RCV on racial, ethnic, and language minority voters.¹³³

New York City’s experiment with RCV is still in its early stages. In an encouraging sign, the 2021 primary election saw 26.5% of New Yorkers turn out to vote, making it the mayoral primary with the highest turnout in decades.¹³⁴ 88.3% of voters ranked more than one candidate in at least one race.¹³⁵ 89.3% of Democrats ranked multiple unique candidates in at least one race, while 56.6% of Republicans did so.¹³⁶ In the 2021 Democratic mayoral primary, 46.2% of Democrats utilized all five of their ranks,¹³⁷ although 13% of voters ranked only one mayoral candidate,¹³⁸ and the most common sequence was ranking now-Mayor Eric Adams in first, with the next four ranks left blank.¹³⁹

¹³⁰ *Id.* at 25.

¹³¹ *Id.*

¹³² *Id.* at 28.

¹³³ *Id.* at 26-27.

¹³⁴ New York City Campaign Finance Board, *Voter Analysis Report: 2021-2022* (2022), at 2.

¹³⁵ *Id.* at 7.

¹³⁶ *Id.*

¹³⁷ *Id.* at 85.

¹³⁸ *Id.*

¹³⁹ https://www.nycfb.info/pdf/2021-2022_VoterAnalysisReport.pdf*Id.* at 8.

To this point, the Commission has heard a pronounced interest in election-related reforms. Among other suggestions, the Commission has heard testimony concerning the role of political parties in the electoral process, including proposals to adopt so-called “open primaries” and “nonpartisan elections.” For example, Susan Lerner, the Executive Director of Common Cause/New York, testified about the views of New York’s “unaffiliated” voters – those who are not registered as members of any political party – and their desire for electoral reforms that would reduce the importance of party registration in the political process.¹⁴⁰

The City currently holds “closed” primary elections for all City offices.¹⁴¹ In closed primary elections, voters registered with a political party may participate in their party’s primary and select a nominee to the general election.¹⁴² As a result, voters that are not registered with a qualified political party cannot participate in the selection of nominees for offices like the Mayor, the Comptroller, Borough Presidents, and Council Members.¹⁴³ An “open primary,” by contrast, is a primary election system where any voter, regardless of their political affiliation, may choose to vote in any party’s primary election.¹⁴⁴ For instance, a registered independent can participate in the Democratic primary if they wish.¹⁴⁵ Importantly, voting in a

¹⁴⁰ Susan Lerner, Executive Director of Common Cause/New York, *Charter Revision Commission Government and Election Reform Forum & Hearing - Bronx* (June 17, 2024) (testimony).

¹⁴¹ Board of Elections in the City of New York, *About NYC Elections*, <https://vote.nyc/page/nyc-elections>.

¹⁴² *Id.*

¹⁴³ *Id.*

¹⁴⁴ See C. Alan Carrillo, *I Pledge Allegiance to the Party: Reclaiming the Associational Rights of Independent Voters in Open Primaries*, 24 Wash. & Lee J. Civil Rts. & Soc. Just. 563, 570 (2018).

¹⁴⁵ *Id.*

particular party's primary does not entail registering in that party. Several states, including Michigan and South Carolina, use this system.¹⁴⁶

Another alternative is the “nonpartisan election.”¹⁴⁷ In a nonpartisan election, all candidates for a particular office compete without separate party primaries. Some states, such as California and Alaska, hold a multi-party primary where all candidates, regardless of party, compete on a single ballot and top-ranked candidates advance to the general election.¹⁴⁸ In California, the top two vote-getters advance to the general election¹⁴⁹ (as in run-off elections for citywide offices in New York City prior to 2021), while in Alaska, the top four vote-getters advance to the general election.¹⁵⁰ Some jurisdictions have eliminated the primary process altogether for certain elections, with all candidates competing in a single election.¹⁵¹ In New York City, this method is employed in special elections, which occur when an elected office becomes vacant before the end of a term.¹⁵² In these special elections, all candidates – irrespective of party – compete in a single election, and voters can rank up to five candidates in order of preference.¹⁵³

¹⁴⁶ Mich. Comp. Laws Ann. § 168.531; S.C. Code Ann. § 7-9-10.

¹⁴⁷ Nancy Northup, *Local Nonpartisan Elections, Political Parties and the First Amendment*, 87 Colum. L. Rev. 1677, 1683 (1987).

¹⁴⁸ National Conference of State Legislatures, *State Primary Election Types*, <https://www.ncsl.org/elections-and-campaigns/state-primary-election-types#multi>.

¹⁴⁹ Cal. Elec. Code § 9083.5.

¹⁵⁰ Alaska Stat. Ann. § 15.25.100.

¹⁵¹ Nancy Northup, *Local Nonpartisan Elections, Political Parties and the First Amendment*, 87 Colum. L. Rev. 1677, 1683 (1987).

¹⁵² NYC Votes, *Types of Elections*, <https://www.nycvotes.org/why-vote/types-of-elections/>.

¹⁵³ Board of Elections in the City of New York, *Ranked choice voting*, <https://vote.nyc/page/ranked-choice-voting>.

The concept of nonpartisan elections has been evaluated by several past Charter Commissions.¹⁵⁴ The 2003 Charter Revision Commission proposed the establishment of nonpartisan elections for the offices of Mayor, Public Advocate, Comptroller, Borough President, and City Council Member.¹⁵⁵ Under this recommendation, there would have been a single primary election open to all voters, and the top two candidates from this primary would advance to the general election.¹⁵⁶ However, this proposal was rejected by voters.¹⁵⁷ The idea of implementing nonpartisan elections was revisited in the final report of the 2010 Charter Revision Commission but was ultimately left for future consideration.¹⁵⁸

Advocates for these reforms argue that the current primary system excludes many registered voters from meaningful participation in the electoral system.¹⁵⁹ They argue that adoption of open primaries or nonpartisan elections would address the sense of disenfranchisement by non-Democratic registered voters, given that, for many district and citywide offices, winning the Democratic party primary is tantamount to winning the general election. They also argue that such a change

¹⁵⁴ Charter Revision Commission, *Nonpartisan Elections Preliminary Options and Recommendations* (June 26, 2003), at i.

¹⁵⁵ Charter Revision Commission, *Enhancing Access, Opportunity & Competition: A Blueprint for Reform Final Report* (Sep. 4, 2003), at 57-82.

¹⁵⁶ *Id.*

¹⁵⁷ Jonathan P. Hicks and Michael Cooper “The 2003 Election: City Charter; City Votes Down An Effort To End Party Primaries,” *New York Times*, Nov. 5, 2003, <https://www.nytimes.com/2003/11/05/nyregion/the-2003-election-city-charter-city-votes-down-an-effort-to-end-party-primaries.html>.

¹⁵⁸ Charter Revision Commission, *Final Report of the 2010 New York City Charter Revision Commission*. (Aug. 23, 2010), at v.

¹⁵⁹ See, e.g., Frank Morano, *Charter Revision Commission Public Hearing - Queens* (June 5, 2024) (testimony).

would align New York City local elections with primary elections in many other states.¹⁶⁰

While these and other electoral-reform proposals may have substantial merit, the staff recommends that they be deferred to a future commission for further study and consideration. Given the recent adoption of RCV by the voters, New Yorkers have participated in only one election cycle where citywide offices were decided using this system. Further percolation – including experience with RCV in New York City, and evidence from related reforms around the country – will illuminate whether additional changes to improve the operation of local democracy are appropriate.

Additional Budget Proposals

As already discussed, the Charter contains myriad provisions concerning our City’s finances and budget.¹⁶¹ These sections govern the cycle of revenues and expenditures for the City and provide transparency and certainty concerning the City’s finances.

In addition to the infrastructure proposal discussed earlier in this report, the Comptroller has offered several other suggestions.¹⁶² He has recommended a policy governing the rainy-day fund for the City. He has recommended changes concerning regular efficiency reviews and long-term savings targets, including shifting liability for judgments and claims against the City to agencies when they are responsible. He

¹⁶⁰ *See supra*.

¹⁶¹ *See e.g.*, N.Y.C. Charter Ch. 6, 9, 10, 58.

¹⁶² Office of the New York City Comptroller Brad Lander,” Comptroller Lander Proposes Charter Revisions to Better Manage New York City’s Finances,” *New York City Comptroller Brad Lander*, June 7, 2024, <https://comptroller.nyc.gov/newsroom/comptroller-lander-proposes-charter-revisions-to-better-manage-new-york-citys-finances/>.

has recommended codifying the long-standing practice of not having debt service exceed 15 percent of City tax revenues. And he has recommended mandating timeframes for each stage of the contracting process.

Others, including the Independent Budget Office, have drawn the Commission's attention to reforms that could speed up the procurement process and reduce late payments to vendors.¹⁶³

While these proposals reflect shared priorities of the Commission, they warrant further research, additional stakeholder convenings, and careful deliberation by a future commission.

¹⁶³ Testimony of Louisa Chafee, Director of the Independent Budget Office (June 13, 2024).

Appendix A – Agency Proposals

In addition to public outreach, the Commission has also sought the input of the heads of City agencies. Many agencies submitted suggestions to amend provisions of the Charter relating to their agencies in an effort to improve service delivery and remove roadblocks that may, at times, stymie agency initiatives. Suggestions included:

- The Department of Sanitation (DSNY) proposes expanding DSNY's jurisdiction to include cleanliness services in parks and enforcement authority against vendor operations.
- The Mayor's Office of Media and Entertainment (MOME) recommends moving the formal authority to issue film permits from SBS to MOME, who already issue these permits in practice.¹⁶⁴
- NYC Service, within the Mayor's Office, suggests formalizing processes between the public and agencies and mayoral offices to increase accountability. For example, agencies and mayoral offices should develop online portals to solicit public feedback and report or publish such feedback.
- The Department of Health & Mental Hygiene (DOHMH) recommends several administrative reforms to address diversity concerns in healthcare.
- The Office of Labor Relations (OLR) encourages the limitation of unfunded mandates that impact collective bargaining.

¹⁶⁴ N.Y. Charter § 1301(1)(r).

- The Department of Environmental Protection (DEP) advocates lifting the cap on the number of deputy commissioners DEP can appoint.¹⁶⁵
- The Mayor's Office of Climate and Environmental Justice (MOCEJ) proposes consolidating environmental responsibilities within a single entity and imposing emissions reduction requirements on tenants of city-owned property. MOCEJ also suggests exempting acquisitions from ULURP and competitive processes if the acquisition is for flood protection or has already undergone an environmental review.
- The Department of Consumer and Worker Protection (DCWP) recommends expanding DCWP's authority to demand business ownership information for businesses under investigation.¹⁶⁶
- The Department of Buildings (DOB) seeks to streamline the code revision process: allowing DOB to amend technical provisions of the NYC Construction Codes by rule, establishing a separate code for existing buildings, and moving jurisdiction of the waterfront from SBS to DOB. DOB also recommends the Charter clarify that a non-licensed commissioner can designate either a First Deputy or Deputy Commissioner who is a licensed professional engineer or registered architect. Finally, DOB proposes clarifications to the adjudication process, allowing service by electronic mail and requiring time limits for OATH decisions.
- The Department of Social Services/Human Resource Administration (DSS/HRA) also supports restrictions on unfunded mandates.

¹⁶⁵ N.Y.C. Charter § 1402.

¹⁶⁶ N.Y.C. Charter § 2203.

DSS/HRA suggests local laws requiring expenditures of more than \$1 million or 10% of agency's City Funds budget should require specific budget appropriations to fund enactment.

- The Department of Small Business Services (SBS) seeks to clarify the agency's functions by removing the Public Utility Service¹⁶⁷ and codifying the Mayor's Small Business Advisory Commission into the Charter.
- The Business Integrity Commission (BIC) proposes moving the regulation of private towing companies from DCWP to BIC.
- The Department of Correction (DOC) also supports limitations on unfunded mandates by requiring consultation with entities on safety, operational, and fiscal challenges. DOC proposes clarifying the chain of authority to assign authority to the First Deputy Commissioner if the Commissioner is absent. DOC also suggests revising the agency's duties to remove agency authority over prisoners requiring hospital care while awaiting arraignment.¹⁶⁸
- The Mayor's Office of Talent and Workforce Development (WKDEV) recommends formalizing the creation of its office into the Charter.
- The Department of Transportation (DOT) requests administrative reforms including aligning language with federal standards, reducing public hearing requirements, and granting agencies the ability to issue financial grants with partners. DOT also seeks to expand jurisdiction

¹⁶⁷ N.Y.C. Charter § 1306.

¹⁶⁸ N.Y.C. Charter §§ 622-625.

over sidewalks including standardizing the approval process for sidewalk and roadway cafes and streamlining the process of adding e-bike charging cabinets on streets.

- The Mayor's Office of Contract Services (MOCS) recommends removing the public hearing requirement for contracts with a value of \$100,000 or more in value in an effort to grant flexibility, streamline the procurement process, and adapt to inflation.¹⁶⁹ As an alternative, MOCS suggests the Procurement Policy Board determine the threshold for public hearings.

¹⁶⁹ N.Y.C. Charter § 326(a).