



Charter Revision Commission

Written Testimony

Volume I

A - MAR

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THE COUNCIL OF
THE CITY OF NEW YORK

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**NYC Council Speaker Adrienne E. Adams’
Testimony to the Charter Revision Commission**
June 20, 2024

Thank you Chair Scissura and members of the Charter Revision Commission for the opportunity to provide testimony.

The Commission Should Proceed Deliberately and Ensure Public Engagement

A Charter Revision Commission is a significant effort, and the objective of any such commission should be to improve good governance in our city through comprehensive review of the entire City Charter, as it is mandated to do by state law. A thoughtful and thorough process can yield positive, balanced proposed changes to the Charter to make government more responsive, transparent, and effective.

This serious undertaking, while daunting, should be accomplished with ample, sufficient time and energy. For example, the 2019 Charter Revision Commission (CRC) held multiple rounds of public hearings across the city, and over 150 New Yorkers testified in person regarding hundreds of ideas for Charter amendments. It was established in December 2018 and issued its final report eight months later in August 2019. The Commission convened expert forums that were open to the public to more closely examine many of these proposals and heard expert testimony from around the country on the experiences of other cities and states on ideas being considered, wherever relevant. The 2019 CRC held hearings on its preliminary report to ensure the public was engaged at every step of the process.

Fortunately, there is still sufficient time for this Commission to do its critical work—the law permits that the Commission can continue to operate until the General Election in 2025, at which time ballot proposals could be considered by voters. There is no sound reason to short-circuit this process and submit one or more questions to the voters before that time, which would be hurried and underdeveloped. A rushed process would only undermine the Commission’s ability to successfully carry out its stated mission of reviewing the entire City Charter and put forward thoughtful proposals. I urge the Commission to avoid this detrimental outcome that would risk significant harm to good governance and democracy in New York City.

I also want to address reports and assertions about the purported origin of the Commission. It has been reported and confirmed that the idea for the Commission emerged from complaints voiced during a May 2, 2024 meeting regarding purported lack of ability for the public to provide input on City Council legislation. This is unequivocally incorrect and ignores the reality of long-established policies and procedures for city legislation. The City

Council's process for legislation always includes formal pathways for the public to provide input. Every bill has a public hearing, where any member of the public can either testify in-person or virtually; they can also submit written testimony without attending. Translation is often provided to members of the public upon their request. All hearings are webcast and all testimony received is added to a public record that is readily available through the Council's website, along with the archived webcast and transcript of the hearing. The public is always encouraged to provide its testimony, because the Council utilizes hearings to inform lawmaking and policy decisions. In fact, the bill that was specifically referenced in that meeting was the subject of a hearing that extended to nearly five hours of testimony by Administration officials and members of the public with a diverse array of perspectives. There are reasons to establish a Charter Revision Commission, but the rationale asserted is not a credible one.

The Commission Should Allow Voters the Opportunity to Vote on Advice and Consent

In addition to providing the time necessary for the Commission to properly review the entire Charter and thoughtfully consider public ideas for its amendment, the Commission should not simply advance a rushed proposal to deny voters the ability to decide whether to expand City Council advice-and-consent of additional agency commissioners.

On June 6, the Council passed Introduction 908-A (Int. 908), which would subject 20 additional agency commissioners to advice and consent for appointment. The Council has a record of effectively working with the Administration on appointments that require advice and consent, including during the current Administration, where over 35 appointments have been approved. Given that there are more than 80 such positions in which advice and consent could be extended, the addition of these 20 agency commissioners to the existing process would be an incremental change that increases transparency and enhances good governance.

State law requires that Int. 908 be approved in a referendum before it can become operative. As such, the legislation stipulates it to be submitted for approval at this year's General Election. The 2019 New York City Charter Revision Commission submitted five questions at the General Election that year, one of which included a proposal to subject the Corporation Counsel to the advice and consent of the Council. That proposal was approved by the voters with 77.4% voting in favor.

However, state law also holds that a mayor-created Charter Revision Commission proposal "bumps" a referendum question derived from a local law. This means that, if this Commission chooses to rush its process of reviewing the entirety of the Charter, engaging with the public, and making a submission of one or more questions to the voters by submitting for this year's General Election, it will deny New Yorkers the opportunity to vote on Int. No. 908.

New Yorkers deserve the right to vote on Int. 908 and denying their ability to exercise it would be undemocratic. It would raise the question of what the Administration and Commission fear in allowing voters to determine this through the democratic process. The Commission has the power to ensure this doesn't happen and should utilize these powers to do so. Taking more time to consider ideas for Charter revisions comes with the additional benefits of allowing additional time for the public and experts to engage, thoroughly review, and complete public education on the eventual proposals.

Charter Revision Proposals for the Commission

A Charter Revision Commission that considers improvements to the important issues of fiscal responsibility and public safety should conduct a comprehensive assessment. In doing so, it would be difficult to ignore the lack of transparency in how agencies spend money as a problem to address, given that these funds are taxpayers' dollars. Additionally, there is a lack of confidence that there will be accountability when civilians are harmed by incidents of misconduct committed by individual members of the New York City Police Department, despite a small proportion of officers within the department being responsible for most incidents. In considering ways to achieve improvements in these areas of city government, the Council recommends consideration of the following ideas:

Proposed Unit of Appropriation Amendment

The Council recommends amending the Charter to ensure adherence to its mandate that units of appropriation correspond more closely to the various functions, activities or programs of each agency as the framers of the Charter intended.

Under current law, the Charter states that each unit of appropriation (U/A) represents an amount requested for "a particular program, purpose, activity, or institution." The Charter also says that a single U/A may only represent amounts "for more than one particular program, purpose, activity or institution" if the Council has passed a resolution on the inclusion of multiple programs, purposes, activities or institutions in a single U/A (Charter § 100(c)).

Current budgeting practices are not in compliance with these standards in the City Charter and undermine transparency for the taxpayers whose money is being spent and the Council's ability to perform its Charter-mandated budget responsibilities.

According to the Charter, the units of appropriation are the legal "building blocks" which comprise the budget and are intended to be highly descriptive in order to facilitate the Council's and the public's understanding of agency spending and performance. However, the units of appropriation set forth in the Expense Budget submitted by the Mayor are generally broad and wide-ranging. Multiple agency programs may be contained in one or a handful of units of appropriation and funds are transferred between programs without the required oversight or accountability. The Charter expressly prohibits large, multi-purpose U/As without a resolution adopted by the Council and such a resolution has never been submitted by the Mayor or adopted by the Council.

When the units of appropriation do not properly reflect the programmatic activities of the agency, the budget becomes a less honest representation of the City's priorities. As intended by the 1989 Charter Revision Commission -- smaller, programmatic units of appropriation enable the Council and the public to conduct more in-depth oversight of City agencies and better understand the Mayor's priorities and to adjust program funding levels.

A Charter amendment clarifying definitions and/or creating restrictions on having a majority of an agency's spending in a single unit of appropriation would reform the current U/A structure so that the U/As would actually reflect substantive, programmatic functions of each agency --ensuring compliance with the Charter requirement that a unit of appropriation (whether for personal or other-than-personal services) could not extend

beyond a single program, purpose, activity, or institution, unless the Council adopted a resolution (either on the recommendation or with the approval of the Mayor).

Proposed Civilian Complaint Review Board Amendment

The Civilian Complaint Review Board (CCRB) was created to ensure accountability when police officers abuse their authority or engage in misconduct, but currently, they do not have enough funding to investigate all the complaints within their jurisdiction. This Administration has repeatedly resisted providing the agency with the resources it needs within the city budget to perform its mission and core responsibilities, despite the Council's advocacy. It is crucial to shift the CCRB's guaranteed budget model from a "guaranteed headcount" model to a "guaranteed dollar amount" model based on the NYPD budget. This change will allow CCRB to better address their specific staffing and operational needs, providing the necessary flexibility to adapt to the evolving demands of their work.

The 2019 Charter Revision Commission led to the adoption of an amendment that mandated CCRB's personnel budget be at minimum sufficient to fund CCRB personnel headcount at least equal in number to 0.65% budgeted headcount of uniformed members of the Police Department, as determined to be consistent with published budgeted headcount documents of the Office of Management and Budget (OMB). As we've learned, this funding structure has failed to provide CCRB with adequate funding to keep up with an increasing workload. The problem is a disconnect between the number of positions that CCRB is theoretically able to fill and the amount of money OMB allocates for salaries for available positions. For example, CCRB has an extremely high turnover rate of investigators, a position that requires a four-year degree, and has a starting salary of \$46,000/year. At that pay scale, CCRB is unable to retain talented staff members. The agency is reliant on OMB to approve promotions and raises which are regularly delayed or denied.

Amending CCRB's funding structure to guarantee a total overall budget amount instead of a minimum headcount would resolve this operational problem and make New York City's funding for civilian police oversight comparable with other major cities. In both Miami and Chicago, the funding for civilian oversight is guaranteed to be at least 1% of the budget for the police department they oversee. In Fiscal Year 2025 (FY25), the NYPD's proposed budget is \$5.4 billion with 35,000 uniformed officers. If New York City were to adopt the Miami/Chicago model, CCRB's projected budget would be \$54 million, more than double what Mayor Adams' proposed in his FY25 Executive Budget.



Memo

To: Charter Revision Commission

From: Rachel Amar

cc:

Date: 6/25/2024

Re: For consideration by the Charter Revision Committee

Currently the City Charter contains this language:

Section 815.3. Anti-racism and anti-racial discrimination trainings.

a. *Definitions.* For purposes of this section, the terms “agency” and “interactive training” have the same meanings as in section [815.1](#).

Employee. The term “employee” means employees, interns, independent contractors, and volunteers of city agencies.

Independent contractor. The term “independent contractor” means an independent contractor of an agency, or an employee thereof, who communicates with one or more city employees for at least one hour each week in work for the city which is anticipated to extend for not fewer than four weeks.

Volunteer. The term “volunteer” means an individual who, other than a city employee, is appointed to and serves without compensation on a board, commission, committee or other body created by law, rule or executive order, the expenses of which are paid in whole or part from the city treasury.

b. The department, in consultation with the office of racial equity and the commission on human rights, shall create and update, as necessary in the view of the department, an anti-racism and anti-racial discrimination training for agency employees. Such training shall be an interactive training, the purpose of which shall be to enable agency employees, including supervisory and managerial employees, to identify, respond to, and combat racism and racial discrimination in the workplace.

c. The department, in consultation with the office of racial equity and the commission on human rights, may create a unique version of such training for any particular group of agency employees to ensure that:

1. The information covered is relevant to such employees in light of their particular duties or work environment; and

2. The training avoids duplication with other trainings such employees are required to complete pursuant to federal, state, or local law.

d. Each agency, in consultation with the department, shall ensure that each of its employees completes such training at least once per year. Such training may be provided in combination with other trainings provided to the agency's employees.

e. Notwithstanding any other provision of this section, an agency may satisfy its obligation pursuant to subdivision d of this section using an alternative training, provided that the department, in consultation with the office of racial equity and the commission on human rights, has reviewed and approved such training for such purpose. Any such approval shall be valid for no longer than 5 years.

(L.L. 2024/014, 1/6/2024, eff. 7/1/2025)

Consider adding these UN suggested recommendations around antisemitism under the training sections in the City Charter:

1. Adopt and communicate a zero-tolerance approach to antisemitism, hateful statements, and incidents.
2. Coordination of local incidents with the federal government.
3. Ensure all of society can recognize antisemitism and know the facts of the Holocaust.
 - a) The City should use the IHRA Working Definition of Antisemitism as a non-legally binding educational and training tool and ensure it is incorporated, together with relevant human rights standards-based guidance on protecting freedom of opinion and expression, into training and educational materials for all public officials, such as police, prosecutors, and judges, government employees, educators, and national human rights institutions, and integrated into diversity and inclusion programs. Training and educational materials should recognize and reflect that antisemitism is often expressed in coded language and illuminate this phenomenon with contemporary and context-specific examples.
 - b) we should ensure that education about the manifestations and impact of antisemitism faced by Jews and Jewish communities and accurate educational material about the Holocaust, contemporary Holocaust denial and distortion, and the history and contribution of Jewish communities to society is made available at all levels of the educational system and ensure

educators receive instruction on addressing the Holocaust and antisemitism, with reference to the "Words into Action" materials developed by UNESCO and OSCE/ODIHR and to the IHRA Working Definition of Holocaust Denial and Distortion.

Government should invest in developing high-quality educational materials on hate and bias that seek to foster critical thinking and media and digital literacy in order to enable young people to resist, counter and challenge antisemitic prejudices and stereotypes; they should also review curricula, textbooks and other educational materials to ensure

that that they are free of stereotypes, and that ethnic history, life and culture are presented in a comprehensive and balanced way.

c) The City of New York and the DOE should provide training opportunities for teachers and educators that utilize and promote effective, research-based pedagogies to address antisemitism and all forms of hate through education and to respond to incidents of antisemitism and all forms of hate in classrooms and in educational environments. These training materials should also include the IHRA Working Definition of Antisemitism and should be made available to administrators, teachers, and other relevant staff and faculty, together with guidance on applicable international human rights standards on guaranteeing freedom of **expression ensure**. Educational institutions should ensure that addressing antisemitism is included in school policies, including Diversity, Equity and Inclusion initiatives; and ensure that all students have recourse to confidential complaints mechanisms where concerns about antisemitism can be raised and brought to the attention of officials that have received training on addressing such complaints in accordance with human rights standards.

4. Improve efforts to monitor, record, and publish data on antisemitic and all hate crimes and incidents and support victims of antisemitism and all hate crimes.

5. Ensure Jewish communities' physical safety and ability to practice their religion

6. Curb the spread of harmful antisemitic and hate towards any ethnicity narratives online while appropriately safeguarding freedom of expression

7. Express solidarity with Jewish communities and strengthen intercommunal and interfaith cooperation



June 17, 2024

To the members of the New York City Charter Revision Commission,

On behalf of the Asian Pacific Americans Voting and Organizing to Increase Civic Engagement (APA VOICE) coalition, we are submitting a public comment on the benefits of ranked choice voting (RCV) and advocate for its continued implementation in elections in New York City.

In 2019, 73.5% of New York voters (one million total!) elected to change our voting system to ranked choice voting (RCV). Ranked choice voting makes our democracy more equitable by giving voters more choice at the ballot box and increasing voter participation. RCV eliminates the need for costly runoff elections and avoids the decline in participation that occurs in most primary and runoff elections. RCV also encourages positive campaigning, as candidates seek second-choice votes from their opponents' supporters. This system ensures that votes are not wasted when a candidate drops out late in the race. As a result, RCV promotes broader consensus support and reduces negative, polarizing campaigns.

In 2021, ahead of the first citywide RCV elections in New York City, APA VOICE led significant efforts to educate Asian American New Yorkers about the new RCV system. We organized seven candidate forums, registered new voters, and reached out to over 100,000 Asian Americans through phone banking, tabling, and community events. These efforts were crucial in informing voters about the electoral process and RCV, particularly in immigrant communities. The success of these initiatives was evident in the historic 2021 elections, which saw the most diverse City Council in New York City ever, including several Asian Americans; the first Muslim, Korean, and South Asian Americans; more than two-thirds people of color; and a majority-female City Council.

Ranked choice voting has shown to enhance voter engagement and support coalition-building campaign strategies in New York City. As New Yorkers become more familiar with the RCV process, we strongly advocate for the continued implementation and education of RCV to uphold and strengthen democracy and equity in New York City's voting process.

Asian Pacific Americans Voting and Organizing to Increase Civic Engagement

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AND ADDICTIONS

SUBCOMMITTEES
COVID RECOVERY
AND RESILIENCE

NYC Council Deputy Speaker Diana Ayala's Testimony to the Charter Revision Commission
July 12, 2024

Thank you Chair Scissura and members of the Charter Revision Commission for the opportunity to provide testimony.

A Charter Revision Commission (CRC) is a serious process that should provide legitimate and thoughtful ways to improve the City Charter, good government, and democracy. This undertaking requires due diligence, and it is too important to be rushed and done in haste. Recent Charter Revision Commissions have taken their time over several months, taking steps to adequately ensure members of the public can voice their opinions and meaningfully engage in the process. They have also sought to seriously assess proposals.

Yet, this current Charter Revision Commission, appointed by Mayor Adams, appears to be attempting to review the entire City Charter, propose changes to it, engage New Yorkers and experts for input, and put forth new ballot proposals to alter the City's constitution in less than two months.

This rushed timeline is an affront to a constitutional process that is essential for a healthy representative democracy to flourish and undermines the goal of advancing good government by cutting short its vital steps.

The 2019 Charter Revision Commission, for example, was established in December 2018 and issued its final report eight months later, in August 2019. That Commission convened expert forums that were open to the public to more closely examine proposals and heard testimony from experts around the country on the experiences of other cities and states on ideas being considered, wherever relevant.

The Mayor's Charter Revision Commission has fallen short of these basic engagement expectations established by previous commissions, and thus participation by everyday New Yorkers unaffiliated with organizations has been lacking.

A rushed process, like the one proceeding, inhibits the Commission's ability to successfully carry out its stated mission of reviewing the entire City Charter and putting forward thoughtful proposals. The Commission should avoid an outcome that would undermine good governance and democracy in New York City. It can do this by not rushing to introduce new ballot proposals for the 2024 General Election, and instead utilizing its entire term that runs well into 2025 to offer sound ballot proposals next year after taking the necessary time and efforts required of a constitutional process.

The Commission should not rush to develop new ballot proposals simply to deny voters the ability to cast their ballots on an existing proposal to expand advice-and-consent for additional agency commissioners, a local law that was recently enacted after inaction by the Mayor within 30 days of its passage and requires voter approval to take effect. New Yorkers' right to vote on this existing proposal should not be undemocratically blocked by this Commission.

The reported origin and subsequent focus of this Commission on the City Council's legislative process, with assertions about the ability of the public to provide input on City Council legislation, have been inaccurate.

They ignore the reality of the Council's long-established policies and procedures for city legislation that include multiple pathways for the public to engage and provide input, which are utilized to inform lawmaking and policy decisions.

Every bill has a public hearing, where any member of the public can either testify in-person or virtually; they can also submit written testimony without attending. Translation is often provided to members of the public upon their request. All hearings are webcast and all testimony received is added to a public record that is readily available through the Council's website, along with the archived webcast and transcript of the hearing.

Providing the public with ample opportunities to provide feedback and input is critical, which is why the Council accepts written testimony for legislation up to three days after a hearing is held.

Yet, the Mayor's Charter Revision Commission is only accepting written testimony until July 12, despite having another public hearing when the public can testify on July 22.

A recent report by Citizen Union, a good government organization, found that the Council typically spends over 280 days reviewing a bill between introduction and the final vote. For all pieces of legislation, the Council encourages robust engagement with stakeholders and is committed to reviewing public feedback.

For example, during last month's hearing on the FAIR Act, proposed legislation to reform the broker fee system, the Committee on Consumer and Worker Protection received 330 registrants and heard roughly five hours of testimony from 93 participants in person and via Zoom.

As lawmakers, we understand that engaging with New Yorkers on critical policy issues is not always easy. It's imperative that our legislative processes provide the space, time, and

opportunity for the public to weigh in on crucial legislation, unlike what is taking place with this current Commission.

This due diligence is the core foundation of our democratic process, and a practice that we must continue to uphold to advance a truly transparent and representative democracy. We urge you to avoid rushing to develop new proposals for the November 2024 ballot in such a short period of time, because they will alter our city's constitution for years to come and undermine our government and democracy.

Sincerely,

A handwritten signature in black ink, appearing to read "Diana Ayala". The script is cursive and fluid.

Diana Ayala
Deputy Speaker



THE COUNCIL
OF
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CITY HALL
NEW YORK, NY 10007

**Testimony of Jeffrey Baker,
Deputy Chief of Staff for Legislation and Policy,
New York City Council
to the New York City Charter Revision Commission
July 22, 2024**

Good evening, Chairperson Scissura, Vice-Chair Dukes, and members of the Commission. I am Jeffrey Baker and I serve as Deputy Chief of Staff for Legislation and Policy for the New York City Council, a position I have held since 2022. Prior to my current position, I was the Director of the Legislative Division at the City Council for five years, and I have served at the City Council in the Legislative Division for over 18 years.

It is an honor to testify on behalf of the Speaker in her role as the leader of the City Council. Today, my comments will be focused on the City Council's legislative process.

The Council as a Model of Openness and Transparency

To begin, I wish to correct some misconceptions on the legislative process as outlined in this Charter Revision Commission's Preliminary Report.

The Preliminary Report, released June 25, 2024, stated that "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." While I acknowledge that it is possible to pass legislation in as little as two weeks—or even more quickly with a Message of Necessity from the Mayor—our members, unions, advocates, and other stakeholders would be shocked to learn that this is our "practice."

The reality is that the New York City Council is a highly deliberative consensus-building body that goes beyond all legal requirements for legislative process. And is a model for public engagement, openness, and transparency.

In 2023, the last full year for which legislative data is available, the Council enacted 174 Local Laws. The average time between the introduction and the adoption of those laws was 236 days (or about 8 months).

I will briefly outline the Council's actual legislative practice:

The public life of proposed legislation begins when it is introduced at a Council Stated Meeting or is heard in a committee hearing "pre-considered" immediately prior to its introduction. Once legislation (commonly known as a "bill") has been introduced, any

member of the public is free to engage with the sponsor, other members, the Speaker, and the staff from the Legislative Division, to express their support or opposition. Speaking only for the Legislative Division, it is common for stakeholders to request meetings with us to discuss legislation before it has even been heard.

All legislation passed by the Council will have at least one public hearing at which testimony from stakeholders and the public is taken. When a bill is calendared for a hearing, the Council makes best efforts to give 14-days' notice—which is far more than the 72-hours required by Council Rules. This is intended to give the Administration, stakeholders, advocates, and the public enough time to thoroughly prepare and to adjust their schedules so that they may appear.

Since 2020, the Council permits all members of the public to testify remotely via Zoom to facilitate engagement. Any member of the public is permitted to sign up through a link on the Council's web page, and except for certain budget hearings, the sign-up period remains active throughout the entire hearing, meaning that, as long as you sign up before the hearing is gavelled out, you will be permitted to speak.

Hearings are all also open to in-person participation by the public. Any person may attend an initial hearing, fill out a witness slip with a Sergeant-at-Arms, and they will be called to testify.

Additionally, the Council permits written testimony to be submitted for any hearing by any person up to 72 hours after the hearing has closed. This can be used by persons who testified to supplement the record, or by persons who were unable to attend and participate, and can even be used to refute points raised by other testimony at the hearing.

The Council does not limit public participation at initial hearings in any way, and it is common for public hearings on prominent issues to last eight or more hours. Where necessary due to the volume of testimony or technical issues that have prevented someone from testifying, the Council has adjourned and reconvened the hearing at a later date to make sure that we have heard from all persons who wish to speak.

The Council also accommodates ASL, CART, simultaneous interpretation services for audience members both in person and on Zoom, translations services for individual witness testimony, and other accommodations upon demand. Although we ask for 3 days' notice, we will honor any request made with less than 3 days' notice to the best of our ability.

By the end of the week following a hearing on any bill, Legislative Division Staff engages with the Law Department and the Mayor's Office to discuss potential legal concerns related to the bill. Staff then review the testimony submitted and will make recommendations for potential amendments.

As the legislation progresses, we stay engaged with stakeholders, frequently sharing updated drafts, and soliciting additional feedback.

For almost every bill our principal stakeholder is the Administration and its agencies. To ensure that we are getting the best possible feedback in a timely manner, we share with City Legislative Affairs our proposed legislative calendar in advance. The Council strongly believes that, even where we have differences in opinion on policy objectives, the practical operational-level feedback we get from agencies is invaluable to crafting legislation that

works for the people of New York. Over the last several years we have worked with CLA and city agencies to improve the bill negotiation process.

Prior to any bill being finalized, it is presented at least once to the Democratic Conference, at which members may voice their concerns, concerns raised by stakeholders or their constituencies—or even the Administration—and to suggest additional amendments. Frequently, this results in changes to the bills.

Bills are then “aged” by placing them in hard copy on the members’ desks seven days (exclusive of Sunday) prior to the Stated Meeting at which we intend to pass them. They are made available in electronic format on the Council’s website shortly thereafter.

Throughout this entire process the Council tracks all correspondence received for or against every bill.

To directly address the concerns raised in the Preliminary Report that the Council’s legislative process affords “limited opportunities for public input or consultation with experts, affected agencies, and critical stakeholders,” I want to reiterate that:

- Any person may correspond with or ask to meet a Sponsor, or any member of this body, or the Legislative Staff, including myself, to discuss any legislation at any time after it has been introduced.
- Any person may testify remotely or in person at any initial public hearing on legislation.
- Any person may submit testimony in writing for inclusion on the record following any public hearing.
- Any person may send letters of support or opposition to any legislation at any time.
- The Council actively engages with the Administration and city agencies.
- And the Council actively solicits feedback from stakeholders and experts known to us.

The Particular Example of the How Many Stops Act

Specific concerns were raised about Introduction 586 (Local Law 43 for the year 2024) also known as the “How Many Stops Act.” The concerns expressed were that “critical stakeholders ... are afforded only limited opportunities to provide input after introduction,” and that there is an “absence of consultation and deliberation.”

I would like to refute that.

First, Introduction 586-2022 was originally introduced in the prior session. The Public Advocate, Jumaane Williams, reintroduced this bill on July 14, 2022, and it bill was heard in the Public Safety Committee on March 27, 2023—256 days after its introduction.

That hearing lasted over four hours. Testimony was received from the NYPD, the Law Department, CCRB and twenty other witnesses. More than twenty organizations and individuals submitted written testimony.

In the 268 days between that hearing and the bill’s enactment. Legislative Division Staff met multiple times with various stakeholders on the package of legislation that included Int. 586, including seven formal meetings between May and December of 2023 with representatives of the NYPD and the Mayor’s Office. Throughout these discussions, the Council repeated

asked NYPD to suggest compromise language that would address their concerns but keep level 1 stop reporting. That language never materialized.

During this time, we also received 568 pieces of correspondence on this bill.

In July of 2023, the bill was presented in the Democratic Conference to solicit feedback from Council Members. It was presented a second time in early December.

If anyone was interested in making their opinion known on this legislation in the 524 days between this bill's introduction and its approval by the Council, all they had to do was send an email or pick up the phone. To suggest that "critical stakeholders" had no idea what was happening, or no idea how they could contact the Council to express their concerns, is absolute nonsense and does not warrant sincere consideration.

Contrast with the Administration

Finally, I want to contrast the Council's legislative process with that of the Administration.

Part of the reason the Council's legislative process has drawn any attention is because it is open and transparent. That fact invites criticism. But most of the decisions that the Mayor and city agencies make daily affecting operations and policy require no public process at all. No fiscal impact statements are required, no public input is solicited, and no explanations are given. And because there is no public process for these decisions, our attention is focused on fine tuning the public process of one branch of city government that actually has one.

Frequently, the only meaningful debate on the Mayor's public policy decisions occurs at the Council, at oversight hearings, or while considering legislation. Weakening the Council's ability to impact policy through legislation only empowers the office of the Mayor to set policy with no input whatsoever.

Furthermore, when the Council is considering a bill that affects the operation of city government we always engage with the agencies or entities that we are regulating. We welcome the expression of legal, fiscal, logistical, and operational concerns. And we make amendments where we can without sacrificing the policy vision of the Council.

As I testify today, we are three days away from what will likely be your final vote to approve ballot measures that may directly impact the operations of the New York City Council. And which may have serious implications to how public policy is formed in New York City. And as of today, no one knows what those measures will be. No one has been given an opportunity to meaningfully comment on them. And no one will have an opportunity to improve them through debate and public discourse. Least of all the entity you are seeking to regulate.

If this Charter Commission is legitimately concerned about the ability of stakeholders to provide input during the legislative process, then it must recognize that it is currently engaged in a legislative process, and it is failing to meet even the most basic requirements for openness and transparency.

End testimony.

Reform the City Charter to Help Make New York City Work Better

May 31, 2024

by Corey Bearak, Esq.*

One can argue the merits and timing on the most recent Charter Commission appointed by a Mayor. When I served in government, I saw mayors appoint commissions that effectively thwarted plans by the City Council to put one of its priorities to vote as a referendum. It is fair game.

It is also fair game to share reforms to this Commission appointed by Mayor Eric Adams and chaired by Carlo Scissura, and lead-staffed by Executive Director Diane Savino. As the fundamental governing legal document for our City, the City Charter provides in both outline and, often in specific details, how our City operates, as well as the obligations of those – electeds, civil servants, appointees and others – involved in the processes of our municipal government.

While the Mayor emphasizes safety, the appointment of any charter commission ought not lose any opportunity to consider and propose for the November ballot reforms that make sense.

I'll start with something rather current relating to the setting of water rates: Make elected officials accountable by barring mayoral rate-setting boards and authorities from imposing budget allocations unless the Council grants such authority, as in the example of the Water Board setting rates after, rather than, as it does now, before the budget's adoption. The current rate-hike include a back-door tax hike by the City re-instituting a wrongful rental payment to itself that gets passed along to City water-ratepayers (homeowners, tenants and/ or their landlords, business).

New York City has become more and more centralized rather than neighborhood focused in addressing problems. Issues and priorities often differ by community and New York City needs to empower communities to address what matters most to them. Not every matter requires a top-down fix. Each year many community groups and community boards – and others – argue during the annual budget deliberations that the City needs to direct resources to meet community needs. Recognize New York City as a region; recognize that the boroughs and neighborhoods offer more effective entities for making decisions on where many services ought to go. We can address that by budgeting for the delivery of city services where appropriate by borough and community district; that includes establishing a mechanism that devolves resource and service delivery to the appropriate borough or local level.

In line with the above, maximize community participation in City approval of (all) concessions for private use of public spaces, including parkland, by involving the Borough Presidents, Council Members and Community Boards in formulating rules defining and governing major concessions. The 1989 Charter revision required the City Planning Commission to propose rules governing the approval of so-called major concessions but the rules adopted (which the City council lacks the power to change) excluded too many uses most would consider “major” and thus subject to the City Charter's community review provisions.

Also, empowering the City Council to review Board of Standards and Appeals dispositions, a power held by the Board of Estimate but not passed on as part of the major charter revision after the Board of Estimate was ruled unconstitutional. Many communities express concern about an ability to challenge Board of Standards and Appeals decision because the only alternative is a costly court suit. This creates a divide of have and have-not communities in addressing questionable BSA decisions.

The discussion over City of Yes also brings into focus a further compelling need. I often emphasize that this scheme to make to many land uses as-of-right throughout the City makes absolutely no sense and runs counter to the community-based planning embedded in the City Charter going back to the creation of community boards and enshrinement of community review. Community Boards remain woefully understaffed and especially need resources to hire a planner to empower board to become proactive, in concert with their council member and borough president in identifying and addressing needs best addressed through zoning and land use. My friends on Long Island call it smart growth; indeed a bunch of Long Island communities and projects receive “Smart Growth Awards” on June 14 from Vision Long Island.

That greater engagement should include ULURP public review (which includes Community Board, Borough President and City Council review and oversight and approvals) for all residential, commercial, industrial and public (agency) developments that occupy a city block or more, and all public agencies’ projects, whether or not a zoning or permit change is required.

The Charter also needs to set a proportion of funding to empower a needed greater role for the borough presidents in local land use planning for their boroughs, allocation of agency resources within the boroughs, overseeing local implementation of the capital budget and greater oversight of the delivery of city services in their boroughs; this includes creating distinct borough-based planning and zoning offices under supervision of each borough president.

New York City's tax policies wrongly subsidize extra illegal occupancies that crowd some schools in our neighborhoods. The City similarly fails to collect the correct taxes from the illegal commercial uses of these homes. Citywide, these failures cost taxpayers over one billion dollars. This amount could be dedicated to build affordable housing to help relieve the demands that help fuel illegal development.

Everyone talks of transparency and putting more info on the web. In terms of transparency, rather important when it comes to measuring the performance of city agencies, shift responsibility for preparations of the Mayor’s Management Report (MMR) to the Independent Budget Office and renaming the document the Independent Management Report. Further, the city council lacks authority to require reporting in the MMR. Requiring reports or imposing terms and conditions in the budget do not seem to provide the same attention as the ability the council currently lacks to requires reporting of data in the MMR. Thus, empower the City Council to require reporting by mayoral and city agencies of essential data in the MMR. [Examples include: precinct staffing; borough command staffing; specialized unit staffing; 911 Response Times to Crimes in Progress [CIP] to identify areas that may need more attention by Borough and Precinct, and segmented by Critical, Serious, non-Critical and overall response times; and efforts to maintain the City’s watershed, including DEP’s compliance with federal and state mandates to maintain the quality of NYC’s drinking water.]

Since the Mayor charged the commission with public safety, it remains long overdue to create an independent Civilian Complaint Review Board (CCRB) by base-lining its funding as a percent of the NYPD budget, and establishing a mechanism to make the appointed CCRB members more reflective of the City and controlled less by City Hall.

Following the above logic, base-line the budgets of the borough presidents, the public advocate, the comptroller and the community boards.

I conclude with one needed correction of a mistake by the last commission. Rescind term-limits for Community Board members; the appointing borough presidents and council members have sufficient power to make any changes. Community Board need not face wholesale replacement of capable volunteer public servants by statute; every two years, the appointing electeds have the ability to remove and replace and add as they believe makes sense; that remains sufficient and in the public interest.

Many of the above were part of Community Board 13 [resolution](#) approved in response to a prior Charter Revision.

If we bother with charter reform, let's do something meaningful. The aforementioned initiatives meet that benchmark

*Government & Public Affairs Counsel Corey Bearak advised a City Council Member and Borough President on Charter revision during more than two decades in City Government, serves Queens Community Board 13 where he has chaired numerous committees including on City Charter Reform during over three decades there, was a founder of the borough-wide Queens Civic Congress and its second president.

My name is Valerie Bell and I'm the mother of Sean Bell, who was murdered on his wedding day by the NYPD 18 years ago. I'm a grandmother and I've been active in civic affairs for decades.

I'm testifying to call on the Charter Commission to do the right thing and not put anything on this November's ballot. The NYC charter is like our constitution – any changes should be thoughtful, there should be plenty of time for New Yorkers like me to consider the changes and they shouldn't be rushed through in weeks the way this is being done.

I didn't even hear about this commission until a few days ago – and most New Yorkers still don't know it exists. I'm concerned you're operating in a rushed and last-minute manner, as if it's an emergency - but that's not the case unless this is just about politics and not about the well-being of our city.

I've been active in public safety and police accountability issues for years and I know that it's always a long and multi-step process to try to pass any kind of legislation for police accountability and public safety. Those processes already give too much deference and power to the police -- and it's very hard to have anyone else's voices heard, even the voices of families like mine whose loved ones were murdered by the NYPD. The recommendations you're considering for public safety and fiscal changes are bad and seem like they will just create more obstacles to making NYC safer.

I was very disturbed to hear about what sounds like biased treatment of the sister of Shantel Davis and the brother of Allan Feliz in the public safety hearing you held, just a few days before the commission recommendations were published last month. Natasha Duncan and Samy Feliz were muted without even being warned or allowed to complete their sentence or thoughts while others were allowed extra time to wrap up their comments and even encouraged to send more comments in writing. That's disrespectful and unfair and it makes me concerned about this whole process.

The fact that the only so-called public safety "experts" you had were city agencies like the NYPD and police unions also makes it seem like your commission is operating with a lot of bias. The families and groups I work with have been long-time experts in police accountability and public safety but it doesn't seem like our voices matter to you. I'm disappointed because some of you have supported my fight for Sean in the past but allowing the misinformation some of you have put out about legislation like the How Many Stops Act, makes it seem like you might be working against us when it comes to fighting to make sure there's no more Seans.

I have more to say, but I'm going to wrap up by repeating that I am calling on you to not put anything on this November ballot. You have a choice – there is no law that says that you MUST put something on the ballot – you can refuse to put anything on the November ballot and I hope you choose that. Don't move forward just because you can, that's bad policy and it's not good for democracy or safety.

Robert L. Bieder
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Charter Revision Commission

I feel that the city would operate more efficiently if the local borough commissioners were appointed by the Office of the Borough Presidents. This would make the commissioners more responsive to the people of the borough of which they are appointed. All too often we are forced to go to citywide commissioners to get things done.

I would also like to see one day block party permits issued directly from community boards instead of SAPO. SAPO requires 90 days' notice and only issues permit within a day or two of the events. They do not co-ordinate the events with sanitation, police or fire department as needed. The local community boards are better equipped to handle this type of permit.

The term limits for community board members should be repealed since they serve a two-year term at the discretion of the borough president and can be removed at any time for cause, therefore, there is no reason for term limits.

Any citywide non-ULURP text amendments should be given 120 days to review. The current proposed amendment to the city zoning is over 1300 pages long and community boards as well as others are not given enough time to analyze the impacts.

Along with other agencies NYC school districts should also be coterminous with community boards.

Respectfully submitted,

Robert L. Bieder

**Statement of Lauren Bond
Manhattan, New York
Committee on Technology Hearing
June 7, 2023**

I am Lauren Bond, I lived West side midtown 14 yrs, 4th district.

Feb. 21, 2020, nine “5G” cell towers began operating on the rooftop 325 W. 37th St, 40 and 90 feet from my windows. I had a safe place to live before cell towers were installed, changing my life overnight.

With concern regarding the Giant 5G tower installations:

I know of 2 buildings in Manhattan, East Village and Manhattan Plaza, with tenants suffering constant exposure to emf from small 5g cell towers, whether from the roofs on their buildings, or nearby. These people are living in their bathrooms, sleeping on their floors, closets, in their cars, seeking a way to escape the painful exposure. Please know, along with immediate emf from local towers, radiation from more distant small 5g towers increase the total emf levels of exposure people are receiving.

My own experience,

On Feb. 21, 2020, nine “5G” cell towers began operating outside my apartment windows on the roof of the building across to my apartment. Six towers were approx.40 feet, and three were within 90 feet distance from my windows, in contrast to the proposed 10 feet distance Giant 5G Towers are to be installed by buildings throughout New York City.

During these first two weeks of these 9 small cell towers operating, I experienced severe symptoms, which my doctor confirmed:

• Constant tinnitus	• Burning skin	
• Shortness of breath	• Palpitations	
• Increased pain in eyes, limiting visual function • Insomnia • Severe migraines	• Vertical disturbances through cranium and occipital region simultaneous with horizontal intercranial disturbances extending through the ear canal and sharp stabbing pains extending into all 4 extremities	

Chronology

The injuries started on Feb 21, 2020. My injuries from my contemporaneous notes at the time:

- 2/21/20 Very loud tinnitus began immediately and has continued to present.
- 2/25/20 Began waking after only 3 hours. Unable to return to sleep each night.

On 3/1/20 at 2 AM, I am wakened from a deep sleep gasping for breath. Something heavy is rhythmically pressing on my chest. My heart is racing. I am now sharply alert and not knowing why.

I am seemingly paralyzed. Then, a strong, fiery energy core feeling 6 inches in diameter, enters with a sharp, searing stab through the top of my head. It is excruciating. I observe it surging through the center of my brain. Next it begins searing outward through my ear canals with long-burning razor-like piercing through my head. My brain feels sectioned in 4 quadrants. I remain flattened and pinned on the mattress despite efforts to move and run out of the room. I want to move and can't.

I am horrified, this fiery surge is now continuing to course through my neck to the heart. How far is this going? The fiery searing energy core is so large, charges through and around my heart at once, as though no vessel is there, and now to my arms and hands. It continues straight down the core of my torso. It is extending through my legs. I am fully engulfed in burning, piercing energy.

It isn't over. It now flows up through my body in reverse, and surges down through my body again. This wave descends and ascends through me in the same sequence through my entire body as it had begun, in large, repeated surges. Still, as much as I try, I can't move.

This lasted a half hour. The pain is so much, I can't return to sleep after it stops. It feels unsafe to sleep. My skin is burning. My ears are ringing and burning. I don't know what happened, nor the source of this and how to protect myself, and when it might happen again. I am awake for the rest of the night and unable move. I am very weak.

The following days, burning skin and ringing in my ears are constant, and increase when I am inside the apartment. The intensity of energy present in the apartment is like being inside a fire and incredibly challenging to concentrate on any matter or to sleep.

Now eyes burn with increased intensity and does not abate with more applications of eyedrops. Focusing is more painful. Concentration is strenuous. There is heavy pressure on my heart.

The only changes in this building's vicinity are the cell towers. I identify the company and research the purposes of these cell towers across from me; pursue the owner of that building; and, inquire with my apartment manager in getting information. After multiple tries, we get no response from the owner. I continue researching.

Opening the door to the apartment and walking in, I'm met with a wave of constant sense of fire to the skin, heavy pressure on the heart, rapid heart rate, and an electrical burning and pressure through the brain, and shortness of breath. This was not present in the hall. Each time stepping into apartment, immediate burning, sharp needles, strong pressure on the heart, difficult concentration ensues. Stepping out into the hall, it stops. Being inside the apartment, my condition worsened and I could not continue living in my apartment. The severe damage to my central nervous system and pain continued to increase. My apartment was not safe.

The following days I'm extremely concerned being inside the apartment and stay out. I arrange bedding on the bathroom floor, very nervous to sleep in the bedroom any more. Trying for a couple of nights, the wave is present there, and I was still waking after 3 hours. Reading on ways to deflect, I gather all items that I have, setting them in

the bedroom to secure relief from the constant wave penetrating the apartment and trying sleeping in the bed once more. I'm looking into what to purchase as it is affordable, none of it is, and how to work with the open air HVAC units under my windows. Learning more on this radiation, I discover there is no protection that can be designed to prevent its passage as these HVAC units must remain open.

- 3/5/20 After 3 hours sleep, again, I am awakened gasping for breath. The full event repeats exactly as it occurred 3/1/20 for one half hour. I was truly hoping that night March 1st, was a one-off. It is clear this is a schedule. I am not in any way, prepared for this and have yet a place to go. I need more time. I'm harmed and weaker. I cannot live through a third night of this. I'm seriously injured now, and I don't know that I could survive one more event with this. After spending days researching ways to address or accommodate this environment I'm finding none. I've been continuing contact with the building management with these concerns and seeking a safe room however temporary. They have nothing.
- 3/10/20 Contacts inquiring about cell towers and protections and recourse of safety for New York City residents:

1/ Emailed Mayor DeBlasio, no phone number available. Received case # email.
2/ Called Speaker Corey Johnson's office; referred me to DOITT
3/ Left message: Commissioner Bret Sikoff, DOITT. No response was ever given
4/ Left message: Asst Commissioner for Franchise Andrew Manshel. Responded after one week. Explained DOITT expressly for city properties, not residential.
5/ Spoke with DOITT Imani Charles, explained DOITT information from City Council ofc inaccurate, as it involves city properties, not residential. Recommends 311.
6/ Emailed Manhattan Borough office. Left message. No response was ever given.
7/ Called 311. They refer to DOITT although I explain DOITT states city properties only, not residential. Manager at 311 viewed resources and suggested:
a/ Dept of Bldg, special investigation unit 212-825 2413 for permits and zoning/ No response was ever given.
b/ NYS Pub Serv Commission 800-342-3377 m-f 8:30-4/ No response was ever given.
c/ Community Board #4 212 736 4536:
Delores Rubin, Dist. Mgr, Manhattan Community Board. No response was ever given.
Jesse Bodine Manhattan Community Board. jbodine@cb.nyc.gov 1st Wed @ 6:30, 3rd Wed 10 am Emailed/ No response was ever given. Left phone messages. No response.

- 4/21/2020

Called ADA DOJ ofc, 800-514-0301 directed to HUD Regional NYC ofc
LM HUD Regional NYC ofc 212 264-8000 Spoke a few times with staff and their suggestions toward housing issues. No recommendations regarding cell towers.

- 4/23/2020

1/ Sen Hoylman 212 633-8052 left message/emailed.
2/ Mayor's ofc disability Housing Coordinator Arthur Jacobs 212 788 8948 LM or email: ajacobs2@.....
3/ Speaker Johnson 212-564-7757....Left message.
4/ Assembly. Gottfried 212-807-7900Left message.

It is pandemic lockdown and I have no safe place to live.

Aftermath

March 11, within 2 wks of the initial occurrence, I secured temporary housing with a friend.

My sleep is restored. Yet injuries remain. I'm physically weaker, collapsing every day, a sensation of being neurologically sliced and burned. Migraines easily triggered, with nausea and constant painful sensitivity to light.

Passing rooftop cell towers is painful. I walk blocks around to avoid. My ear canal intensifies with sharp energy moving through my head. tinnitus gets louder My heart races, and feels pushed in, creating a sense of suffocation. Skin feels like burning brush of thin metal bristles.

Migraines with nausea are more easily triggered. Heightened sensitivity to light and tolerance heat also triggers migraines and nausea.

I continue to have a burning sensation 24/7 from my eyes through to the back of my head, and throbbing across to the lower back of my skull. There is constant painful, sharp pressure around the eyes limiting visual function.

Swift, painful intolerance of heat to the skin from lamps or furnace, within several feet distance, creates immediate palpitations, and sense of suffocation. There is constant sharpness at the crown of my skull. My brain now feels divided in 4 quadrants, along with the all-consuming electric pain, burning across my head through my ear canal.

My heart feels heavy pressure from the outside and sharpness internally. My heart has a sharp heartbeat and heavy ache. I'm physically weaker, collapsing every day. My body is heavier. I must lay down every hour. Over one year, organs are showing swift hormonal imbalance and challenge in function: kidneys, digestion, intestines, extremely dry skin.

What has now changed since 2/21/20 is that encountering a set of cell towers on buildings of any street, the painful hum penetrates my entire body. My ear canal intensifies with the sharp energy moving through my head. My heart races, and feels pushed in, creating a sense of suffocation. It feels as though there are hot, thin metal bristles pressing into my skin one inch deep, uniformly my entire body. This exposure continues to be strong and painful for many hours.

All of these areas are in deeper, constant pain now. I feel neurologically burned through my eyes and nervous system, living with this sensation of being neurologically sliced and burned, and experiencing weakened vitality.

Walking by cell towers before 2/21/20 did not produce these effects. There are some buildings having 6 or more cell towers, that beams a laser-sharp effect I feel immediately pressure to the heart and sharpness in the diaphragm, seemingly slicing through my body front to back. It hurts deeply for days after this exposure. Avoiding these towers requires several blocks added distance. Some areas there are multiple rooftops heavily-packed with cell towers.

Now I live West side, District . Towers going up everywhere, every corner on my block. Walking 10th Avenue/Amsterdam many towers there.

I know 2 buildings of residents living in agony unable to lead normal lives.

There is no provision nor protection for individuals' rights and safety concerning cell towers or emf waves. And, these towers, small or large, are not safe. I was injured and also lost my home. Just like that.

Our City is installing Link5G cell towers only feet from homes and schools. Pentagon developed weaponry with 5G immobilizing people. I was immobilized. Years of studies. Now you know what can happen, cell towers shouldn't be used.

Wired broadband is safe, more reliable and adaptable than wifi, cheaper. City needs hearings on health effects of cell towers before a new pandemic -- disabling injury from "5G" cell towers, and increased homelessness.

Telecom companies are removing copper landlines, which the public has paid for. Copper landlines provided telephone communication access through the Blackout in 2003, Hurricane Sandy 2012. Removing copper landlines there is no communication access, no reaching 911. When there is no electricity, there is no way to power cell phones. Are we looking at this?

5G is promising to bridge the "digital divide." My 3G phone was working wonderfully for years. Then, "upgrades" in New York City, the phone no longer functions. I researched for an affordable 4G phone, and having it only 9 months during lockdown, the upgrades then to 5G rendered my phone unusable. The smartphones are greater cost, along with the monthly rates to operate. I no longer have a cell phone. Companies and services now requiring cell phone communications are not accessible. I'm unable to make calls while I am out. A cell phone was a source of coordinating to meet friends and also a source of safety.

Thank you for the opportunity of this hearing for our New York City.

Respectfully,

Lauren Bond

<https://www.forbes.com/sites/michaelpeck/2021/03/02/the-pentagon-fears-that-deadly-microwave-weapons-are-undetectable/?sh=ccfac5bcc3f1>

July 12, 2024

Dear NYC Charter Revision Commission,

My name is Karla Cabrera Carrera. I write the following recommendations based on my experience serving the City of New York as District Manager of Bronx Community Board 7, herethereafter referred to as “Bronx CB7”:

- Chapter 4-Borough Presidents, Section 82-Powers and Duties:
 - My experience: Our Bronx Borough President’s Office has demonstrated it does not have capacity to provide technical assistance and training to community boards staff or members.
 - **Recommendation:** DCAS may be a more equipped city agency to provide complimentary training for community board staff and board members. Training must be free as community board budgets are extremely low.
- Chapter 69-Community Districts and Coterminality of Services, Section-2800 Community Boards, subsection-c :
 - My Experience: Bronx CB7’s budget is extremely small, and we could not afford to reimburse 50 board members’ out-of-pocket expenses in connection with attendance at regularly scheduled meetings of the community board. Each of our board members attend at least 2 meetings per month. Bronx CB7 cannot even afford transportation of equipment to and from meetings.
 - **Recommendation:** delete everything after compensation. C-should read “Members of community boards shall serve as such without compensation.”
- Chapter 69-Community Districts and Coterminality of Services, Section-2800 Community Boards, subsection-h :
 - My Experience: Bronx CB7 hosts monthly committee meetings and monthly full board meetings where the public is allowed to ask questions, make comments and/or statements. Although we dedicate a portion of our monthly meetings to listen from the public, in 2021, the city’s Comptroller’s Office found many community boards not in compliance with hosting a monthly public hearings¹. Bronx CB7 only hosts public hearings when there are specific items that will affect the district. However, we do allow the public to comment, and/or reach out to the office. Please see 2800-d-3.
 - Bronx CB7’s budget is too small to broadcast and cablecast each and everyone of its meetings, which average 11 meetings per month. Bronx CB7’s current yearly budget is \$257, 507.00. Additionally, we’ve had a couple of community

1

<https://comptroller.nyc.gov/reports/audit-report-on-the-twelve-bronx-community-boards-compliance-with-new-york-city-charter-and-new-york-city-administrative-code-requirements-for-public-meetings-and-hearings-and-for-websites/>

residents who have disrupted public meetings with obscene, offensive, and sexual comments.

- **Recommendation:** community boards shall meet once each month and host public hearings as needed or community boards shall meet once each month (except July and August) and dedicate a portion of such meeting to hear from its constituents.
- Delete the mandate that a community board shall make meetings and hearings available for broadcasting and cablecasting.

Thank you,

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NYC Council Majority Whip Selvena N. Brooks-Powers' Testimony to the Charter Revision Commission
July 12, 2024

Thank you Chair Scissura and members of the Charter Revision Commission for the opportunity to provide testimony.

The Mayor's Commission should not rush a serious process to develop new proposals that change our city's constitution in such a short period of time. It is unnecessary for the Commission to develop proposals for 2024 because it has until Election Day 2025, by law, and can offer proposals for that year's ballot. Rushing would undermine the ability to conduct proper review and thorough public engagement of constitutional changes that can have a lasting impact on the health of our city government.

This Commission should avoid such an outcome that will negatively affect New York City for years to come, as a result of it rushing through a critical process. Instead, it should utilize its full term and continue the work of Charter review, meaningful public engagement, and thorough consideration of the issues and proposals. Historically, such commissions have taken several months, even years, to ensure meaningful public involvement and expert consideration. However, the Mayor's Commission has been tasked with revising the City Charter in less than two months, an unprecedented and undemocratic move that has dangerous consequences for our city.

In addition to advancing proposals without a full review and public participation, rushing this process would block voters from weighing in on an existing proposal that is set to appear on the General Election ballot this year: the expansion of advice-and-consent to more city agency commissioner appointments. Circumventing voters' right to decide on the Council's proposal to expand advice-and-consent is undemocratic, and I urge the Commission to refrain from blocking New Yorkers' rights and allow this proposal to move forward for consideration this November.

Additionally, the Mayor's Commission has inaccurately characterized the Council's legislative process and public engagement efforts, including for legislation that impacts the public safety of New Yorkers. The City Council has long-established policies and procedures for city legislation that include multiple formal pathways for public engagement and input. New Yorkers and all stakeholders are always encouraged to provide testimony on legislation during hearings because this public feedback informs the Council's lawmaking and policy decisions.

In fact, an independent analysis from the Citizens Union, a good government group, validated the Council's engagement approach and disputed proposals from the Mayor's Commission to adjust how public safety bills are handled with regard to public review. The analysis found that the Council typically spends 280 days reviewing a bill between introduction and the final vote, with even more time allotted for high-profile bills. For instance, the How Many Stops Act was considered for 552 days, providing ample opportunities and time for the public to testify or submit comments for consideration.

This robust process ensures that public feedback is thoroughly considered. As lawmakers, we understand that engaging with New Yorkers on critical policy issues is not always easy. It is imperative that our legislative processes provide the space, time, and opportunity for the public to weigh in on crucial legislation. It's the core foundation of our democratic governance, and that's exactly what the Council's process provides. The Mayor's Commission has fallen short of these basic expectations.

I urge the Mayor's Commission to uphold the democratic process and allow New Yorkers to vote on the

existing advice-and-consent proposal that voters are set to decide in the 2024 General Election. Let us ensure that any proposed changes to the City Charter are well-considered and beneficial for the future governance of New York City by utilizing the full term for thorough and meaningful review. The Mayor's Commission should focus on producing thoughtful proposals for consideration in the 2025 General Election, and let voters decide on the existing advice-and-consent proposal this year.



Caribbean Equality Project

CHARTER REVISION COMMISSION

Bronx Public Input Session

July 11, 2024

Good morning. My name is Mohamed Q. Amin, Founder and Executive Director of [Caribbean Equality Project](#), an immigrant rights organization that empowers, advocates for, and represents Afro and Indo-Caribbean LGBTQ+ people in New York City. Thank you to Chair Scissura and members of the New York City Charter Revision Commission for convening this hearing and allowing us the opportunity to testify.

I am writing today to voice the Caribbean Equality Project firm and continue to support the open, fair, and representative democratic practices that ensure the people of this city are governed by laws that represent their will and best interests. Given this process's opaque and truncated timeline, New Yorkers cannot expect recommendations or revisions that reflect their vision for city governance. The closure of written testimony on July 12, before public hearings ended on July 25, in particular, denies Queens residents who cannot do spoken testimony the chance to give written testimony concurrently with other Queens residents. Additionally, limited attempts at public education, outreach, and engagement and a lack of public debate and review have undermined the public or their elected representatives' opportunity to be heard.

We call on the members of this Commission to support our storied democratic practices and ensure that any attempts to alter the New York City Charter are transparent, consultative, participatory, and actively engage an informed public and the elected officials chosen to represent them. To that end, we urge this Commission to refrain from placing any items on the November 2024 ballot.

At this time, I would like to highlight the particular importance, and gravity, of New York City's Sanctuary laws and Ranked Choice Voting (RCV), and to urge members of the Commission to oppose any efforts to repeal the sanctuary policies, and to support ongoing public education and implementation of RCV in NYC.

Through public education, community organizing, civic engagement, storytelling, and cultural and social programming, Caribbean Equality Project focuses on advocacy for LGBTQ+ and



immigrant rights, gender equity, racial justice, immigration, mental health services, and ending hate violence in the Caribbean diaspora.

The Caribbean Equality Project was launched in 2015 in response to anti-LGBTQ hate violence in Richmond Hill, Queens. Since then, the organization has been hosting bi-monthly healing community spaces through its Unchained support groups in Queens and Brooklyn, facilitates immigration legal services for LGBTQ+ asylum seekers, curates oral history and storytelling interdisciplinary art exhibitions, combats food insecurity, organizes culture-shifting programming and builds political power through civic engagement, Census outreach, redistricting, voter registration, and legislative advocacy to advance LGBTQ+ and voting rights in New York City.

Sanctuary Policies:

New York City has a proud history of being a Sanctuary city, a declaration of being a place that values diversity and protects immigrant communities.

New York City's Sanctuary policies help protect all New Yorkers from racial profiling and abuses of power and foster trust between local agencies and community members.

- NYC's Sanctuary laws have been in place for more than ten years, following extensive public engagement and widespread support from immigrants, domestic violence, and other stakeholders.
- Existing sanctuary protections must be enforced to ensure meaningful trust between immigrant communities and government actors. We must be able to rely on our agencies to uphold and abide by the law and ensure accountability by this administration.
- Survivors of violence need to be able to get the help they need without fear of deportation.
- Workers need to be able to report wage theft or unsafe working conditions.
- Renters need to be able to report dangerous conditions in their buildings.
- Community members need to be able to speak up if they see children, elderly, or other vulnerable neighbors in danger.

Sanctuary Laws uphold due process for all New Yorkers.

- LGBTQ+ and Immigrant New Yorkers, like all New Yorkers who face charges, have a right to due process, to defend themselves, and to be presumed innocent.



- ICE wants to rip people from their families. At the same time, they go through the local court process and funnel them into detention and deportation, undermining the most basic principles of due process.
- If a community member has been ordered released by a judge, had their charges dropped, or has completed a sentence, they should be able to go home and reunite with their loved ones.
- Turning people over to ICE for detention and deportation after they become eligible for release is a cruel "double punishment." This is unjust to everyone and especially hurts Black and Brown immigrants, who are more likely to be targeted for arrest and deportation.

Ranked Choice Voting:

The impact of Ranked Choice Voting (RCV) in New York City has been profound. Following its adoption, the city saw a historic increase in the election of women and people of color. For instance, in the 2021 City Council elections, a record number of women and candidates of color were elected, resulting in the most diverse Council in the city's history. This surge in diverse representation can be attributed to the more equitable and inclusive nature of RCV, which empowers a broader range of voices and perspectives in the political process. This proves once again that RCV makes elections fairer for voters.

1. **Eliminates Vote Splitting:** RCV removes the issue of vote splitting among similar candidates, which is particularly advantageous in diverse communities where multiple candidates from underrepresented groups may run. This ensures that votes are not diluted, and the most broadly supported candidates have a better chance of winning.
2. **Encourage Positive Candidate:** Through RCV, candidates are incentivized to appeal to a broader electorate, including those outside their district and base. This results in more inclusive and positive campaigning, where candidates seek to build coalitions rather than just focusing on their core supporters.
3. **Increase Representation for Women and BIPOC:** With RCV, candidates who might not have been considered front-runners in a traditional voting system can still compete effectively by appealing to a wide range of voters. This has encouraged more women and people of color to run for office, knowing they have a viable path to victory.
4. **Reflects Voters' True Preference:** By capturing voters' preferences more comprehensively, RCV ensures that the elected officials accurately reflect the



community's desires. This is particularly important in multicultural cities like New York, where the electorate is highly diverse.

Ranked Choice Voting has proven to be a powerful tool in enhancing democratic representation, fostering inclusivity, and ensuring that elected officials truly represent the diverse populations they serve.

Closing:

New York City Sanctuary policies and Ranked Choice Voting are critical components of a just, inclusive, and effective democracy in New York City. We urge the CRC to refuse efforts to repeal such policies but rather to invest in effective solutions such as RCV education, deep civic engagement, and broad community empowerment. In a time where democracy nationwide continues to be tested and rolled back, this Commission needs to make sure New York City does not fall prey to these anti-democracy advocates.

Thank you for the opportunity to testify.

Submitted by:

Mohamed Q. Amin
Founder & Executive Director
Caribbean Equality Project

Chinnor Campbell
Charter Revision Commission Hearing Testimony
07-08-24

My name is Chinnor Campbell. I'm a student at the University of Mount Saint Vincent. I'm also the younger brother of Ramarley Graham, who was killed in front of me and my grandmother, in our home by the NYPD in 2012 when I was just 6 years old .

I'm here today because even though lots of people don't want to vote, next year is the election year for the mayor's seat and I want to bring that to light because he is using the undemocratic charter revision process to expand the NYPD's power instead of focusing on protecting the people he was elected to represent. Adams seems to be using this last minute process as a way to silence the people and their voices and my statement to everyone is if the person who is supposed to represent us is not doing that we need to vote and represent ourselves.

When my brother was murdered, stop-and-frisk was at an all time high. Now, under Mayor Eric Adams, stop-and-frisk is on the rise again and at the highest it's been in almost a decade.

These days I see more and more officers harassing people in neighborhoods. There are more and more cops in the subways. None of this really helps to increase safety for New Yorkers.

That's why I joined 27 other family members of New Yorkers killed by the NYPD in endorsing the How Many Stops Act.

It's also why I'm urging Commission members not to use this process to make it harder for New Yorkers to pass police reform laws. It's already really difficult for us to pass anything that touches on police transparency or accountability because the NYPD already has too much power over the legislative process and in public affairs.

The How Many Stops Act went through a rigorous, democratic process, in which there was significant public input and the bills were even held up to make time for negotiation between communities, the Council and the administration, including the NYPD. In contrast, this charter revision process is rushed and politically motivated to block the Council's "advice and consent law" from going on the ballot. The process for this charter revision is being rushed into just 7 weeks from when you held your first hearing to when commissioners will vote on what will be on the November ballot. You're scheduled to vote in two weeks but you still haven't shared the final language with the public. There's no need for that kind of rush unless this is a biased, rigged process.

In fact, I heard that - at a hearing last month - two other family members of New Yorkers who were killed by the NYPD got muted before they could even finish their

sentences. It seems like this happened because they were raising concerns, when people who were just repeating the mayor and NYPD's lines were allowed to go over time to finish their comments.

All of this makes it seem that this process is about the Mayor trying to grab even more power – when it should be about improving things for New Yorkers. I'm urging you, the Commission, to recognize this and to not put any so-called "public safety" measures or any other measures on the November ballot. Just leave it alone



2024 New York City Charter Revision Commission

**June 27, 2024
Brooklyn, NY**

Testimony of Karen Wharton Democracy Coalition Coordinator, Citizen Action of New York

Members of the Commission: My name is Karen Wharton, and I am presenting this testimony on behalf of Citizen Action of New York. Citizen Action of New York is a grassroots membership organization dedicated to social, racial, economic, and environmental justice. We have eight chapters and affiliates across New York State, one of which is based in New York City. Our North Star is an inclusive democracy across New York and beyond, where everyone can enjoy full political participation and where our federal, state, and local budgets reflect the needs of the people.

As a result, I strongly support the continued implementation of Ranked-Choice Voting (RCV) in municipal elections in New York City.

In 2019, following extensive research, expert consultation, and public engagement, the 2019 New York City Charter Revision Commission proposed implementing RCV in all primary and special elections for New York City offices. The proposal received overwhelming support on the November 5, 2019, ballot. Nearly 80% of voters approved using RCV in our New York City municipal elections.

RCV is a pro-voter reform. It gives voters greater power over their ballot by allowing them to rank up to five candidates in order of preference. And New York City residents are satisfied with the system; in 2021, 94% reported that their ballots were simple to complete¹. Voters no longer have to feel limited by choosing the lesser of two evils. Neither do voters need to worry about

¹ Common Cause New York [conducted exit polling during the June 2021 primary](#).

vote splitting in situations where there are multiple candidates from the same community, or there are "spoiler" candidates, resulting in someone who lacks majority support being able to win with a low percentage of the vote. With RCV, voters don't need to practice "strategic" voting. Instead, they can vote their conscience without fear, knowing that if their first choice doesn't win, their vote automatically counts for their next choice.

When voters are unencumbered by fear of vote splitting and spoilers, the result is generally historic wins, particularly for candidates of color and women. Let's look at the success story of Salt Lake City, UT. In 2019, Salt Lake City elected its first city council member of color, marking a significant milestone. But this was just the beginning. In 2021, using RCV for its city council races for the first time, Salt Lake City achieved history by electing a majority of people of color to the council. With its population of 69.8% white, 18.8% Latino, 4.0% Asian, 1.7% Black, 1.5% Pacific Islander, 0.6% Native American, 0.4% some other race, and 3.2% two or more races², Salt Lake City is a testament to the transformative power of RCV, inspiring us with its potential. The city has shown us that RCV can indeed promote representation and diversity in local government.

Minneapolis began using RCV for its municipal elections in 2009. Since then, the City Council's diversity composition steadily increased with each successive election. In 2021, Minneapolis voters elected their first majority people of color and majority women City Council. Furthermore, a woman or a person of color won or ran a competitive race in nearly all of the offices for election in 2021³. This is further evidence of the success and effectiveness of RCV in promoting diversity and representation in local government, especially given Minneapolis' racial demographics: 60.1% white, 9.8% Latino, 5.6 % Asian, 18.2% Black, 1.0% Native American, 0.5% some other race, and 4.7% two or more races.

In 2021, using RCV for the first time in citywide or city council elections, New York City elected Eric Adams as its second Black mayor. It also made history by electing the most diverse and majority-women council. The NYC Council went from ten women and twenty-five people of color in 2017 to thirty-one women and thirty-four people of color in 2021. This shift in representation is a direct result of the RCV system, which allows for a more diverse range of candidates to run and be elected.

Let's take a moment to look at the 2021 New York City mayoral race. There were thirteen mayoral candidates. The top eight vote-getters included four Black/Afro-Latina, an Asian, and three women. Under the old plurality system, this would have caused severe consternation due to the potential of splitting the Black vote. But in 2021, we saw a Black man, a Black woman, and a white woman emerge in the top three finishers. A woman came within striking distance of City Hall for the first time! The diversity of the final three is consistent with studies of the impact of RCV on candidates and voters of color. Under RCV, candidates of color are not penalized for running against each other. When candidates of color are eliminated in instant runoffs, their

²2021 ACS 5-year Estimate

³ https://fairvotemn.org/wp-content/uploads/2023/01/RCV-by-the-numbers_Minneapolis.pdf

ballots are likely to transfer to another from the same community⁴. So candidates from similar demographics and backgrounds are able to participate in our democracy without needing to "wait their turn" in fear of vote splitting. While this is anathema to party bosses who like to choose candidates, the ability of citizens to take their candidacy directly to the people is crucial for our democracy's health and well-being.

Given these apparent benefits of RCV, why are we contemplating reverting to the old plurality system? Reverting to the old system could potentially disenfranchise people of color and women, which would negatively impact our march toward a more inclusive democracy.

We know when Black voters and other voters of color exert their influence at the polls, historically, there have been efforts to diminish their influence through voter ID laws and different types of voter suppression tactics. The unrelenting and systematic efforts to deny people of color, generally, and Black people specifically, the right to access the ballot and the right to self-determination is not a new phenomenon. The one successful coup d'etat in the U.S. occurred in 1898 in Wilmington when democratically-elected Black North Carolinians were forcibly removed from the local government after they were elected two days earlier in an ousting orchestrated and executed by white supremacists of the time.

Today, having gutted the Voting Rights Act of 1965, the focus has turned to RCV since it has proven to enfranchise Blacks and other people of color.

A February 2024 Rolling Stone article found that MAGA and other far-right groups, including right-wing billionaires like Leo Leonard, have poured millions into a coordinated campaign to undermine and ultimately defeat RCV⁵. The American Legislative Exchange Council (ALEC) has a model bill banning RCV. The Heritable Foundation has organized grassroots opposition in many states. The decision by the far-right to target RCV is not a conspiracy theory but a well-documented fact. It is also understandable. RCV threatens their agenda because it gives voters choices, particularly people of color choices, and when voters have options, they tend not to choose extremists. That is why these efforts to undermine RCV threaten our democratic process and must be stopped.

Republican governors in Alabama, Mississippi, and Louisiana have already signed bills that would either ban or weaken their states' implementation of RCV. New York City ought not, should not, and must not follow suit. The current moment is not one for complacency but urgent action to protect our progress. The threat to RCV is real, and it's up to us to defend it. We must not open that proverbial can of worms through the Charter Revision or any other means.

In closing, RCV is a win for New Yorkers, especially for people of color. Its adoption is critical for better representation. When New Yorkers could do so, they embraced RCV at the ballot box, as

⁴ FairVote: Ranked Choice Voting Elections Benefit Candidates and Voters of Color: 2024 Update

⁵ The Latest MAGA War on Democracy,

<https://www.rollingstone.com/politics/politics-features/maga-war-democracy-ranked-choice-voting-1234978456/>

85% of voters ranked at least two candidates on their ballot⁶ in the 2021 mayoral primary. Black, Hispanic, and Asian voters were most likely to say they ranked in the 2021 mayoral primary because it allowed them to vote their values. That is why I urge you to keep this fundamental voting reform. We should not begin the process of repealing RCV for municipal elections in New York City.

If you wish to discuss this testimony further, please email me at kwharton@citizenactionny.org or call me at 917-821-1828. Thank you.

⁶Common Cause New York [conducted exit polling during the June 2021 primary](#)



MEMORANDUM

DATE: June 13, 2024

TO: Members of the New York City Charter Revision Commission

FROM: Andrew Rein, CBC President, and Ana Champeny, CBC Vice President for Research

RE: Recommended Areas and Preliminary Approaches and Options for Changes to the NYC Charter to Improve Finances, Management, and Resident Feedback

The Citizens Budget Commission (CBC) is pleased to provide the Charter Revision Commission (CRC) these Recommended Areas and Preliminary Approaches and Options for Changes to the NYC Charter to Improve Finances, Management, and Public Feedback. Given the CRC's timeframe, please understand these are preliminary recommendations, and CBC is in the process of refining and specifying proposals, which we will share shortly. We look forward to being a resource to your Commission by providing a) our recommendations, b) feedback on issues others and the CRC may raise, and c) feedback on your preliminary and final proposed changes to the Charter.

CBC's *Preliminary Recommended Areas for Charter Revisions* include changes that:

- Improve Fiscal Integrity and Stability;
- Improve Management Quality and Efficiency; and
- Improve Resident Feedback.

Before presenting our recommendations, we want to share a note of caution. The Charter is the City's framing document, and it should define the core powers, structures, and processes of City government. However, one need look no further than the current Charter itself to witness the temptation to pack the Charter with administrative provisions, minutiae, and management dictums that are not appropriate for the document. CBC believes the CRC should focus on recommending changes that are appropriate to the Charter and not local law—changes the Commission is best situated to affect, rather than those that can be implemented through the legislative process.¹ Furthermore, the Commission should consider removing vestigial and inappropriately administrative provisions that no longer comport with City operations.

The following CBC preliminary recommendations will be refined in sufficient time to assist the CRC in completing its work successfully in a timely manner.

Improve Fiscal Integrity and Stability

We recommend the Commission include Charter revisions in five areas to improve fiscal integrity and stability.

1. Create Rainy Day Fund (RDF) Deposit, Withdrawal, and Balance Rules

The 2019 Charter Revision Commission paved the way for the City's first true RDF, officially called the Revenue Stabilization Fund (RSF). Following the Charter revision, the State enacted the necessary implementing legislation.²

However, the State rules governing the fund's use are inadequate.³ There is no target size, and deposits are completely discretionary, radically reducing the likelihood that sufficient deposits will be made during economic expansions to substantially help the City through a rainy day. Furthermore, withdrawals are not tightly constrained to recessions or a defined severe emergency. They are limited to 50 percent of the balance in one year, or more if the Mayor certifies a "compelling fiscal need" without further specificity, allowing the fund to be tapped when there is no recession or severe emergency.

CBC's [To Weather a Storm](#) report about how to structure the RDF recommended:

- A target size equal to 17.2 percent of pre-recession tax revenue;
- Mandatory deposits of 75 percent of tax revenue growth that exceeds 3 percent annually, measured on a common rate and base, until the target is reached; and
- Withdrawals limited to only during a recession or emergency with significant revenue loss or expenditure increase, with no more than two-thirds to be withdrawn in the first year.

After CBC's report, the City and State Comptrollers presented similar positions. While there are differences between CBC and the City Comptroller, the frameworks are very similar and strongly aligned. The City Comptroller recommends a target size of 16 percent of City tax revenues, formula-driven mandatory deposits, and strict withdrawal rules.⁴ The State Comptroller recommends the adoption of mandatory deposit rules and stricter withdrawal rules but does not make specific recommendations.⁵

Preliminary Recommendation. The Charter should include clearly defined rules governing the RDF. It is important to consider how much detail should be specified in the Charter versus established in local law. Given the importance of building reserves and using them only as appropriate, the Charter should contain some specificity, since legislation can and is often reversed or temporarily preempted.

At minimum, the Charter should require mandatory deposits, withdrawals be limited to a recession or severe emergency, and a target size. CBC currently is developing proposals to provide an appropriately specific framework or thresholds for these measures. These likely will include a) the economic conditions under which mandatory deposits should be required, b) guidance on the size of mandatory deposits, c) whether or how specifically a recession and severe emergency should be defined in the Charter, and d) a target size or process for setting one.

2. Create the Retiree Health Benefits Trust (RHBT) in the Charter and Establish Rules for Deposits and Use

In 2006, the City created the RHBT in local law to pay the current year cost of retiree benefits (the PAYGO cost) and accumulate resources for future payments.⁶ Unlike pensions, the City does not annually make a deposit to the RHBT equal to the future liability associated with retiree health and other postemployment benefits (OPEB) earned by employees in that year. Instead, it generally deposits the PAYGO cost for retiree benefits (and the fund serves as a pass-thru, making the annual benefit payments); occasionally the City deposits more, which increases the fund's balance.⁷

Being established in law, the RHBT could be terminated. This would be detrimental to the City's long-term fiscal health, since the City would have no fund in which to deposit resources to ultimately offset its OPEB liability, currently totaling \$100.3 billion. The current RHBT balance of \$4.8 billion covers just 4.8 percent.⁸

Furthermore, inadequate deposit and withdrawal rules have allowed the City to use it as a de-facto RDF, drawing down accumulated funds for fiscal relief.

Ideally, the RHBT's balance would be: equal to the City's OPEB liability; sufficiently resourced to fund the cost of each year's benefits; and annually the City would deposit the normal cost (the actuarially estimated incremental cost of future benefits for current employees being accrued that year) in order to maintain sufficient levels going forward. Currently, the normal cost is higher than the annual benefit cost and requiring the City to fund the normal cost would be fiscally challenging, requiring an annual additional \$3.7 billion deposit.⁹

Preliminary Recommendation. The Charter should be revised to establish the RHBT, ensuring there is a fund to accumulate resources to pay for the City's long-term OPEB liability. The Charter should require annual deposits into the fund of at least the PAYGO amount, so that it no longer serves as a de-facto rainy day fund, plus some additional deposit (a percentage of the annual cost or liability), or the normal cost, whichever is less. The Charter also should limit withdrawals from the RHBT to the amount needed to pay for the current-year cost of the retiree health benefits.

3. Strengthen Legislative Fiscal Impact Statement (FIS) Requirements

The City's Charter requires a FIS for each bill that will be voted on by any City Council Committee or the full Council.¹⁰ However, the statements rarely are available until just before the vote of Committees that commonly occur within hours of votes by the whole Council. Committee hearings

to review legislation and take testimony occur earlier, well before the Committee votes. There is no time for substantive debate about costs and potential funding offsets, and by that time, the vote outcome is often already determined. Even an available FIS rarely sparks debate about the inconvenient truth of affordability.

A glaring example is the City Council's passage and mayoral veto override of four bills to expand eligibility for the City's Family Homelessness and Eviction Prevention Supplement (FHEPS) program. The four bills were considered in January 2023, but the amended versions were introduced on May 23, 2023. The FIS was released on May 24, 2023, and the introductions were passed on May 25, 2023. While the Council's own FIS showed the expansion would cost \$10 billion over five years, it ignored the FIS, issuing one press release about other estimates showing lower costs or savings, and another press release about its veto only highlighted the savings, writing: "...Fiscal cost analyses... projected that the bills would save the City over \$730 million in costs from homelessness and its various impacts on New Yorkers."¹¹

The FIS should be required earlier in the process to give Council members and the public a reasonable estimate of the cost of a proposed policy. At a minimum, the FIS should be part of the Council Committee Report released during the first Committee meeting. A FIS should also be included with all proposed legislation that has fiscal implications.

An earlier FIS would be an improvement but may not be sufficient to foster thoughtful budget decisions, especially if a program cannot be accommodated within the current budget.

Preliminary Recommendation. The Charter should require fiscal impact statements be published earlier in the legislative process; CBC is currently refining its proposed timing.

To increase the likelihood that long-run affordability is better considered and promoted in the legislative process, CBC is conducting additional research to develop two possible approaches. One would be to require the FIS to identify the preferred "pay-for"—offsetting savings or locally controlled revenues equal to the cost of the proposal annually over the multiyear financial plan. To be clear, CBC will not recommend this preferred pay-for have the power of budget modification, but rather that its identification provide the benefit of sunshine—acknowledgement that the funds to support the program are not in the budget, and to foster the debate on priorities.

The second approach is whether, and if so how, to limit the City's obligation to implement a newly enacted policy that has major budget implications, if it has not been incorporated into the budget. The risks of self-imposed unfunded mandates are real and can be substantial. However, such a requirement should only be designed in such a way that does not remove appropriate authority from the legislative branch.

4. Improve Accuracy of Financial Plan Estimates with Oversight/Review

Currently, the NYS Financial Emergency Act and City Charter require that revenue and expenditure estimates be based on "reasonable and appropriate assumptions and methods of estimation."¹² However, CBC's research has demonstrated that the City's financial plans are routinely and increasingly understating expenditures needed to provide planned services.¹³ For example, CBC estimates that by

the end of fiscal year 2024, overtime spending at uniformed agencies will be \$2.0 billion, while the budget at adoption was \$1.1 billion, and the prior year expenditure was \$1.7 billion.¹⁴

Significant inaccuracies in the City's financial plan estimates distort the City's fiscal picture, potentially masking fiscal problems, or even greater than acknowledged available resources. This can encourage programs to be started and expanded without sufficient resources to fund them over time, potentially leading to massive cuts and crises. Only real, reasonable estimates will drive smart choices on spending and service priorities.

It is important to acknowledge the difference between, for example, reasonably conservative revenue estimates, and unacceptable distortions in the financial plan. Reasonably conservative revenue estimates, as long as they are not flagrantly understating likely revenues, protect the City's finances and the City's ability to help New Yorkers during challenging times.

Preliminary Recommendation. The Charter's requirement that revenue and expenditure estimates be reasonable and appropriate should be bolstered. CBC is conducting additional research on three possible approaches.

One approach would be to require the City to provide details of the basis and specific calculations of its estimates in cases where the City or State Comptroller's analyses of the budget identify estimates that vary significantly from the Executive.¹⁵ Forecasting revenues and expenses is not a precise science, and different, reasonable assumptions can lead to different, reasonable estimates. CBC also is examining whether this requirement, if ultimately recommended, should be based on a threshold difference, such as 15 percent, and whether any threshold should be different for expenses and revenues.

Another approach would be to have the City Comptroller certify whether the estimates are reasonable. The intent would not be to give the City Comptroller power to substitute its own estimates for the Executive's, since that would radically and improperly reduce the fiscal authority of the Executive.

A final approach being considered is whether an explanation should be required if an ongoing program's budget increases or decreases more than a specified percentage from one year to the next in the four-year financial plan. This would highlight potential areas where the City's multi-year financial plan does not represent ongoing costs accurately.

5. Cap Debt Service at 15 Percent of Tax Revenues

The State has set limits for how much long-term debt municipalities may have outstanding.¹⁶ However, outstanding debt levels are just one part of assessing whether indebtedness is affordable. The other critical metric is debt service relative to the underlying revenue used to service the bonds.¹⁷ The City has an informal requirement to keep debt service below 15 percent of tax revenues, but it is only articulated in debt management policy and could be amended.¹⁸

Recommendation. To help ensure that long-term debt is affordable, the Charter should limit debt service to 15 percent of tax revenues. The City Comptroller has made a similar recommendation.¹⁹

Improve Management Quality and Efficiency

Require a Comprehensive Performance Management System

Performance management systems are most effective when they include both robust data on performance (inputs, process, output, outcome, efficiency, and quality measures) and a management review and accountability process where leaders and managers review the data, identify successes and problems, identify and track improvement plans, and foster accountability.²⁰

The Charter requires a Mayor's Management Report (MMR) to provide data across functions on agency performance. While often lacking in quality and efficiency measures by and large, the MMR has been a helpful mainstay of City government transparency. The Charter also outlines some components of a performance management process when it defines the role of the Mayor's Office of Operations (MOO). The MMR and MOO both emerged from the 1975 fiscal crisis as Executive Orders prior to being incorporated into the Charter during the 1989 overhaul.²¹

However, the management process outlined is not sufficient and has failed to drive administrations to implement a comprehensive system that spans all agencies and initiatives and is vertically integrated from the Mayor's and Deputy Mayors' offices through the agencies to front-line operations.

Recommendation. The Charter should establish a basic performance management framework—its management, planning, and reporting—while each administration should specify how it will implement the performance management system within that framework. The requirements should parallel those for the MMR and be influenced by Executive Order 13 (on efficiency).

Specifically, the Charter should:

- Require the Mayor to designate a Deputy Mayor or other senior official to be the chief performance officer overseeing the system, and specify a schedule for reviews, with a minimum number required in the Charter;
- Identify the agencies, functions, and initiatives covered by the system;
- Create a review structure that cascades from the Mayor's office to agencies and within agencies from the Commissioner to programs; and
- Require public reporting on the system's activities and impacts, at least annually.

CBC is further refining specific language and will propose that to the CRC. This may include some modifications to the current sections on MOO, as well as improvements to the definitions in the MMR section.

Improve Resident Feedback

Require a Statistically Valid Resident Feedback Survey at Least Every Five Years

The City MMR includes hundreds of metrics about City services; however, it does not include direct feedback from residents. Statistically valid, resident feedback can provide critical information

about the quality of City services directly from those services’ “customers,” as well as insight into how residents feel about the quality of life in the city and their neighborhood.

The City conducted its Resident Feedback Survey first in 2008 in order to collect this information, with the intent that it be conducted periodically to track residents’ assessments of the City’s services and quality of life, and to track how they changed. Following the Great Recession, the City shelved plans for additional surveys. To update New Yorkers’ assessment and demonstrate the survey’s value as a statistically valid, comparable assessment, CBC conducted the survey again in 2017 and 2023, with minor modifications. The 2023 survey found that the current Administration had by and large the right priorities, but that residents’ ratings of services and the quality of life declined significantly since 2017. This feedback, which is statistically valid by neighborhood, income level, and race/ethnicity, provides valuable feedback to the City on where efforts are succeeding or failing and where to focus additional effort to improve the lives of New Yorkers.²²

Recommendation. The City Charter should require the City to conduct and publish a statistically valid resident feedback survey at least every five years, with results at the Community Board level and by key demographics.

Endnotes

- [1] Andrew Rein, “Testimony Before the 2019 Charter Revision Commission: Testimony on Charter-Defined Budget and Management Practices” (Citizens Budget Commission, March 11, 2019), <https://cbcny.org/advocacy/testimony-charter-defined-budget-and-management-practices>.
- [2] Upon creation the fund was seeded with nearly \$500 million in previously “unspendable” City fund balance—annual surpluses that had accrued over many years because they could not be spent because Generally Accepted Accounting Principles requires that current year expenditures be funded with current year revenues, effectively prohibiting the use of prior year surpluses to fund expenditures.
- [3] Paragraph 3 of Section 25 of Article 2 of the State Municipal Law of New York State.
- [4] Office of the New York City Comptroller, *Preparing for the Next Fiscal Storm: Setting Guidelines for NYC’s Rainy Day Fund* (May 23, 2022), <https://comptroller.nyc.gov/reports/preparing-for-the-next-fiscal-storm>.
- [5] Office of the New York State Comptroller, *Strengthening New York City’s Rainy-Day Fund* (November 2021), <https://www.osc.ny.gov/files/reports/osdc/pdf/report-13-2022.pdf>.
- [6] New York City Local Law 19 of 2006, <https://legistar.council.nyc.gov/View.ashx?M=F&ID=667718&GUID=BE279B59-AD32-417B-8366-4CE35A57838B>.
- [7] The City’s additional payments above the PAYGO level come in two forms. The first is an elective deposit intended to increase the fund’s balance. The second is a prepayment for the next year’s PAYGO amount, for example depositing \$500 million in fiscal year 2024 that will be used to pay for benefits in fiscal year 2025. The prepayment shifts resources across fiscal year and is not intended to build the fund’s balance.
- [8] City of New York, Mayor’s Office of Management and Budget, *Fiscal Year 2025 Executive Budget: Message of the Mayor* (April 24, 2024), <https://www.nyc.gov/assets/omb/downloads/pdf/mm4-24.pdf>.
- [9] The annual service cost, calculated by the NYC Actuary, has been between \$3.7 billion and \$6.2 billion since fiscal year 2015; it depends on assumptions about insurance cost growth and the discount rate.
- [10] New York City Charter, Chapter 2, Section 33, Paragraph a.

Preliminary Recommendations to NYC Charter Revision Commission

- [11] New York City Council, Finance Division, “Fiscal Impact Statement, Proposed Intro. No: 878-A,” (May 24, 2023), <https://legistar.council.nyc.gov/View.ashx?M=F&ID=12022610&GUID=258ED154-8EA9-43F1-B7D7-37D2014DDF22>, “ICYMI: Cost Estimates of City Council CityFHEPS Bills Dispute Mayor Adams’ Administration’s Unsubstantiated Cost Projections,” (press release, July 12, 2023), <https://council.nyc.gov/press/2023/07/12/2443/>, and “Council Overrides Mayor’s Veto on Legislation to Address Homelessness Crisis by Helping New Yorkers Move Out of Shelter and Avoid Evictions with CityFHEPS Vouchers,” (press release, July 13, 2023), <https://council.nyc.gov/press/2023/07/13/2444/>.
- [12] New York City Charter, Chapter 10, Section 258, Paragraph b, Sub Section 4.
- [13] Ana Champeny, *Real Numbers, Real Choices* (Citizens Budget Commission, April 2024), <https://cbcny.org/research/real-numbers-real-choices>, and “Testimony on NYC November 2023 Financial Plan,” (Citizens Budget Commission, December 2023), <https://cbcny.org/research/testimony-nyc-november-2023-financial-plan>; and Andrew Rein, “Underbudgeting Still Clouds City’s Fiscal Picture, Even with Expanding Economy,” (Citizens Budget Commission, April 2024), <https://cbcny.org/advocacy/underbudgeting-still-clouds-citys-fiscal-picture-even-expanding-economy>.
- [14] City of New York, Office of the Comptroller, *Annual Comprehensive Financial Report of the Comptroller for the Fiscal Year Ended June 30, 2023*; and fiscal years 2017 to 2022 editions, <https://comptroller.nyc.gov/reports/annual-comprehensive-financial-reports/>; City of New York, Mayor’s Office of Management and Budget, *Fiscal Year 2024 Adopted Budget* (June 30, 2023), <https://www.nyc.gov/site/omb/publications/finplan06-23.page>; and CBC staff analysis of City of New York, *Checkbook Data Feed*, (accessed April 2024), <https://www.checkbooknyc.com/data-feeds>.
- [15] Office of the New York City Comptroller, *Comments on New York City’s Executive Budget for Fiscal Year 2025 and Financial Plan for Fiscal Years 2024 – 2028* (May 22, 2024), <https://comptroller.nyc.gov/reports/comments-on-new-york-citys-executive-budget-for-fiscal-year-2025-and-financial-plan-for-fiscal-years-2024-2028/>; and Office of the New York State Comptroller, *Review of the Financial Plan of the City of New York: Report 5-2025* (May 2024), <https://www.osc.ny.gov/files/reports/osdc/pdf/report-5-2025.pdf>.
- [16] New York State Constitution, Article VIII – Local Finances, Section 4 – Limitations on local indebtedness.
- [17] Akiva Blander, *Setting the Right Ceiling: Rethinking the City’s Debt Limits and Capital Process* (Citizens Budget Commission, April 2024), <https://cbcny.org/research/setting-right-ceiling>.
- [18] Office of the New York City Comptroller, *Debt Management Policy: New York City General Obligation and New York City Transitional Finance Authority* (September 2023), p. 9, <https://comptroller.nyc.gov/wp-content/uploads/2023/09/NYC-Debt-Policy-9.5.2023.pdf>.
- [19] Office of the New York City Comptroller, *A Stronger Fiscal Framework for New York City: Proposals to Improve the City’s Financial Management and Promote Fiscal Responsibility* (June 7, 2024), <https://comptroller.nyc.gov/reports/a-stronger-fiscal-framework-for-new-york-city/>.
- [20] Patrick Orecki, *It’s Time for New York State to Heed SAGE Advice on Performance Management* (Citizens Budget Commission, June 2020), <https://cbcny.org/research/its-time-new-york-state-heed-sage-advice-performance-management>.
- [21] City of New York, Office of the Mayor, Executive Order No. 75 (February 4, 1977), www.nyc.gov/assets/records/pdf/executive_orders/1977EO075.PDF, and Executive Order No. 92 (September 27, 1977), www.nyc.gov/assets/records/pdf/executive_orders/1977EO092.PDF.
- [22] Ana Champeny and Adam Ciampaglio, *Straight from New Yorkers* (Citizens Budget Commission, March 2023), <https://cbcny.org/research/straight-from-new-yorkers>.

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Testimony on Proposed Changes to the New York City Charter

Submitted to the New York City Charter Revision Commission

July 8, 2024

Andrew Rein, President, Citizens Budget Commission

Good evening, I am Andrew Rein, President of the Citizens Budget Commission (CBC).

My comments tonight refine five of our seven initial recommendations. We submitted a more detailed memo, which includes draft Charter language, that we hope and believe should be useful as you finalize proposals for the ballot.

First, we are pleased that the Commission's preliminary report included the proposal for a city resident survey. We strongly support this and have drafted Charter language requiring a survey every five years that is statistically significant at the neighborhood, race/ethnicity, and income-band level.

Second, CBC continues to recommend the Charter require a local law that ensures the City's Rainy Day Fund is grown and used for its intended purpose—to protect New Yorkers from dramatic cuts during a recession or short-term emergency.

We commend the Adams Administration, which, despite calls to use the RDF for services to migrants, appropriately protected it since this crisis was not to be short term. We cannot always guarantee such prudence. Our proposed Charter change—requiring a local law that sets mandatory deposit and appropriate withdrawal rules—will help ensure wise Rainy Day Fund stewardship.

Respectfully, I submit more study is not needed since we and others have extensively analyzed how best to structure the fund. The time to start protecting New Yorkers is now, not after the next crisis.

Third, more study also is not required to ensure City long-term debt does not crowd out operating budget priorities by limiting debt service to 15 percent of City tax revenue. This change simply puts in the Charter the policy that has been in practice for decades.

We strongly feel the Commission members should consider our last two proposals in tandem, as a package to improve the City's fiscal stability and integrity.

This past year's budget debate has highlighted how critical it is that the City's budget and policy decisions consider and ultimately are based on accurate budget estimates—for revenues, and spending for current or new programs.

We and others have taken issue with budget estimates from the Executive, and how the Council, in effect, budgeted by legislation when it passed a massive housing voucher expansion that would annually cost more than many City agencies, including DOHMH, ACS, Fire, Sanitation, DEP, and others.

Improving both legislative Fiscal Impact Statements and the Executive's financial plan estimates will enhance the integrity, legitimacy, and outcomes of budget-making, and help ensure the public appropriately views this Charter Revision Commission's work through the lens of substance, not politics.

For legislative Fiscal Impact Statements, we recommend that:

1. The Council produce them earlier in the process;
2. The Independent Budget Office produce an independent fiscal impact statement or validate the Council's for programs that will cost more than \$100 million in any year of the financial plan;
3. Fiscal Impact Statements disclose whether the cost of a proposed law can be accommodated within the current budget and financial plan; and
4. High-cost local laws take effect once funds are modified into the budget or negotiated in budget adoption.

These would improve how the City considers the future budget impact of legislation, while also ensuring the alignment of lawmaking and the appropriation process.

A crucial companion to this is to increase the accuracy and transparency of the Executive's financial plan with greater sunshine. Specifically, we propose the Charter require detailed explanation of the causes of significant annual change or estimation differences when:

1. Tax revenues or major program expenditures are projected to change more than 10 percent in any year; and
2. Executive estimates vary more than 20 percent from estimates by the City or State Comptrollers.

These would improve the accuracy and understanding of budget estimates, and planned program levels and spending.

Thank you again for the opportunity to provide input into your important work. We are at your service as you choose and draft your final recommendations.



MEMORANDUM

DATE: July 8, 2024

TO: Members of the New York City Charter Revision Commission

FROM: Andrew Rein, CBC President, and Ana Champeny, CBC Vice President for Research

RE: Refined Recommendations to NYC Charter Revision Commission for Improving Finances and Resident Feedback

The Citizens Budget Commission (CBC) is pleased to provide the Charter Revision Commission (CRC) with a refinement, including draft charter language, of five of our [preliminary seven proposals](#). These proposals would:

- Strengthen legislative Fiscal Impact Statements;
- Improve accuracy of Financial Plan estimates;
- Require a statistically valid resident feedback survey;
- Create Rainy Day Fund deposit, withdrawal, and target size rules; and
- Cap Debt Service at 15% of tax revenues.

The sections below outline the proposed changes and how they would improve the City's financial management and resident feedback. Draft Charter language is in the Appendix.

While the CRC Preliminary Report did not mention proposals to improve financial plan estimates, we include them here because they are a critically important companion to proposed improvements to legislative fiscal impact statements. Together, these reforms would substantially improve the integrity of the budget process.

We also again recommend Charter revisions to improve the Rainy Day Fund and cap debt service, since both are important to improve City finances. The Rainy Day Fund rules have long been considered and have been the subject of substantial research, while the debt service limit has been policy for decades and is relatively simple to add to the Charter.

We do not provide more detailed recommendations or draft Charter language on two of CBC's preliminary proposals—to establish the Retiree Health Benefits Trust fund and a comprehensive

performance management system. However, we stress the importance of both for the City's fiscal and managerial success. The long-term liability for other postemployment benefits is substantial, around \$100 billion, and the City needs a sustainable and affordable approach to meet that challenge.

Additionally, recent data and news reports have drawn attention to service delivery issues, and [CBC's 2023 Resident Survey](#) found that most New Yorkers rate government services as fair or poor; a robust performance management system is critical to delivering effective, efficient, and high-quality services that New Yorkers need and deserve.

Strengthen Legislative Fiscal Impact Statements

Issue: The Charter-mandated legislative Fiscal Impact Statement (FIS) is not released until a few days prior to a local law's enactment; the budgetary impact of proposed laws is rarely substantially considered during deliberations, and local laws with major fiscal impacts may be enacted without appropriations being budgeted.

Recommendations: These are designed to improve the timeliness and quality of the FIS, require an independent fiscal assessment for high-cost proposals, increase transparency on the budgetary status of high-cost enacted local laws, and ensure the alignment of laws and appropriation authority.

It is our considered opinion that this makes sense as good policy and is reasonable to have in the Charter. However, given the CRC's timeline, CBC was not able to explore whether there were legal issues that needed to be considered, and we hope the CRC's staff is conducting the appropriate due diligence as it refines proposals to put on the ballot.

For all proposed local laws receiving an initial City Council Committee hearing, revise the Charter to:

- Require publication of the City Council FIS at least 72 hours prior to the initial Committee meeting;
- Require the FIS to identify the operating and capital budget impact of the proposed law in each fiscal year of the financial plan and the annual impact when fully implemented;
- Require the FIS to identify the data, methods, and assumptions used in its preparation; and
- Require the FIS to specify whether and, if so how, the proposal can be accommodated within the current budget in each fiscal year of financial plan.

For proposed local laws that have a fiscal impact of more than \$100 million in any single year—a threshold to be adjusted annually by the year-over-year change in total City funds—revise the Charter to:

- Require the Independent Budget Office to either release its own FIS, including all the components required in the City Council FIS, or certify the reasonableness of the Council estimate, within 30 days;
- Require the Office of Management and Budget to publish, with each financial plan, a list of all such local laws enacted in the past four years and to identify whether each law is funded in each year of the financial plan; and

- Allow local laws beyond this threshold to take effect once adequate appropriations have been modified into the budget or negotiated during budget adoption.

Improve Accuracy of Financial Plan Estimates

Issue: Despite the Charter requiring “accurate estimates of revenues and expenditures and provide estimates of all current programs at current service levels,” the City’s financial plan routinely understates by billions of dollars the funding needed to maintain current service levels, thereby masking the City’s true fiscal position.

Recommendations: The intent is to increase the accuracy and transparency of the budget’s estimates by requiring the financial plan to include a detailed explanation for significant year-over-year variation in projected tax revenues or program expenditures, or where they vary substantially from estimates made by the City or State Comptrollers.

Specifically, the Charter should be revised to require that each financial plan include:

- An explanation of any tax revenue change greater than 10 percent from the prior fiscal year, detailing the underlying factors including economic conditions, and changes in state, federal or local laws; and
- An explanation of any expenditure change in any major program or unit or appropriation greater than 10 percent or \$10 million from the prior fiscal year, detailing the underlying factors including service or caseload volume, costs of each unit of service, and the factors that led to these changes.

Additionally, the Executive Budget Message should include:

- An explanation of any major program or unit of appropriation expenditure for the ensuing fiscal year where the estimate by the Office of the City Comptroller or the Office of the New York State Comptroller varies 20 percent or more, detailing the reasons for variance including a) service or caseload volume, b) costs of each unit of service, and c) factors that lead to these differences.

Require a Statistically Valid Resident Feedback Survey

Issue: The City is currently not required to collect statistically valid ratings from residents about City services and programs and does not have the opportunity to improve programs and policy based on feedback about the quality of City services directly from those services’ “customers,” as well as insight into how residents feel about the quality of life in the city and their neighborhood.

Recommendation: The intent is to routinely collect statistically valid and representative resident ratings of services and programs to inform management and improve service quality.

The City Charter should be revised to:

- Require the City to conduct resident survey at least once every five years, starting in calendar year 2025, with statistically valid and representative results published at the Community Board level, and by key demographics such as race, ethnicity, and household income.

Create Rainy Day Fund Deposit, Withdrawal, and Target Size Rules

Issue: Current laws governing the use of the Revenue Stabilization Fund (RSF, also referred to as the Rainy Day Fund) are inadequate because they do not a) mandate deposits to help ensure the fund's balance is substantial enough to provide relief during a recession or emergency, b) restrict withdrawals to ensure funds are only used in a recession or emergency, and c) provide for the target size needed to adequately protect the City's long-run finances.

Recommendations: The goal is a sufficiently robust and well-protected Rainy Day Fund (RDF) with sufficient resources to cushion the City through the typical two-year revenue loss during a recession.

Specifically, the Charter should be revised to:

- Require the Mayor and City Council to enact a local law that details the City's RDF deposit, withdrawal, and target size policy, with withdrawals from the RSF prohibited until such a law is in effect;
- Require the local law:
 - Identify the minimum target size that is 16 percent or more of tax revenue;
 - Require deposits when tax revenue growth is at least 3 percent, year-over-year, on a common rate and base, and define the formula to be used to calculate the minimum deposit;
 - Limit withdrawals to a recession or severe emergency;
 - Define a recession based on economic factors;
 - Define a severe emergency as one that is temporary and causes an increase in expenditures or decrease in revenues equal to or greater than 2 percent of total City funds; and
 - Limit the first withdrawal following the occurrence of a recession or severe emergency to two-thirds of the balance of the fund; and
- Require the City Comptroller to issue, prior to vote, an opinion on the proposed law as to the reasonableness and appropriateness of the target size, mandatory deposit, permitted withdrawal, and definitions of a recession and a severe emergency.

Cap Debt Service at 15 Percent of Tax Revenues

Issue: The New York State Constitution and State law limit the amount of long-term debt the City can have outstanding, but not debt service. The City has a policy of keeping debt service below 15 percent of tax revenues, but it is not binding and could be changed.

Recommendation: The intent is to codify the current policy of keeping debt service below 15 percent of tax revenue to ensure debt service is affordable and does not crowd out other expenditure priorities.

The Charter should be revised to:

- Set the maximum debt level in the Executive Budget certificate of indebtedness to a level that ensures debt service remains below 15 percent of the tax revenue forecast in each year of the financial plan; and
- Add to the budget and financial plan standards a provision that debt service payments may not exceed 15 percent of projected tax revenue in any year of the financial plan.

APPENDIX

For each proposed change detailed in this memo the following sections of the New York City Charter should either be amended or added.

Strengthen Legislative Fiscal Impact Statements

Chapter 2: Council

Section 33. Local laws and budget modifications; fiscal impact statements.

a. No proposed local law or budget modification shall be ~~voted-placed~~ on ~~an agenda~~ by a council committee, ~~or voted on by a council committee~~ or the council unless it is accompanied by a fiscal impact statement ~~published and available publicly at least seventy-two hours prior to the meeting and~~ containing the information set forth in subdivision b of this section, ~~and the additional documents described in subdivision c of this section, if required.~~

b. A fiscal impact statement shall indicate the fiscal year in which the proposed law or modification would first become effective and the first fiscal year in which the full fiscal impact of the law or modification is expected to occur; ~~and~~ contain an estimate of the fiscal impact of the law or modification on the revenues and ~~capital and operating~~ expenditures of the city, during the fiscal year in which the law or modification is to first become effective, during the succeeding ~~three~~ fiscal years, and during the first fiscal year in which the full fiscal impact of the law or modification is expected to occur; ~~and identify whether and how the proposed law or modification can be supported by the current appropriation or budget.~~

~~c. For any proposed local law whose fiscal impact estimate is greater than one hundred million dollars of city funds, indexed in accordance with subdivision g of this section, in any year of the financial plan the independent budget office, created in chapter 11, shall either (a) publish its own fiscal impact statement including all of the components required in subdivisions b and e of this section within 30 days of the initial fiscal impact statement being publicly posted, or (b) publish a statement affirming the reasonableness of the council's fiscal impact statement.~~

~~ed.~~ All agency heads shall promptly provide to any council committee any information that it requests to assist it in preparing a fiscal impact statement.

~~de.~~ Each fiscal impact statement shall identify the sources of information, ~~data, methods, and assumptions~~ used in its preparation.

~~ef.~~ If the estimate or estimates contained in the fiscal impact statement are inaccurate, such inaccuracies shall not affect, impair, or invalidate the local law or budget modification.

~~g. The fiscal impact threshold of one-hundred million dollars established in subdivision c of this section shall be updated annually by the year-over-year growth in total city funds.~~

Chapter 2: Council

Section 50. Local laws; funding.

~~A local law deemed to have a fiscal impact greater than the dollar amount established in~~

subdivision c of section 33 of this chapter in any single fiscal year of the financial plan shall be implemented once, when funds are appropriated, in the amount (a) deemed required by the office of management and budget, or (b) of the funding level identified in the fiscal impact statement, whichever is lower, either through a budget modification or in the adoption of the budget.

Chapter 10: Budget Process

Section 259. Annual listing of cost of adopted laws.

Not later than thirty days after the budget is adopted, the mayor shall publish a list of laws that (a) were passed, in accordance with Chapter 2, in the past four years; and (b) have a fiscal impact greater than the dollar amount established in subdivision c of section 33 of this chapter within the fiscal years of the financial plan. This list shall identify if funding required to implement each law is included for each fiscal year in the adopted budget financial plan.

Chapter 11: Independent Budget Office

Section 260. Powers and duties.

a. It shall be the duty of the office to provide to the comptroller, the president of the council, the members and committees of the council, the borough presidents, and the community boards information which will assist such officials and bodies in the discharge of their responsibilities which are related to the budgetary process, including:

- (1) information with respect to the budget, appropriations bills and proposed local laws with fiscal implications;
- (2) information with respect to estimated revenues and receipts and changing revenue conditions; and
- (3) to the extent practicable, such other information or analyses as may be requested by such officials and bodies.

b. The director, upon the request of a borough president or the president of the council for a proposed local law introduced by such official, or the chair or ranking minority member of a committee of the council for a proposed local law being considered by such committee, **or as required by section thirty-three, subdivision c**, shall complete a fiscal impact statement of such proposed local law consistent with the requirements of section thirty-three.

c. The director shall from time to time publish such reports as may be appropriate to enhance official and public understanding of the budgetary process and of the budget documents published in accordance with the provisions of chapters six, nine and ten. The director shall from time to time publish such reports as may be necessary or appropriate to provide such information, data, and analysis as will enhance official and public understanding of matters relating to city revenues, expenditures, financial management practices and related matters.

d. The director may procure, for the office, up-to-date computer equipment, obtain the services of experts and consultants in computer technology, and develop techniques for the evaluation of revenue projections and budgetary requirements.

e. The director shall make all information, data, estimates, and statistics obtained under subdivision c of section ninety-eight, and all studies and reports prepared by the office, available

for public inspection and copying during normal business hours and shall, to the extent practicable, furnish a copy of any such information or report to any person upon request at a reasonable cost.

Improve Accuracy of Financial Plan Estimates

Chapter 10: Budget Process

Section 250. The budget message.

The budget message, which shall not be deemed a part of the budget, shall include:

1. An explanation, in summary terms, of the major programs, projects, emphases and objectives of the budget, the general fiscal and economic condition of the city, the tax and fiscal base of the city, and intergovernmental fiscal relations.
2. Itemized information and supporting schedules of positions, salaries and other than personal service expenses, anticipated for the ensuing fiscal year.
3. Recommendations for any changes in the revenue sources and fiscal operations of the city, including intergovernmental revenue and fiscal arrangements.
4. An itemized statement of the actual revenues and receipts and accruals of the general fund and of all other revenue sources, including state and federal aid and revenues for specified purposes, for each of the four preceding fiscal years, and for the first eight months of the current fiscal year, and the estimated amount of such items for the balance of the current fiscal year, and for the ensuing fiscal year. In preparing such information the mayor shall consult with the comptroller.
5. An estimate of the probable amount of (1) receipts into the city treasury during the ensuing fiscal year from all the sources of revenue of the general fund and (2) all receipts other than those of the general fund and taxes on real property.
6. A listing of the sources and amounts of all revenues and other monies of a nonrecurring nature that are being proposed to be utilized during the ensuing fiscal year and that are not expected to be available or used in subsequent fiscal years.
7. An update of the four-year financial plan, as set forth in section two hundred fifty-eight of this chapter, containing, (a) for each agency, for all existing programs, forecasts of expenditures for the ensuing fiscal year and the succeeding three fiscal years at existing levels of service; (b) forecasts of revenue by source from existing sources of revenue for the ensuing fiscal year and the succeeding three fiscal years; (c) for each tax revenue source, an explanation of the forecast, as set forth in paragraph 8 of this section, shall be required when revenue projected for the ensuing fiscal year varies from the prior year by more than ten percent, with each explanation detailing the underlying factors including, but not limited to: economic conditions, changes in state, federal or local laws; and (ed) for each new or expanded program, an indication of when such program is projected to be fully implemented and a forecast of the annual recurring costs for such program or program expansion after it is fully implemented.
8. For each agency, a comparison of the proposed appropriations for the ensuing fiscal year with

(i) the amounts appropriated in the current expense budget as originally adopted and as modified through the first eight months of the current fiscal year, (ii) the amounts actually expended in the previous fiscal year and (iii) the amounts actually expended through the first eight months of the current fiscal year and the estimated expenditures for the balance of the current fiscal year.

9. For each major program or unit of appropriation, an explanation of proposed appropriations or planned spending when the ensuing fiscal year's appropriation or planned spending varies by more than ten percent from the previous fiscal year and is greater than ten million dollars. Each explanation shall detail the cause of variation including changes in (a) service or caseload volume, (b) costs of each unit of service, and (c) underlying factors that lead to these changes.

10. For each major program or unit of appropriation, an explanation of proposed appropriations for the ensuing fiscal year where projected expenditures as reported by the comptroller or the Office of the New York State Deputy Comptroller vary by more than twenty percent. Each explanation shall detail the cause of variation including changes in (a) service or caseload volume, (b) unit costs, and (c) underlying factors that lead to these changes.

~~911.~~ For each agency that has local service districts within community districts and boroughs, a statement of proposed direct expenditures in each service district for each unit of appropriation and a statement of the basis for the allocation of direct expenditures to local service districts of each such agency.

Require A Statistically Valid Resident Feedback Survey

Chapter 1: Mayor

Section 21. Resident feedback survey.

The mayor shall at least every five years, starting with the calendar year 2025, produce and publish the results of a representative survey of New York City residents that rates quality of life and city services, with statistically valid results presented on a community board level and by key demographics, including but not limited to race, ethnicity, and household income.

Create Rainy Day Fund Deposit, Withdrawal, And Target Size Rules

Chapter 58: Department of Finance

Section 1528. Revenue stabilization fund.

1. The city ~~may~~ shall maintain a revenue stabilization fund to serve as a year-to-year reserve account, subject to the New York state financial emergency act for the city of New York as amended from time to time or any successor statute.

2. Such fund shall be created and operated in accordance with any applicable state law.

3. The mayor and council shall enact a local law to set the fund's target size, the timing and amount of required deposits, and permitted withdrawals. Funds shall not be withdrawn from the fund until such local law is enacted.

4. The local law shall conform to the following standards:

- a. The fund's target size shall be at least sixteen percent of the prior fiscal year's tax revenue.
- b. Deposits to the fund shall be mandatory when tax revenue growth, compared to the prior fiscal year, as measured on a common rate and base by the office of management and budget, exceeds three percent annually. The local law shall specify the mandatory deposit amount as a share of the tax revenue that exceeds three percent annual growth.
- c. Mandatory deposit amounts in excess of what is needed to meet the target size shall be used to fund capital projects on a pay-as-you-go basis, defease debt, or be deposited into the retiree health benefits trust.
- d. Withdrawals shall be limited to a recession, defined by economic indicators in the local law, or a severe emergency, as defined in the local law, which shall be limited to a temporary emergency that causes a significant revenue loss or expenditure increase in excess of two percent of city funds.
- e. The first-year withdrawal, once a recession or emergency has occurred, as defined in this section, shall not exceed two-thirds of the fund's balance.
- f. The comptroller shall issue an opinion, at a minimum, as to the reasonableness of definition and appropriateness as to the levels of the target size, timing and amount of mandatory deposits and allowed withdrawals, the definition of a recession, and the definition of a severe emergency, in the proposed local law, and any future amendments, prior to a vote by council.

Cap Debt Service At 15 Percent Of Tax Revenues

Chapter 10: Budget Process

Section 250. The budget message.

The budget message, which shall not be deemed a part of the budget, shall include:

1. An explanation, in summary terms, of the major programs, projects, emphases and objectives of the budget, the general fiscal and economic condition of the city, the tax and fiscal base of the city, and intergovernmental fiscal relations.
2. Itemized information and supporting schedules of positions, salaries and other than personal service expenses, anticipated for the ensuing fiscal year.
3. Recommendations for any changes in the revenue sources and fiscal operations of the city, including intergovernmental revenue and fiscal arrangements.
4. An itemized statement of the actual revenues and receipts and accruals of the general fund and of all other revenue sources, including state and federal aid and revenues for specified purposes, for each of the four preceding fiscal years, and for the first eight months of the current fiscal year, and the estimated amount of such items for the balance of the current fiscal year, and for the ensuing fiscal year. In preparing such information the mayor shall consult with the comptroller.

5. An estimate of the probable amount of (1) receipts into the city treasury during the ensuing fiscal year from all the sources of revenue of the general fund and (2) all receipts other than those of the general fund and taxes on real property.

6. A listing of the sources and amounts of all revenues and other monies of a nonrecurring nature that are being proposed to be utilized during the ensuing fiscal year and that are not expected to be available or used in subsequent fiscal years.

7. An update of the four-year financial plan, as set forth in section two hundred fifty-eight of this chapter, containing, (a) for each agency, for all existing programs, forecasts of expenditures for the ensuing fiscal year and the succeeding three fiscal years at existing levels of service; (b) forecasts of revenue by source from existing sources of revenue for the ensuing fiscal year and the succeeding three fiscal years; and (c) for each new or expanded program, an indication of when such program is projected to be fully implemented and a forecast of the annual recurring costs for such program or program expansion after it is fully implemented.

8. For each agency, a comparison of the proposed appropriations for the ensuing fiscal year with (i) the amounts appropriated in the current expense budget as originally adopted and as modified through the first eight months of the current fiscal year, (ii) the amounts actually expended in the previous fiscal year and (iii) the amounts actually expended through the first eight months of the current fiscal year and the estimated expenditures for the balance of the current fiscal year.

9. For each agency that has local service districts within community districts and boroughs, a statement of proposed direct expenditures in each service district for each unit of appropriation and a statement of the basis for the allocation of direct expenditures to local service districts of each such agency.

10. An explanation of principal changes in performance goals and indicators from the date of submission of the preliminary management report to the submission of the proposed executive budget.

11. An itemized statement, covering the city's entire capital plant, except for those portions of the capital plant which have been committed to the care and control of the board of education or officers or employees thereof, by agency and project type and, within project type, by personal services and other than personal services, of the amounts appropriated for maintenance of such capital plant in the previous and current fiscal years as originally adopted and as modified through the first eight months of the current fiscal year, and of the amounts actually expended for such maintenance in the previous fiscal year and through the first eight months of the current fiscal year and the amounts estimated to be expended for such purpose during the balance of the current fiscal year; and, for each agency, an explanation of the substantive differences, if any, between the amounts actually expended for such maintenance in the previous fiscal year or projected to be expended for such purpose in the current fiscal year and the amounts originally appropriated for such purpose for such years.

12. A presentation of the maintenance activities proposed by the mayor to be completed during the ensuing fiscal year for all major portions of the capital plant, as such terms are defined in subdivision a of section eleven hundred ten-a, categorized by agency and project type; an explanation of the differences, if any, between such proposed activities and the activities

scheduled to be undertaken during such fiscal year pursuant to subdivision c of such section; an explanation of the differences, if any, between the proposed appropriations for such activities and the estimates of the amounts submitted, pursuant to subdivision f of such section, as necessary to maintain such portions of the capital plant; and a presentation and explanation of the differences, if any, between the maintenance activities for all major portions of the capital plant proposed by the mayor, in the budget message for the previous fiscal year, to be completed during such fiscal year and the activities actually completed during such fiscal year.

13. A statement of the extent to which the executive budget incorporates the revisions to the preliminary budget suggested by the borough presidents, in accordance with subdivision a of section two hundred forty-five and the reasons why any other suggested revisions were not incorporated in the executive budget.

14. A statement of the modifications, if any, which the mayor recommends that the council make in the appropriations submitted by the borough presidents pursuant to sections one hundred two and two hundred eleven.

15. A statement of any substantive changes in the methodology and assumptions used to determine the revenue estimates presented pursuant to subdivisions four, five and six of this section from the methodology and assumptions presented in the preliminary budget.

16. A statement of the implications for the orderly development of the city, its community districts and boroughs of the capital projects included in or contemplated by the capital budget and program.

17. A certificate setting forth the maximum amount of debt and reserves which, in the mayor's opinion, the city may soundly incur for capital projects during the ensuing fiscal year and during each of the following three fiscal years, and the maximum amount of appropriations and expenditures for capital projects which the city, given such maximum amount of debt and reserves, may soundly make during each such fiscal year. **This maximum shall be set to ensure that debt service is less than fifteen percent of the tax revenue forecast in each year of the financial plan.**

Section 258. Standards for budget and financial plan.

a. The operations of the city shall be such that, at the end of the fiscal year, the results thereof shall not show a deficit when reported in accordance with generally accepted accounting principles unless such deficit is offset by funds withdrawn for such purpose from the revenue stabilization fund established pursuant to section one thousand five hundred twenty-eight. The mayor shall take all actions necessary in accordance with the provisions of the charter, including but not limited to section one hundred six, or other applicable law to ensure that the city is in compliance with this subdivision.

b. Pursuant to the procedures contained in subdivision c of this section, each year the mayor shall develop, and from time to time modify, a four-year financial plan. Each such financial plan and financial plan modification shall comply with the requirements of subdivision d of this section and shall conform to the following standards:

(1) For each fiscal year, the city's budget covering all expenditures other than capital items shall be prepared and balanced so that the results thereof would not show a deficit when reported

in accordance with generally accepted accounting principles, unless such deficit is offset by funds withdrawn for such purpose from the revenue stabilization fund established pursuant to section one thousand five hundred twenty-eight, and would permit comparison of the budget with the report of actual financial results prepared in accordance with generally accepted accounting principles.

(2) The city shall issue no obligations which shall be inconsistent with the financial plan prepared in accordance with this section.

(3) Provision shall be made for the payment in full of the debt service on all bonds and notes of the city and for the adequate funding of programs of the city which are mandated by state or federal law and for which obligations are going to be incurred during the fiscal year.

(4) Debt service payments in the four-year financial plan may not exceed 15 percent of projected tax revenues.

(45) All projections of revenues and expenditures contained in the financial plan shall be based on reasonable and appropriate assumptions and methods of estimation. All cash flow projections shall be based upon reasonable and appropriate assumptions as to sources and uses of cash (including but not limited to the timing thereof), and shall provide for operations of the city to be conducted within the cash resources so projected.

(56) A general reserve shall be provided for each fiscal year to cover potential reductions in projected revenues or increases in projected expenditures during each such fiscal year. The amount provided for such general reserve shall be estimated in accordance with paragraph four of this subdivision, but in no event shall it be less than one hundred million dollars at the beginning of any fiscal year.

(67) In the event that the results of the city's operations during the preceding fiscal year have not comported with subdivision a of this section, the first fiscal year included in any financial plan shall make provision for the repayment of any deficit incurred by the city during the preceding fiscal year.

c. The financial plan shall be developed and may from time to time be modified, in accordance with the following procedures:

(1) The mayor shall, in conjunction with the preliminary budget prepared pursuant to section one hundred one, prepare a financial plan covering the four ensuing fiscal years (the first year of which is the year for which such preliminary budget is being prepared) as well as updating the current fiscal year.

(2) After the preparation by the mayor of a financial plan in accordance with the preceding paragraph, the mayor shall reexamine, at least on a quarterly basis, the projections of revenues and expenditures and other estimates contained in the financial plan, and shall prepare modifications in accordance with the following procedures:

(a) The budget message, issued pursuant to section two hundred fifty of this chapter, shall include an update of the financial plan covering the four ensuing fiscal years (the first year of which is the year for which such budget message is being prepared) as well as an update for the current fiscal year.

(b) Not later than thirty days after the budget is finally adopted, the mayor shall issue an update of the financial plan covering the four ensuing fiscal years (the first year of which shall be the year for which such budget has been adopted) as well as an update for the fiscal year that is ending or has just ended. Such update shall reflect changes which were made in the budget in accordance with sections two hundred fifty-four and two hundred fifty-five; provided, however, that the budget adopted in accordance with such sections shall be consistent with the standards applicable to the financial plan set forth in this section.

(c) During the second quarter of the fiscal year, the mayor shall issue an update of the financial plan covering the fiscal year in which such quarter occurs and the three ensuing fiscal years.

(d) In addition, on such schedule as the mayor deems appropriate, the mayor may issue further updates of the financial plan during the fiscal year.

d. The financial plan shall include projections of all revenues, expenditures and cash flows (including but not limited to projected capital expenditures and debt issuances) and a schedule of projected capital commitments of the city. In addition, each financial plan and financial plan modification shall include a statement of the significant assumptions and methods of estimation used in arriving at the projections contained therein.

e. When the mayor issues modifications to the financial plan pursuant to subdivision c of this section, and such modifications would require the mayor to make a notification or submission to the council pursuant to subdivision b or e of section 107, the mayor shall make such notification or submission within 30 days of issuance of such modifications to the financial plan.

f. Notwithstanding any inconsistent provision of this charter, in the event of any change in generally accepted accounting principles, or change in the application of generally accepted accounting principles to the city, if the mayor determines that immediate compliance with such change will have a material effect on the city's budget over a time period insufficient to accommodate the effect without a substantial adverse impact on the delivery of essential services, the mayor may authorize and approve a method of phasing the requirements of such change into the budget over such reasonably expeditious time period as the mayor deems appropriate.

g. The powers, duties, and obligations set forth in this section shall be subject to the powers, duties, and obligations placed upon any state or local officer or agency, including but not limited to the New York state financial control board, by or pursuant to the New York State Financial Emergency Act for the City of New York, while such act remains in effect.

RESOURCES

Akiva Blander, *Setting the Right Ceiling: Rethinking the City's Debt Limits and Capital Process* (Citizens Budget Commission, April 2024), <https://cbcny.org/research/setting-right-ceiling>.

Ana Champeny, *Real Numbers, Real Choices* (Citizens Budget Commission, April 2024), <https://cbcny.org/research/real-numbers-real-choices>.

Ana Champeny, "Testimony on NYC November 2023 Financial Plan," (Citizens Budget Commission, December 2023), <https://cbcny.org/research/testimony-nyc-november-2023-financial-plan>.

Ana Champeny and Adam Ciampaglio, *Straight from New Yorkers* (Citizens Budget Commission, March 2023), <https://cbcny.org/research/straight-from-new-yorkers>.

Andrew Rein, "Underbudgeting Still Clouds City's Fiscal Picture, Even with Expanding Economy," (Citizens Budget Commission, April 2024), <https://cbcny.org/advocacy/underbudgeting-still-clouds-citys-fiscal-picture-even-expanding-economy>.

Andrew Rein and Ana Champeny, *Preliminary Recommendations to NYC Charter Revision Commission for Improving Finances, Management, and Resident Feedback*, (Citizens Budget Commission, June 13, 2024), <https://cbcny.org/research/preliminary-recommendations-nyc-charter-revision-commission>.

Charles Brecher, Thad Calabrese, and Ana Champeny, *To Weather a Storm* (Citizens Budget Commission, April 18, 2019), <https://cbcny.org/research/weather-storm>.

Office of the New York City Comptroller, *Debt Management Policy: New York City General Obligation and New York City Transitional Finance Authority* (September 2023), p. 9, <https://comptroller.nyc.gov/wp-content/uploads/2023/09/NYC-Debt-Policy-9.5.2023.pdf>.

Office of the New York City Comptroller, *Preparing for the Next Fiscal Storm: Setting Guidelines for NYC's Rainy Day Fund* (May 23, 2022), <https://comptroller.nyc.gov/reports/preparing-for-the-next-fiscal-storm>.

Office of the New York State Comptroller, *Strengthening New York City's Rainy-Day Fund* (November 2021), <https://www.osc.ny.gov/files/reports/osdc/pdf/report-13-2022.pdf>.

New York City Council, Finance Division, "Fiscal Impact Statement, Proposed Intro. No: 878-A," (May 24, 2023), <https://legistar.council.nyc.gov/View.ashx?M=F&ID=12022610&GUID=258ED154-8EA9-43F1-B7D7-37D2014DDF22>.

New York City Council, "ICYMI: Cost Estimates of City Council CityFHEPS Bills Dispute Mayor Adams' Administration's Unsubstantiated Cost Projections," (press release, July 12, 2023), <https://council.nyc.gov/press/2023/07/12/2443/>.

New York City Council, "Council Overrides Mayor's Veto on Legislation to Address Homelessness Crisis by Helping New Yorkers Move Out of Shelter and Avoid Evictions with CityFHEPS Vouchers," (press release, July 13, 2023), <https://council.nyc.gov/press/2023/07/13/2444/>.

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CITIZENS UNION OF THE CITY OF NEW YORK
Testimony before the 2024 City Charter Revision Commission
Public Safety Forum & Hearing – Brooklyn
FDNY Headquarters – June 20, 2024

Dear members of the 2024 Charter Revision Commission. My name is Amaury Dujardin, and I am the Policy Manager at Citizens Union. Thank you for providing us with the opportunity to speak before you today. Citizens Union is a nonpartisan good government group committed to reforming New York City and State government by fostering accountability, honesty, and the highest ethical standards, and advocating for political reform and fair and open elections.

Citizens Union has been studying police accountability and performance in New York City for more than a decade, and many of our recommendations have been implemented. We believe the best way to ensure the safe and democratic application of policing is to strengthen and streamline systems of oversight and accountability, both within the NYPD and among the independent entities that monitor police misconduct. Public safety is dependent on New Yorkers having faith in law enforcement.

Charter Revision Commission Should Not Propose Major Changes Under Current Timeline

As we noted in our testimony during the June 17 hearing on government and election reform, we believe the two-month timeframe under which the 2024 Charter Revision Commission is operating is insufficient to thoroughly review the Charter, seek meaningful public input, and draft well-crafted amendments to the Charter. We therefore ask the commissioners either to work past the November 2024 ballot question deadline and put a question on the 2025 ballot or to place a question on the November 2024 that is narrow in scope.

We include Citizens Union's recommendations on the topic of public safety below but reiterate our position that the Commission should avoid any major changes to the City Charter due to the limited time available to meaningfully engage with issues.

The Role of the City Council – Police Commissioner Advice and Consent

In the area of policing, as in other areas, the role of the City Council is to enact laws, approve a budget, and conduct oversight through committee hearings. The Council does not currently play any role in the appointment of the Police Commissioner, or for that matter, in the appointment of any other commissioner with the exception of the Commissioner of Investigation and the Corporation Counsel.

Because of the importance of the Police Commissioner and the impact of the NYPD on the daily lives of the City's residents, Citizens Union had previously recommended that the appointment of the Police

Commissioner be made subject to the advice and consent of the Council,¹ and we repeat this recommendation here.

We do so on the assumption that the Council, in evaluating the qualifications of nominees for Police Commissioner, as it has for nominees for other positions, will do so in a responsible manner and without the introduction of extraneous political considerations.

To note, Citizens Union has recently testified before the City Council, asking them not to move forward with the proposed expansion of advice and consent before the body gives more time for committee meetings, public hearings, and further debate to fully consider the implications of that proposal.² We also noted that previous expansions of the Council's advice and consent powers were achieved through charter revision commissions: a mayoral-appointed Charter Revision Commission in 1989 proposed giving the Council the power to approve the Commissioner of Investigations, and a council-appointed Charter Revision Commission in 2019 proposed giving the Council the power to approve the Corporation Counsel.

The Role of the City Council – Maintain Current Legislative Powers on Public Safety

According to media reports, the Commission is considering whether a lengthy public review process should be mandated for changes to local public safety laws, similar to the Uniform Land Use Review Procedure (ULURP) mandated under Charter Section 197-c for various land use changes.³ Citizens Union opposes this proposal.

The ULURP process was introduced by the 1975 Charter Revision Commission to provide communities with the opportunity to comment on certain applications for real estate developments and other land use changes that occur near them. ULURP is a geographically-based process where, in most cases, community boards and community members react to proposals within their districts. It was enacted in response to decades of government centralization in development and infrastructure decision-making.

On the contrary, legislation related to public safety is a citywide policy matter. Like many other general matters of citywide importance, such as education, transportation, or the environment, they are regulated by the legislative branch, which represents the city's various districts, by passing general local laws.

The New York City Council provides an opportunity for the public to comment on every bill during a public hearing held by the relevant Council Committee. The Council can do more to provide greater notice before legislative actions and improve the memos accompanying bills, and Citizens Union has advocated for such changes as part of a Council Rules Reform package. However, we do not see

¹ Citizens Union Agenda for Police Reform – 2021 Issue Brief and Position <https://citizensunion.org/wp-content/uploads/2021/03/citizens-union-agenda-for-police-reform-part-1-governance-and-accountability-mar-2021.pdf>

² Citizens Union of the City of New York. Testimony before the City Council Committee on Governmental Operations, State & Federal Legislation, Introduction 908-2024. May 29, 2024. <https://citizensunion.org/wp-content/uploads/2024/05/CU-Testimony-Intro-0908-2024-Expanding-Council-Advice-and-Consent-.pdf>

³ Rich Calder, "NYC Council's 'crime-friendly' Agenda Could Spur New Commission to Revise How Public-safety Laws Are Enacted," *New York Post*, June 1, 2024, <https://nypost.com/2024/06/01/us-news/new-commission-to-scrutinize-how-nyc-council-approves-public-safety-laws/>.

sufficient reasons to add further public review opportunities unto a legislative process that already includes public hearings on every bill.

In addition, we believe a proposal to add a requirement for a public review process on public safety laws could spur ongoing litigation on the question of what qualifies as public safety, further complicating the legislative act.

Other Recommendations on Public Safety and Policing

In 2021, Citizens Union issued two reports on public safety and policing in New York City. The first⁴ dealt with issues of governance and accountability, and offered ways to assure appropriate oversight and accountability of the NYPD. The second report was published in December 2021⁵ and included a series of recommendations to the incoming mayor, with new proposals on how to improve the effectiveness of policing in the City's various communities, strengthen police-community relations, and bolster opportunities for community input in public safety planning. That report also identified several existing programs that we believe could be strengthened.

Not all recommendations necessitate amendments to the City Charter. Some can be done by changing the Administrative Code, others require a change in state law, and some may be achieved through mayoral action. However, we present these reports in an appendix to assist the commission's deliberations.

⁴ Citizens Union Agenda for Police Reform – 2021 Issue Brief and Position <https://citizensunion.org/wp-content/uploads/2021/03/citizens-union-agenda-for-police-reform-part-1-governance-and-accountability-mar-2021.pdf>

⁵ Citizens Union, Public Safety and Policing in New York City: Recommendations to the New Mayor, December 2021 <https://citizensunion.org/wp-content/uploads/2021/12/public-safety-and-policing-in-new-york-city-recommendations-to-the-new-mayor-dec-2021.pdf>

Citizens Union Agenda for Police Reform

2021 ISSUE BRIEF AND POSITION – PART 1 GOVERNANCE AND ACCOUNTABILITY


Summary of Recommendations

NYPD as a Mayoral Agency

- Establish a Deputy Mayor for Public Safety with the expertise and authority to monitor and supervise the Police Department on the Mayor's behalf.
- Make the appointment of the Police Commissioner subject to the advice and consent of the City Council.

Oversight of the NYPD

- Merge the Office of the Inspector General for the NYPD and the Commission to Combat Police Corruption into the Civilian Complaint Review Board.
- Update the NYPD's information and data storage technology to allow police oversight agencies to access data relevant to their mission.

- 
- Create a legal framework for policing, by establishing policies through publicly accessible law and regulation covering such areas as use of force, handling of demonstrations and the imposition of disciplinary sanctions.

The Disciplinary Process

- Expand the CCRB's jurisdiction to include allegations of profiling or discrimination.
- Expand the CCRB's jurisdiction to include traffic and school safety agents and other civilian employees of the NYPD.
- Allow the CCRB to initiate investigations without having to wait for an individual complaint.
- Provide the CCRB with prompt and full access to footage from body-worn cameras, police officers' employment history and disciplinary records and all other documents and materials in the possession of the NYPD relevant to its investigations.
- Transfer disciplinary hearings involving police officers from the NYPD to the Office of Administrative Trials and Hearings (OATH).
- In cases in which the Police Commissioner proposes to depart from a discipline recommendation of the CCRB involving suspension or termination, provide the CCRB with the right to appeal to the Deputy Mayor for Public Safety, who would have final authority over the penalty.

Other Mechanisms for Accountability

- Create a statewide authority to certify and decertify police officers.
- Repeal or waive qualified immunity in cases against the state, political subdivisions of the state, and state and local officials.



Introduction

Events of past year have brought into sharp focus the role of policing in New York City, as in other American cities. The number and size of demonstrations following the murder of George Floyd shows the frustration that such incidents keep happening and that police officers often experience few or no consequences when they engage in misconduct, which too often is directed against people of color. More broadly, they are a sign of a fundamental disconnect between police officers and many of the communities they serve, especially communities of color, where the level of distrust of the police is high.

The rhetoric over the past several months, as with too many other issues facing our society, has been polarized. Some have argued for the defunding or even elimination of police departments while others view any criticism of the police or calls for reform as undermining public safety. In between, various public officials, groups and individuals have made many proposals for reform, but in this fraught political environment, many of these proposals are criticized by both poles as being either harmful or inadequate.

Citizens Union (CU) considers this polarization to be strongly counterproductive. Public safety requires a modern, professional police force that has the authority to enforce the law. We also believe policing must be carried out in ways that are consistent with constitutional principles and our democratic form of government. When the police are not accountable, or are disconnected from the communities they serve, or perform functions that are outside their core area of expertise, they lose the trust necessary to do their job well.

While the NYPD is a highly regarded police force in many ways, it also has acted in ways which undermine public confidence. This has been a historic pattern. There has been a legion of complaints over the years that the NYPD systemically, and officers individually, treat persons of color with less respect and more harshly than whites. Furthermore, the department has in many instances impinged upon first amendment rights of protesters and other civilians. The past several months have seen ample demonstrations of both behaviors. The problems keep recurring and the public perceives little has been done to address them.



Citizens Union has been studying police accountability and performance in New York City for more than a decade.¹ In light of recent events, CU reconvened and expanded its working group to consider the current state of policing in the City and make recommendations to:

- Assure appropriate oversight and accountability of the NYPD
- Improve the effectiveness of policing in the City's various communities

We have spoken with public officials, experts and community groups and considered a number of recent published reports regarding needed reforms (a selected bibliography of sources is attached to this report). We believe we can best advance the discussion by synthesizing what we have learned into a specific agenda for reform. The time for reform is now, especially in light of the Governor's Executive Order No. 203, issued June 12, 2020, requiring local police agencies, including the NYPD, to adopt a plan by April 1, 2021 "that reinvents and modernizes police strategies and programs in their community based on community input."²

The first part of that agenda, set forth below, deals with issues of governance and accountability. Just as we must have civilian control of the military at the federal level, so we should insist on civilian control of the police on a local level. This means far stronger monitoring and management by City Hall, a much more robust body of laws and regulations governing the police to clarify how police should act and limit the vast amount of discretion the NYPD and police officers currently exercise, and a more effective and transparent system of disciplining police officers accused of misconduct. We fully understand that police officers put their lives at risk every day, and most officers conduct themselves with dedication and understanding. But for those officers who engage in misconduct, and data show there are too many, penalties must be imposed that are commensurate with the level of misconduct, and the public must be able to see that those officers are being held accountable.

In a subsequent paper, we will propose an agenda for more effective policing. This includes a stronger connection and better communication between local precincts and the communities they serve and improved training of the police to accomplish

¹ See the following reports by CU's Committee on Municipal Affairs: Issue Brief and Policy Position Statement on Police Accountability (2016) (<https://citizensunion.org/portfolio-item/citizens-union-issue-brief-and-policy-position-statement-on-police-accountability/>); Issue Brief and Position on Reforming Stop, Question and Frisk (2013) (https://citizensunion.org/wp-content/uploads/2013/09/Issue_Brief_Stop_and_Frisk_FINAL1.pdf); Diminished Accountability: How Discipline for Police Misconduct in Downgraded by the NYPD (2012) (https://citizensunion.org/wp-content/uploads/2013/09/CUReport_AccountabilityPoliceMisconduct1.pdf); White Paper: Public Oversight of Police Misconduct (2008) (https://citizensunion.org/wp-content/uploads/2013/09/2008IB_PoliceMisconduct1.pdf).

² <https://www.governor.ny.gov/news/governor-cuomo-signs-executive-order-reinvent-and-modernize-police-strategies-and-programs>.

that and to provide greater skills in dealing with situations in which the use of force may be counter-productive. In this connection, we will examine the myriad functions the police are asked to perform, such as enforcement of public health measures, school safety and response to mental health emergencies and homelessness, that might be better done by other agencies, with the police in a backup role.


A. THE NYPD AS A MAYORAL AGENCY

1. MAYORAL CONTROL

The NYPD, like virtually all City agencies, and with the exception of a few independent boards or commissions, is subject to Mayoral control. The Police Commissioner is hired and may be fired by the Mayor, and the Mayor bears ultimate responsibility for the policies, priorities and conduct of the NYPD. However, for a variety of reasons, mayors have been exceedingly reluctant to exercise close control over the Police Commissioner. In part, this reflects a prudent realization that there is considerable expertise involved in policing that the Commissioner has and the Mayor does not. It also reflects the institutional strength of the Police Department to resist outside pressure, aided by the fact that because crime is always an important and emotional issue, the Commissioner (and the police unions) wield a degree of independent political clout that the Mayor challenges at his peril. In addition, the Mayor has many other areas of responsibility and lacks any civilian bureaucracy, like the Department of Defense at the federal level, with the power and expertise to serve at least occasionally as a counter-weight.

It is therefore not surprising that the Office of the Attorney General has recently proposed the creation of a multi-member commission, whose members would be appointed by several different elected officials, with power to hire and fire the Police Commissioner and control the budget and policies of the NYPD³. Such police commissions exist in several other jurisdictions, most notably Los Angeles. In support of them, it is argued that they create a useful buffer between police policy and the volatility of pressure group

³ See *Preliminary Report on the New York City Police Department's Response to Demonstrations Following the Death of George Floyd* ("OAG Preliminary Report") at 36, <https://ag.ny.gov/sites/default/files/2020-nypd-report.pdf>.




politics and thereby provide stable and expert control, akin to the role played by the Board of Governors of the Federal Reserve with respect to monetary policy.

Nevertheless, **we continue to believe that with the reforms recommended below, Mayoral control of the NYPD remains the best means of achieving appropriate governance and accountability.** Policing is one of the most important functions of municipal government and should be subject to democratic control. If the voters of the City wish to change the way in which the NYPD is run, they have the power to elect a Mayor and City Council committed to doing so. Indeed, in the 2013 City elections, the NYPD's implementation of its stop and frisk policy was a central issue, and the election of a Mayor opposed to that policy played a significant role in ending it. Similarly, we are now at the start of an election cycle in which policing is one of the central issues, and the outcome of the election should be permitted to determine how best to reform policing more broadly. By contrast, the creation of a multi-member police commission, whose members would have fixed terms and might be appointed by different persons, would, in our view, dilute democratic control and blur the lines of accountability, especially as it is coupled with a recommendation that its policy proposals would have the force of law. Our concern in this regard is based in part on the City's experience with the Board of Education prior to the introduction of Mayoral control of education. Finally, although there is little solid empirical evidence regarding how police commissions work in other jurisdictions, there seems little basis to believe that policing in those jurisdictions is more effective and accountable than it is here.⁴

Although we favor continued Mayoral control over the NYPD, we hasten to add that we believe the Mayor must play a more active role in overseeing the Police Department and guiding it toward

⁴ In addition, we are not convinced that there is an expertise involved in the setting of police policy similar to that involved in monetary policy. Rather, it is an area where the experience and input of ordinary citizens should inform a democratic process in setting policy.



necessary reforms, and the Police Commissioner must remain responsible (and answerable) for the direction of the NYPD.⁵


2. THE NEED FOR A DEPUTY MAYOR FOR PUBLIC SAFETY

As noted above, one the reasons that the Mayor has not historically exercised strong control over the Police Department is his need to focus on a wide variety of other issues as well. **We therefore recommend that there be such a Deputy Mayor with the expertise and authority to monitor and supervise the Police Department on the Mayor's behalf.**

The Criminal Justice Coordinator has done an admirable job over the years in coordinating among the Police Department and other agencies and offices that are part of the criminal justice system, including those that are part of City government (Corrections, Juvenile Justice, Probation, Victim Services), as well as those that are independent (the District Attorneys and the court system). However, the Office of the Criminal Justice Coordinator was never designed and has not functioned to exercise oversight of the Police Department. If there is to be significant reform of policing, it is essential to have a Deputy Mayor whose principal focus is public safety.

Building on the resources of the Criminal Justice Coordinator, the Deputy Mayor should serve as the point person to ensure coordination between the Police Department and other agencies within the criminal justice system (Probation, Corrections, Juvenile Justice, Victims Services) and well as to work with the Deputy Mayor(s) with responsibility over other areas in which the police need to play a supportive role, such as mental health, traffic, education, and homelessness, not to mention control of the pandemic. Furthermore, if the public's trust in the Police Department is to be repaired, the Deputy Mayor should have authority to oversee the restructuring and monitoring of the system

⁵ In this connection, we note that disciplinary procedures within the NYPD, in contrast to almost all other local governments, are exempt from collective bargaining under the Taylor Law. See *Matter of Patrolmen's Benevolent Assn. of City of N.Y. v. New York State Pub. Empl. Rel. Bd.*, 6 N.Y.3d 563 (2006).



for disciplining police officers to ensure that serious misconduct receives appropriate sanctions.

3. THE ROLE OF THE CITY COUNCIL

In the area of policing, as in other areas, the role of the City Council is to enact laws, approve a budget and conduct oversight through committee hearings. The Council does not currently play any role in the appointment of the Police Commissioner, or for that matter in the appointment of any other commissioner with the exception of the Commissioner of Investigation. Because of the importance of the Police Commissioner and the impact of the NYPD on the daily lives of the City's residents, **we recommend that as with the Commissioner of Investigation, the appointment of the Police Commissioner be made subject to the advice and consent of the Council**, and we support that portion of the bill before the Council which would accomplish that end.⁶


We do so on the assumption that the Council, in evaluating the qualifications of nominees for Police Commissioner, as it has for nominees for Commissioner of Investigation, will do so in a responsible manner and without the introduction of extraneous political considerations.

B. OVERSIGHT OF THE NYPD

1. THE CONSOLIDATION OF POLICE OVERSIGHT AGENCIES

There are currently three bodies that exercise oversight of the NYPD within their respective areas: the Inspector General for the Police Department, the Mayor's Commission to Combat Police Corruption and the Civilian Complaint Review Board. The first two gather information and make reports and recommendations on

⁶ *A Local Law to amend the New York city charter, in relation to requiring advice and consent of the council for the police commissioner*, Pub. L. No. Int 2209-2021. Accessed February 11, 2021.
<https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=4771042&GUID=510F929A-DDB6-4C8C-9F28-93069BD24873&Options=&Search=>.



policies and procedures; they perform similar and somewhat overlapping functions. At a minimum, the Mayor's Commission to Combat Police Corruption should be merged into the Office of the Inspector General for the Police Department in light of the small size and scarce resources of the former and the greater investigator capacity of the latter. In our view, the CCRB should also be combined with them in a single agency with oversight of the NYPD.

We recognized that the CCRB serves a somewhat different purpose and that its adjudicative function would probably need to be handled by a separate staff than the one conducting more legislative type inquiries relating to policies and procedures of the NYPD. Nevertheless, we believe the CCRB's ability to investigate complaints, obtain relevant information and prosecute wrongdoing could be strengthened as part of a larger and more comprehensive police oversight agency. Indeed, all three of these agencies have frequently experienced similar problems in obtaining access to materials and witnesses from the NYPD.⁷ Their work could be performed more effectively and efficiently if they were one agency with easy access to NYPD information that could be shared.


Accordingly, we support the proposal of the Mayor in his State of the City 2021⁸ and the recommendation set forth in the recent report of the New York City Department of Investigation⁹ that **the three oversight agencies should be consolidated into one agency**. Under the Mayor's proposal, the powers of the IG and CCPC would be transferred to the CCRB; the DOI Report states that the combined agency should have an independent board and not be part of the Inspector General system under DOI. These

⁷ See text at note 14 below.

⁸ <https://www1.nyc.gov/office-of-the-mayor/news/062-21/state-the-city-2021-mayor-de-blasio-recovery-all-us>. This proposal and several other police reforms, which the Mayor refers to as the "Dinkins Plan", have been incorporated into the Mayor's draft plan, issued in response to the Governor's Executive Order No. 203, entitled *A Recovery for All of Us: Mayor de Blasio Outlines Next Phase of Comprehensive Police Reform Effort* (Mar. 5, 2021, <https://www1.nyc.gov/office-of-the-mayor/news/158-21/recovery-all-us-mayor-de-blasio-outlines-next-phase-comprehensive-police-reform-effort> and NYC Police Reform and Reinvention Collaborative Draft Plan: Part 2 (Mar. 12, 2021)

https://www1.nyc.gov/assets/police-reform/downloads/PolicingReport_Part%202_FINAL.pdf. A number of the proposals set forth in that draft plan go beyond the scope of this agenda. Citizens Union plans to issue comments on those proposals in a separate paper.

⁹ See *Investigation into NYPD Response to George Floyd Protests* ("DOI Report") at 72-111, <https://www1.nyc.gov/assets/doi/reports/pdf/2020/DOIRpt.NYPD%20Reponse.%20GeorgeFloyd%20Protests.12.18.2020.pdf>.



would appear to us to amount to the same thing, although we prefer to rename the agency the Police Oversight Board to reflect its broader mission. We also agree with the view expressed in the DOI Report (and implicit in the Mayor's proposal) that the policy recommendations of such a consolidated agency, like those of the IG currently, would continue to be merely proposals to be considered by the democratically elected branches of City government — the Mayor and the Council.


2. THE UPDATING OF TECHNOLOGY USEFUL FOR OVERSIGHT

One reason the police oversight agencies often find it difficult to access data relevant to their mission is because the information and data storage technology of the NYPD is out of date. For example, many relevant records are handwritten and stored locally. Tablets are available that would permit such records to be uploaded to a central data base.

Similarly, there is still some confusion as to when police officers must activate their body-worn cameras, as well as some non-compliance with the activation requirements. Technology is available that automatically activates an officer's body-worn camera when the officer's gun or taser is drawn and automatically activates the body-worn cameras of all officers in the immediate vicinity whenever one officer's camera is activated. Technology is also available that would permit the footage of body-worn cameras to be searched by GPS coordinates.

3. THE CREATION OF A LEGAL FRAMEWORK FOR POLICING

Unlike any civilian agency, the NYPD, like most police departments around the country, operates with virtually complete discretion, subject only to constitutional limitations enforced by the courts. There is almost no statutory law or properly issued regulations concerning the police function. A few laws have recently been enacted governing discrete subjects like choke holds



and procedures for police stops and the introduction and use of surveillance technology. However, the proper functioning of a police department in a democratic society requires the existence of a body of law regulating its authority and conduct.

This is not to say that every aspect of policing or every item in a police manual should be made subject to a rigid code of law; some discretion is necessary in policing as it is in other areas of government. However, **significant policies, such as those governing the use of force, the handling of demonstrations and the imposition of disciplinary penalties¹⁰, should be established through the ordinary procedures for enacting statutes or promulgating regulations, after appropriate public notice and comment.** This legal framework should be easily accessible on the NYPD website. We thus agree with the recommendation of the Office of the Attorney General that the policies of the NYPD, as with other City agencies, should be embodied in law and regulations; we also agree with the AG's specific recommendations concerning the substance of use of force regulations.¹¹

C. THE DISCIPLINARY PROCESS


1. EXPANSION OF CCRB JURISDICTION

Pursuant to the New York City Charter,¹² the CCRB has the power to investigate and recommend action with respect to complaints against members of the NYPD alleging misconduct “involving excessive use of force, abuse of authority, discourtesy, or use of offensive language, including, but not limited to, racial slurs relating to race, ethnicity, religion, gender, sexual orientation and disability.” Allegations of racial profiling and discrimination,

¹⁰ In that regard, we note that the NYPD recently adopted “Disciplinary System Penalty Guidelines” (effective Jan. 15, 2021), https://www1.nyc.gov/assets/nypd/downloads/pdf/public_information/disciplinary-system-penalty-guidelines-effective-01-15-2021-compete-.pdf. (known as the “Discipline Matrix”). Although adopted after public notice and comment, the Discipline Matrix is not embodied in formal regulations, places no legal constraints on the Police Commissioner and can be changed by him at any time. Indeed, it specifically states: “Nothing in these Guidelines shall be construed to limit the discretion of the Police Commissioner to impose discipline. The Police Commissioner may modify these Guidelines as appropriate to address emerging issues and advance the goals of the disciplinary system described herein.”

¹¹ See *OAG Preliminary Report* at 37-38 and 43-44

¹² Chapter 18-A, § 440(c)(1)



however, are not within its jurisdiction. Thus, in a case involving allegations of excessive force and racial profiling, the CCRB conducts the investigation of excessive force while the NYPD's Internal Affairs Bureau conducts the investigation of racial profiling.

There is little to recommend this limitation of authority. **The jurisdiction of the CCRB should be expanded to include allegations of profiling or discrimination based on race, ethnicity, religion, gender, sexual orientation and disability.** In addition, **the CCRB should be able to initiate investigations based on evidence available to it without having to wait for an individual complaint.**¹³ Finally, **the jurisdiction of the CCRB should be expanded to include traffic and school safety agents and other the civilian employees of the NYPD.**

2. CCRB ACCESS TO NYPD MATERIALS


Pursuant to the New York City Charter,¹⁴ the CCRB has the power to “compel the attendance of witnesses and require the production of such records and other materials as are necessary for the investigation of matters within its jurisdiction.” In practice, however, the NYPD withholds significant, relevant information from the CCRB or produces it after substantial delays and often with redactions.¹⁵ The NYPD does not provide the CCRB with the complete disciplinary records of police officers who are the subject of complaints - clearly relevant information with respect to credibility as well as the CCRB's recommendation regarding an appropriate penalty.¹⁶ In addition, following the introduction of

¹³ These two recommendations are similar to proposals set forth in the Mayor's State of the City 2021. See note 7 above. However, the Mayor's proposal would give the CCRB authority to investigate only individual instances of “biased-based policing” misconduct, whereas, we support giving it authority to also investigate a pattern or practice of biased-based policing. Inasmuch as the Mayor also proposes to merge the IG into the CCRB, it would appear that in the end, the CCRB would also have that authority too.

¹⁴ Chapter 18-A, § 440(c)(3)

¹⁵ See *DOI Report* at 99-103 (demonstrating NYPD resistance to the production of information not only to the CCRB but also to the IG and the CCPC). See also Eric Umansky and Mollie Simon, *The NYPD Is Withholding Evidence From Investigations Into Police Abuse*, PRO PUBLICA (Aug. 17, 2020), <https://www.propublica.org/article/the-nypd-is-withholding-evidence-from-investigations-into-police-abuse>.

¹⁶ On February 4, 2021, the two agencies entered into a “Memorandum of Understanding Between the New York City Police Department and the New York City Civilian Complaint Review Board Concerning the NYPD Discipline Matrix.” Most of the MOU sets forth a modest commitment by the NYPD and the CCRB to generally abide by the discipline Matrix or, in exceptional cases, to provide a written statement of reasons for any departure. In addition, one of its paragraphs provides: “In any case where the CCRB investigator recommends that an



body-worn cameras, the NYPD resisted and delayed efforts by the CCRB to obtain the footage from body-worn cameras. The two agencies finally agreed to a cumbersome procedure for providing access by CCRB investigators to such footage, but because of the pandemic, it has not been fully implemented.¹⁷

The NYPD justifies its failure to provide the CCRB with prompt access to documents and other relevant materials based on a myriad of claims of privilege and privacy concerns, some based on statutes designed to protect innocent civilians, not police officers accused of misconduct. It is easy to get lost in the competing legal arguments involved. Our conversations with various interested parties, both inside and outside city government, as well as a review of the relevant laws, convince us that for the most part the NYPD's arguments against sharing materials with the CCRB do not appear to be well supported.

The basic point is that the City currently runs two parallel systems for disciplining police officers. One is run by the NYPD through its Internal Affairs Bureau and has access to all relevant information in the possession of the Department. The other is run by the CCRB and has access only to the materials that the NYPD decides to turn over. This situation is intolerable.

The CCRB should have prompt and full access to footage from body-worn cameras, police officers' employment history and disciplinary records and all other document and materials in the possession of the NYPD relevant to its investigations.¹⁸ To the extent that there are well-founded legal arguments making that


allegation of misconduct be substantiated, the CCRB's Board must have access to the NYPD employment history of the officer in order to appropriately evaluate the appropriate penalty, including but not limited to aggravating and mitigating factors as set forth in the Disciplinary Matrix."

<https://www1.nyc.gov/assets/home/downloads/pdf/office-of-the-mayor/2021/Disciplinary-Matrix-MOU.pdf>.

Even apart from the fact that such an MOU is not legally enforceable and can be revoked at any time, this commitment does not solve the problem of the NYPD withholding relevant documents from the CCRB. The definition of employment history is extremely narrow, referring only to "a document which was previously supplied by the NYPD to the CCRB in cases where CCRB's Administrative Prosecution Unit handled the prosecution of substantiated allegations resulting in charges and specifications." Pursuant to that prior practice, the NYPD provided only some but not all of an officer's disciplinary record. Thus, the MOU fails to cover all relevant employment history and is therefore inconsistent with the Charter provision quoted above granting the CCRB the power to require the production of all records necessary for the investigation of cases within its jurisdiction.

¹⁷ See Ethan Geringer-Sameth, *Under News Body Camera Policy, NYPD Still Controls the Video and the Narrative*, GOTHAM GAZETTE (Sept. 2, 2020), <https://www.gothamgazette.com/city/9723-new-body-camera-policy-nypd-controls-video-narrative>.

¹⁸ See Mayor's State of the City 2021, note 8 above.



impossible, the applicable laws should be changed. However, it should be the Corporation Counsel, not the NYPD, who makes the legal judgment as to whether there are any current legal impediments to the NYPD sharing all relevant materials with the CCRB.


3. REMOVAL OF HEARINGS FROM THE NYPD

All disciplinary proceedings against police officers are heard within the NYPD before administrative hearing officers who are appointed by the Police Commissioner and serve at his pleasure. This is in contrast to all other City agencies for which disciplinary cases against employees (including uniformed employees) are heard before the Office of Administrative Trials and Hearings (OATH). The administrative law judges of OATH serve for fixed terms and are not answerable to the agency head whose employees are the subject of the hearing.

Thus, the officials within the NYPD who hear and make recommendations with respect to disciplinary cases against police officers lack the independence and job security of the administrative law judges within OATH who hear and decide such matters in disciplinary cases involving all other city employees. This anomaly is the result of a state law which has been interpreted to require all disciplinary cases against police officers to be heard and decided within their police department.¹⁹

Public confidence in the disciplinary process would be enhanced if the disciplinary hearings for police officers, like those for all other City employees, were conducted before the independent administrative law judges of OATH rather than within the NYPD. In order to achieve that result, the State Legislature should abolish the requirement in state law that police disciplinary hearings be conducted within the police department. Following such amendment, the Mayor should issue an Executive

¹⁹ See New York State Unconsolidated Laws § 891; *Lynch v. Giuliani*, 301 A.D.2d 351, 356-57 (1st Dept. 2003).



Order, pursuant to the New York City Charter,²⁰ transferring disciplinary hearings from the NYPD to OATH.

4. THE COMMISSIONER AS THE FINAL DECISION-MAKER ON DISCIPLINE

Pursuant to the New York City Charter,²¹ the Police Commissioner has “cognizance and control of the government, administration, and discipline of the department, and of the police force of the department.” Although the CCRB may make findings and recommendations with respect to discipline, the Commissioner is the final decision-maker. Recent evidence has revealed a disturbing pattern of departures by the Commissioner from the findings and recommendations of the CCRB (and on occasion from those of the NYPD Trials Commissioner), suggesting a systemic failure to impose penalties on police officers commensurate with the gravity of their wrongdoing. As summarized powerfully by the *DOI Report* at 41 (footnotes omitted):

Over the five-year period between 2014 and 2018 (the last year for which full data is available), CCRB received more than 55,000 complaints from the public, including nearly 20,000 individual misconduct allegations for excessive force. The CCRB fully investigated and substantiated more than 4,000 individual allegations of misconduct, and recommended discipline for nearly 2,500 officers, including recommending more than 600 officers be suspended or terminated. Yet, not once in those five years did the NYPD Commissioner fire an officer following CCRB’s recommendation. In only eight cases over those five years did the NYPD Commissioner determine that the next most serious penalty — a suspension of longer than one month and/or dismissal probation — was merited. Even suspensions of more than 10 days only happened a handful of times a year, on average.

²⁰ Chapter 45-A, § 1048(2).

²¹ Chapter 18, § 434(a).



In light of this history, we have considered the following three options.


Option 1: To some, the appropriate response is to remove the final say over discipline from the Commissioner and place it with some person or board over him. However, while recognizing the gravity of the problem, we are not yet inclined to take that step. We believe that employee discipline is one of the critical functions of management for any organization. Accordingly, every other City commissioner has final authority with respect to employee discipline, and we are loathe to deprive the Police Commissioner of that authority if there is some less drastic alternative to achieve greater accountability.

There is such an alternative set forth in a recent amendment to the New York City Charter,²² which was added by referendum approving a proposal of a Charter Revision Commission in 2019. It requires the Police Commissioner to provide a detailed, written report to the CCRB in any case substantiated by the CCRB in which the Police Commissioner “intends to impose or has imposed a different penalty or level of discipline than that recommended by the [CCRB] or by the deputy commissioner responsible for making disciplinary recommendations.” Such a report must contain a detailed explanation of the reasons for deviating from the recommendation of the CCRB or deputy commissioner, and in cases in which the Police Commissioner intends to impose or has imposed a lower level of discipline than that recommended, the report must include “an explanation of how the final disciplinary outcome was determined, including each factor the police commissioner considered in making his or her decision.”²³ Because of the application of New York Civil Rights Law § 50-a to those reports, and the judicial stay of the statute repealing that law,²⁴ those reports were not made available to the public, and we

²² Chapter 18-A, § 440(d)(3).

²³ This provision is similar to the procedure set forth in a Memorandum of Understanding between the CCRB and the NYPD entered into on April 2, 2012. See “Memorandum of Understanding Between the Civilian Complaint Review Board (CCRB) and the Police Department (NYPD) of the City of New York Concerning the Processing of Substantiated Complaints”, https://www1.nyc.gov/assets/ccrb/downloads/pdf/about_pdf/apu_mou.pdf.

²⁴ That stay was recently lifted after the U.S. Court of Appeals for the Second Circuit affirmed the decision of the U.S. District Court for the Southern District of New York in dismissing the claims of the police and fire officers unions challenging the repeal of § 50-a (with one exception not relevant here). See *Uniformed Fire Officers Ass’n*



do not know how useful or effective this provision has been. However, from the case involving Police Officer Daniel Pantaleo, who applied the chokehold that killed Eric Garner, there is reason to think that when there is public disclosure of the results of a disciplinary proceeding, the Police Commissioner will be more reluctant to depart from the penalty recommendation of the CCRB or the deputy commissioner.


Now, following the repeal of Section 50-a of New York Civil Rights Law, the public will be able to see whether this provision helps in providing the appropriate level of transparency and accountability with respect to police discipline. It will be incumbent upon the Police Commissioner to provide convincing explanations for each and every departure, as well as the aggregate data on how often he or she departs from the findings and recommendations of the CCRB. If the Police Commissioner proves unable to do so, then it will be time to reconsider whether the Police Commissioner should continue to have final authority with respect to discipline.

Option 2: We conclude from this evidence that the time has come to remove the final say over discipline from the Police Commissioner and place it with some person or board over him, at least in cases in which the CCRB has recommended the most severe penalties, such as termination or suspension. We recognize that this is a drastic step, as it deprives the Police Commissioner of some authority to control the discipline of police officers that all other City commissioners have with respect to their work force. However, we are convinced that no lesser remedy is likely to achieve real accountability in light of the longstanding failure of the NYPD to impose appropriate sanctions on officers found to have committed serious wrongdoing.²⁵

That failure is not due to happenstance, but is structural. As long as the Police Commissioner comes from within the Department,

v. De Blasio, ___ F.3d ___, Docket Nos. 20-2789-cv(L) and 20-3177-cv(XAP) (Feb. 16, 2021), https://www.ca2.uscourts.gov/decisions/isysquery/3391781d-f8b6-4fe6-bd96-3e1f525411ca/21/doc/20-2789_so.pdf.

²⁵ The February 4, 2021 MOU between the NYPD and the CCRB, referred to in note 13 above, does little to solve this problem. In it the parties agree to generally apply the Discipline Matrix recently adopted by the NYPD and if, in exceptional cases, either party departs from the Matrix, to provide a statement of reasons for the departure. The MOU does limit the discretion of the Police Commissioner to depart from the recommendations of the CCRB as long as his proposed departure is consistent with the recommendation of either the Trials Commissioner or the Departmental Advocate.



his training, experience and ties to his officers tend to push him in the direction of excessive leniency. Moreover, even a Police Commissioner who comes from outside the Department is likely to be influenced by the power of the police unions. Public trust in the NYPD cannot be reestablished unless and until its broken disciplinary system is repaired, and we do not see that as a likely outcome as long as the Police Commissioner remains the final authority with respect to all discipline. Accordingly, **in cases in which the Police Commissioner proposes to impose a lesser penalty from the one recommended by the CCRB in cases in which the CCRB has recommended suspension or termination, after writing the required memorandum justifying that departure, we propose that the CCRB should be granted the right to appeal the proposed decision of the Police Commissioner to the Deputy Mayor for Public Safety, who would have final authority over the penalty.**²⁶ This change in procedure will require an amendment to the provisions of the New York City Charter and Administrative Code that grant the Police Commissioner control of discipline within the NYPD.²⁷


Option 3: For the reasons set forth in Option 2 above, we believe that the Police Commissioner should no longer play *any* role in deciding disciplinary cases that originate with the CCRB and that the CCRB should be the final decision-maker with respect to cases within its jurisdiction.²⁸ As a first step, the City Council has introduced a resolution requesting that state law be amended to remove the Police Commissioner's exclusive authority over discipline, and the Chair of the CCRB has testified in support of that resolution.²⁹ A similar bill has been recently introduced in the

²⁶ In the event the Mayor does not appoint a Deputy Mayor for Public Safety, or as an alternative, we would recommend the appointment by the Mayor of a three-person panel, with fixed terms, to decide on the appropriate penalty in such cases.

²⁷ See Charter § 434(a) and Administrative Code § 14-115(a). It appears that these provisions of city law originated in state law and therefore require state legislative action to amend them. See New York City 2019 Charter Revision Commission, *Preliminary Staff Report* (April 2019) at 14, <https://static1.squarespace.com/static/5bfc4cecf7fde7d3719c06/t/5cc20da7085229f4fcd80ffc/1556221355492/Preliminary+Staff+Report.pdf>. Any such state legislation should also preserve the current exemption from collective bargaining under the Taylor Law regarding NYPD disciplinary procedures. See note 5 above.

²⁸ In the event that the CCRB is merged into a comprehensive police oversight agency as proposed above, then it would be that agency whose decisions would be final with respect to disciplinary cases within its jurisdiction.

²⁹ See Res. 1538-2021, [https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=4770966&GUID=E46](https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=4770966&GUID=E46;); Testimony of Frederick Davie Before City Council Public Safety Committee (Feb. 16, 2021), <https://legistar.council.nyc.gov/MeetingDetail.aspx?ID=837165&GUID=0B230AE4-078A-4A38-B639-57108A195767&Options=info%7C&Search=>.



state Legislature³⁰. In addition to amendments to State and City law that currently require police disciplinary cases to be heard within the NYPD and decided by the Police Commissioner, this procedure would require a modification of the powers of the CCRB under the Charter and Administrative Code so that the CCRB would be authorized and required to conduct full evidentiary hearings in order to decide charges against police officers with all of the due process protections available in any adjudicatory body.

After considering these three options, Citizens Union has determined to support Option 2, providing the CCRB the right to appeal the Police Commissioner's decision to impose a lesser penalty in certain cases. The evidence demonstrates that the Police Commissioner routinely departs from the recommendations of the CCRB and often fails to hold police officers sufficiently accountable for acts of wrongdoing.

We therefore conclude that there needs to be some oversight of the Police Commissioner's exercise of authority in this area. However, we do not think it advisable to grant the CCRB final decision-making authority over cases in its jurisdiction. We are not comfortable having the same agency act as both prosecutor and judge in discipline cases, with no appeal process from its decisions. In addition, we think that the Police Commissioner, because of his law enforcement experience and expertise, should continue to participate in the disciplinary process. Maintaining the Police Commissioner ability to impose penalties but granting the option to appeal those decisions in certain cases provides for the benefits of that participation while granting final authority to decide cases to someone outside the NYPD in cases involving a proposed departure from the recommendation of the CCRB.

³⁰ An act to amend the New York city charter and the administrative code of the city of New York, in relation to providing final discipline authority over civilian complaints to the civilian complaint review board. Jamaal Bailey 2021/S5252. Accessed March 18, 2021. <https://www.nysenate.gov/legislation/bills/2021/S5252>



D. OTHER MECHANISMS FOR ACCOUNTABILITY

1. STATE CERTIFICATION FOR POLICE OFFICERS

We agree with the recommendation of the Office of the Attorney General that the **State should create an authority to certify and decertify police officers** in order to ensure that officers who are terminated or forced to leave one police department because of misconduct are not then hired by another.³¹

2. CIVIL LITIGATION AND QUALIFIED IMMUNITY

The defense of qualified or official immunity against public officials alleged to have deprived a plaintiff of a constitutionally protected right serves as an unfair and unnecessary impediment to an appropriate remedy for persons who have suffered such a violation. For that reason, it should be repealed or waived through state legislation in cases against the state, political subdivisions of the state, and state and local officials.

However, it is by no means clear that this would increase accountability of public officials such as police officers, who are indemnified under state law for liability rising from actions taken within the scope of their employment. To be sure, those indemnification provisions could be repealed, but they are there for sound reasons of policy and apply to all public officials, not just police officers. Moreover, even if police officers (or all public officials) were denied indemnification for misconduct, it is unlikely that the result would be greater individual liability and therefore accountability. The unions would undoubtedly implement an insurance plan for their members, whose premiums would come out of union dues, and it is doubtful that they would be tailored to the employment history of each covered individual. Accordingly, **although we support the repeal or waiver of the qualified immunity defense, we do not view it as a significant remedy for the lack of accountability for police misconduct.**

³¹ See *OAG Preliminary Report* at 41-42.



Conclusion

We regard this agenda for reform as comprehensive — with each of the proposals supporting and strengthening the others. This is not to say that we intend them to require an all-or nothing approach. Rather, we urge that those considering our agenda recognize the ways in which many (but not all) of the proposals are interrelated and work together to make them more likely to be effective. For too long, the approach to police reform has tended to proceed in a piecemeal fashion; we think the time is ripe for a more integrated approach.

Adoption of these proposals will create a policing function in New York City that is more responsive to the Mayor, and thus to the electorate, and will establish an oversight process that is stronger and more transparent, with an oversight agency that has the tools and information to perform its role effectively. Establishing accountability is a key element of rebuilding the trust between the NYPD and the communities it serves.

However, we recognize this is just the prerequisite for a more intensive examination of the police role in this City. The gap between how the police perceive their role and how they are perceived in many communities is just too great. As public cooperation is essential to addressing crime, that gap is unsustainable in our society. In addition, the current allocation of responsibilities does little to address the underlying problems that beset many neighborhoods, which correlate with higher levels of criminal activity. What functions should we call upon the NYPD to do, and how should the NYPD interact with the people it serves when performing those functions? We will address those topics in a future paper.



Selected Bibliography

Official Reports and Guidelines

Federal

President's Task Force on 21st Century Policing, *Final Report of the President's Task Force on 21st Century Policing* (2015).

Independent Federal Monitor, *Reports of the Independent Monitor*, <http://nypdmonitor.org/monitor-reports/>.

National Advisory Commission on Civil Disorder ("Kerner Commission"), *Report of the National Advisory Commission on Civil Disorder, Chapter 11 ("Police and the Community")* (1968).

New York State

New York State Police Reform and Reinvention Collaborative, *Resources and Guide for Public Officials and Citizens* (August 2020), https://www.governor.ny.gov/sites/governor.ny.gov/files/atoms/files/Police_Reform_Workbook81720.pdf.


New York State Office of the Attorney General, *Preliminary Report on the New York City Police Department's Response to Demonstrations Following the Death of George Floyd. (July 2020)*, <https://ag.ny.gov/sites/default/files/2020-nypd-report.pdf>.

New York City

New York City Department of Investigation, *Investigation into NYPD Response to the George Floyd Protests* (December 2020), <https://www1.nyc.gov/assets/doi/reports/pdf/2020/DOIRpt.NYPD%20Reponse.%20GeorgeFloyd%20Protests.12.18.2020.pdf>.

New York City Department of Investigation, *Complaints Of Biased Policing in New York City: An Assessment of NYPD's Investigations, Policies, and Training* (June 2019), https://www1.nyc.gov/assets/doi/reports/pdf/2019/Jun/19BiasRpt_62619.pdf.

New York City Comptroller, *Strengthening Public Safety in New York City: A Blueprint for Transforming Policing, Enhancing Safety, and Investing in Communities* (February 2021), <https://comptroller.nyc.gov/wp-content/uploads/documents/Strengthening-Public-Safety-in-New-York-City.pdf>.



New York City Civilian Complaint Review Board, *Strengthening Accountability: The Impact of the NYPD's Body-Worn Camera Program on CCRB Investigations* (February 2020),
https://www1.nyc.gov/assets/ccrb/downloads/pdf/policy_pdf/issue_based/20200227_BWCReport.pdf

New York City Civilian Complaint Review Board, *Annual Report 2019*,
https://www1.nyc.gov/assets/ccrb/downloads/pdf/policy_pdf/annual_bi-annual/2019CCRB_AnnualReport.pdf.

New York City Police Department, *Disciplinary System Penalty Guidelines (effective January 15, 2021)*,
https://www1.nyc.gov/assets/nypd/downloads/pdf/public_information/disciplinary-system-penalty-guidelines-effective-01-15-2021-compete-.pdf.

Report of the Independent Panel on the Disciplinary System of the New York City Police Department (January 25, 2019),
<https://www.independentpanelreportnypd.net/pages/1.html>.

Scholarly Books and Articles

Michelle Alexander, *THE NEW JIM CROW* (2010).

Monica C. Bell, *Police Reform and the Dismantling of Legal Estrangement*, 126 Yale L. J. 2054 (2017).

Barry Friedman, *UNWARRANTED: POLICING WITHOUT PERMISSION* (2017).

Barry Friedman, *Disaggregating the Police Function*, U. Pa. L. Rev. (2020-21 Forthcoming), available at
https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3564469#:~:text=It%20prop%20a%20totally%20novel,safety%20from%20the%20ground%20up.

Barry Friedman and Maria Ponomarenko, *Democratic Policing*, 90 N.Y.U. L. Rev. 1827 (2015).

Khalil Gibran Muhammad, *THE CONDEMNATION OF BLACKNESS: RACE, CRIME, AND THE MAKING OF MODERN URBAN AMERICA* (2010).

Alex S. Vitale, *THE END OF POLICING* (2018).



Other Reports and Articles

History of Policing

Jill Lepore, *The Invention of the Police*, THE NEW YORKER (July 13, 2020).

Police Reform Generally

Leadership Conference on Civil and Human Rights, *A New Era of Public Safety: A Guide to Fair, Safe, and effective Community Policing* (2019), https://civilrights.org/wp-content/uploads/Policing_Full_Report.pdf.

National Organization of Black Law Enforcement Executives and John Jay College of Criminal Justice, *Future of Public Safety* (December 2020), https://www.jjay.cuny.edu/sites/default/files/News/Future_of_Public_Safety_Published_report.pdf.

New York City Bar, *Police Reform Efforts In New York State and New York City: More To Do* (September 2020), <https://s3.amazonaws.com/documents.nycbar.org/files/2020745-PoliceReform.pdf>.

Ed Chung, *Beyond the Status Quo: Police Reform Must Bring About Meaningful Accountability*, CENTER FOR AMERICAN PROGRESS (June 10, 2020), https://www.americanprogress.org/issues/criminal-justice/news/2020/06/10/486024/beyond-status-quo-police-reform-must-bring-meaningful-accountability/?utm_medium=email&utm_source=amprog_elq&utm_campaign=27&utm_content=42569.

Rashawn Ray, *What does 'defund the police' mean and does it have merit?*, BROOKINGS (June 19, 2020), <https://www.brookings.edu/blog/fixgov/2020/06/19/what-does-defund-the-police-mean-and-does-it-have-merit/>.

Billy Richling, *What Will It Take To Fix The City's Most Troubled Police Precinct?*, Bklyner (Jan. 14, 2021), <https://bklyner.com/what-will-it-take-to-fix-the-citys-most-troubled-police-precinct/>.

Discipline

Ashley Southall, Ali Watkins and Blacki Migliozi, *A Watchdog Accused Officers of Serious Misconduct. Few Were Punished*, THE NEW YORK TIMES (Nov. 15, 2020), <https://www.nytimes.com/2020/11/15/nyregion/ccrb-nyc-police-misconduct.html>.



Mollie Simon, Lena V. Groeger, Eric Umansky and Adriana Gallardo, *What It Looks Like When the New York City Police Commissioner Has “Unchecked Power” Over Officer Discipline*, PROPUBLICA (Dec. 11, 2020), <https://projects.propublica.org/nypd-unchecked-power/>.

WNYC News, *Police Officers Rarely Disciplined by NYPD for Misconduct* (Aug. 27, 2014), <https://www.wnyc.org/story/nypds-poor-track-record-meting-out-discipline-officer-misconduct/>.

The Role of Police Unions

Kim Barker, Michael H. Keller and Steve Eder, *How Cities Lost Control of Police Discipline*, THE NEW YORK TIMES (Dec. 22, 2020), <https://www.nytimes.com/2020/12/22/us/police-misconduct-discipline.html>.

William Finnegan, *How Police Unions Fight Reform*, THE NEW YORKER (July 27, 2020), <https://www.newyorker.com/magazine/2020/08/03/how-police-unions-fight-reform>.

CCRB Access to NYPD Materials

Ethan Geringer-Sameth, *Under News Body Camera Policy, NYPD Still Controls the Video and the Narrative*, GOTHAM GAZETTE (Sept. 2, 2020), <https://www.gothamgazette.com/city/9723-new-body-camera-policy-nypd-controls-video-narrative>.

Eric Umansky and Mollie Simon, *The NYPD Is Withholding Evidence From Investigations Into Police Abuse*, PRO PUBLICA (Aug. 17, 2020), <https://www.propublica.org/article/the-nypd-is-withholding-evidence-from-investigations-into-police-abuse>.

Body-Worn Camera Technology

Tom Jackman, *Axon Rolls out the next Level of Police Technology: Live-Streaming Body Cameras*, Washington Post, February 2020, <https://www.washingtonpost.com/crime-law/2020/02/19/axon-rolls-out-next-level-police-technology-live-streaming-body-cameras/>.

David Sachs, *New Body Cameras Would Automatically Start Recording When Officers Draw Their Weapons*, Denverite, November 18, 2020, <https://denverite.com/2020/11/18/new-body-cameras-would-automatically-start-recording-when-officers-draw-their-weapons/>.



Professional Licensing

Cadice Norwood, *Can States Tackle Police Misconduct With Certification Systems?*, THE ATLANTIC (Apr. 9, 2017), <https://www.theatlantic.com/politics/archive/2017/04/police-misconduct-decertification/522246/>.

Qualified Immunity

Andrew Milligan, *Renewed Scrutiny of Police Misconduct Includes Reexamination of Qualified Immunity for Officers*, GOTHAM GAZETTE (Sept. 7, 2020), <https://www.gothamgazette.com/state/9738-renewed-scrutiny-police-misconduct-black-lives-matter-nypd-qualified-immunity-officers>

Public Safety and Policing in New York City


RECOMMENDATIONS TO THE NEW MAYOR

Executive Summary

New York City needs a strong police force, effective at crime prevention and law enforcement. But it also needs a force knowledgeable of, and sensitive to, community needs, that is accountable to the public and focused on the responsibility to protect and serve. Not only can we have both, but each is necessary to achieve the other. The community must be able to trust the NYPD and other City agencies in order to both assist and support those agencies, and allow those who live in, work in and visit the City to feel truly safe.

It starts with the Mayor. The arrival of a new Mayor is an excellent opportunity to recalibrate the City's approach to public safety and policing. The Mayor must exercise authority over the NYPD, as he does over other agencies, and have those agencies work harmoniously with one another.

Mayor-elect Eric Adams has the knowledge, experience and perspective to reshape public safety and protection in this City. He has made many promising statements.



He also can build on the current administration's work, which includes transferring functions that had fallen to the police to handle to agencies better equipped to provide the services. In addition, the Mayor-elect can benefit from the Police Reform and Reinvention Collaborative Plan. Though the Plan did not reflect the collaborative process contemplated in then-Governor Cuomo's Executive Order, it contains a number of strategies that are oriented toward making the NYPD more responsive to its constituents. Progress in implementing these measures has been slow, and the new Mayor is well positioned to accelerate that change.

In this report, Citizens Union, presents recommendations as to what City government can do, both at City Hall and in the communities, to promote public safety and increase public protection. As discussed in more detail in the report, we urge Mayor-elect Adams to take the following steps:

- 1. Exercise strong authority over the NYPD,** no longer deferring to the Department as "first among equals," and establish a collaborative approach among City agencies in addressing public safety and protection.
- 2. Appoint a Deputy Mayor for Public Safety,** someone with a broad perspective extending beyond the NYPD, to have authority over, and coordinate among, City agencies engaged in public protection and public safety.
- 3. Continue the efforts to transition certain appropriate functions from the NYPD to other agencies,** accelerating the pace, tracking the progress and reporting to the public on results.
- 4. Adopt recommendations to promote police accountability** set forth in our March 2021 report, *Agenda for Police Reform*, including merging agencies that conduct police oversight and enhancing the authority of the merged agency to seek sanctions for and initiate investigations of police misconduct.
- 5. Establish broad-based local advisory councils,** with NYPD and other city agency participation, in each precinct or community board, to identify community concerns and problem-solve with government officials to bolster trust among them and enhance communities' capacity to impact government policy and actions.
- 6. Better connect police with, and improve public trust in, the communities they serve, by:**
 - A.** providing trainees more community interaction prior to completing training, including through neighborhood internships;
 - B.** increasing diversity of uniformed officers, and especially in NYPD leadership positions;



- C.** reducing the number of potentially confrontational interactions between police and community members, and increasing training in, and use of, conflict resolution as opposed to encouraging aggressive and military style behavior;
 - D.** maximizing community engagement, for example, through local advisory councils and other community engagement, and through strict adherence to lawful and racially unbiased police practices in law enforcement, for example, as it relates to gun violence and protests.
- 7. Assure that additional data be collected and made available** with regard to community indicators and preferences.
- 8. Change the incentives** that drive evaluation and promotion of police personnel, away from arrests and clearance rates and more toward conflict resolution and community relationship-building; make those incentives public.



Introduction

In March 2021, Citizens Union issued a report with recommendations to improve police governance and accountability¹. In that report, we noted that the events of the past year have brought the role of the police into sharp focus. We decried the polarization taking place and stressed that public safety requires a police force that has the authority to enforce the law, but that policing must be carried out in ways that are consistent with constitutional principles and our democratic form of government.

While the March 2021 report addressed the police force, and accountability in particular, in this report we look at policing through the prism of improving public safety. This necessitates accepting that policing is an important, but hardly the sole, driver of whether those who live, work or visit the city or its communities feel safe. The current mayoral administration, including the NYPD, has been acknowledging this reality, but the progress has been slow and there is much more to be done. More fundamentally, the NYPD still appears to be seen as the custodian of public safety, a role it cannot and should not have to bear.

We congratulate Mayor-elect Adams on his election, and recognize his extensive knowledge and experience, from many perspectives, with regard to public safety and policing. We urge him to approach public safety as a broad problem that must be addressed through a number of agencies and a wide range of stakeholders. This requires a fundamental shift of emphasis, from over-reliance on the NYPD to a structured, multi-agency approach. Through comments he made during the mayoral campaign, we believe the incoming Mayor agrees with the importance of this approach.

Context of Public Safety

While the NYPD is a highly regarded police force in many ways, it also has acted in ways which undermine public confidence. This has been a historic pattern. There has been a legion of complaints over the years that the NYPD systemically, and officers individually, treat persons of color with less respect and more harshly than whites. Furthermore, the department has in many instances impinged upon first amendment rights of protesters and other civilians. The past several months have seen ample

¹ Citizens Union, Agenda for Police Reform: <https://citizensunion.org/wp-content/uploads/2021/03/citizens-union-agenda-for-police-reform-part-1-governance-and-accountability-mar-2021.pdf>. ("Agenda for Police Reform").



demonstrations of both behaviors. The problems keep recurring and the public perceives little has been done to address them.

Public safety has often been defined in terms of protection, as in protecting the public from harm. It also has been defined more broadly, as keeping people safe, whether from crime, pollution, poverty or other similar harms.² In essence, the main function of government is to provide “safety” to its constituents. Thus, providing adequate education and housing, and assuring people have basic sustenance, are key to public safety. We recognize Mayor-elect Adams will have to address this scope of issues simply to govern. Certainly, the shortcomings of our educational system and the shortage of affordable housing directly impact criminal activity. Thus, in a sense, public safety pervades the Mayor’s agenda.

A narrower aspect of public safety, and the one we will focus on in this report, is maintaining public order. This is far more than crime prevention or law enforcement. Keeping order in schools, dealing with the mentally ill and homeless, directing traffic, issuing all sorts of citations, all have fallen to the police. There is no reason to believe that police are the most effective agency to address these matters.³

We should rely heavily on the NYPD for its core functions: crime prevention and law enforcement. The rise in gun violence in a number of the City’s neighborhoods during the pandemic has brought into focus the importance of basic policing and detective work. Yet even in this realm, the NYPD has been bringing in other actors, including violence interrupters, and trying new approaches, such as a five-day pullback from street policing in Brownsville, acknowledging that fresh approaches and outside thinking, and sharing responsibilities, can be useful in the Department’s core mission.⁴


In viewing how the police undertake public protection, it is worth focusing on who we expect the police to be and how they should serve. An excellent source is the Peel Principles of Policing.⁵ Robert Peel founded the London Metropolitan Police Force in

² See Barry Friedman, “What is Public Safety”, New York University, Law and Economic Research Paper Series, working Paper No. 21-05 (Feb. 2021) https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3808187.

³ See, e.g., Eric Westervelt, *Mental Health and Police Violence: How Crisis Intervention Teams are Failing*, NPR (Sept. 18, 2020): <https://www.npr.org/2020/09/18/913229469/mental-health-and-police-violence-how-crisis-intervention-teams-are-failing>.

⁴ See Shaila Dewan, “*Re-fund the Police?*” *Why it Might Not Reduce Crime*, New York Times (Nov. 8, 2021): <https://www.nytimes.com/2021/11/08/us/police-crime.html?searchResultPosition=2>; Yoav Golen and Eileen Grench, *Five Days Without Cops: Could Brooklyn Policing Experiment be a ‘Model for the Future’?*, The City, Jan. 3, 2021): <https://www.thecity.nyc/2021/1/3/22211709/nypd-cops-brooklyn-brownsville-experiment-defund-police>.

⁵ <https://www.sjpd.org/home/showpublisheddocument?id=284>.



1829 and his principles have been followed worldwide for generations. Among the principles are certain fundamental notions:

- The goal is preventing crime and disorder, not preventing crime by military force;
- To prevent crime and maintain public respect, the police must secure the public's "willing cooperation";
- The police can earn public support through impartial service, recognizing that "the police is the public and the public is the police" and employing force only as a last resort.


These principles, plus the concept that the police are there to protect and serve, suggest a different approach to policing than the paramilitary type of force that we see operating in many American jurisdictions. We believe the NYPD Plan, while not explicitly acknowledging these principles, reflects an understanding that these principles are a sound way to build the public trust essential to maintain the respect of the public. We also believe the vast majority of the NYPD force accepts the theory of these principles. They have a highly stressful and dangerous job, which would be enhanced by connecting better with the people they serve.

1. COLLABORATIVE APPROACH AMONG AGENCIES, UNDER MAYORAL AUTHORITY

The Mayor must exercise authority over the NYPD, as he does over other agencies. This authority must be both actual and perceived. Bringing the power of the NYPD more in line with other agencies is essential. The NYPD has been perceived the "first among equals" among the agencies. Thus, the NYPD has received special treatment from mayoral administrations and has been able to flout requests and initiatives of other agencies. In addition, mayors often have deferred to the Police Commissioner on policy matters.

A recent example of deference was the Police Reform and Reinvention Collaborative Plan ("NYPD Plan")⁶. There was some outreach beyond the Department in preparing the NYPD Plan, but essentially the plan reflected

⁶ New York City Council Res. 1584-2021: <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=4890502&GUID=2CB9D744-6371-434F-8331-4A923FF529AB>; <https://www1.nyc.gov/site/nypd/about/about-nypd/reformcollaborative.page>.




NYPD views and saw reforms as the purview of the NYPD. We believe this was not a constructive approach. The Governor’s Executive Order⁷ requiring the plan called for the convening of the head of the local police agency, and stakeholders in the community to develop such a plan...”, and other jurisdictions around the state convened committees comprised of representative of a number of agencies plus other stakeholders to make decisions about, and actually write, their plan. While the NYPD Plan has many good recommendations, and the NYPD has established a tracker for implementation of the Plan’s recommendations, the reforms did not go beyond the traditional approach of running decision-making on public safety through the NYPD.

Public safety and preserving order require extensive inter-agency coordination and decision-making. Indeed, major policing policy decisions may well have implications for other agencies. Mayor-elect Adams has stressed the importance of collaboration among agencies, and we believe it may be most essential in conceptualizing how to keep the City safe.

2. DEPUTY MAYOR FOR PUBLIC SAFETY

To facilitate this oversight and coordination, we recommend Mayor-elect Adams appoint a Deputy Mayor for Public Safety, as we called for in our earlier report. This individual should be someone with a broad perspective, a perspective that extends beyond the NYPD. Operating on the Mayor’s behalf, the Deputy Mayor for Public Safety would be able to bring the NYPD and other relevant agencies together to address key public safety issues and should have decision-making authority, of course subject to the Mayor’s ultimate authority, when there are disagreements among agencies. The Police Commissioner as well as the heads of other criminal justice-related agencies should directly report to the Deputy Mayor for Public Safety. This Deputy Mayor also would be able to coordinate with other deputy mayors and agencies when broader public safety coordination is necessary, and to push for a resolution of the concerning issues. If the Criminal Justice Coordinator position is retained, that person also should report to this Deputy Mayor, as would the Office for Neighborhood Safety and the Prevention of Gun Violence,

⁷ Executive Order No. 203 (2020): https://www.governor.ny.gov/sites/default/files/atoms/files/EO_203.pdf.



which would be created under recent City Council legislation.⁸ We hope that the new Police Commissioner Keechant Sewell – whom we congratulate on her appointment – would fully agree with this approach and work within its structure.

We see the Deputy Mayor as an extension of the Mayor. The public looks to the Mayor as the ultimate authority to keep our streets safe. He appoints the Police Commissioner and all other agency heads to execute his policies. This may be particularly true for this Mayor and this election, where voters turned to someone with policing experience among his other qualifications, and where public safety was a prime voter concern. Mayor-elect Adams has articulated a number of policies regarding policing that he plans to put into place. But there is too much to do without a trusted agent to execute his policies in this area. And the traditional clout exercised by the Police Commissioner has been difficult for mayors to manage. A high-ranking official with oversight over the relevant agencies can ensure, on a daily basis, that the Mayor's appointees are executing the designated policies and working together.

In addition to oversight and coordination, the Deputy Mayor should consider, at the least, the following subjects:

- Identifying areas where more data are necessary and analyzing that data; this would include surveys regarding public safety issues;
- Reviewing the effectiveness of the City's 911 system, including determining adequacy of training and where in the City's structure it should reside;
- Recommending, and examining the impact of, program alternatives to using police resources, such as transferring functions to other agencies;
- Identifying useful ideas from other jurisdictions; and
- Flagging issues with the NYPD and other agencies that interfere with ensuring public safety, and recommending ways of addressing those issues.

⁸ Intro. 66-2018 <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=3331699&GUID=C999B768-CBC9-4250-B5BD-65E1FEC2A99B>.




3. **TRANSITIONING FUNCTIONS TO OTHER AGENCIES**

Municipalities and police departments nationwide have been moving away from the sole reliance on police to be solely responsible for public safety. Persons acting out in public, homeless individuals, traffic accidents, even vendors operating in front of stores, have been for the police to handle. Now, municipalities are trying approaches for these and other situations that involve agencies other than the police who may be more effective at solving the problem, reducing the possibility of violence and allowing the police to focus on more appropriate tasks.⁹ The NYPD Plan takes a number of steps in this direction, including:

- Transition of homeless outreach to the Department of Homeless Services (Tracker ID 101);
- Transition of street vending enforcement to the Department of Consumer and Worker Protection (Tracker ID 102);
- Centering the Department of Transportation as the agency responsible for ensuring street safety by expanding its role in serious traffic crashes (Local Law 49 - 2021; Tracker ID 104);
- Involving other agencies, notably the Department of Health and Mental Hygiene, in responding to mental health crises, by increasing the use of mobile treatment teams and expanding the B-HEARD program – which uses social workers and EMTs as first responders to certain mental health emergencies – from East Harlem to Central Harlem, with further expansion planned, and increasing the use of mobile treatment teams (Tracker ID 97-99).

In addition, the Plan includes a number of measures to involve other entities in interactions with at-risk individuals, including the Community Solutions program and the Advance Peace Model being piloted, as well as a stated commitment to double the size of the Cure Violence workforce by the summer of 2022 (Tracker IDs 30-32). The City’s Crisis Management System (CMS) relies on nonprofit organizations to deploy “teams of credible messengers who mediate

⁹ For example, the CAHOOTS program in Eugene, Oregon has been replicated across the country as a model for how to use mental health and other professionals to respond to mental health and substance abuse emergencies. <https://www.eugene-or.gov/4508/CAHOOTS>.



conflicts on the street and connect high-risk individuals to services that can reduce the long-term risk of violence.”¹⁰

We urge Mayor-elect Adams to continue this shifting of responsibilities from the NYPD. In addition to having the responsibilities handled more appropriately, these shifts will reduce the number of instances in which police engage with people in situations which can escalate and lead to bad feelings, harassment, injury or worse.

We urge that useful programs be scaled up and that the Deputy Mayor for Public Safety monitor the transitions proposed. These programs, even taken collectively, involve resource commitments that are dwarfed by the NYPD’s \$6+ billion budget (not including fringe benefits). For example, the CMS, one of the larger programs being used, costs only \$36 million.¹¹ Citizens Union believes that more resources should be put into programs which are showing demonstrable improvements in reducing crime, meeting other public safety-related needs and improving community attitudes toward the police.¹² In addition where budget appropriations for particular programs are scattered among different agencies, consideration should be given to consolidating the budgeting under one agency.

4. ACCOUNTABILITY

Citizens Union’s March, 2021 report included recommendations addressing police accountability and governance. A number of these recommendations are reflected in the NYPD Plan. Below is a list of the report’s key recommendations regarding accountability, whether they were addressed in the Plan and whether they were implemented. For implementation, we drew upon the NYPD Reform Implementation Working Group and Initiatives Tracker.

- [Establish a Deputy Mayor for Public Safety](#) – not reflected in the NYPD Plan.

¹⁰ <https://www1.nyc.gov/site/peacenyc/interventions/crisis-management.page>.


¹¹ Id.

¹² See, e.g., Madeleine Muzakis, *NYC’s New Mental Health Response Teams Report Better Outcomes Than Police in Trial Period*, My Modern Met (August 4, 2021): <https://mymodernmet.com/nyc-b-heard-mental-health-response/>

- Make the appointment of a Police Commissioner subject to the advice and consent of the City Council – not reflected in the NYPD Plan.
- Merge the Office of Inspector General for the NYPD and the Commission to Combat Police Corruption into the Civilian Complaint Review Board – addressed in the NYPD Plan; according to the Tracker, “The City is exploring options for expanding CCRB’s authority. Initial phase expected to begin Fall 2021” (Tracker ID 13). We hope the result of this review will be a full merger of the three agencies.
- Allow the CCRB to appeal a lesser penalty imposed by the Police Commissioner to the Deputy Mayor for Public Safety, who would have final authority over the penalty – not reflected in the NYPD Plan.
- Expand the CCRB’s jurisdiction to include allegations of profiling or discrimination – not reflected in the NYPD Plan but the City Council recently passed legislation¹³ expanding the CCRB’s jurisdiction to investigate allegations of racial profiling and bias-based policing.
- Allow the CCRB to initiate investigations without having to wait for an individual complaint – not reflected in the Plan, but the City Council recently passed legislation to provide the CCRB with such powers.¹⁴
- Provide the CCRB with prompt and full access to footage from body-worn cameras, police officers’ employment history and disciplinary records and all other documents and materials in the possession of the NYPD relevant to its investigations – partially addressed in NYPD Plan. According to the Tracker, “MOUs are in place to provide timely and necessary access to Body Worn camera footage and officer histories for CCRB cases,” and a “Clean Room” for access to footage “will go live as soon as permitted by COVID restrictions” (Tracker ID 9).
- Transfer disciplinary hearings involving police officers from the NYPD to the Office of Administrative Trials and hearings (OATH) – not reflected in the NYPD Plan.
- Repeal or waive qualified immunity in cases against the state, political subdivisions of the state, and state and local officials – addressed in

¹³ Local Law 47 – 2021.

¹⁴ Int. No. 2440-2021 (<https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=5205437&GUID=9C384197-992F-4D38-9581-F3A56E206546&Options=&Search=>).



the Plan. The City Council passed legislation¹⁵ which creates, for New York City only, a right of action for excessive force and search and seizure for which qualified immunity is not a defense (Tracker ID 22).


- [Create a legal framework for policing, by establishing policies through publicly accessible law and regulation covering such areas as use of force, handling of demonstrations and the imposition of disciplinary sanctions](#) – partially addressed in the NYPD Plan. According to the Tracker, the NYPD is working on an updated Patrol Guide that is more user friendly, less complex for officers and transparent to the public (Tracker ID 133). The NYPD Plan pledges that policy changes identified as having a potential impact and that are not statutorily mandated will be subjected to public comment (Tracker ID 25). While a revised Patrol Guide and opportunity for public comment are welcome changes, it is preferable for use of force, demonstration and other major policies to be established through a statutory or regulatory framework.

Mayor-elect Adams has commented favorably on a number of these suggestions, including enhancing the CCRB (including agency consolidation) and not leaving the final say on discipline with the Police Commissioner. We urge Mr. Adams to implement the full set of recommendations in our Agenda for Police Reform. Adoption of these recommendations will create a policing function in New York City that is more responsive to the Mayor, and thus to the electorate, and will establish an oversight process that is stronger and more transparent, with an oversight agency that has the tools and information to perform its role effectively. Strong accountability is a key element of rebuilding trust between the NYPD and the communities it serves.

5. LOCAL ADVISORY COMMITTEES

The City also would benefit from having local advisory committees focused on public safety. These committees should have representatives of key agencies, including the NYPD, plus stakeholders to provide the same multi-perspective basis as the citywide committee. The committees could be in each precinct or community board district (using community board boundaries could underscore that the committees should not be police-centric). The Mayor may appoint the

¹⁵ Local Law 48 – 2021.



chairs of these committees, or the committees can elect their own chairs. Appointments should be made by the Borough Presidents and City Council members, as well as the Mayor. Those who appoint to this committee should pro-actively recruit members to reflect the varied aspects of the involved community.

Multi-agency meetings with community members have been taking place, for example, through the NeighborhoodStat Program of the City's Office of Neighborhood Safety, which operates under the Mayor's Office of Criminal Justice. Community members in 15 housing developments meet with agency officials to identify indicators in the community that affect public safety, and work with these officials to address those issues.¹⁶ In addition, community members in each of these developments voted on how to spend \$30,000 on projects to make communities safer.¹⁷


However, this initiative is limited to a small number of housing developments. Research by John Jay College of Criminal Justice found that this program showed promising results in reducing felonies and misdemeanors in participating housing developments.¹⁸ This project should be scaled up and securely funded. With ongoing involvement from agency officials and revisions to make the effort more sustained and to provide effective follow-through on problem-solving, the NeighborhoodStat Program can be a springboard for, or expanded to become, a network of local advisory committees.

These committees would serve a number of functions. They would be able to approach public safety as a multi-faceted problem. Agency and community representatives would be able to discuss their challenges, hone in on particular issues and problem-solve. We envision the committees would make recommendations to the Mayor and Deputy Mayor, executive agencies and the City Council. Agency representatives at meetings, apprised of a problem, could work together and agree on a solution. The committees also would give communities a voice in public safety policy deliberations. The committees would need adequate resources – with one or more dedicated budget lines – and staffing, which can be provided by city agencies, such as an expanded Office of Neighborhood Safety.

¹⁶ <https://map.cityofnewyork.us/neighborhood-stat/>.

¹⁷ <https://map.cityofnewyork.us/stories/2021-local-neighborhoodstat/>

¹⁸ John Jay College of Criminal Justice – Research and Evaluation Center, MAP Evaluation Update (June 2020): <https://map.cityofnewyork.us/wp-content/uploads/2020/06/JJREC-MAP-Eval-Update-5-.pdf>.



We believe this approach not only would structure the public safety issues to be addressed in a more efficient way, but also would bolster trust within communities that to some extent their concerns are being reflected at the highest levels of government.

We recognize that precinct councils already exist at the precinct level, and have since the 1940's. However, these councils have a more limited role than we are proposing. They focus on the police, assist the precinct, help fundraise and run some programs.¹⁹ The Councils are not designed to provide the multi-perspective view of communities that is required to identify and address public safety issues. With the creation of local advisory committees, it may well be time to consider whether precinct councils would still serve an important purpose.

6. IMPROVE POLICE/COMMUNITY RELATIONS


Police-community relations have been a flashpoint for many years, and have been driving much of the discourse regarding the inadequacies of policing in New York City. In this century, the notorious “stop, question and frisk” practice implemented during the Bloomberg administration resulted in hundreds of thousands of stops annually (as many as 685,000 in 2011), overwhelmingly of black and brown people. This implementation of “stop, question and frisk” – which Citizens Union opposed -- was ruled discriminatory in *Floyd v. City of New York*²⁰ and a court monitor was appointed to monitor the NYPD's approach to stop-and-frisk and related issues.

The NYPD had started to reduce those stops even before the court decision came down, and the stops are a small fraction of what they once were.²¹ However, in no way has that fixed the relationship between the community and the police. Black and brown people, notably young people, continue to feel harassed in their own neighborhoods. Occasionally, as with a number of mental health confrontations and the Eric Garner case, tragic results follow.

¹⁹ See, e.g., Precinct Community Council Handbook, prepared when Ray Kelly was Commissioner: <https://www.ojp.gov/pdffiles1/Digitization/145633NCJRS.pdf>

²⁰ *Floyd et al. v. City of New York et al.*, 959 F.Supp. 2d 540 (SDNY 2013).

²¹ The NYPD reported an average of 12,000 stops per year from 2016-2019, though the court monitor has asserted the NYPD is underreporting. See Michael R. Sisak, *Monitor: NYPD Officers Underreporting Use of Stop And Frisk*, 4 New York (Sept. 2, 2021): <https://www.nbcnewyork.com/news/local/monitor-nypd-officers-underreporting-use-of-stop-and-frisk/3252280/>.



The consequences of poor community relations are severe. A basic lack of trust develops in the community. People hesitate to initiate interactions with the police, which includes underreporting of crime.²² A national poll found “fewer than one in five Black Americans (as compared with 56% of White Americans) feel very confident that the police in their area would treat them with courtesy and respect.”²³ As the police are the community’s major contact point with government, a general distrust of government ensues. People do not utilize available services, public apathy is widespread, voter participation drops, community members feel powerless, and these all feed on each other.²⁴

There are concerns about involving police in too many confrontational interactions. On the other hand, a substantial portion of mostly black and brown communities want more police in their neighborhoods.²⁵ These are not inconsistent objectives. As the NYPD has recognized in its Plan, to its credit, a number of functions that have been handled by the police can be handled by other agencies, sometimes with police back-up, letting police officers focus on their primary objective.

The NYPD Plan sets forth other measures to reduce tensions with communities, including giving Precinct Councils an advisory role in selecting precinct commanders, and expanding the People’s Police Academies, Precinct Commander’s Advisory Councils and Youth Leadership Councils. But these essentially build on programs or activities the NYPD already has undertaken. Stronger approaches are needed to engage portions of the community.²⁶

We believe the broad-based local advisory committees we recommend above would help bridge this divide. These should not be run or led by the NYPD. NYPD representatives should be “one among equals” in these committees. The committees would not dictate how the NYPD would operate or handle a

²² See Shima Boughman, “How Effective Are Police? The Problem of Clearance rates and Criminal Accountability,” Utah Law Faculty Scholarship (April, 2020) at 67-68:


<https://dc.law.utah.edu/cgi/viewcontent.cgi?article=1202&context=scholarship>.

²³ See Lydia Saad, *Black Americans Want Police to Retain Local Presence* (Aug. 5, 2020) (results of Gallup poll) <https://news.gallup.com/poll/316571/black-americans-police-retain-local-presence.aspx>.

²⁴ Betsy Pearl, “NeighborhoodStat: Strengthening Public Safety Through Community Empowerment,” (Oct., 2019): <https://www.americanprogress.org/article/neighborhoodstat-strengthening-public-safety-community-empowerment/>.

²⁵ See note 26, *supra*.

²⁶ We note that the NYPD’s Community Affairs Office is relatively small, with only a \$14 million budget for FY 2022 (<https://council.nyc.gov/budget/wp-content/uploads/sites/54/2021/03/056-NYPD.pdf>).



situation, but the Mayor/Deputy Mayor or designee would have final decision-making authority to exercise where appropriate.

These meetings, and other meetings and forums in which the NYPD seeks to engage more effectively with their constituents, should be held away from the precinct house. The use of the precinct space, when combined with the inherent power of the Department, makes for a highly unequal interaction. Using a church or other community center shows that the NYPD is willing to meet the community more on the community's terms. In addition, NYPD officials need to be in a "listening" mode, minimizing situations where they dominate the discussion, which may be a natural tendency given the Department's power and culture.


A. CONNECTING OFFICERS WITH THE COMMUNITY AS TRAINEES

A basic concern is that police officers do not relate well to the community they serve. The NYPD has been working to diversify the Department, particularly from communities with high populations of people of color, so that it truly reflects the City's population, by recruiting within the City, promoting NYC residence of officers and engaging with community groups.²⁷ This is an important goal to be pursued, yet experience shows that does not, in itself, lead to reduced police violence or friction. Even though more than half of uniformed officers (though definitely not of police leadership) are persons of color, and even though there has been more training in conflict resolution,²⁸ substantial concerns about police conduct persist.

A major reason for this intransigence is that when new officers arrive at the precinct, they are told by more experienced colleagues to ignore what they heard in the Academy, that the streets are rough and the traditional approaches are what work. This is a powerful factor influencing performance. It is no wonder

²⁷ Recommendations were included in the NYPD Plan (see, e.g. Tracker IDs 43-46 and 124-127).

²⁸ See <https://nypeace.org/police-training-partnership/>.



that studies have shown that diversity training has not been effective at developing better racial attitudes.²⁹

In the NYPD Plan, the NYPD seeks to “facilitate the immersion of new officers in the neighborhoods they serve through undergoing an intensive course, including field training, to better understand the neighborhood” (Tracker ID 40).

We believe that the NYPD should approach “immersion” similar to what has been done in New Haven. Through New Haven’s community-engaged training requirement, trainees must complete a number of hours of community service and undertake a community project. This approach will provide engagement with community members in collegial settings and provide insight into community members’ lives and perspectives. Hopefully, it will better “humanize” community people for the trainees involved. A review of the pilot project by the Police Foundation found that “recruits who participated in the project predominantly reported positive experiences and demonstrated substantial community orientation and overwhelming support for community policing.”³⁰ This should be a natural fit for many police recruits, who often do community activities (such as coaching) where they live. We stress that this immersion should be done before the trainee has any of the tools or power of a police officer.


We also hope the NYPD is successful in recruiting more individuals directly from neighborhoods with populations that are predominantly people of color, so they can bring their special understanding and perspective to the force, and hopefully have opportunities for promotions to positions of leadership.

B. COURSES AT LOCAL COMMUNITY COLLEGES

An additional suggestion to bridge the gap between police officers and the community is to require recruits to take courses in local

²⁹ Martin Kaste, *NYPD Study: Implicit Bias Training Changes Minds, Not Necessarily Behavior*, NPR (Sept. 10, 2020) <https://www.npr.org/2020/09/10/909380525/nypd-study-implicit-bias-training-changes-minds-not-necessarily-behavior>.

³⁰ Police Foundation, *Ideas in American Policing*, “Outside the Academy: Learning Community Policing Through Community Engagement,” Number 20, July, 2017, at 8 https://www.policefoundation.org/wp-content/uploads/2017/08/IAP_Outside-the-Academy-Learning-Community-Policing-through-Community-Engagement.pdf.



community colleges on subjects that are offered in these colleges and appropriate to the curriculum currently taken by recruits at the Academy. This again would have trainees sit shoulder-to-shoulder with community residents as equals.

C. FOLLOWING LAWFUL AND RACIALLY UNBIASED PROCEDURES

Finally, the community must have confidence that the police will be acting in a lawful manner. The stop, question and frisk approach implemented during most of the Bloomberg administration, plus evidence of at the least inappropriate procedures during demonstrations in the aftermath of the George Floyd murder, are among the examples of police behavior that undermine trust. The NYPD Plan acknowledges concerns regarding prior police behavior with regard to biased policing and excessive use of force, and includes a number of measures designed to change practices. (See Tracker IDs 63-77). However, there needs to be buy-in throughout the force for any such changes to have a meaningful impact, and a basic understanding that the police can address violent crime while adhering to this new approach.


7. NEED FOR COMMUNITY-BASED DATA

Over the past several years the NYPD has posted an increased amount of data, focusing on crimes. The NYPD Plan includes efforts to survey communities (Tracker ID 34-35) and requires commanding officers to “report customer-service and neighborhood-focused metrics to strengthen and improve bonds of their residents and Officers.”³¹ The NYPD is to “engage community representatives in reviewing customer survey and other data relevant to individual neighborhoods and will use that input to inform new metrics that can be collected and assessed agency wide.”³²

We are encouraged by these efforts. However, it is not clear what types of data will be collected and whether the data will be publicly available. An

³¹ City Council Res. 1584 & Appendix, *supra* note 1, at 19 (<https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=4890502&GUID=2CB9D744-6371-434F-8331-4A923FF529AB&Options=ID|Text|&Search=police>).

³² *Id.*



intensive effort is needed to collect data on community needs. One useful example of community data-gathering is NeighborhoodStat.³³ Community members collect and analyze a range of data, including crime but also social indicators, city services indicators and information on the physical environment.³⁴ This, of course, is a small percentage of the data that needs to be collected community-by-community on a citywide basis.

The local advisory committees we propose could be instrumental in determining what information would be useful and collecting this information, which should be shared among the committees and posted online. The more information available on community needs and concerns, as well as what is happening within communities, the better policy-making will be informed. This information should be widely shared among agencies, and made publicly available unless particular data involve personal information or similarly sensitive material. We are pleased that Mayor-elect Adams has said data-based governance would be foundational to his administration.³⁵

We also believe the NYPD budget submission should provide greater detail regarding manpower and expenditures than the eight units of appropriation listed in the personnel budget.³⁶ The budget should provide more detail on a program basis and, to the extent feasible, on a borough and precinct level.³⁷

8. CHANGING THE INCENTIVES

Over the years, there have been many reports, including by current and former police officers, that the incentives within the Department drive officers toward increasing arrests, which led to excessive police stops and to arrests for minor offenses which may not have been worth making, taking into account the long-term harm done to those arrested and their families. Such incentives also can lead to false arrests and convictions, with the brunt of the problem falling on lower income individuals less able to defend against false charges.³⁸ The

³³ <https://map.cityofnewyork.us/neighborhood-stat/>.


³⁴ See Pearl, *supra* note 27.

³⁵ Samar Khurshid, *Eric Adams Vows to Overhaul How City Government Works; Experts Point to Several Essentials to Following Through*, Gotham Gazette, Oct. 31, 2021: <https://www.gothamgazette.com/city/10870-eric-adams-promises-overhaul-how-city-government-works-experts>.

³⁶ <https://www1.nyc.gov/assets/omb/downloads/pdf/erc6-21.pdf>.

³⁷ We note the Budget Function Analysis prepared by the Office of Management and Budget provides somewhat more detail within the NYPD, including personnel counts, for 18 different categories. The report of the City Council's Finance Division is significantly more comprehensive, but still does not give a clear understanding of how the City allocates funds among programs and functions.

³⁸ Roger Koppl and Meghan Sacks, "The criminal Justice System Creates Incentives for False Convictions," *Criminal Justice Ethics*, Vol. 32, No. 2, at 138 et seq. (2013): <https://jrandslaw.com/media/105491/Crime-Labs-Paid-for-Convictions-Article-2013.pdf>. See also Boughman, note 26 *supra*.



de Blasio Administration, including the NYPD, has responded to these criticisms. Misdemeanor arrests were reduced by over half from 2013 to 2019, a trend that coincided with lowering crime rates.³⁹

We are not aware of the current means of evaluating police officers, or how policies are being carried out in precinct houses. The NYPD Plan discusses incorporating accountability measures into the decision-making process for promotion (Tracker ID 128).⁴⁰ We urge that there be a full review of incentives to de-emphasize the arrest and clearance rates and bolster the use of non-confrontational problem solving, including measuring how police interactions are perceived in the community.⁴¹ We also urge that such revised incentives be made public. The NYPD Plan cited the Neighborhood Strategy Meeting, recently launched by the NYPD, where best practices will be shared across commands. There will be an effort to ensure accountability based of performance metrics such as “customer wait times, response times, how officers handle various public interactions, and other indicators to demonstrate how officers handle various public interactions,” as well as other indicators demonstrating improvement in police-community relations.⁴² These types of metrics may provide sound bases for evaluating individual officers’ performance.

Improving police/community relations, changing the incentives, and the measures the NYPD Plan proposes to address current and past effects of racially-biased policing (See Tracker ID 63-74) are aspects of the larger issue of changing police culture. This fundamental issue has befuddled many, both inside and outside police departments, who have tried to accomplish such change. We do not attempt to delve further into police culture, though the recommendations above are designed to help effect such a change over time. Trying to create more empathy and understanding for the constituents the police are charged with protecting and serving hopefully will change their approach to their work on a daily basis, generating greater police/constituent cooperation. This is a trust that must be earned over time.

³⁹ https://criminaljustice.cityofnewyork.us/individual_charts/misdemeanor-arrests/.

⁴⁰ See also City Council Res. 1584, *supra* note 1, at 26.

⁴¹ See, e.g., Thaddeus L. Johnson and Natasha N. Johnson, *Commentary: Departmental Incentive Structures are the Linchpin to Real Police Reform*, Arizona State University Crime and Justice News (Mar. 9, 2021): <https://crimeandjusticenews.asu.edu/commentary-departmental-incentive-structures-are-linchpin-real-police-reform>

⁴² City Council Res. 1584, *supra* note 1, at 19.



CITIZENS UNION OF THE CITY OF NEW YORK
Testimony before the 2024 City Charter Revision Commission
on Recommendations Made in the June Preliminary Report
Schomburg Center for Research in Black Culture – July 8, 2024

Dear members of the 2024 Charter Revision Commission. My name is Amaury Dujardin, and I am a Policy Manager at Citizens Union. Thank you for providing us with the opportunity to testify today. Citizens Union is a nonpartisan good government group committed to reforming New York City and State government by fostering accountability, honesty, and the highest ethical standards. Throughout our 125-year history, we have supported periodic comprehensive reviews of the New York City Charter to ensure that city government is operating effectively, efficiently, and in the public's best interest, and have advised every Charter Revision Commission.

First, we want to thank commissioners and staff for deferring the discussion on major election reforms to a future commission for further study and consideration, as we requested in earlier hearings.

Our testimony today focuses on the recommendations in the Commission's preliminary report pertaining to public safety legislation and fiscal impact statements.

Adding new public input requirements to public safety legislation

Citizens Union opposes the proposal to add new requirements for public input in the New York City Council before approval of any bill related to public safety, including more time and at least one extra public hearing.

Imposing different rules for different bills simply because of the content of a bill could create a two-tier system in the legislative body, giving some stakeholders more opportunities to comment on and impact legislation than others. Therefore, such a proposal requires scrutiny to examine whether it is needed and whether it would be effective.

First, we do not believe the proposal is necessary. The New York City Council (as opposed to the New York State Legislature) provides an opportunity for the public to comment on bills during a public hearing held by the relevant committee, and very often, bills are amended before being approved by the Council. No bill is approved in the Council without a public hearing.

Citizens Union conducted an analysis of all local laws passed by the City Council in the last decade to assess whether there is any difference between the timelines of hearings and legislative processes for bills passing through public safety-related Council committees and other committees, which could justify creating separate rules for that subject matter. That study is attached to this testimony.

Our analysis of over 1,700 local laws reveals that public safety legislation receives similar public input opportunities as other laws on other issues. No major differences were found in the time it takes for a public safety bill to receive a public hearing, the time it takes to be approved by a committee, or the overall time it takes from introduction to Council approval. Public safety bills are passed under the same timeframes as other bills. In fact, public safety bills often receive more time for public input. On average, public safety bills took 292 days from introduction to Council approval, compared to 280 days for other bills. 63% of local laws passed by the Committee on Public Safety waited more than three months between public hearing and approval, compared to only 52% of local laws passed in other committees.

We also found that the current City Council (in the 2022-2023 term) provided similar or even more time for public input on public safety bills compared to previous Councils. Public safety bills took an average of 125 days from introduction to the first hearing and another 168 days to committee approval, which aligns with or exceeds the timelines in previous terms.

Lastly, the data shows that the bills that were quoted as the reason behind the proposal to add more public input to public safety bills, particularly the How Many Stops Act (L.L. 43/2024) and the ban on solitary confinement (L.L. 44/2024), did not receive limited opportunities to provide input, as some of the testimonies on this issue have argued. **It took almost a year and a half - out of a two-year term - to pass these heavily contested bills, longer than other significant bills passed in the 2022-2023 term, ensuring sufficient time for stakeholder engagement and public testimony.**

Put simply, public safety legislation is not at a "disadvantage" compared with other issues when it comes to the time given for public input.

Second, public safety is difficult to define, and any Charter requirement that applies to "legislation pertaining to public safety" is sure to bring legal challenges. The Commission's preliminary report referenced all uniformed agencies, including the sanitation department. Many other city agencies also impact public safety in the five boroughs, including the Department of Health and Mental Hygiene, the Department of Transportation, the Department of Homeless Services, the Office of Neighborhood Safety, and others.

New Charter language requiring a special review process on public safety bills could spur ongoing litigation on what qualifies as public safety, further complicating the legislative act.

Third, lawmaking in all policy matters of citywide importance requires working with city agencies, experts, labor unions, and impacted communities, so any improvements in public input opportunities should apply to all legislative matters. Public safety should not be singled out of other citywide policy matters, such as education, transportation, or the environment.

Citizens Union has been a strong advocate for greater public input and transparency in the legislative process and recommended reforms to the City Council Rules to advance those goals before every new term. For example, we have urged the Council to extend public notice of committee meetings to at least

seven days before the meeting date instead of the current 72 hours, make bill aging "transparent," and revamp the email notification system.

To the extent that such general improvements are needed, **they should be made by changing the Rules of the City Council, which allows more flexibility, rather than enshrined in the City's constitution.**

Amending the Charter requirements on fiscal impact assessments

Citizens Union does not support the proposal to amend the City Charter to require fiscal impact assessments be produced earlier in the legislative process and involve additional agencies.

We acknowledge that there are problems with the way fiscal impact assessments are produced. Since they are published late in the legislative process, they contribute little to the public debate around the bill. And too many times, the formal fiscal impact comes out to zero.

However, we believe improvements to fiscal impact assessments should not be made through the City Charter. Currently, Charter Section 33 only dictates what fiscal impact statements must include and requires that agencies provide the Council with the information needed to prepare the statement.

The Charter should continue to provide such general principles instead of a "manual" with exact instructions. In line with our abovementioned comment and previous positions, we do not believe the city's constitution should set the details on the method, timing, and process of producing a fiscal impact statement. Here, too, we recommend that improvements to the process be made through the Rules of the Council, which govern the inner workings of the Council.

In addition, we are concerned about involving outside agencies in an element of the legislative task because it could give veto power over the process to executive agencies and lead to more delays in lawmaking.

Other proposals

We take no position on the other proposals in the Commission's preliminary report. The report includes about ten other recommendations on various issues such as passing legislation with budget impact outside the annual budget process, modifying the Ten-Year Capital Strategy plan, establishing a new Minority- and Women-Owned Businesses agency, and many more.

As a general comment, we ask the Commission to be prudent with what it recommends should be in the Charter. Citizens Union has long held that the City Charter is a foundational document that should not be "cluttered" with policies that can be done legislatively or through the administrative code without a compelling reason. We acknowledge that minor fixes are sometimes necessary.

Do Public Safety Bills Receive Fewer Opportunities for Public Input in the New York City Council?

The short answer is no. Citizens Union analyzed over 1,700 local laws passed in the last decade and found that public safety legislation receives similar input opportunities as other issues, suggesting that there is no need for separate rules.

The 2024 Charter Revision Commission is considering applying additional requirements for public input in the New York City Council before approval of any bill related to public safety, including more time and at least one extra public hearing. During public input sessions, the Commission heard testimonies expressing concern about limited opportunities for public input or consultation with experts, affected agencies, and critical stakeholders on measures that the Council passed in the last year, like the How Many Stops Act (L.L. 43/2024) and the ban on solitary confinement (L.L. 42/2024).

Citizens Union has been a strong advocate for greater public input and transparency in the legislative process, and recommended reforms to the City Council Rules to advance those goals before every new term. For example, we have urged the Council to provide more notice before public hearings and to limit last-minute changes to committee agendas.

However, imposing different public input requirements simply because of the content of a bill is a novel idea that could create a two-tier system in the legislative body, and therefore requires scrutiny.

This report is intended to assess whether there is any difference in the public input opportunities awarded to public safety legislation compared to other issues, and whether such difference could justify creating separate rules for that subject matter.



By examining the legislative timelines of over 1,700 local laws passed by the City Council in the last decade, we find that public safety legislation is not at a “disadvantage” compared with other issues when it comes to the time given for input.

Public safety bills are passed under the same timeframes as other bills, often taking more than six months. The most recent City Council did not rush through such bills compared to its predecessors. In fact, the controversial bills that drove much of the testimonies on this issue before the Charter Commission proceeded under an exceptionally long timetable - it took almost a year and a half to pass them out of a two-year term.

Therefore, it would seem unnecessary to inject more time into the legislative process of public safety bills, and it is unclear why they and the stakeholders who wish to comment on them should be awarded preferential treatment. If there are indeed problems related to seeking input from experts and affected agencies during the legislative process on public safety bills, they are likely unrelated to allotted timeframes.

Method

Stakeholders have three periods in which they can comment on bills in the New York City Council. After a bill is introduced, government agencies, advocates, and members of the public often reach out proactively to sponsors to provide feedback on the bill. Once a public hearing is announced, anyone can testify at the committee hearing or submit a written testimony to the relevant committee. After the hearing is concluded and before the bill is voted on during another committee meeting, the public can submit further comments. This is often the most crucial period because bills are commonly (but not always) amended before they come to a vote in committee. Once approved by the committee, a bill usually goes to the Council for a vote that same day or the day after.

To examine public input periods, we collected the timeframes of the legislative process of all local laws passed by the City Council between January 2014 and June 2024. For every local law, we identified the date the proposed bill was introduced, the date of the public hearing in the committee where the bill was assigned, the date the bill was approved by that committee, and the date the bill was approved by the full Council at a Stated meeting. The number of days between these dates provides the length of each period. We thank Jehiah Czebotar for assisting in retrieving the data from the NYC Legistar API.

The dataset included 1,743 local laws passed in four different City Council terms: 2014-2017 (Speaker Melissa Mark Viverito), 2018-2021 (Speaker Corey Johnson), 2022-2023 (Speaker Adrienne Adams), and 2024-2025 (Speaker Adrienne Adams, ongoing). We then excluded the current Council because it began recently and passed only two bills related to uniformed agencies.

Defining what is “legislation pertaining to public safety” is a complicated task, and the Charter Revision Commission did not explain how that would be done. We used the Council’s committees to operationalize public safety. There are several committees with jurisdiction over agencies with public safety functions: Public Safety, Criminal Justice, Fire and



Emergency Management, Fire and Criminal Justice Services (only in 2014-2017), Courts and Legal Services (only in 2014-2017), and Juvenile Justice (only in 2014-2017).

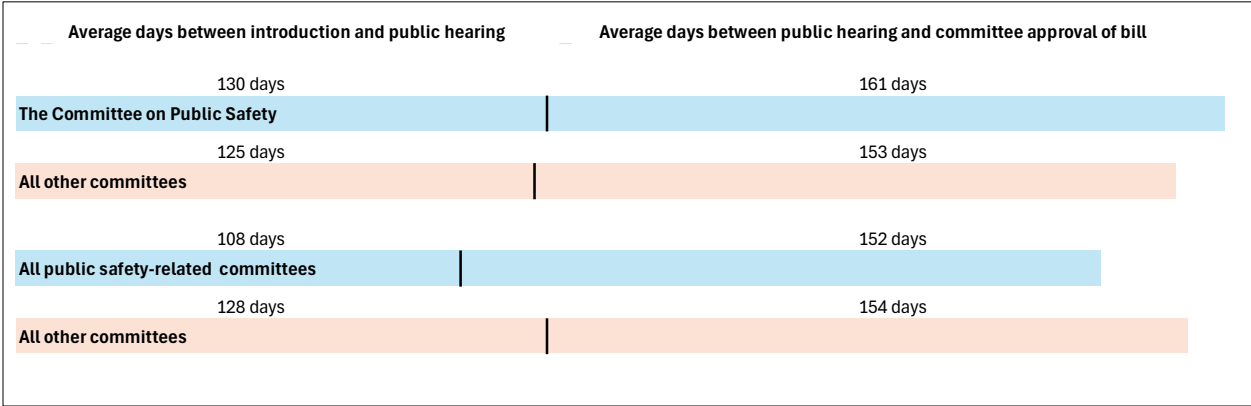
Findings

1. THERE ARE NO MAJOR DIFFERENCES IN THE TIME AWARDED FOR INPUT ON PUBLIC SAFETY BILLS COMPARED WITH OTHER BILLS

Data on the legislative processes behind the bills passed by the City Council over the last three terms (not including the current one) shows that the time given for public input on public safety bills is not substantially different than on other bills.

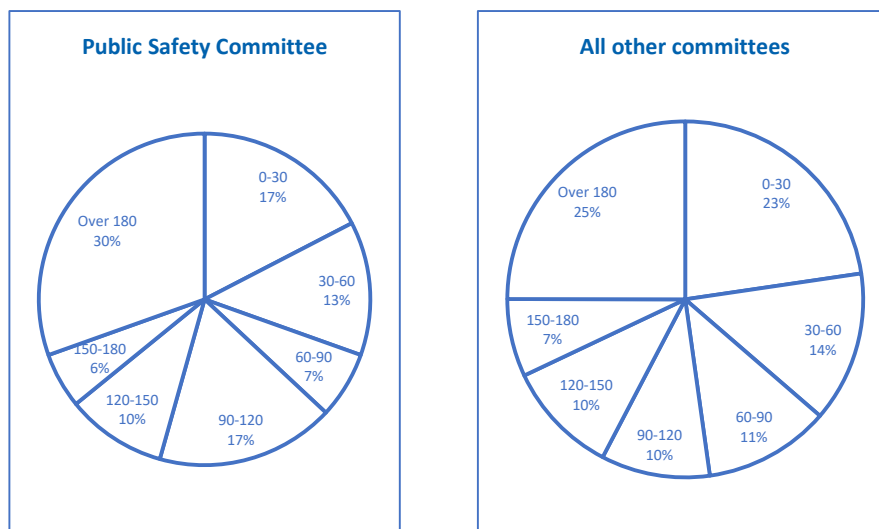
The average time between the introduction of a bill and the public hearing on that bill in the Committee on Public Safety was 130 days compared to 125 in all other committees. The average time between a public hearing on a bill in the Committee on Public Safety and the committee approval of the bill was 161 days compared to 153 for bills in all other committees. In total, local laws that went through the Committee of Public Safety took 292 days on average from introduction to approval by the Council. Local laws that went through other committees took 280 days from start to finish.

No major differences were found when public safety was defined more broadly, either. An analysis of all committees that work on public safety-related matters (see above) found that the average time between introduction and committee hearing is 108 days in public safety-related committees compared to 128 in all other committees. The average time between that hearing and the committee approval of the bill is 152 days in public safety-related committees compared to 154 days in all other committees. The average total time from introduction to Council approval is 261 days for bills in public safety-related committees and 283 days for bills in other committees.



To better understand the length of the legislative process, we also examined how many local laws go through a shorter timeframe. The chart below breaks down the time of the most crucial input period – after a public hearing and before a bill is passed – for public safety bills compared with other bills. It shows that bills in the public safety committee receive more time for public input. 63% of local laws passed by the public safety committee received more than three months for that public input period, compared to 52% of local laws passed in all other committees.

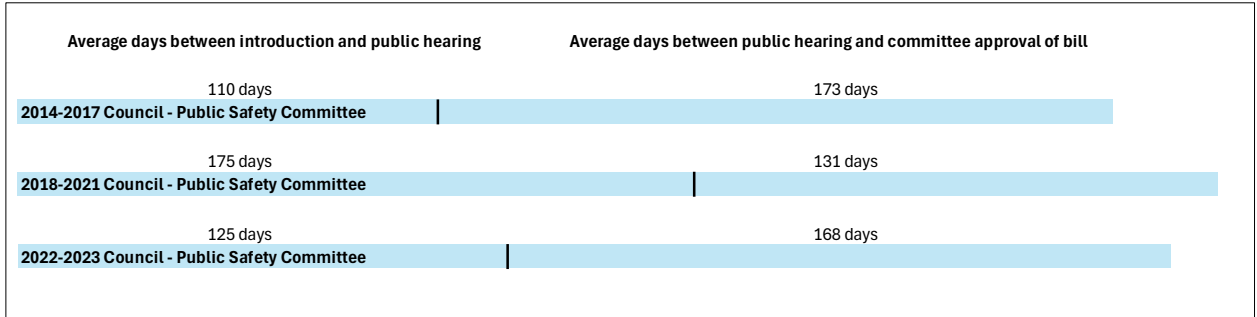
Days between a public hearing and a committee approval of a bill



2. THE CURRENT CITY COUNCIL DOES NOT PROVIDE LESS TIME FOR PUBLIC INPUT ON PUBLIC SAFETY BILLS COMPARED TO PREVIOUS CITY COUNCILS

Some commentators have argued that the political tensions between the current City Council and the Mayor lead to fewer opportunities for the administration to get involved in public safety legislation compared with past councils. This might be the case behind closed doors, but the timeframe of legislative processes in this Council is no different than in its three predecessors.

During the 2014-2017 Council, public safety bills received a public hearing after 110 days on average and were approved by the committee 173 days on average after such hearing. In the 2018-2021 Council, public safety bills waited 175 days on average before getting a hearing and another 131 days after the hearing. The 2022-2023 term of the current City Council, which only lasted two years, was somewhere in the middle: public safety bills waited 125 days on average before getting a hearing and another 168 days after the hearing. The results are similar when comparing bills that went through all public safety-related committees. The complete data can be found with Citizens Union and is available upon request.



3. HIGH-PROFILE CONTESTED PUBLIC SAFETY BILLS DID NOT RECEIVE FEWER OPPORTUNITIES FOR PUBLIC INPUT THAN OTHER BILLS

A number of Local Laws were mentioned in public testimony before the 2024 Charter Revision Commission as examples of cases where public safety bills received limited opportunities to provide input. Those included Int 0586-2022, requiring the police department to report on police-civilian investigative encounters, known as the How Many Stops Act, and Int 0549-2022, which banned solitary confinement in city jails and established standards for the use of restrictive housing and emergency lock-ins.

However, data on the timelines of legislative processes reveals that these two bills were given the same time, and at times even more time, than other high-profile significant bills passed in the same Council term. In fact, it took almost a year and a half – the Council's term was only two years – for these two bills to be approved by the City Council, giving ample time for public input. This information is shown in the table below.

Bill number	Bill	Committee	Introduced	Days from intro to public hearing	Committee hearing	Days from hearing to committee approval	Committee approval	Total days from intro to Council vote
Int 0586-2022	How Many Stops Act	Public Safety	7/14/22	256	3/27/23	268	12/20/23	524
Int 0549-2022	Banning solitary confinement	Criminal Justice	6/16/22	104	9/28/22	448	12/20/23	552
Int 0878-2023	CityFHEPS eligibility reform	General Welfare	1/19/23	-1	1/18/23	126	5/24/23	126
Int 0031-2022	Permanent Outdoor Dining Program	Consumer and Worker Protection	2/10/22	-2	2/8/22	541	8/3/23	539
Int 0244-2022	Citywide Curbside Organics Collection Program	Sanitation	4/28/22	48	6/15/22	357	6/7/23	406
Int 1012-2023	Fair Housing Framework	Economic Development	4/27/23	63	6/29/23	139	11/15/23	202
Int 0559-2022	Skip the Stuff Act - Plastic Waste from Take-Out	Consumer and Worker Protection	6/16/22	179	12/12/22	38	1/19/23	217



THE CITY OF NEW YORK
INDEPENDENT BUDGET OFFICE

110 WILLIAM STREET, 14TH Floor
NEW YORK, NEW YORK 10038

**Testimony of IBO Director Louisa Chafee to
the New York City Charter Revision Commission
June 13, 2024**

Good evening, Chairman Scissura, Vice-Chair Doctor Dukes, Executive Director Savino, members of the Commission. I am Louisa Chafee, Director of the New York City Independent Budget Office (IBO). IBO is a nonpartisan, independent government agency mandated by the New York City Charter (Charter). IBO's mission is to enhance public understanding of New York City's budget, public policy and economy through independent analysis. Our vision is to empower New Yorkers to engage with their government and shape the future for their families and their communities, armed with budget and policy information that is accessible, transparent, and timely.

IBO owes its existence to the decision by our City's voters to adopt the proposals put forth by the 1989 Charter Revision Commission. IBO was a key component of the Commission's commitment to enhance access to information, and specifically, transparency in the City's budget process.

As the Mayor's press release stated, this Commission is charged "to evaluate processes for determining the financial impact of proposed legislation . . ., whether the financial impact is funded, and making that information more transparent to the public." I am pleased to be here to discuss IBO's work in support of those goals. Our suggestions focus on the following areas: first, the importance of making so-called units of appropriation more understandable; second, how to structure fiscal impact analysis; third, how to promote greater efficiency in contract spending; and finally, the need to reaffirm and clarify the City's basic budget framework.

Enhancing the City Budget's Structure to Promote Transparency

I would like to begin by focusing on an important reform from the 1989 Charter that merits further attention. For the fiscal year that starts on July 1st, the Mayor's proposed budget totals \$111.6 billion. The City's budget is larger than all but a handful of state budgets. Crafting a process that ensures that this budget is transparent and fiscally sound is an important undertaking, with significant consequences for all New Yorkers.

Each year, when the City Council adopts the budget, it authorizes spending in a series of categories, which the Charter refers to as units of appropriation--commonly known as U/As. Under section 100 c of the Charter, a unit of appropriation is supposed to reflect the budget "for a particular program, purpose, activity or institution." In practice over the years, units of appropriation have become extremely broad, to the point where they do not promote transparency as envisioned.

The idea was for the budget to be assembled with clear, understandable building blocks to show New Yorkers how the City allocates its resources and to facilitate effective oversight. Large mid-year shifts in spending between one unit of appropriation and another require City Council approval. In practice, though, neither the Charter goal of transparency, nor the specific goal to ensure Council review of major shifts in spending, have been realized.

Some agency budgets include U/A categories that are readily understandable and allow the public to clearly see how various kinds of programs are funded. An example would be the Department of Social Services (Human Resources Administration), which has several clearly understandable U/A categories, such as one for legal services programs, one for emergency food assistance, one for the Fair Fares program, etc. But the budgets for many other City agencies are more opaque. For some smaller agencies, the entire agency has only two U/As, one for “personnel costs” and one for “non-personnel” costs, even though the agency itself serves several distinct functions. In other cases, including some very large agencies, the U/A categories are simply so huge that no useful information is communicated to the public.

If you are a parent who seeks to understand school spending, you would find that the Department of Education (DOE) places almost \$7 billion—over 22% of the agency’s budget—in a single U/A entitled “general education instruction and school leadership.” This item encompasses many different kinds of educational programs. While more granular information is found in “budget codes” elsewhere in the City’s voluminous budget, funds can be shifted among various DOE programs, and one or more of them can be severely increased or decreased, without City Council review or approval.

Similarly, if you are a New Yorker who wants public safety resources targeted toward precinct-level policing at the community level, the budgets for all 123 police precincts are combined into a single “operations” U/A, along with all of the NYPD’s boroughwide offices, and various response units or divisions such as detective work, forensic investigation, narcotics, and strategic response. This U/A is budgeted at \$1.5 billion—out of total agency budget of approximately \$5.8 billion.

The intention of the “single program” language from the 1989 Charter was, quite plainly, to make this type of budget information more accessible to the public. While new U/As are often added each year as part of budget negotiations, there has not been a systematic approach to the dual challenge of ensuring both transparency and managerial flexibility. This Commission may wish to examine the Charter’s description of units of appropriation in light of the goal of increased transparency, so that the public can clearly identify how each key function of an agency is provided and funded.

Enhancing Accessibility of Fiscal Impact Information

Providing the public with credible independent information and making that analysis fully transparent so that New Yorkers may draw their own conclusions is central to IBO’s mission.

As you may know, the Charter, in sections 33 and 260 b, respectively, currently requires the City Council to prepare fiscal impact statements on each proposed local law prior to a committee vote and directs the IBO to prepare such analyses when requested by specific officials, such as a Council committee chair or ranking minority member. While most fall outside the specific terms of that

section, IBO often responds to requests for independent fiscal evaluation of proposed local laws from Council Members, other elected officials, advocates and members of the public. IBO's ability to provide useful analysis depends on the clarity of the proposed language, the existence and timeliness of data from the relevant agencies, and the timing of the request relative to a potential Council vote.

As a point of comparison, the Congressional Budget Office (CBO) is legally mandated to price virtually all Congressional enactments each year. However, its staff is considerably larger than IBO's, and the Congressional calendar affords significant time between committee vote and adoption. Further, while CBO prices out many bills, most of its cost estimates indicate negligible budgetary impact.

Here in New York City, in recent years the Council has enacted 125-175 local laws each year. The Council's standard calendar does not afford much time between Committee consideration and a full Council vote. As in the federal arena, most laws do not have significant budget impacts, and some are drafted in a manner that makes estimating costs very difficult. IBO welcomes a dialogue with the Commission as to how IBO might add value in this area, particularly by analyzing proposals that have the potential to trigger large cost increases, in amounts that would be material to the City's overall budget. For example, this process could focus on proposals with price tags that amount to at least one-half of one percent of the City's annual budget, which would be about \$550 million per year.

Ensuring Cost-Effective Services to New Yorkers and Fairness to City Service Providers

Fiscal responsibility is not merely a theoretical ideal. New Yorkers are not well-served unless City agencies administer the budget effectively and efficiently, ensuring the City gets real value for its spending. It is not enough to provide access to information so that New Yorkers can see how much is budgeted for programs they care about. It is also crucial that the budgeted funds flow on a timely basis so as to ensure the delivery of those programs. In other words, the system for spending the money is also important.

For these reasons, IBO urges the Commission to consider some targeted reforms in contract-based spending, which exceeded \$40 billion during fiscal year 2023.

Emergency contracting is ripe for reform. IBO's analyses of areas such as asylum-seeker services and the City's COVID-19 response raise concerns that the City has incurred increased costs due to government agencies' continued reliance on contracts that were first awarded at the height of a crisis. It makes sense that agencies sometimes must award emergency contracts with little if any competition. But they are then often extended long past when it is both feasible and prudent to seek other vendors at lower costs. IBO supports this Commission's examination of the idea to establish time-limitations for these contracts, such as by requiring that the Comptroller and the Mayor renew their joint determination that the emergency procurement method continues to be appropriate after the emergency contract has been in place for two years.

As any household knows, sound fiscal management means one pays the bills on time. Yet, the City often fails to do this. While this problem affects many areas of the budget, nowhere is the situation

more critical than for human services programs such as pre-K, senior centers and services for the unhoused.

Most services for vulnerable New Yorkers are provided by nonprofit human services providers whose existence is threatened by delayed payments on their City contracts. The Charter has long given the Procurement Policy Board (PPB) the authority, but not a mandate, to establish rules to fix this problem. Through its work, IBO has seen this increasing fiscal stress in a sector that is important to the City's accomplishment of its goals, and therefore suggests that the Commission consider strengthening the PPB's Charter mandates.

No vendor should be asked to provide services without being paid for months. While this is critical in human services, there are other types of services (such as security guards) where vendors deploy large payrolls exclusively dedicated to City work, but experience payment gaps based on delays in contract registration and invoice review.

To illustrate this point, I will refer to one high-profile service area that IBO has studied closely: immigration legal services. City financial data indicates that for contracted programs with start dates since July 2022, contract registration has lagged by an average of about 259 days, meaning that those providers have had to operate over eight months without payment. Since 2023, the timeliness of registration (which is the legal trigger that authorizes payment to start) of this type of contract has improved somewhat, but such providers have been paid an average of only 26% of the annual value of their contract. For these providers to have been paid only one quarter of their annual contract value as of eleven months into the fiscal year clearly indicates that payments are still really late relative to when the work is done. And this is for immigration legal services providers, whose help with asylum applications and work permits is greatly needed due to the increasing size of newly arriving asylum-seekers.

Why aren't the City's bills paid? Sometimes it is because a contract ends and—while the City intends to extend the contract and to continue services without interruption—the responsible City agency does not complete the process of registering a new contract early enough. Sometimes, even for contracts that are registered on time, payments lapse because an invoice is not considered complete or contains relatively minor items questioned by the receiving government agency.

Not only has this late payment issue arisen in connection with various IBO analyses, it was also quite central to much of the work I did, both inside government and in the nonprofit sector, prior to my appointment as IBO Director. I was proud to serve on Mayor Adams' and Comptroller Lander's *Joint Task Force to Get Nonprofits Paid on Time*. As that task force made clear, the problem of late payment presents huge operational challenges for providers upon which the City depends.

The Commission could substantially alleviate these challenges by allowing the public to vote to require the City to pay its bills. The key Charter changes needed to ensure progress in this area are not hugely complex. The Commission could empower the PPB to solve the lateness problem by simply changing the Charter language that now authorizes the PPB to act to language that mandates such action. This relatively minor wording change could then allow the PPB, for example, to establish rules that require City agencies to extend contracts before they lapse and to pay at least a substantial portion of any duly submitted invoice from a services contractor in good standing.

There are other readily achievable Charter changes that could advance the goal of ensuring a financially responsible business partnership between the City and vendors that provide services to millions of New Yorkers. A further example of a change would be to raise the Charter's threshold for when public hearings are required on individual contracts. Such a change could shorten the time frames and thus speed up the registration and payment process.

Fiscal responsibility is also closely tied to accountability. The Charter already establishes many Mayoral mandates and agency requirements that impact spending. The Charter describes the mission of more than a dozen critical Mayoral functions, such as the Office of Management and Budget and the Office of Operations, but it does not do so for the Mayor's Office of Contract Services (MOCS), which regulates a very large area of spending. In the end, real accountability for fiscal responsibility may continue to prove challenging absent a clearer Charter mandate, establishing specific responsibilities for MOCS in this area.

Protecting the Framework for Sound Budgeting

IBO suggests that the Commission review ways to strengthen the budgetary framework, including by moving more of the protections from the state Financial Emergency Act into the Charter and by strengthening Charter provisions concerning the Revenue Stabilization Fund, commonly called the Rainy Day Fund. IBO supports Charter language to ensure that all relevant information is made available to enable City fiscal monitors, including IBO, to analyze the City's budget and fiscal health, as well as the inclusion in the Charter of more details on the transparency, usage, and implementation of all of the City's reserve accounts, including but not limited to the Rainy Day Fund.

IBO welcomes the opportunity to work with you and your staff around these and other ideas for enhancing financial responsibility and increasing transparency. I'm available if you have any questions this evening, or in the weeks to come.



ERIC L. ADAMS
MAYOR

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www.nyc.gov/ccrb



ARVA RICE
INTERIM CHAIR

July 23, 2024

VIA EMAIL

Carlo Scissura
Chair, 2024 NYC Charter Revision Commission

Re: Clarification of Record of Public Hearing on June 20, 2024

Chair Scissura:

I am the Executive Director of the Civilian Complaint Review Board (CCRB) and write to clarify the record of the public hearing of the 2024 NYC Charter Revision Commission (CRC) held on June 20, 2024. There seemed to be some confusion by commission members about some of the CCRB's data. I want to provide explanation and context so that the data is not misconstrued or misunderstood.

During that meeting, which focused on public safety, Patrick Hendry, President of the Police Benevolent Association (PBA), provided testimony proposing that the CRC "[a]mend the [City] Charter to require all unsubstantiated, unfounded, and exonerated complaints be removed from police officers' records. In support of that proposal, Mr. Hendry stated, "Last year 84 percent of the allegations investigated by CCRB, more than 10,000 allegations in total, were not substantiated." (Transcript of June 20, 2024, CRC Public Hearing at 73).

Later, during follow-up questioning, the following exchange occurred between commission member, Reverend Herbert Daughtry, Sr., and Mr. Hendry:

REV. DUGHTRY: ...I think the astounding statistic you quoted, 84 percent of the charges are unfounded?

MR. HENDRY: Yes, sir.

REV. DAUGHTRY: Who unfounded them? What investigative agent, impartial investigative agency found the charges were unsubstantiated?

MR. HENDRY: Say that one more time? So what agency?

REV. DAUGHTRY: Yeah. What is the proof that 84 percent of the charges were unfounded? Who said that? Where can we find the statistic?

MR. HENDRY: Well, that came from CCRB.

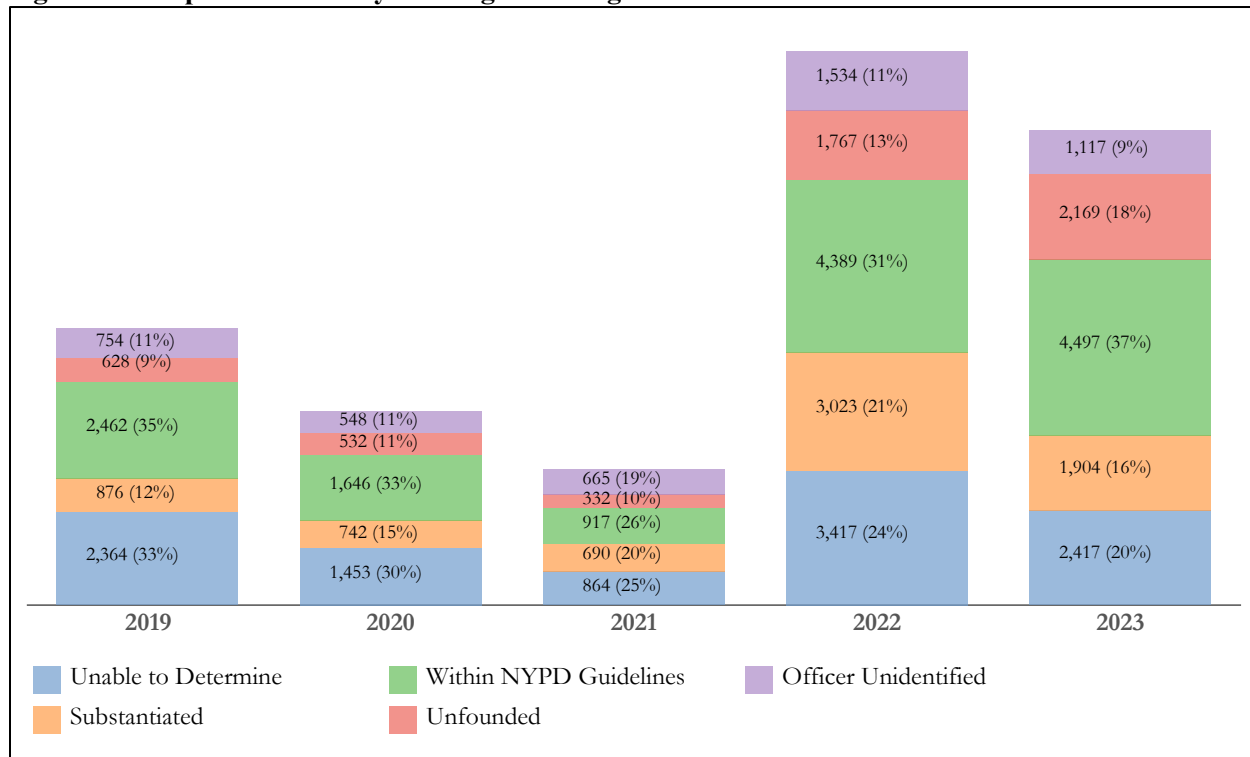
REV. DAUGHTRY: 84 percent one?

MR. HENDRY: 84 percent. Yes, sir.

(Transcript of June 20, 2024, CRC Public Hearing at 87-88).

It is incorrect that 84 percent of allegations fully investigated by the CCRB were unfounded. Below is a graph from the CCRB's 2023 Annual Report,¹ which demonstrates that the 84 percent cited by Mr. Hendry combines all of the allegation dispositions except for "substantiated." Of those, however, only 18 percent were closed as unfounded.

Figure 27: Disposition of Fully Investigated Allegations



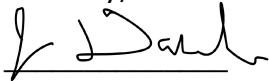
To ensure that the CRC is aware of the distinctions between the allegation dispositions that the CCRB uses, below are explanations of each disposition type:

- An allegation is **Substantiated** if the alleged conduct is found to have occurred and is improper based on a preponderance of the evidence.
- An allegation is **Within NYPD Guidelines** if the alleged conduct is found to have occurred but was not found to be improper by a preponderance of the evidence. Allegations may be Within NYPD Guidelines if the officer's behavior was found to be allowed under the law and/or the Patrol Guide.
- An allegation is **Unfounded** if the alleged conduct is found by a preponderance of the evidence not to have occurred as the complainant described.
- An allegation is closed as **Officer Unidentified** if the CCRB was unable to identify the officer accused of misconduct.
- An allegation is closed as **Unable to Determine** if there is insufficient evidence to determine whether or not misconduct occurred by a preponderance of the evidence.

¹ CCRB 2023 Annual Report, available at: https://www.nyc.gov/assets/ccrb/downloads/pdf/policy_pdf/annual_bi-annual/2023_CCRB_Annual_Report.pdf

I hope that the above explanation provides much needed clarification of the data cited during this portion of the public hearing. Please do not hesitate to contact me if you have any additional questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jonathan Darche', written over a horizontal line.

Jonathan Darche
Executive Director
NYC Civilian Complaint Review Board

J.G. Collins
(Disclosed in Cover)
New York NY 10003
TEL: (Disclosed in Cover)
e-mail: (Disclosed in Cover)

July 8, 2024

RE: 2024 Charter Review Commentary

Dear Chair Scissura, Vice Chair Dr. Dukes, and Members of the Commission:

I thank the commission and its staff for allowing me this opportunity to opine on changes I would suggest for the City Charter (“the Charter”).

I am a 47 year resident of Manhattan, and have resided in and around Washington Square and Union Square/Gramercy for all of that time. I am married and, with my wife, reared two sons, who are now adults, in Gramercy. They both attended public high schools.

I run a small business process, economics, and communications consulting firm with two associates in market survey and marketing.

While I write here solely for myself, and offer only my personal views, they are informed by some 25 years of public service as a member of Manhattan Community Board 6, serving all that time on its committees dealing with land use, waterfront, budget, and legislative affairs. I also spent some years on the committee dealing with youth and education matters. I also served for a time as the board’s parliamentarian.

I offer these recommendations respecting the revisions to the Charter:

1. The Department of Investigation (DOI) Should be Made Independent of the Mayor.

Members of the Commission may recollect that in November, 2018, then-Mayor de Blasio fired the head of the DOI who had been critical of the mayor’s stewardship of important city agencies and operations¹.

¹ Rashbaum, W. K., & Neuman, W. (2018b, November 16). De Blasio fires investigations chief, citing abuse of power. *The New York Times*.
<https://www.nytimes.com/2018/11/16/nyregion/mark-peters-de-blasio-doi.html>

Basic investigational integrity requires the investigator to be independent of individuals or operations he or she is investigating.

I recommend that the Charter be amended so that the DOI is replaced with a “Board of Investigation”; a citizens’ panel of five highly respected and independent members of the public who have no business before the city, to be nominated by the mayor and approved by the city council and who serve without compensation. The board would select and appoint an attorney to be the director and meet quarterly and as needed to monitor the director.

Appropriate changes should be made to Chapters 1, §6 and Chapter 34, §801 et. seq. and elsewhere as needed to effect this change.

2. The Charter Should Formally Empower the Public Advocate to Sue City Agencies Pursuant to CPLR Article 78 on Behalf of City Residents and Require the Public Advocate to be a Member of the Bar

Former Public Advocate Tish James brought a number of high-profile lawsuits against city agencies during her term. Regrettably, most of them were dismissed by the courts for lack of standing for her office.²

I recommend that the Charter be amended to explicitly empower the Public Advocate, at his or her sole discretion, to sue city agencies on behalf of any party or class that alleges that it has been aggrieved by such agency failing to carry out the agency’s responsibility (i.e. under CPLR Article 78) I believe, also, that the New York City caucuses of the Senate and Assembly should work to enact changes to the Civil Practice Laws and Rules to effect this change in New York courts.

Appropriate changes should be made to Chapter 2, §24, of the Charter as needed.

3. The Charter Should Further Empower Community Boards by These Three Means

A. Empowering the Public Advocate to Establish Policy Experts in Each Borough

² See, generally, *Tish James pushes limits of office, gets pushed back*. (n.d.). POLITICO. Retrieved June 16, 2024, from <https://www.politico.com/states/new-york/city-hall/story/2016/02/tish-james-pushes-limits-of-office-gets-pushed-back-031562>

The Office of the Public Advocate should maintain an office in each borough that is staffed with an architect, an urban planner, a traffic engineer, a financial analyst, and an attorney, together with graduate-level interns, to assist the borough's community boards with land use, budget, traffic, and litigation on a "shared services" arrangement.

The volunteers who comprise community boards bring individual experience and expertise to the boards, but they do so only in their spare time. Others are representative of the community, but have no expertise in architecture, urban planning, street design, finance, or law.

A borough office staffed by the aforementioned professionals, employed full-time, to advise and support community board members will provide professional expertise and maintain institutional continuity for the boards and the community district managers and district staffs.

Employing these professionals through the Office of the Public Advocate will also help to disperse the concentration of community board power that exists in the borough presidents' offices so that the powers of community boards, and their expertise, and common interests can be shared more readily across borough lines.

B. Empowering the Board With Formal Powers on Traffic, Liquor Licenses, Outdoor Dining, and Cannabis Sales

Chapter 70, §2800(d), empowers community boards to act, comment, and advise on a variety of matters. But it contains no express power for boards to weigh in on things like traffic, liquor licenses, outdoor dining, and cannabis sales or licensing. Those authorities, to the extent they exist at all, are in state statutes and city and state regulations that can be overturned by little-noticed legislation or administrative authority.

The proliferation of street redesigns, ongoing issues with liquor licenses, outdoor cafes, and cannabis sales require a hyper-local and collaborative approach to governance that is only available at the community district level.

I believe the Charter should be amended to give community boards enhanced advisory and legal authority to address street redesigns, outdoor cafes, liquor licenses, and cannabis sales.

I believe, also, that the New York City Caucus of the Senate and Assembly should work to enact legislation to empower community boards so that their views will legally affect decisions of the New York State Liquor Authority and the New York State Cannabis Control Board.

C. Empowering Community Boards to Adopt Comprehensive Climate Resiliency Plans for their Districts.

New York City has enacted broad climate goals to reduce city carbon emissions by 80% by 2050.

While the city has proposed a “top-down”, one-size-fits-all changes to the zoning text to allow greater leeway for residents and businesses to achieve those goals, it has not collected or analyzed data necessary to assess whether “80/50” goal is achievable, nor has it made provisions to do so prospectively measure performance.

I propose that the Charter be amended to empower community boards to propose hyper-local plans for climate remediation within their district somewhat akin to the Section 197a plans of Chapter 8 of the Charter.

Such plans would enable the boards to propose the placement of DSNY composting stations, “gray” streets, recycling stations, city-owned building climate remediation, and other climate initiatives within their community districts. The city also needs to measure, assess, and revise these goals at a hyper-local level similar to plans adopted by other cities.³ (See, e.g., the City of Everett (WA) Climate Action Plan.)

4. Elected Officials Should be Prohibited from Dispensing Taxpayer-Paid Goods and Services that Affect the Health, Safety, and Well-Being of City Residents. Dispense Them Through City Agencies.

Elected officials should distinguish themselves with their constituents by sound law-making and services that help residents maneuver the labyrinth of the city bureaucracy, not by dispensing taxpayer-paid “goodies” and services.

It was abhorrent and, to me, personally repugnant, that New Yorkers were made to be supplicants of elected officials to obtain “free” taxpayer-paid Covid 19 tests and masks during the pandemic at officials’ offices. The practice continues today as bike helmets, e-waste collection, document shredding, health screenings and other city-provided services are dispensed or managed under the auspices of elected officials who deliver them to constituents.

New Yorkers spend hundreds of millions of dollars each on city agencies like the NYPD , the FDNY, the NYPL, and the Departments of Health, Sanitation, Parks, and Education. All of the aforementioned goods and services currently dispensed as a form of campaign collateral by elected officials could be dispensed at schools, libraries, public hospitals, parks, fire stations, and police precincts without residents having to “bend a knee” to local elected officials to obtain them.

The Charter revision should prohibit elected officials from dispensing these goods and services to constituents as though such acts are veritable “vote-buying” and the Conflicts of Interest Board should be empowered to enforce such a measure. Note that this measure would affect

³ Tillmann, P.J. “Title,” n.d. Accessed June 17, 2024.
[Everett Climate Action Plan \(2019\)](#)

only goods and services dispensed by the city at taxpayer expense. It would not prohibit elected officials from providing other services (e.g., a private law firm or library running an elder law program) under the elected official's own auspices.

I thank you for your time and understanding. I am available at the phone number and e-mail address above if you require any clarification.

Respectfully submitted,

/s/ J.G. Collins
J.G. Collins

Cc: (via U.S. Postal Service)
Hon. Eric Adams, Mayor
Hon. Jumaane William, Public Advocate
Hon. Adrienne Adams, Council Speaker
Hon. Amanda Farías, Council Majority Leader
Hon. Joseph Borelli, Council Minority Leader

WRITTEN TESTIMONY OF SUSAN LERNER, EXECUTIVE DIRECTOR, COMMON CAUSE NY

Submitted to the New York City Charter Revision Commission following oral testimony on
June 17

Thank you for the opportunity to testify. I am Susan Lerner, Executive Director of Common Cause NY and board chair of Rank the Vote NYC. I testified in person at the Charter Revision Commission hearing in The Bronx on June 17. I spoke extemporaneously on the specific areas I was asked to comment on and discussed additional reforms that we believe should be examined. I submit this written testimony to provide further information regarding Ranked Choice Voting in New York City and Common Cause NY's research into the opinions of unaffiliated New York voters.

Successful Introduction of Ranked Choice Voting in New York City By all measures, the 2021 introduction of Ranked Choice Voting for New York City's primaries and its subsequent use in 2023 was successful. That success was gained because of the significant amount of education that both the New York City and advocates undertook to introduce the change to voters and the thorough consideration which RCV received by at least two Charter Revision commissions before being put on the ballot in 2019.

We collaborated with the NYC Campaign Finance Board and the NYC Board of Elections to provide explanatory materials in all required languages and beyond. RTV -NYC created materials in 13 languages. We trained hundreds of groups throughout the city on RCV, hosted or participated in over 600 events. We worked directly with voter information experts and the NYC Board of Elections to ensure that the RCV ballot was clear and incorporated the most recent experience in designing ballots. Subsequently, we worked with the City Council to clarify and improve the required RCV disclosures that appear on the RCV ballot, which language appeared on the RCV ballot in the 2023 primary election.

These coordinated efforts paid off in the successful introduction of RCV, as evidenced by the exit polling attached to this testimony as Exhibit A, which reveals its popularity through the City. Additionally, [the analysis accomplished by the CUNY Graduate Center](#) shows how well NY City voters used RCV. Additionally, [the interactive maps](#) created by the CUNY Mapping Center further illustrate the nuanced way in which New York City voters use RCV.

In short, the thorough examination of RCV before it was presented to the voters and the lead time between its approval and first use fostered a collaboration between advocates, candidates and City agencies that resulted in widespread use of RCV and will support its successful use in elections to come. New York City's successfully experience adopting and implementing RCV strongly militates against this Commission precipitously proposing any election changes. Any proposed change to our municipal elections requires thorough study and an adequate lead time – no less than 2 years before implementation. The time available to this Charter Revision Commission does not permit for the thorough examination of changes to the city's elections. We urge this Commission to avoid adopting any changes to New York City's elections in the short time available to the commission for its work.

Unaffiliated Voters

There is substantial confusion regarding the Term “open primary” and a lack of knowledge regarding the various types of primary reform which might be available.

Nonpartisan primaries are elections where candidates run with no party affiliation on the ballot. If a candidate for nonpartisan office does not win with a certain threshold (typically 50%), then the candidates with the highest number of votes advance to a general or run-off election.

Open partisan primary elections generally allow all voters to participate in the primary, regardless of their political affiliation. The term “single ballot primary” is sometimes used to describe this type of primary.

Partially open primary elections allows a voter to change their party registration at the polling place and vote in a primary for a party for which they were not previously registered. Following the election, the voter is registered in the newly chosen part.

In partially closed partisan primary elections, state parties decide whether they permit voters registered without a political party affiliation to participate in their primary elections. Participating in a particular party’s primary does not change the unaffiliated voters party registration. However, a voter registered for another party primary cannot change their affiliation at the polling place and vote in a different party primary.

In November, 2023, Common Cause/NY released a report on the more than 3.1 million politically unaffiliated (also known as “Blank”) voters in New York State – a group that is steadily growing as more Americans become disillusioned with the two party system. These voters, who represent 24% of New York’s electorate, are politically active but locked out of New York’s closed primary process because they are not registered to a political party. The [report](#) provides a deeper understanding of who New York’s unaffiliated voter population is and details their support for potential changes to the state’s primary laws as a starting point for future policy reform.

Our research indicates that New York’s unaffiliated voters are highly engaged/involved with politics but dissatisfied with the current environment , and most see their Unaffiliated status as a point of pride. Unaffiliated voters’ frustration with the party barrier does not seem to inhibit them from voting in other elections , and voters are likely to vote in primaries if barriers were removed.

More than three-in-four of the voters surveyed are aware they cannot vote in primaries. Just under a majority feel neutral about it, and just over a third feel frustrated. A strong majority would vote in primaries if they could. And of those who are likely, a majority indicated all elections as elections they would vote in.

Unaffiliated voters’ attitudes toward Open Primaries were illuminating:

- Few participants were aware of what an open primary means. Once given the definition, responses were varied.
- All groups were concerned that voters from one party could infiltrate the other party’s primary so that a weaker candidate advances to the general. Temporary Registration:
- Of all the policies discussed, temporary registration was the least popular. It was viewed as a hassle and unnecessary. There was also little desire to affiliate with a party.

- A semi-closed primary was better received than other primary policies. Participants felt it was a good balance of allowing unaffiliated voters to be better represented without the burden of having to temporarily register, and was viewed as potentially more secure than a fully open primary

Improving Voter Turn-Out

The issue of how to improve voter turn out is a topic which has come up in these hearings. There is no easy answer. Many different factors influence turn-out. Although we have not suggested that RCV results in higher turn-out, recent academic research shows that it can result in higher turn-out, although at a relatively modest rate.¹ Vote by Mail helps, as does same day registration. But the biggest increase in voter turnout in primary elections comes from combining local elections with federal and statewide elections on even years. Recent analysis from Las Vegas shows that participation in municipal elections nearly doubled since moving the municipal elections to even years in 2019.²

Charter Revision Commission Procedure

The CRC has an unusually short time in which to consider a wide variety of proposals. Making significant changes to the way in which we vote in City elections requires thorough examination and should not be rushed. Two separate Charter Revision Commissions considered Rank Choice Voting before it was placed on the ballot by the second commission.

We recommend this CRC receive testimony, as it has been doing, thoroughly examine the reforms and changes that are being suggested by New Yorkers, gather information from other jurisdictions that have adopted proposed reforms and highlight those proposals that are most promising for further consideration and study, as the 2018 charter revision commission did. We join the Citizens union in suggesting that this commission propose revising the charter to require that any future Charter Revision commission must be empaneled at least six (6) months before it places any measure on the ballot for voter approval.

¹ Dowling, Tolbert, Micatka, & Donovan, Does Ranked Choice Voting Increase Voter Turnout and Mobilization?, Electoral Studies, Volume 90, August 2024. <https://www.sciencedirect.com/science/article/pii/S026137942400074X>.

² KSNV, Participation in Las Vegas city elections has nearly doubled. <https://news3lv.com/news/local/participation-in-las-vegas-city-elections-has-nearly-doubled-since-2019-change>

**The City of New York
Community Board 8 Manhattan**

July 24, 2024

Carlo Scissura, Chair
Charter Revision Commission
City Hall
New York, NY 10001

Re: Community Board 8 Manhattan Recommendations

Dear Chair Scissura,

Late afternoon of June 4, Community Board 8 Manhattan became officially aware of the Mayor's establishment of a Charter Revision Commission via an email from LeeAnn Wharton of the Commission Team. The announcement was accompanied by two attachments setting forth hearing dates scheduled for Queens and Brooklyn. The email came **AFTER** the first public meeting of the Charter Revision Commission on May 29th.

While the June 4th email encouraged testimony, it did not mention any deadlines for such. The full ballot proposals were announced yesterday less than two months after the commission's first public meeting on May 29, 2024.

At yesterday's announcement regarding the proposals when City Hall Chief Counsel Lisa Zornberg was asked whether the process had been rushed, she stressed that the word "rushed" was the wrong word and that we should focus on whether it was "efficient" and "inclusive." With all due respect to Ms. Zornberg, we do not think the process has been inclusive, and we do not think that "quick" necessarily corresponds to "efficient." Community Boards have been thoughtfully considering the Mayor's proposed changes to the City's Zoning Resolution for one and half-years, and that process is ongoing. In comparison, the proposed changes to the City Charter have been in the public for less than two months and now it appears the only public input permitted is an up or down vote at the ballot box.

We disagree with Ms. Zornberg; we believe the Charter revision process has been rushed. We believe that a total of 11 meetings citywide (which included testimony of only 750 New Yorkers in total), conducted in June and July over approximately a 4 week period (with a public hearing in Manhattan, the Monday after a national holiday weekend, with many people using that week as a vacation week) is not inclusive.

Our Community Board rushed into action as fast as we could. We include herein our resolutions with respect to the proposals as well as some proposals of our own.

In summary, CB8M **recommends**:

- that the Charter Revision Commission approve a ballot initiative to amend the New York City Charter to remove term limits for community board membership;

- that the Charter Revision Commission approve a ballot initiative to amend the New York City Charter to require more specific units of appropriation in budget legislation, including a separate unit of appropriation for each city agency with an operating budget over \$2 million;
- that the Charter Revision Commission approve a ballot initiative to amend the New York City Charter to limit the duration of emergency contracts to no longer than two years;
- that the Charter Revision Commission approve a ballot initiative to amend the New York City Charter to ensure that all relevant information is made available to City fiscal monitors;
- that the Charter Revision Commission approve a ballot initiative to amend the New York City Charter to require that ballot measures be presented on ballots objectively, factually, and accurately;
- that the Charter Revision Commission approve a ballot initiative to amend the New York City Charter to require that the Independent Budget Office be mandated to provide independent analysis of the fiscal impact of certain city legislation;
- that the Charter Revision Commission approve a ballot initiative to amend the New York City Charter to require the PPB to make rules that would require New York City to pay its vendors in a timely manner;
- that the Charter Revision Commission approve a ballot initiative to amend the New York City Charter to expand the authority of the Department of Consumer and Worker Protection to demand business ownership information for entities under its investigation; and
- that the Charter Revision Commission approve a ballot initiative to amend the New York City Charter to abolish the office of Public Advocate.
- In addition, Community Board 8 Manhattan **opposes**:
 - any changes to the New York City Charter affecting ULURP;
 - revising the New York City Charter to require that the Civilian Complaint Review Board budget should be a fixed percentage of the budget of the New York Police Department or otherwise raised or lowered in direct proportion to the New York Police Department budget;
 - the Department of Transportation's Charter revision proposals to align Charter language with federal standards, to reduce public hearing requirements, to have the ability to issue financial grants with partners, to expand its jurisdiction over sidewalk/roadway cafes, and to streamline the process of adding e-bike charging cabinets on streets, and
 - any increase in the threshold contract amount for public hearings to be held on New York City contracts.

We understand that the final vote of the Commission is tomorrow at 2:00 p.m.

We thank you for considering our recommendations.

Please advise our office of any action taken on this matter.

Sincerely,

Valerie S. Mason

Valerie S. Mason
Chair

cc: Honorable Kathy Hochul, Governor of New York
Honorable Eric Adams, Mayor of the City of New York
Honorable Mark Levine, Manhattan Borough President

Honorable Jerry Nadler, 12th Congressional District Representative
Honorable Liz Krueger, NYS Senator, 28th Senatorial District
Honorable José M. Serrano, NYS Senator, 29th Senatorial District
Honorable Edward Gibbs, NYS Assembly Member 68th Assembly District
Honorable Alex Bores, NYS Assembly Member, 73rd Assembly District
Honorable Rebecca Seawright, NYS Assembly Member 76th Assembly District
Honorable Keith Powers, NYC Council Member, 4th Council District
Honorable Julie Menin, NYC Council Member, 5th Council District
Honorable Diana Ayala, NYC Council Member, 8th Council District
Honorable Gayle Brewer, NYC Council Member, 6th Council District
Lisa Zornberg, City Hall Chief Counsel

**The City of New York
Community Board 8 Manhattan**

July 23, 2024

Carlo Scissura, Chair
Charter Revision Commission
City Hall
New York, NY 10001

Re: Units of Appropriation

Dear Chair Scissura,

At the Full Board meeting of Community Board 8 Manhattan held on Wednesday, July 17, 2024, the board unanimously approved the following resolution by a vote of 37 in favor, 0 opposed, 0 abstentions, and 0 not voting for cause:

WHEREAS, CB8M is concerned that the charter revision process this year is too rushed and has not provided sufficient opportunity for public input; and

WHEREAS, units of appropriation (corresponding in lay terms more or less to line items) in New York City budget legislation are usually too large and undifferentiated; and

WHEREAS, units of appropriation often do not specify funding amounts for specific programs and agencies; and

WHEREAS, the New York City Charter should be revised to require more specificity regarding units of appropriation in budget legislation;

THEREFORE, BE IT RESOLVED that CB8M recommends that the Charter Revision Commission approve a ballot initiative to amend the New York City Charter to require more specific units of appropriation in budget legislation, including a separate unit of appropriation for each city agency with an operating budget over \$2 million.

Please advise our office of any action taken on this matter.

Sincerely,

Valerie S. Mason

Valerie S. Mason
Chair

Russell Squire and Shari Weiner

Russell Squire and Shari Weiner
Charter Revision Task Force Co-Chairs

cc: Honorable Kathy Hochul, Governor of New York
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**The City of New York
Community Board 8 Manhattan**

July 23, 2024

Carlo Scissura, Chair
Charter Revision Commission
City Hall
New York, NY 10001

Re: Civilian Complaint Review Board budget

Dear Chair Scissura,

At the Full Board meeting of Community Board 8 Manhattan held on Wednesday, July 17, 2024, the board approved the following resolution by a vote of 27 in favor, 5 opposed, 3 abstentions, and 0 not voting for cause:

WHEREAS, CB8M is concerned that the charter revision process this year is too rushed and has not provided sufficient opportunity for public input; and

WHEREAS, the budget for the Civilian Complaint Review Board should be determined in the same manner as the budgets for other city agencies, through laws passed by the New York City Council and approved or vetoed by the Mayor of New York City, in accordance with those officials' respective judgment; and

WHEREAS, regardless of whether one thinks the current budget of either the Civilian Complaint Review Board should be raised or lowered, or whether the budget of the New York Police Department should be raised or lowered, the budgets for those two entities should not be linked by a mandated funding percentage specified in the New York City Charter;

THEREFORE, BE IT RESOLVED that CB8M opposes revising the New York City Charter to require that the Civilian Complaint Review Board budget should be a fixed percentage of the budget of the New York Police Department or otherwise raised or lowered in direct proportion to the New York Police Department budget.

Please advise our office of any action taken on this matter.

Sincerely,

Valerie S. Mason

Valerie S. Mason
Chair

Russell Squire and Shari Weiner

Russell Squire and Shari Weiner
Charter Revision Task Force Co-Chairs

cc: Honorable Kathy Hochul, Governor of New York
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**The City of New York
Community Board 8 Manhattan**

July 23, 2024

Carlo Scissura, Chair
Charter Revision Commission
City Hall
New York, NY 10001

Re: Independent Budget Office analysis of the fiscal impact of certain city legislation

Dear Chair Scissura,

At the Full Board meeting of Community Board 8 Manhattan held on Wednesday, July 17, 2024, the board unanimously approved the following resolution by a vote of 37 in favor, 0 opposed, 0 abstentions, and 0 not voting for cause:

WHEREAS, CB8M is concerned that the charter revision process this year is too rushed and has not provided sufficient opportunity for public input; and

WHEREAS, New York City's Independent Budget Office provides independent analysis of the fiscal impact of proposed legislation, free of political bias and the influence of the elected officials and/or agencies proposing particular legislation; and

WHEREAS, the Independent Budget Office only provides analysis of the fiscal impact of legislation when requested by city elected officials; and

WHEREAS, the Independent Budget Office's analysis of the fiscal impact of certain proposed legislation would be beneficial to both elected officials and the public even in cases where it has not been requested by elected officials;

THEREFORE, BE IT RESOLVED that CB8M recommends that the Charter Revision Commission approve a ballot initiative to amend the New York City Charter to require that the Independent Budget Office be mandated to provide independent analysis of the fiscal impact of certain city legislation.

Please advise our office of any action taken on this matter.

Sincerely,

Valerie S. Mason

Valerie S. Mason
Chair

Russell Squire and Shari Weiner

Russell Squire and Shari Weiner
Charter Revision Task Force Co-Chairs

cc: Honorable Kathy Hochul, Governor of New York
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**The City of New York
Community Board 8 Manhattan**

July 23, 2024

Carlo Scissura, Chair
Charter Revision Commission
City Hall
New York, NY 10001

Re: Threshold contract amount for public hearings

Dear Chair Scissura,

At the Full Board meeting of Community Board 8 Manhattan held on Wednesday, July 17, 2024, the board unanimously approved the following resolution by a vote of 37 in favor, 0 opposed, 0 abstentions, and 0 not voting for cause:

WHEREAS, CB8M is concerned that the charter revision process this year is too rushed and has not provided sufficient opportunity for public input; and

WHEREAS, the current threshold for public hearings related to New York City contracts is \$100,000; and

WHEREAS, CB8M supports transparency and public input in decision-making regarding whether New York City should enter into large contracts; and

WHEREAS, CB8M is concerned that any reduction in public hearings in connection with New York City contracts would diminish transparency and increase the potential for waste, fraud, and abuse;

THEREFORE, BE IT RESOLVED that CB8M opposes any increase in the threshold contract amount for public hearings to be held on New York City contracts.

Please advise our office of any action taken on this matter.

Sincerely,

Valerie S. Mason

Valerie S. Mason
Chair

Russell Squire and Shari Weiner

Russell Squire and Shari Weiner
Charter Revision Task Force Co-Chairs

cc: Honorable Kathy Hochul, Governor of New York
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**The City of New York
Community Board 8 Manhattan**

July 23, 2024

Carlo Scissura, Chair
Charter Revision Commission
City Hall
New York, NY 10001

Re: Two year limit to the duration of emergency contracts

Dear Chair Scissura,

At the Full Board meeting of Community Board 8 Manhattan held on Wednesday, July 17, 2024, the board unanimously approved the following resolution by a vote of 37 in favor, 0 opposed, 0 abstentions, and 0 not voting for cause:

WHEREAS, CB8M is concerned that the charter revision process this year is too rushed and has not provided sufficient opportunity for public input;

WHEREAS, New York City may enter emergency contracts without abiding by the processes and restrictions that would otherwise be required for contracts;

WHEREAS, such emergency contracts may extend for longer than two years;

WHEREAS, the processes and restrictions that are ordinarily applicable to New York City contracts provide important safeguards for promoting transparency and public input and avoiding waste, fraud, and abuse; and

WHEREAS, for contracts that New York City needs to enter subject to a bona fide emergency, two years should be a sufficient duration, after which New York City should abide by the otherwise applicable processes and restrictions;

THEREFORE, BE IT RESOLVED that CB8M recommends that the Charter Revision Commission approve a ballot initiative to amend the New York City Charter to limit the duration of emergency contracts to no longer than two years.

Please advise our office of any action taken on this matter.

Sincerely,

Valerie S. Mason

Valerie S. Mason
Chair

Russell Squire and Shari Weiner

Russell Squire and Shari Weiner
Charter Revision Task Force Co-Chairs

cc: Honorable Kathy Hochul, Governor of New York
Honorable Eric Adams, Mayor of the City of New York
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**The City of New York
Community Board 8 Manhattan**

July 23, 2024

Carlo Scissura, Chair
Charter Revision Commission
City Hall
New York, NY 10001

Re: Procurement Policy Board (PPB)

Dear Chair Scissura,

At the Full Board meeting of Community Board 8 Manhattan held on Wednesday, July 17, 2024, the board unanimously approved the following resolution by a vote of 37 in favor, 0 opposed, 0 abstentions, and 0 not voting for cause:

WHEREAS, CB8M is concerned that the charter revision process this year is too rushed and has not provided sufficient opportunity for public input; and

WHEREAS, for many years, New York City has been notorious for being extremely late in making payments to vendors with which it does business; and

WHEREAS, extensive delays in payment by New York City have a detrimental impact on the businesses to whom payment is due; and

WHEREAS, many of these vendors are small businesses that are vital to the fabric and economic health of New York City, and for whom the delays in payment are particularly deleterious and jeopardize their ability to continue to operate; and

WHEREAS, because New York City is a governmental entity, vendors to whom New York City owes money may have less recourse against the city than they would have against non-governmental entities; and

WHEREAS, there is no reason that New York City should not be able to pay its obligations in a timely manner, and the failure to do so reflects poorly on New York City, is inconsistent with the proper role of the city as being worthy and exemplary of the trust of its people, and is unbecoming of a city that prides itself on being a global economic hub; and

WHEREAS, the New York City Charter allows, but does not require, the Procurement Policy Board (PPB) to make rules that would require New York City to pay its vendors in a timely manner; and

WHEREAS, the PPB has not made such rules;

THEREFORE, BE IT RESOLVED that CB8M recommends that the Charter Revision Commission approve a ballot initiative to amend the New York City Charter to require the PPB to make rules that would require New York City to pay its vendors in a timely manner.

Please advise our office of any action taken on this matter.

Sincerely,

Valerie S. Mason

Valerie S. Mason
Chair

Russell Squire and Shari Weiner

Russell Squire and Shari Weiner
Charter Revision Task Force Co-Chairs

cc: Honorable Kathy Hochul, Governor of New York

Honorable Eric Adams, Mayor of the City of New York
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Honorable Jerry Nadler, 12th Congressional District Representative
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**The City of New York
Community Board 8 Manhattan**

July 23, 2024

Carlo Scissura, Chair
Charter Revision Commission
City Hall
New York, NY 10001

Re: City fiscal monitors and reserve accounts

Dear Chair Scissura,

At the Full Board meeting of Community Board 8 Manhattan held on Wednesday, July 17, 2024, the board unanimously approved the following resolution by a vote of 37 in favor, 0 opposed, 0 abstentions, and 0 not voting for cause:

WHEREAS, CB8M is concerned that the charter revision process this year is too rushed and has not provided sufficient opportunity for public input; and

WHEREAS, it is prudent for New York City to maintain sufficient reserve accounts (including the Rainy Day Fund) to enable the city to withstand the impact of emergencies and other unfavorable events; and

WHEREAS, the use of the city's reserve accounts should be restricted to situations where it is genuinely needed so that the reserve accounts will be available under such circumstances; and

WHEREAS, the city's reserve accounts should not be just another source of funding to be assigned to the ordinary operation of New York City; and

WHEREAS, the circumstances under which the city's reserve accounts can be used should be defined with greater particularity in the New York City Charter; and

WHEREAS, New York City's fiscal monitors play an important role in ensuring that public money is allocated and spent responsibly; and

WHEREAS, the New York City Charter should ensure that New York City's fiscal monitors have the information they need to perform that role;

THEREFORE, BE IT RESOLVED that CB8M recommends that the Charter Revision Commission approve a ballot initiative to amend the New York City Charter to ensure that all relevant information is made available to City fiscal monitors; and

BE IT FURTHER RESOLVED that the same amendment should tighten the requirements for the City's reserve accounts, including the Rainy-Day Fund.

Please advise our office of any action taken on this matter.

Sincerely,

Valerie S. Mason

Valerie S. Mason
Chair

Russell Squire and Shari Weiner

Russell Squire and Shari Weiner
Charter Revision Task Force Co-Chairs

cc: Honorable Kathy Hochul, Governor of New York
Honorable Eric Adams, Mayor of the City of New York
Honorable Mark Levine, Manhattan Borough President
Honorable Jerry Nadler, 12th Congressional District Representative
Honorable Liz Krueger, NYS Senator, 28th Senatorial District
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**The City of New York
Community Board 8 Manhattan**

July 23, 2024

Carlo Scissura, Chair
Charter Revision Commission
City Hall
New York, NY 10001

Re: Opposition to any changes affecting ULURP

Dear Chair Scissura,

At the Full Board meeting of Community Board 8 Manhattan held on Wednesday, July 17, 2024, the board unanimously approved the following resolution by a vote of 37 in favor, 0 opposed, 0 abstentions, and 0 not voting for cause:

WHEREAS, CB8M is concerned that the charter revision process this year is too rushed and has not provided sufficient opportunity for public input; and

WHEREAS, the Uniform Land Use Review Process (ULURP) provides an opportunity for public review and input, including through New York City community boards, on zoning changes and other significant land use decisions; and

WHEREAS, public review and input into zoning changes and other significant land use decisions, including specifically through New York City community boards, is essential to the wellbeing of New York City and the quality of life of its residents; and

WHEREAS, New York City community boards play an important role in ULURP and are uniquely well-positioned to advise on proposed changes to the New York City Charter affecting ULURP; and

WHEREAS, reducing the zoning changes and other significant land use decisions that are subject to ULURP would be detrimental to the wellbeing of New York City and the quality of life of its inhabitants;

THEREFORE, BE IT RESOLVED that CB8M opposes any changes to the New York City Charter affecting ULURP.

Please advise our office of any action taken on this matter.

Sincerely,

Valerie S. Mason

Valerie S. Mason
Chair

Russell Squire and Shari Weiner

Russell Squire and Shari Weiner
Charter Revision Task Force Co-Chairs

cc: Honorable Kathy Hochul, Governor of New York
Honorable Eric Adams, Mayor of the City of New York
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**The City of New York
Community Board 8 Manhattan**

July 23, 2024

Carlo Scissura, Chair
Charter Revision Commission
City Hall
New York, NY 10001

Re: Expand the authority of the Department of Consumer and Worker Protection

Dear Chair Scissura,

At the Full Board meeting of Community Board 8 Manhattan held on Wednesday, July 17, 2024, the board unanimously approved the following resolution by a vote of 37 in favor, 0 opposed, 0 abstentions, and 0 not voting for cause:

WHEREAS, CB8M is concerned that the charter revision process this year is too rushed and has not provided sufficient opportunity for public input; and

WHEREAS, the New York City Department of Consumer and Worker Protection plays an important role in safeguarding the rights and welfare of consumers and workers; and

WHEREAS, the work of the Department of Consumer and Worker Protection should not be hindered by its inability to obtain information related to the ownership of the entities it is investigating;

THEREFORE, BE IT RESOLVED that CB8M recommends that the Charter Revision Commission approve a ballot initiative to amend the New York City Charter to expand the authority of the Department of Consumer and Worker Protection to demand business ownership information for entities under its investigation.

Please advise our office of any action taken on this matter.

Sincerely,

Valerie S. Mason

Valerie S. Mason
Chair

Russell Squire and Shari Weiner

Russell Squire and Shari Weiner
Charter Revision Task Force Co-Chairs

cc: Honorable Kathy Hochul, Governor of New York
Honorable Eric Adams, Mayor of the City of New York
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**The City of New York
Community Board 8 Manhattan**

July 23, 2024

Carlo Scissura, Chair
Charter Revision Commission
City Hall
New York, NY 10001

Re: Aligning the Department of Transportation Charter Language with Federal Standards

Dear Chair Scissura,

At the Full Board meeting of Community Board 8 Manhattan held on Wednesday, July 17, 2024, the board approved the following resolution by a vote of 23 in favor, 11 opposed, 2 abstentions, and 0 not voting for cause:

WHEREAS, CB8M is concerned that the charter revision process this year is too rushed and has not provided sufficient opportunity for public input; and

WHEREAS, the New York City Department of Transportation seeks to align Charter language with federal standards, to reduce public hearing requirements, to have the ability to issue financial grants with partners, to expand its jurisdiction over sidewalk/roadway cafes, and to streamline the process of adding e-bike charging cabinets on streets; and

WHEREAS, public input on the above items, including through New York City community boards, is essential to quality of life of New York City residents and should not be abridged or curtailed;

THEREFORE, BE IT RESOLVED that CB8M opposes the Department of Transportation's Charter revision proposals to align Charter language with federal standards, to reduce public hearing requirements, to have the ability to issue financial grants with partners, to expand its jurisdiction over sidewalk/roadway cafes, and to streamline the process of adding e-bike charging cabinets on streets.

Please advise our office of any action taken on this matter.

Sincerely,

Valerie S. Mason

Valerie S. Mason
Chair

Russell Squire and Shari Weiner

Russell Squire and Shari Weiner
Charter Revision Task Force Co-Chairs

cc: Honorable Kathy Hochul, Governor of New York
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**The City of New York
Community Board 8 Manhattan**

July 23, 2024

Carlo Scissura, Chair
Charter Revision Commission
City Hall
New York, NY 10001

Re: Remove term limits for community board membership

Dear Chair Scissura,

At the Full Board meeting of Community Board 8 Manhattan held on Wednesday, July 17, 2024, the board unanimously approved the following resolution by a vote of 37 in favor, 0 opposed, 0 abstentions, and 0 not voting for cause:

WHEREAS, CB8M is concerned that the charter revision process this year is too rushed and has not provided sufficient opportunity for public input; and

WHEREAS, New York City community boards play a vital role in providing community input to government decisions affecting New York City, its neighborhoods, and their residents and other stakeholders; and

WHEREAS, in the course of their community board service, community board members often develop a great deal of practical experience and subject matter expertise relevant to dealing with elected officials and agencies and addressing the issues facing the community; and

WHEREAS, community board term limits lead to the sudden loss to the community board of many years of relevant experience and substantial subject matter knowledge that is beneficial to the community boards' work; and

WHEREAS, the need for community board members to be reappointed every two years provides a sufficient limit on the terms of members whose membership on the board would no longer be beneficial and is a better mechanism to limit terms than an arbitrary restriction on the number of consecutive terms that members can serve;

THEREFORE, BE IT RESOLVED that CB8M recommends that the Charter Revision Commission approve a ballot initiative to amend the New York City Charter to remove term limits for community board membership.

Please advise our office of any action taken on this matter.

Sincerely,

Valerie S. Mason

Valerie S. Mason
Chair

Russell Squire and Shari Weiner

Russell Squire and Shari Weiner
Charter Revision Task Force Co-Chairs

cc: Honorable Kathy Hochul, Governor of New York
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**The City of New York
Community Board 8 Manhattan**

July 23, 2024

Carlo Scissura, Chair
Charter Revision Commission
City Hall
New York, NY 10001

Re: Ballot measures be presented on ballots objectively, factually, and accurately

Dear Chair Scissura,

At the Full Board meeting of Community Board 8 Manhattan held on Wednesday, July 17, 2024, the board unanimously approved the following resolution by a vote of 37 in favor, 0 opposed, 0 abstentions, and 0 not voting for cause:

WHEREAS, CB8M is concerned that the charter revision process this year is too rushed and has not provided sufficient opportunity for public input; and

WHEREAS, New York City ballot measures often deal with issues of city law and government that are complicated and/or unfamiliar to the general public; and

WHEREAS, such ballot measures should be presented to the public in a manner that enables voters to understand what they are voting on; and

WHEREAS, descriptions of ballot measures should not promote a particular viewpoint or outcome;

THEREFORE, BE IT RESOLVED that CB8M recommends that the Charter Revision Commission approve a ballot initiative to amend the New York City Charter to require that ballot measures be presented on ballots objectively, factually, and accurately.

Please advise our office of any action taken on this matter.

Sincerely,

Valerie S. Mason

Valerie S. Mason
Chair

Russell Squire and Shari Weiner

Russell Squire and Shari Weiner
Charter Revision Task Force Co-Chairs

cc: Honorable Kathy Hochul, Governor of New York
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**The City of New York
Community Board 8 Manhattan**

July 23, 2024

Carlo Scissura, Chair
Charter Revision Commission
City Hall
New York, NY 10001

Re: Office of Public Advocate

Dear Chair Scissura,

At the Full Board meeting of Community Board 8 Manhattan held on Wednesday, July 17, 2024, the board approved the following resolution by a vote of 23 in favor, 9 opposed, 6 abstentions, and 0 not voting for cause:

WHEREAS, CB8M is concerned that the charter revision process this year is too rushed and has not provided sufficient opportunity for public input; and

WHEREAS, the role of and need for the New York City Public Advocate is too vague; and

WHEREAS, all New York City elected officials should be advocates for the public, such that a separate city-wide office to perform such a role is unnecessary; and

WHEREAS, the role of the Public Advocate emerged from particular political circumstances rather than a generalized necessity for that office; and

WHEREAS, the role of the Public Advocate as successor to the Mayor of New York City should the Mayor leave office before the end of their term can be adequately filled by the New York City Comptroller, which is also a city-wide elected office; and

WHEREAS, this resolution relates solely to the need for the office of Public Advocate and is not intended to cast aspersions on any past, present, or future holders of the office;

THEREFORE, BE IT RESOLVED that CB8M recommends that the Charter Revision Commission approve a ballot initiative to amend the New York City Charter to abolish the office of Public Advocate; and

BE IT FURTHER RESOLVED that the same ballot initiative should designate the Comptroller as the successor to the Mayor should the latter leave office before the end of their term, subject to the same requirement pertaining at present that a special election to replace the Mayor be held within ninety days of the vacancy of that office.

Please advise our office of any action taken on this matter.

Sincerely,

Valerie S. Mason

Valerie S. Mason
Chair

Russell Squire and Shari Weiner

Russell Squire and Shari Weiner
Charter Revision Task Force Co-Chairs

cc: Honorable Kathy Hochul, Governor of New York
Honorable Eric Adams, Mayor of the City of New York
Honorable Mark Levine, Manhattan Borough President
Honorable Jerry Nadler, 12th Congressional District Representative
Honorable Liz Krueger, NYS Senator, 28th Senatorial District
Honorable José M. Serrano, NYS Senator, 29th Senatorial District
Honorable Edward Gibbs, NYS Assembly Member 68th Assembly District
Honorable Alex Bores, NYS Assembly Member, 73rd Assembly District
Honorable Rebecca Seawright, NYS Assembly Member 76th Assembly District
Honorable Keith Powers, NYC Council Member, 4th Council District
Honorable Julie Menin, NYC Council Member, 5th Council District
Honorable Diana Ayala, NYC Council Member, 8th Council District

COMMUNITY BOARD REFORM TASK FORCE

July 3, 2024

Hon. Carlo Scissura
Chair
New York Charter Revision Commission

Via Email: charterinfo@citycharter.nyc.gov

Dear Chair Scissura and Members of the Charter Revision Commission,

We are pleased to submit this letter on behalf of the newly formed task force of New York City residents. This written submission is further to the testimony given by some of our members at the hearings over the last two months.

Our task force members include leaders of various civic organizations, former community board members who were declined reappointment, individuals who ran for elected office, and other highly engaged community activists. Members of our group have outstanding credentials and a long record of community service but were not selected for community boards while less qualified applicants were selected.

We have come together united by the desire for serious reform in community board structure and how these boards operate in NYC. We believe that charter revision would be the perfect vehicle to effectuate these much-needed changes. It should be obvious that communities should have a voice in how community boards are structured and run.

We believe there are three main areas in need of reform:

- 1/ The selection process for picking members of the community board, including revising eligibility criteria to exclude lobbyists as voting members.
- 2/ Clarifying, unifying, and expanding the conflicts of interest policy; and
- 3/ Revising term limits for community board membership as well as committee chair assignments to ensure that more members of the community have a chance to serve.

1/ The Selection process

Under current rules, community board members are not elected, they are appointed by the Borough President and the council member for the district. The process is opaque. As we have all learned, it skirts and possibly crosses the edges of legality because it

asks for personal information such as age and race and other criteria that is a presage to bias.

Ten of the twelve members of each Community Education Council members are elected, not appointed, and this has been a great success in assuring full representation of interests and diverse viewpoints.

We support a referendum to let voters decide whether actual community residents and stakeholders should elect community board members.. To ensure equal access and participation, a cap on how much money a candidate can spend should be considered.. We believe that lobbyists and individuals who work for or sit on boards of organizations that benefit from actions taken by the community boards should not sit on community boards, whether the members are elected by the voters or are elected. It should be obvious that lobbyists should never be voting members of a community board. Of course, they can continue to attend meetings and participate like other community members, provided they disclose their affiliations.

We can provide dozens of examples of community board members who routinely vote to effectuate policies that benefit their clients, employers, or personal business interests, which makes a mockery of the idea that these boards are representative of the community. On CB 7, for example, one board member is a lobbyist for the city's largest real estate lobbying firm, and sits on the housing committee, where she regularly votes on matters that benefit her client. Several other board members throughout the city are on the board of a group that is funded by rideshare and delivery apps. These members sit on the transportation committees of several community boards and routinely vote in favor of their client's or employer's best interests.

There are many other examples of inappropriate appointments of lobbyists and other individuals with scant connection to the community being appointed, and we have literally dozens examples of people with extensive community involvement and commitment being turned down year after year. The reason for these turndowns is never disclosed, and given the questionnaire included with the application, it would appear that there is a great likelihood of bias.

If a democratically elected selection process is not implemented, then at the very least strict guidelines should be established for who and how members are appointed to the board. Criteria must be established to make this process transparent, fair, and representative of the community. Some examples include 1/ a requirement that individuals reside in the district for a minimum number of years, 2/ proven attendance at a certain number of meetings 3/ a record of community involvement. Viewpoint diversity should be prioritized, and there should be no ideological litmus tests. The appointment process should be done by a community run and populated nominating committee which rotates regularly to ensure there are no monopolies on power.

2/ Conflicts of Interest

In 2022, Manhattan CB 7 attempted to revise its conflicts of interest policy, but changes that were recommended by its subcommittee were voted down by individuals who themselves had a serious conflict of interest. The city's weak conflicts of interest policies did not prevent this absurd result, and the City's Conflict of Interest Board is not always helpful. A true conflict of interest policy needs to be established to ensure that no individual with a conflict or the appearance of a conflict should be allowed to vote on a matter in which they have a conflict. Conflicts should not necessarily be limited to direct pecuniary interest. Other changes may also be necessary.

Of particular note is the recent kerfuffle in Manhattan Community Board 5, in midtown. While the Board was undertaking the important work of the entire Penn Plaza area's future, and even after the historic Hotel Pennsylvania was demolished, CB5 had a serious internal conflict over the election of its next chair, and the leading candidate was not reappointed despite over a decade of exemplary service. The details are outlined here. [Levine Shakes Up CB5: Ousts Slutzkin Who Was In Running for Chair vs Lavingia \(ourtownny.com\)](https://ourtownny.com/Levine-Shakes-Up-CB5-Ousts-Slutzkin-Who-Was-In-Running-for-Chair-vs-Lavingia/)

The interference of elected leaders in this situation set a very troubling precedent that this task force believes must get addressed through charter revision.

3/ Term limits

Notwithstanding the recent passage of term limits for members, we are aware of many individuals who have served decades on their community board. While institutional knowledge and continuity can be helpful, these long appointments deprive other people of the chance to serve and prevent alternative points of view from being heard. We support term limits which would apply to members as well as committee chairs and are applied equally without grandfathering or other exemptions. We recommend term limits not to exceed a total of 6 years (three 2-year terms), effective immediately with no grandfathering or exemptions.

Thank you for considering these changes. We welcome the opportunity to elaborate on any of these issues if needed, and to assist the commission in any way we can to effectuate these important changes. We have detailed examples of many more instances that underscore the urgent need for reform in the three areas we highlight above.

Sincerely,

Maria Danzilo
One City Rising

Janet Schroeder
EVSA Founder

David Achelis
West 50's Neighborhood Association

Craig Slutzkin
Former Senior Vice President, Community Board Five

Lattina Brown

Jim Collins—25-year Community board member

Danyela Egorov

Andrew Fine

Stephen Fredericks

Andrea Harris

Jean Hahn

Roberta Levine

Allie Ryan

Vanessa Warren

Jonathan Weizmann

Melanie Wesslock

Yiatin Chu

Partial list of task force members

For further information on this letter please contact mdanzilo@outlook.com, or onecityrising@gmail.com

COMMUNITY BOARD REFORM TASK FORCE

July 10, 2024

Carlo Scissura
Chair
New York Charter Revision Commission

Via Email: charterinfo@citycharter.nyc.gov

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Sincerely,

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Allie Ryan
Vanessa Warren
Jonathan Weizmann
Yiatin Chu
Jim Collins
Melanie Weslock
Andrea Harris
Jean Hahn
Eric Frankel

(Partial list of task force members)

For further information on this letter contact mdanzilo@outlook.com, or onecityrising@gmail.com



July 8, 2024

CHIP Testimony to NYC Charter Revision Commission

Thank you commissioners, for holding this hearing today, and to the Mayor for convening this commission. I am Adam Roberts, Policy Director for the Community Housing Improvement Program (CHIP). We represent New York's housing providers, including apartment building owners and managers. We are here to recommend charter revisions that would benefit the one million units of rent-stabilized housing in New York City, which makes up 40% of its rental housing and the vast majority of its affordable housing.

First, the charter should provide greater transparency for the fiscal impact of the laws it passes. Currently, the charter only requires fiscal impact statements (FIS) at the end of the legislative process. This prevents council members and the public from understanding the effects of bills until they are close to passage. This should be rewritten to require that bills require an FIS before a committee hearing.

Furthermore, the scope of the FIS should be expanded. Currently, an FIS only evaluates the impacts of legislation on the, "revenues and expenditures of the city". Rather, an FIS should also be required to assess the financial impacts outside of government. This is critical as city laws are responsible for enormous costs for rent-stabilized housing which cannot legally be recouped, such as Local Law 11, Local 97, Local Law 1, and others.

Another important charter revision would be the creation of a diversion program for New York City Housing Court. For years, there has been a massive backlog in Housing Court that is not abating. This forces tenants to spend at least a year in court, all while accruing increasingly sizable arrears. These arrears are usually paid for by the city through "one-shot deals." Unfortunately, there are no options to access these emergency rental arrear grants without having gone through the housing court process and being on the verge of eviction.

Spurred by the Biden Administration, many cities and states have adopted housing court diversion programs, which attempt to intervene in the landlord-tenant relationship before the court process starts. By providing resources up front, such as pre-screening for rental assistance, case analysis, mediation, financial counseling, and other benefits, cases can be resolved without draining the courts resources.

These programs are succeeding throughout the country. Nearly every major city has a diversion program except New York. From Philadelphia to Chicago, these programs have dramatically improved the experience for tenants and owners who are dealing with rent arrears. Furthermore, these programs reduce the significant staffing and financial burden placed on courts and local governments to deal with rent arrears.



Lastly, while the city is already in the early stages of reexamining its facade inspection program, we recommend that the Commission spur this process along faster. Local Law 11 is overly burdensome and unpopular. The Commission should examine tweaks to the facade inspection program. In particular, the period between inspections of buildings with facades deemed “safe” should be greater than five years and drones should be allowed to evaluate facade conditions between mandated inspections.

These changes would save New Yorkers countless dollars, while making the city far more attractive and friendly to pedestrians. It would also reduce a significant burden on the Department of Buildings staff, so that they could focus enforcement on buildings with “unsafe” facades.

We hope you strongly consider these revisions. Again, thank you for holding this hearing today.

Please except this written form as my testimony on my suggestions for Amendments and referendum to the NYC Charter.

There needs to be an amendment to the city charter regarding the following:

Amendment

At present it states that HRA Shall have Social Workers to expedite the client's cases.

That gives a false narrative that Social Workers can expedite client's public assistant cases. That is not the Social Workers function. Social Workers make assessments. Eligibility Workers and Job Opportunity Specialists now Benefits Opportunity Specialist deal with the benefits and fiduciary responsibilities. Therefore the NYC Charter should be amended to HRA shall immediately hire Trauma Informed Trained Staff, multi-lingual staff to include Social Workers and to Triage Applications, Reapplications and Active Case which are Domestic Violence. There should be Eligibility Specialists, Job Opportunity Specialist and Benefits Opportunity Specialist at each center to prioritize Domestic Violence cases. Furthermore all HRA Benefit Access Centers shall have privacy booths for domestic violence clients and all Domestic Violence Workers shall have their own office to interview clients and their own phone, copier, fax, scanners for privacy and confidentiality.

It is important to note that HRA is having difficulty having a hard time hiring and retaining Social Workers due to the salary being offered. Therefore its imperative to have all staff trained in Trauma Informed Care so whoever encounters a Domestic Violence Client can know how to deal with the client while HRA continues to try to hire Social Workers at the Centers.

Referendum on City Agencies

There needs to be referendum in the NYC Charter that HRA and all City Agencies need to have Civil Service Exams for client service positions for bilingual and multi-lingual workers like the State. The States offers Civil Service Exams for bilingual Workers. This ensures diversity, equity and inclusion of workers to reflect the population being served. At present city agencies diversity policies are very polarized and monolingual basing diversity mostly on race only. At present the City of New York Civil Service has a preferred language hiring list. However I have worked for the City of New York for 27 years and I only know one person hired through the preferred Language list. Having Civil Service exams like the state where each client service position has both a list for English and an additional list for a bilingual, multilingual workers show transparency because there is a list with candidates name of who are being hired and for what languages. At present there is no transparency of how HRA and other city agencies hire and promote workers to meet the diverse multi-language clientele the city services. At present the city offers Interpreters via language line. However that is not best practices. Best practices is having a multilingual staff who are culturally competent and reflect the population which are being served. At present there are a lot of vacancies in city agencies which are going unfilled because the city has not made a conscious effort to recruit multilingual staff by advertising in newspapers of Multilanguage and partnering with

community based organizations who service Multilanguage. At present bilingual and multilingual individuals are less likely to be appointed, retained or promoted and are paid less and limited English proficiency client's are still not being serviced appropriately with the lack of in person Interpreters and language line and workers who lack cultural sensitivity, literacy and cultural competence.

Therefore the referendum of having Civil Service Exams for bilingual and multilingual need to be made because of the section 814.1 Office of Diversity and inclusion (8), (9) and 817 Appointment and promotions. Diversity goes beyond Race.

Referendum of Election

There needs to be a referendum on Elections because many independent voters and non-party voters can not vote on primaries only in the General Elections. There needs to be open elections were those who are not affiliated with either democratic or republic can vote during the primaries.

There needs to be Amendment on

Food Cart licenses need to be increased because many neighborhoods need to go from being food deserts to food oasis. It is unconscionable that you will villainize people trying to earn a living who are selling nutritious food yet allow all these smoke shops to be open in low income neighborhoods which no amenities. Section 17.307 (2A) states there shall be no more than 3,000 licenses or permits. This should be changed to there shall be no more than 10,000 per borough.

There needs to be amendment on Shelters.

Note: Amendment ideas are feed back received from domestic violence clients who state there needs to be more shelters that are pet friendly because many abusers threatened to kill the family pet. Therefore the abused stay behind.

There needs to be more shelters geared to children who have autism and need sensory rooms. Many children with autism can not have long wait times and or be around a lot of noise. There should be noise canceling equipment in all shelters and HRA Benefit Access Centers.

There needs to be shelters which are ADA compliant and have large elevators, large passage ways, and tactile flooring.

The food at the shelters does not meet consumers dietary needs whether it's because of medical, religious or cultural.

All shelters shall Add more Vegetarian, Vegan, Halal, Kosher, gluten free, sugar free, sodium free and diverse ethnic foods. Some of the requested foods are:

Fat free milk, Lactose free milk, powdered milk, Goat milk, carnation milk. Not every one drinks whole milk from a cow. So the above are most requested. Lamb, Goat, Duck , fish are meats requested. Many cultures cannot eat Pork or Beef.

There needs to be more shelters for the elderly.

There needs to be an amendment to the definition of family. Many parents entering a shelter may have a mentally ill child who may be over 21. However according to the existing definition of family and rules if a mother needs shelter and she has an adult child the mother will be directed to a single woman shelter and the adult child is directed to a male adult shelter. However if an adult child is 30 he may be chronologically 30 but may have the mentality of a 5 year old. Therefore it is unconscionable to tell a mother that her special needs child is not allowed in the shelter with her. Another example is if a 55 year old is being abused and her 80 year old mother lives with her and she tries to escape to a shelter. They will both be directed to the single woman's shelter. However if the 55 year old has a 16 year old and an 80 year old mother. She would be directed to a family shelter for herself and 16 year old and the 80 year old mother would have to go to a woman's single shelter. Therefore the definition of family needs to be changed because it is splitting the family up.

Thank you for your time reading my suggestions.

Leonor Cordova

Jo Ann Corkran Written Testimony

I am a Manhattan resident and support RCV because:

- RCV allows me to show my support for a candidate that I know will probably not win, so rather than have to forego showing support for my first choice candidate I rank my choices,
- In an age where many candidates are extreme on one side or the other RVC encourages civil discourse,
- The candidate with the most support among all voters wins, helping to avoid the possibility of a candidate with a limited plurality from winning,
- Saves money by avoiding run-off elections.

I am extremely satisfied with RCV and do not want any possible charter revisions to affect New York City's use of RVC.

Thank You.

To whom it may concern,

Our community was told recently that a local park, Mount Prospect Park, would be turned into a 40,000 sq/ft skate arena. A green space will be turned into concrete. A valuable green space which helps us have cleaner air and cool the neighborhood might become a contributor to increasing the heat in the city for future generations. A green space which is used for walking, running, biking, playing as well as a quiet spot to get away from the noise of the city will now be ruled by the constant noise of wheels on concrete. I have used it for exercise but also to just sit there and see little kids learn to play soccer or baseball, people have a birthday, or just read. It is a happy place.

But our story is not unique. Although politicians have proclaimed that climate change is on top of their agenda, green spaces throughout the city are being turned into cement. Another example is Elizabeth Street Gardens. The city is getting less green and more gray.

Please find below my comments regarding Chapter 21: Department of Parks and Recreation

Chapter 21: Department of Parks and Recreation

Proposals:

- The charter should request that any projects from the parks department, from its inception, should include a report that would describe its impact on climate change. The report should be made public.
- The charter should request that no new facilities (anything that would add concrete to a green space) should be added until previous facilities in need of repairs are fixed. An option should be included that would allow for facilities to be changed as long as it would not add new paving. For example a basketball court could become a skate park or vice versa.
- The results of public input organized by NYC Parks Department about a new project or an upgrade of facilities should be made public on their website 30 days after the deadline for input.
- Any project that is over 3 million dollars would need to have feasibility study done prior to design and the study should be made public through the NYC website as well as distributed through the relevant Community Boards
- Any project that is over 3 million dollars would need to provide a clear plan regarding drainage and stormwater management prior to design. It should be published on the NYC website as well as distributed through the relevant Community Boards.

- Any budget cuts to the NYC Parks Department should put on hold any new projects unless deemed critical because of safety for example.

Thank you for considering the proposed changes

Best regards

Isabelle Broyer

President, Cultural Row Block Association
on Eastern Parkway, Brooklyn

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THE COUNCIL
OF
THE CITY OF NEW YORK
CARMEN DE LA ROSA
COUNCIL MEMBER, 10TH DISTRICT, MANHATTAN

CHAIR
CIVIL SERVICE & LABOR

COMMITTEES
FIRE AND EMERGENCY MANAGEMENT
HEALTH
IMMIGRATION
PUBLIC SAFETY
TRANSPORTATION AND INFRASTRUCTURE

CAUCUSES
BLACK, LATINO AND ASIAN CAUCUS
PROGRESSIVE CAUCUS (VICE CO-CHAIR)
WOMEN'S CAUCUS (CO-CHAIR)

**NYC Council Member Carmen De La Rosa's
Testimony to the Charter Revision Commission**

July 12, 2024

Thank you Chair Scissura and members of the Charter Revision Commission for the opportunity to provide testimony.

The City Charter is a guiding document for our city's operation and future direction. To propose amendments is a great undertaking that demands attention and a high turnout of public engagement. This is our opportunity to create positive change that improves the efficiency and effectiveness of our administrations and builds public trust through transparency, above all in communities that have felt divestment and disengagement from government.

Public engagement is of the utmost importance, and we risk undermining the democratic process with rushed actions. Thus, we should take advantage of the opportunity to directly involve the public prior to and during voting for the expansion of advice-and-consent oversight and the overall revisions. The Commission should take as much time as granted until the next election year to fully revise, hold public town halls and hearings, and educate New Yorkers on the charter and ramifications of the changes proposed, but not deny the voters the opportunity to express their opinions at the ballot box regarding advice-and-consent.

For District 10, representing Washington Heights, Inwood, and Marble Hill, we understand how deeply we must communicate and engage with our constituents. There are linguistic, technological, and other accessibility barriers that can deter everyday New Yorkers from participation in the civic engagement process. It is completely necessary to provide them more than a surface or preliminary level of education and engagement, especially with a process as complex and significant as revising the City Charter.

We call on the members of the Charter Revision Commission to engage meaningfully with New Yorkers in the democratic process, not rush proposals, and allow the proposals to expand and strengthen advice-and-consent on the ballot for the 2024 General Election.

Natasha Duncan, sister of Shantel Davis
Testimony for Charter Revision Commissioner Hearing
06-20-24

Good evening.

My name is Natasha Duncan. I come from East Flatbush.

I'm testifying today because as someone who's been active in NYC for years, I'm concerned about how this charter revision process has been put together in a really rushed way and I want to combat misinformation related to this commission's stated public safety goals. Having hearings crunched into a 2 month period with no real advance notice that there would even be a charter revision process is not responsible governance especially when we're talking about changing the city's charter - the city's constitution. On June 14, 2012, my younger sister Shantel Davis had just gotten into a car accident when Dt. Phillip Atkins jumped out of his unmarked vehicle in plainclothes with his gun drawn. He shot my sister in the chest at close range and then called it an accident. Shantel was 23 and unarmed. Dt. Atkins had already been named in seven lawsuits - and was known by the community as "Bad Boy Atkins" because of his abuse and violence - but the NYPD never disciplined Atkins for past abusive acts and continued to shield him from discipline after he murdered my sister.

It's been 12 years and Dt. Atkins has never been disciplined or held accountable in any way for murdering Shantel. He's been named in at least 5 lawsuits where settlements cost taxpayers \$90,000 so far but he and the NYPD haven't changed to prevent violent policing by cops like Atkins. We all want and deserve to live in safe, healthy, thriving communities. Ever since my sister was killed, I have been working to empower youth in East Flatbush and make my neighborhood a better place than the one Shantel knew. I've been an active leader working for police accountability to make our communities safer and have helped to pass city and state legislation.

Based on the little information that has been shared about this commission, and based on the Mayor and his NYPD's track record of not firing officers who kill, brutalize and sexually assault New Yorkers, I'm concerned that instead of working on increasing police accountability, this commission may turn back the clock.

The safest communities are the ones that have the resources to support people to thrive, not the ones with the most police. Tens of thousands of Black girls and boys need access to social workers, health and mental healthcare, educational support and employment opportunities. They need the possibility that comes from being supported to thrive, not the problems of being

criminalized, policed, and disrespected on their way to school, in school and in their neighborhoods.

When you think about safety, it has to include addressing police violence. No one knows this better than families like mine. Continuing to allow the NYPD to go unchecked, with officers like Dt. Atkins facing no accountability, does not make anyone safer.

The NYPD already has outsized power in this city and it regularly overspends its already massive budget - in fact it overspent the FY23 budget by about \$800 million, which is close to a BILLION dollars.. If anything, the charter should strengthen measures to hold abusive officers accountable for misconduct and increase the power of the city council to hold the NYPD accountable for violence, abuse and wasting taxpayer dollars. What the charter should not do is make it harder to pass police accountability legislation or decrease city council oversight of the NYPD or allow the City to continue to write blank checks to the NYPD to kill and abuse us with impunity.

The New York City Charter is a serious document and revising it should be done through a serious process with real time for public input and careful consultation with advocates and community leaders, including families who have lost loved ones to the NYPD. It should not be done by ramming through rushed, misinformed or biased proposals that will result in increased abusive policing and increasing the already outsized and illegitimate power of the NYPD on city affairs.

At this time, I urge you to refuse to put forward so-called “public safety” measures on the November ballot unless they specifically increase police accountability and force a reduction in the NYPD’s budget to account for costs of lawsuits against them. I also want to repeat that this process’ short time-frame is a major problem that makes it seem like the process is biased to only support proposals that benefit the NYPD and policing.

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THE COUNCIL
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AMANDA FARÍAS
MAJORITY LEADER, 18TH DISTRICT, BRONX

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RULES, PRIVILEGES, AND ELECTIONS
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TRANSPORTATION AND INFRASTRUCTURE
LAND USE

SUBCOMMITTEES
LANDMARKS, PUBLIC SITINGS, AND
DISPOSITIONS

July 12, 2024

To Chair Scissura and members of the Charter Revision Commission,

I am writing to express my concern over the rushed nature of the 2024 Charter Revision Commission (CRC) process. Reviewing the New York City Charter is a significant task that requires adequate time for both the commission and the residents of our city. Currently, the Commission is pushing through the process in less than two months to meet the August 5th deadline for this year's General Election. This rush deprives New Yorkers of the opportunity to decide on expanding advice and consent for themselves and the City Council in the appointment process for 20 city agency commissioners. The City Council firmly calls for an honest and democratic process that includes feedback from a diverse group of New Yorkers across all five boroughs before the CRC submits its report.

A Charter Revision Commission should be a deeply participatory process that improves the City Charter and good governance through a thorough review and public engagement. The law allows the Commission to operate until the 2025 General Election, providing ample time for intentional participation and extensive feedback from New Yorkers. I urge today's CRC to take the necessary time to offer a truly comprehensive report for the success and future of our city. The City Council's Democratic Majority and I urge the Commission not to rush this important process and to allow New Yorkers to decide how they want their local government to function.

Sincerely,

A handwritten signature in black ink, appearing to read "Amanda Farías", with a stylized flourish at the end.

Hon. Amanda Farías
Majority Leader and Council Member, District 18

Testimony of Samy Feliz, brother of Allan Feliz
Charter Revision Commission Hearing
06/20/24

My name is Samy Feliz. I was born, raised and live in Washington Heights. My mother and sister are both part of the Washington Heights community as well and so was my older brother, Allan Feliz, until he was murdered by the NYPD four and a half years ago.

I just found out about this commission and I'm here to testify because I'm concerned that the stated focus on public safety in such a rushed, badly-organized process might result in dangerous and harmful items on the November ballot.

On Oct. 17, 2019, my brother Allan was unjustly stopped in his car, beaten, tasered, shot and killed by NYPD Lt. Jonathan Rivera and Officers Michelle Almanzar and Edward Barrett in the Bronx.

After Lt. Rivera shot Allan, Officer Barratt yanked his limp body from the car, exposing his genitals in the process. None of the officers had the decency to cover Allan up. Instead they left him bleeding in the street, cuffed and exposed.

The Civilian Complaint Review Board substantiated fireable charges against Lt. Rivera over a year ago and as of right now, a discipline trial still has not been scheduled. My family and I have been fighting through four and half years of delays and obstruction by the NYPD, the Lieutenant's Union and the administration just to try to get Lt. Rivera fired for murdering my brother in cold blood. The whole time, Lt. Rivera has been collecting a city paycheck and padding his pension.

I'm testifying today because I am shocked at how this so-called charter revision process is going so far. This has all happened so fast that barely anyone knows about these hearings. The fact that the mayor specifically wants the commission to focus on how public safety legislation is passed is extremely suspicious, especially after the massive misinformation campaign the mayor and NYPD ran to try to stop the How Many Stops Act from becoming law, the administration's obstruction on implementing the ban solitary law, and the fact that we can't get any information on whether the administration is implementing the How Many Stops law. It's hard to understand this as anything other than yet another maneuver by the mayor to increase the power of the NYPD, policing, and punishment in our city - while advancing budget cuts that make our city less safe by cutting libraries, not funding affordable housing, enacting rent increases, and continuing to make it near-impossible to fire officers who kill, brutalize, sexually harass and abuse New Yorkers.

For those of us fighting for change to make our communities safer, this kind of anti-democratic process leaves us with little or no hope that our voices will be heard. When we take a step forward - like the basic step of getting real transparency about NYPD street stops - this mayor wants to take us three steps back.

Black and Latino New Yorkers like me - who get stopped by the NYPD all the time - had to fight tooth and nail to get the How Many Stops Act passed. Getting any kind of police reform legislation passed in this city is almost impossible because the NYPD, the police unions and this mayor have no problem with lying, threatening and bribing to stop it. Under Mayor Adams, fatal shootings by the NYPD are at the highest they've been in a decade, complaints against police are up at the highest level in 12 years. If this Charter Revision Process is used to put up even more roadblocks to police accountability, that number is only going to climb higher.

I urge the Commission not to allow this to happen.

Roseann Gamba's Testimony

To whom it may concern,

Current system does not afford appropriate representation for a large portion of the citizens. Recent occurrences serve as examples of just this problem.

Mayors Office: Limitation and reduction of the use of Executive orders;
The Mayor made unilateral decisions to invite, house, feed as well as provide cell phones spending money and displace children, veterans and elderly to do so. He directed the Department of Buildings and New York's Fire Marshals to stand down allowing facilities to be illegally converted against the interests of safety, community approval, regulations and law. All this done under executive order for a self proclaimed and self inflicted emergency. Emergencies as per Judge Ozzi are limited to events of nature, terrorism, catastrophe or other event for which the damages were both emergent and unforeseen. In the case of illegal migrants these consequences were predictable and the result of a choice made despite their existence.

Policies such as Right to Shelter and Sanctuary City should be voted on by communities and not forced upon by executive orders.

Such actions that so significantly and negatively impact the safety, welfare and resources of a community must be voted on by the community they affect.

Mayor's Office & City Council: Force all matters that severely impact the welfare security, economic and religious interests to a vote by the people.

City of Yes, a severe and complete revamping of the zoning regulations that protect the homeowners and neighborhoods is being set for approval without the approval of the communities most affected by this change.

Many areas of the city like North Brooklyn, Manhattan, South Bronx, Central Queens are already overbought and his proposal has little or no impact.

Unfortunately the greatest number of the 51 Council Members (about 33) represent these areas. Additionally many of these 33 Council Members are aligned with special interest groups and not those who live in and own homes in these neighborhoods.

Any proposal that so significantly alters the interests, safety and economics of a community must require a vote by those it affects. The plan is presented as a means to increase housing availability. The actual effect can be seen in the example of Williamsburg Brooklyn.

The residents and their descendants bankrupted. This happened when the developers made first alterations that negatively impacted the peaceful enjoyment and safety of the community.

Crime rose, property values dropped and families were forced to move, losing all equity they had in their homes.

This allows the developers to acquire the property at a discount.

Before this reengineering of the community a 3 to 4 bedroom home sold for \$200,000. Today a studio apartment is \$900,000.

The problem is the profits went to a select few developers and countless families who lived there were forced into poverty.

City of Yes will have the same effect on every neighborhood of 1 and 2 family homes without their ability to consider and cast their votes.

Judges and Prosecutors Must be brought to act in the interest of public safety and not political persuasion.

Judges and prosecutors must be held to review by the public by a board of review voted on by the public not the politicians. Yes protect the individuals rights against unlawful prosecution, but in the cases where blatant crimes have been committed especially those of a physical nature like battery, rape, attempted murder, manslaughter or actions that likely lead to such harm like DWI, DUI, offenses committed with a weapon, must require bail or reand and punishment that includes incarceration.

Any attempts to minimize deterrents to crime must require a general vote by the citizens. Judges and prosecutors must be held to review by the public in similar fashion to the Police CCRB. These positions must cease being political pawns of the Mayor and be as the Constitution of our Republic calls for; Government and all politicians and its agents must do the will of the people.

We are a government, by the people and for the people who are served by the government and not in service to it.

Respectfully,
Roseann Gamba

New York City Charter Revision Committee
June 13, 2024
Barbara Blair, Garment District Alliance

The most recent New York City Charter was passed in November 2019 with a serious omission: it recognized but did not establish a process to codify the concept of FAIR SHARE for all our communities by removing loopholes that allow for bad-faith placement of challenging facilities.

Fair Share was intended to establish criteria which would foster the equitable, city-wide distribution of assets to a community, such as open space, parks, libraries and other positive community services, while preventing the clustering of undesirable uses, such a methadone clinic, needle exchanges, shelters, and other social service entities that serve challenged communities.

In addition to not adhering to the concepts of Fair Share, the city has also failed to provide a basic level of transparency about the concentration of services, or any public outreach as required by the City Charter.

The New York City Charter has a mandate to locate city services and facilities in an equitable way. A recent audit and report from the New York City Comptroller Brad Lander found that “the city unevenly distributes city facilities, while keeping critical data on the concentration of services in neighborhoods unavailable and failing to produce mandated analysis of neighborhood impact.”

The Garment District Alliance requests that the Charter Revision Committee ensure that Fair Share is codified in a public planning and approval process. We ask that the City Charter Revision Committee:

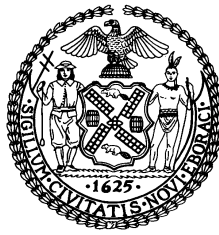
1. Establish clear, centralized City oversight over Fair Share compliance
2. Improve and regularly update the Fair Share Criteria, including the bed-to-population (BTP) ratio
3. Improve public access to information on proposed sitings, facility capacity, and concentration
4. **Prohibit unfair sitings in oversaturated districts through a Local Law that amends the New York City charter to reduce overconcentration of City facilities**
5. Include the siting of a city facility or a **facility contracted by the city to perform services** on their behalf or otherwise **receiving any city financial contribution of support**, including emergency contracted facilities in any community district with a high concentration of facilities. An agency proposing a siting could overcome the prohibition by demonstrating the facility serves the needs of the population in the immediate, geographic community, except where need was **created** by unfair overconcentration of similar existing facilities.

Unlike applications for liquor and cannabis licenses, which are subject to community reviews that consider all elements of the immediate area, social service providers are not subjected to such a review.

We hope this committee will correct this situation.

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SANITATION

WOMEN AND GENDER EQUITY

STATE AND FEDERAL LEGISLATION

Council Member James F. Gennaro
Testimony – Charter Revision Commission
July 12, 2024

Thank you Chair Carlo Scissura and members of the Charter Revision Commission for the opportunity to provide testimony.

The Mayor's Charter Revision Commission is an important tool for good governance. It gives us the opportunity to streamline conventions that have become outdated and to do so with public input. But Mayor Eric Adams' use of this Charter Revision Commission threatens to bar New Yorkers from voting on advice and consent powers passed by the City Council. The Mayor is deliberately shutting down the democratic process by having the commission put forward rushed questions on the ballot, thereby knocking the advice and consent question off the ballot.

State law mandates that a Charter Commission's proposal takes priority over those proposed by the City Council. This means that if this Commission chooses to rush its process of reviewing the entirety of the Charter, engaging with the public, and making a submission of one or more questions to the voters by submitting such question(s) for this year's General Election ballot, it will deny New Yorkers the opportunity to have their voices heard on the subject of advice and consent for the foreseeable future.

The Council has already demonstrated its ability to navigate the advice and consent process. Currently the process includes over a dozen positions, including Department of Investigation Commissioner, Corporation Counsel, members of the Taxi & Limousine Commission, and many other appointees of the mayor to commissions and boards. This process ensures qualified commissioners are being appointed. It also gives commissioners the crucial opportunity to hear about the wide range of issues they should expect to address before their appointment.

Strengthening advice and consent makes city agencies more transparent and responsive to the needs of constituents. It is designed to safeguard the integrity of city government and protect the public interest of New Yorkers. As a former professor of American State and Government at Queens College for eight years, and having been in City government service for decades (I am currently the longest serving active Member of the Council), I can attest there is a need for a process that would grant more oversight and allow for more transparency in the selection of the commissioners covered in the Council's law.

Furthermore, as it pertains to the questions under consideration by the Charter Commission, providing the public with ample opportunities to provide feedback and input is critical, which is why the Council accepts written testimony for legislation up to three days after a hearing is held. The Mayor's Charter Revision Commission, however, is only accepting written testimony until July 12th, despite having more public hearings until July 25th. This discrepancy highlights not only how rushed this process is, but reveals a lack of proper due diligence in engaging with the public.

The Mayor's Charter Revision Commission should undertake a serious and thorough review of the entire City Charter and adequately engage the public – not rush through the process in less than two months just to meet the August 5 deadline to submit questions for this year's General Election. Recent Charter Revision Commissions have taken their time over several months to promote reform by meaningfully engaging the public in the process, but Mayor Adams' Commission has rushed to alter the City's Charter in less than two months. The effect of the latter would be to block voters from deciding on an existing proposal to expand advice and consent.

Commissioner appointments have significant implications for New Yorkers. From veterans' services to mental health services and so much more, New Yorkers rely on our city's agencies to perform at optimum efficiency.



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COUNCIL MEMBER, 34th DISTRICT, BROOKLYN

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ENVIRONMENTAL PROTECTION
HOSPITALS
STATE AND FEDERAL LEGISLATION
WOMEN AND GENDER EQUITY

July 12 2024

I am writing to express my deep disappointment and frustration with Mayor Adams' Charter Revision Commission and the City Council's seeming disregard for the democratic will of the people. This Commission, in its rush to push through changes, has blatantly undermined the core principles of representative democracy and good governance that New Yorkers hold dear.

The Mayor's Charter Revision Commission has operated with a disturbing sense of urgency, giving the public less than two months to engage with a process that should be thorough, transparent, and inclusive. This rushed timeline starkly contrasts with the measured, thoughtful approach of previous Commissions, which took several months to ensure meaningful public participation and expert analysis.

Mayor Adams often speaks of transparency and community engagement, but anyone who has lived in New York City for more than a year knows that this is not achieved through poorly marketed, minimal feedback sessions. Genuine community feedback requires robust outreach efforts, similar to what we saw during the census or the redistricting process. In fact, we do more outreach for individual pieces of legislation than we have seen for this entire Charter Revision process.

By truncating the review process, the Mayor's Commission appears intent on denying New Yorkers the right to know exactly what they are voting for and be part of a meaningful process to amend one of the most important documents that govern this City. This maneuver is not only undemocratic but also raises serious questions about the motivations behind this haste.

The actions of the Mayor's Commission reflect a troubling disregard for the checks and balances that protect our city's governance. By pushing through these changes without proper public input, the Commission is effectively eroding the democratic safeguards designed to prevent the concentration of power and ensure accountability.

In conclusion, I urge the Mayor's Commission to extend its timeline into next year, allowing for a comprehensive review and genuine public engagement. Do not rob our communities of their voice in this crucial decision. The future of our city's governance depends on a process that is transparent, inclusive, and respectful of democratic principles.

Sincerely,

Jennifer Gutiérrez
Council Member, District 34

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IRISH CAUCUS
ITALIAN CAUCUS
COMMON SENSE CAUCUS

Testimony Before the New York City Charter Revision Commission

June 26, 2024

Good afternoon, Chairman and members of the Commission,

I am Council Member Robert Holden, representing the 30th Council District, which includes Maspeth, Middle Village, and parts of Glendale, Ridgewood, Rego Park, and Elmhurst.

I am here because this Commission has the power to address significant issues that New Yorkers care about, though their voices are not always heard in City Hall. I urge the Commission to consider including the repeal of sanctuary city laws on the ballot.

The recent shooting of two NYPD officers by a Venezuelan migrant is a stark reminder of the consequences of our current sanctuary city policies. This tragic incident highlights concerns I have been raising for years: our city is seeing illegal migrants living in shelters at our expense, receiving free services, and then committing crimes. We can no longer afford to import criminals, nor can we continue to protect them from ICE.

Ken Genalo, the field director for ICE's New York City office, has repeatedly highlighted the detrimental impact of city policies that prevent local authorities from cooperating with ICE. My colleagues and I have heard firsthand the horror stories of criminals with detainers issued against them who are shielded by laws preventing the NYPD, Department of Corrections, and Probations from honoring those detainers. This cannot continue. We owe it to our residents and our police officers to end this madness.

Thomas R. Decker, former field office director for ERO New York, stated, "I don't know what it will take for the representatives of New York City to see that keeping their sanctuary city policies are dangerous to the residents of this great city and, in some cases, deadly. Their policies continue to shield criminal aliens, allowing them to seek refuge in NYC communities and allowing them to continue to break the laws of this country, which threaten the lives and safety of its citizens. At some point, the lives and safety of the residents of NYC have to matter over the agendas of the politicians."

Considering how open our borders are, it is alarming that eight ISIS-K terrorists were recently caught planning attacks in major cities, and today, media reports revealed that DHS identified 400 migrants smuggled into our country by ISIS affiliates. A recent report from the DHS Office of Inspector General (OIG) reveals that DHS is not doing enough to screen and vet asylum seekers and noncitizens at our points of entry. Customs and Border Protection (CBP) personnel admitted to the OIG that they often resort to half measures due to "traffic volume, staffing, facility constraints, enforcement concerns, and significant cross-border events."

The report starkly concludes, "DHS will remain at risk of admitting dangerous persons into the country or enabling asylum seekers who may pose significant threats to public safety and national security to continue to reside in the United States."

We cannot continue to import criminals or shield them. Our city agencies must be able to work with federal law enforcement to weed out national security threats and criminal gangs. We owe it to our residents. Let them decide. Please put it on the ballot.

I also want to advocate for some of the proposals mentioned in your preliminary report from this week. I agree with the staff recommendations to require a Fiscal Impact Statement whenever City Council legislation is passed that creates an unfunded mandate. Unfortunately, some elected officials in Albany and in this city do not consider the bigger picture and advocate for proposals that, while well-intentioned, severely impact our city budget.

I also agree with the staff's recommendation about soliciting more community feedback, specifically on legislation that impacts public safety. Council committee hearings often occur during work hours when much of the public is occupied and cannot testify. Typically, the only people who show up are paid advocates who can attend hearings, stacking the deck against the public. I support the three recommendations that would enhance the deliberative process pertaining to public safety, strengthen opportunities for input by members of the public, and revise the Charter to better promote public safety.

The How Many Stops Act is just one public safety-related bill passed over the last few years that put the public in danger. The Commission should look at revising the Charter concerning this.

Last but certainly not least, the Commission should consider expanding the legal mandate for the NYC Department of Sanitation to be able to 1) clean all areas owned by the city and 2) enforce sanitation laws in all areas of our city. Agencies like the DOT, DCAS, and Parks often do not adequately maintain their properties.

My office regularly reaches out to the DSNY to take care of these areas, and we are told that, technically, they're not allowed to maintain properties like overpasses, underpasses, and areas near parks. Changing the Charter to give the DSNY more authority is a good idea I wholeheartedly endorse.

I thank you all for your time and hope you consider these requests, especially putting the repeal of sanctuary city laws on the ballot.



THE COUNCIL *of* THE CITY OF NEW YORK

Testimony of Council Member Crystal Hudson to the Charter Revision Commission

Queens Public Library Central Library
89-11 Merrick Boulevard, Jamaica, NY 11432
Monday, July 22, 2024, 4:30PM

Good afternoon.

My name is Crystal Hudson, and I am the Council Member for the 35th Councilmanic District, which includes the neighborhoods of Fort Greene, Clinton Hill, Prospect Heights, and Crown Heights.

I'd like to thank Chair Scissura and the entire Charter Revision Commission for the opportunity to testify today.

Last year, more than 4.5 million New Yorkers went to the polls to cast their vote and decide who should represent them in government, including their City Council member. Once elected, we were tasked with passing legislation to address major issues facing our communities, ensuring the city has a budget that prioritizes the needs of our most marginalized, and using the full powers of the Council to make our City a fair and just place for everyone. To date, we've done just that.

And every step of the way, we've been held accountable. We hold public hearings on legislation and the budget; host town halls; and field phone calls, emails, social media DMs & office visits from constituents (and that's all *without* an onerous & unnecessary form). Our constituents then go to the ballot box every few years to decide whether we get another chance at doing the job we love. That's true accountability and transparency.

Yet city agency commissioners — the individuals who run the complex bureaucracy that supports all 8.5 million New Yorkers — get to just walk in the door and stay as long as they're able. The only one who gets to decide on their credentials is one person: the mayor. If only one person picks who runs an agency, there can be no accountability. That's why advice and consent is so important.

Nearly every other jurisdiction does this already, including smaller cities like Los Angeles and Chicago. And even here, in New York City, we do this for about a dozen positions already. This proposal just expands it to another twenty. This isn't about one mayor, and this isn't the first time



THE COUNCIL *of* THE CITY OF NEW YORK

the Council has pushed to expand advice and consent. Simply, there's no reason the people who run our city agencies shouldn't be held accountable to the public they serve.

Now, attempts to rush revisions to the city charter undermine this effort to expand accountability and transparency. Our city's charter is the foundation of our government, effectively our Constitution. Adding potential items on the ballot that have been raised during a handful of sparsely attended meetings without robust input from the public undermines the good governance foundation of the Charter Revision Commission's mission.

There's no need to rush. This Commission has the authorization to operate until Election Day 2025, when, notably, voters who are currently focused on a history-making presidential election, not the nuts and bolts of New York City government. Voters are already widely aware of advice and consent because my colleagues and I have spent months discussing it and fielding concerns. But any new proposal is one proposal too many. Next year, voters will be in a better position to decide on a number of new charter revision suggestions as they'll be focused on selecting who is best to run the city they call home. More time means more community input, better ideas, and more support.

Again, I urge you to allow the placement of the Council's advice-and-consent law on the November ballot and step back from interfering with the will of the people.

Thank you.

Testimony of Ikadashi

To Whom It May Concern,

I am writing to propose my feedback on charter revisions being considered.

I am a resident of Gramercy Park in Manhattan. I will not be able to give feedback live or via Zoom. Please find my feedback below:

After reading through the preliminary report, I support the Commission put forward by Mayor Eric Adams.

- Regarding Fiscal Responsibility: Having laws and a statement of financial impact that must take into consideration commenting by the public and the agencies it will impact with a documented effort on how the public was informed of the legislation.
- Regulation being considered must only be brought up if there is a statement of financial impact.
- All Council Members and law makers take a public accounting course.
- Furthermore when considering the "How Many Stops Act" this legislation is stated it was put into effect to make police officers more accountable. Yet, it does not anywhere in their research entail the hours it currently takes for officers to file paperwork.

I have additional considerations for the charter:

- Every legislation passed by the council be studied 6 months to a year post implementation with hearings open to the public and agencies that the legislation impacts. For example in 2017- the council passed the Right to Counsel law which guarantees tenants facing eviction rights to counsel. Currently around only 6% of tenants facing eviction are provided with access to an attorney. Studying impacts of policy decisions would allow us to revise as needed to understand where our budget should be allocated.
- Repealing legislation allowing noncitizens the right to vote. This is against the constitution of the United States and would open up New York City businesses to corporate espionage. Recently in Flushing, NY it was discovered that the Chinese Communist Party(CCP) had a police station operating there to spy on Chinese American citizens. There are many nonprofits operating in Flushing that are vocal against the CCP and this legislation could impact those individuals. Furthermore, China has consistently called for stealing secrets of corporations in the west, giving noncitizens on a work visa the right to vote, puts our recovering economy at stake Furthermore, this puts at risk the public safety of American New Yorkers at a time where the city has welcomed the arrival of over 200,000 individuals with less than ideal vetting. The FBI has warned repeatedly of the heightened threat for another terrorist attack on US Soil. Lastly the financial impact of registering non citizens, verifying their status and legality would put yet another strain on the NYC budget at a time where tax revenues are depleting due to outmigration.

- Repealing NYC Sanctuary City Status. Over the last decade the NYC Council has passed multiple laws that prevent NYPD from cooperating with ICE. At a time where our felony arrests and misdemeanor arrests are 20% higher than they were in 2010. Furthermore this puts the lives of countless new yorkers at risk over what is happening at the border. Just this past year moped robberies have increased over 700%.

- Amending Right to Shelter to only include Citizens (US Americans/Naturalized Americans). The sheer cost of housing individuals indefinitely will put a strain on our economy at a time we have not fully recovered from Covid. The NYS unemployment rate lags that of the country. New York City has always been a city of immigrants but we have not seen a crisis such as this where tax dollars are being used to cover medical costs, housing, and food for anyone that shows up across the border and wants to live in NYC. Immigrants have been coming here to fulfill their dream for decades. To reward those with no plan is conducive to letting the problem get worse.

Sincerely,
Ikadshi

Testimony of Ibrahim Johnson

1. Broadening the authority for DSNY to clean and enforce cleanliness rules on all city property, contingent on the mayor's direction.

2. Broadening the authority for DSNY to clean and enforce cleanliness rules on all property within a specific Community Board, contingent on the Borough President's direction.

**Written Testimony before the New York City Charter Revision Commission
Government and Election Reform Forum & Hearing**

NYC Heath + Hospitals/Lincoln
234 East 149th Street
Bronx, New York 10451
June 17, 2024

Submitted: June 21, 2024

John Ketcham
Fellow and Director of Cities, Manhattan Institute for Policy Research
52 Vanderbilt Avenue, New York, NY 10017

About the Author

John Ketcham is a fellow and director of cities at the Manhattan Institute for Policy Research.*

He has authored a number of MI reports and op-eds on electoral reform, particularly in New York City. He holds a JD from Harvard Law School and BS in management information systems from Fordham University.

*The Manhattan Institute does not take institutional positions on legislation, rules, or regulations. Although my comments draw upon my research as an Institute scholar, the views represented today are solely my own, not my employer's.

Chair Scissura and members of the 2024 Charter Revision Commission, thank you for the honor and opportunity to submit this written testimony on improving New York City's government and electoral system. As a preliminary matter, I would like to reiterate the excellent recommendations that my colleague E.J. McMahon offered at the fiscal responsibility forum on June 13.¹

In 2019, New York City voters approved a revision to the city charter that introduced single-winner ranked choice voting (technically known as instant-runoff voting, or IRV) in primary and special elections for local offices.² IRV was integrated into the city's existing electoral architecture: single-member council districts, fully closed primaries, and elections held on odd-numbered years, all of which generally discourage political competition.

After two local elections using IRV—the 2021 mayoral and city-council primaries and the 2023 city-council primaries—New York City's local electoral dynamics remain essentially unchanged.

Turnout in local races has not improved substantially. Consider that in the 2021 mayoral primary, the first without an incumbent since 2013 and the first to use ranked choice voting following the 2019 charter amendment, only 26.5 percent of eligible voters participated.³ This was higher than other primaries, but not by a dramatic margin. In the 2013 mayoral primary, also without an incumbent, 23.3 percent of eligible voters participated.⁴ Last June's primaries for city council had even worse turnout—less than 10 percent in many districts—and roughly in line with earlier city-council contests.⁵ General elections likewise suffer from low voter participation.

Nor has standalone IRV spurred greater political competition. Today, one party still controls nearly 90 percent of city council seats and the three major citywide offices of mayor, comptroller, and public advocate.⁶ If there is any genuine political competition to speak of, it is still almost entirely between factions of the local Democratic Party.⁷ And in the few council districts where Republicans predominate, Democrats find themselves similarly disadvantaged. Worst off are the over one million registered city voters who do not affiliate with any political

¹ See E.J. MCMAHON, TESTIMONY BEFORE THE NEW YORK CITY CHARTER REVISION COMMISSION (2024), <https://manhattan.institute/article/testimony-before-the-new-york-city-charter-revision-commission>.

² N.Y.C. Bd. of Elections, *Learn about Ranked Choice Voting for NYC Local Elections*, <https://vote.nyc/page/ranked-choice-voting>.

³ NYC VOTES, 2021–2022 VOTER ANALYSIS REPORT vii (2022), https://www.nycctfb.info/pdf/2021-2022_VoterAnalysisReport.pdf.

⁴ *Id.* at 45.

⁵ See Jennifer Bislam, *Low voter turnout in NYC may reflect "lost faith in the system"*, CBS NEWS N.Y. (Nov. 7, 2023, 9:03 PM), <https://www.cbsnews.com/newyork/news/low-voter-turnout-in-nyc/>; Carl Campanile, *NYC's 2023 primary election had less than 200K voters cast ballots — with only 5% of Democratic Bronx voters showing up: analysts*, N.Y. POST (June 28, 2023, 6:55 PM), <https://nypost.com/2023/06/28/nycs-2023-primary-election-had-less-than-200k-voters-cast-ballots-analysts/>.

⁶ N.Y.C. Council, *Council Members & Districts*, (last visited Jan. 5, 2024), <https://council.nyc.gov/districts/>.

⁷ See, e.g., Chris Sommerfeldt, *NYC's next comptroller, public advocate are progressives who could be thorns in Eric Adams' side*, N.Y. DAILY NEWS (Nov. 2, 2021, 9:56 PM), <https://www.nydailynews.com/2021/11/02/nycs-next-comptroller-public-advocate-are-progressives-who-could-be-thorns-in-eric-adams-side/>.

party.⁸ They cannot vote in any primary, nor can those registered with parties that do not hold primaries.

The city's modest results with ranked choice voting are consistent with other findings in the academic literature. In a New America report discussing the results of 15 papers on the effects of ranked choice voting, Lee Drutman and Maresa Strano found a pattern of “null to small” effects.⁹ Most of these papers suggest it is a modest procedural change, a “comparable or modestly better alternative” to plurality, or first-past-the-post (FPTP), voting.¹⁰ Their report sums up the matter succinctly:¹¹

[R]eplacing FPTP with RCV without addressing the other structural drivers of America's hyperpolarized and inequitable two-party system, including single-member districts, is unlikely to bring about the large-scale change we need to repair our national political dysfunction. Put another way, adopting RCV will not hurt as much as you might fear, but it may not help as much as you might hope.

New York City's electoral system, therefore, does not create the conditions for robust political competition and broad voter participation. Its structural elements insulate the dominant political party from challenges and impede voters from a meaningful say. The city's anemic local democracy calls into doubt whether electoral outcomes reflect the deliberate will of the majority.

Opportunities for Electoral Reform

Manhattan Institute polling conducted in April 2024 indicates that city voters across political persuasions—Democrat, Republican, and Independent—support electoral reform. Results show that when given a choice between an open (that is, not limited exclusively to party members) and closed primary, a slight majority (53 percent) of likely city voters believe that open primaries are better than closed primaries.¹² Respondents also received a prompt that introduced a nonpartisan primary (technically, a top-two primary used in California and Washington State that failed to be adopted in New York City in the proposed 2003 charter amendment). A plurality of 33 percent prefers this system, alongside a further 25 percent who opt for an open primary.¹³

New Yorkers also believe that open and nonpartisan primaries will encourage higher voter turnout compared with the current closed primary system. When given a choice between open

⁸ New York State Board of Elections, *NYS Voter Enrollment by County, Party Affiliation and Status*, (February 27, 2024).

⁹ LEE DRUTMAN & MARESA STRANO, EVALUATING THE EFFECTS OF RANKED-CHOICE VOTING 9 (2022), https://d1y8sb8igg2f8e.cloudfront.net/documents/Evaluating_the_Effects_of_Ranked-Choice_Voting.pdf.

¹⁰ *Id.* at 7.

¹¹ *Id.* at 9.

¹² Jesse Arm, Polling *NYC Survey Analysis of 2025 Likely Mayoral Voters on Politics, Crime, Migrants, and Electoral Reform*, MANHATTAN INST. (Apr. 18, 2024), <https://manhattan.institute/article/polling-nyc-survey-analysis-of-2025-likely-mayoral-voters>.

¹³ *Id.*

and closed primaries, 62 percent believe that open primaries encourage more people to vote.¹⁴ When nonpartisan primaries are added, 36 percent respond that a nonpartisan primary would encourage the most people to vote, followed by 30 percent for an open primary.¹⁵ Though evidence for the impact of primary reform on turnout in other jurisdictions is mixed or muted,¹⁶ the responses from our poll suggest that New Yorkers would be encouraged to vote by opening up primaries.

As for electoral systems that would represent an improvement over the status quo, several reasonable options exist. Some, for example, use ranked choice voting, and others do not. Each has tradeoffs that the Commission should carefully consider. It is critical that the Commission bear in mind that local issues do not bifurcate along partisan lines like many national issues. Zoning, for example, largely divides voters by interest, not ideology. Nor do local issues lend themselves to neat ideological bundles that groups of voters would tend to support. One's stance on zoning has little bearing on whether one prefers to see a police-oriented approach to public safety, greater support to charter schools, easier small-business permitting, or any number of other local decisions.

It is therefore imperative that a reformed electoral system allow for shifting coalitions of voters and their representatives on the city council. These coalitions should be identifiable and cohesive, yet flexible enough to change on an issue-by-issue basis.

On-ballot Party Labels and Endorsements

Regardless of the system considered, I strongly recommend keeping party labels on the ballot to help guide voter decision-making. Without on-ballot cues like party labels, low-information voters cannot distinguish easily between candidates' policy stances. The non-ideological nature of most local issues exacerbates this problem further. Ideally, voters would arrive at the ballot box informed of issues, electoral offices, and candidates' backgrounds and policy positions. Decades of research have revealed, however, that this aspiration does not match reality.¹⁷

Voters depend on party labels and other cues to make decisions, including in ranked-choice races.¹⁸ In fact, RCV amplifies voter information issues, as it asks voters to know enough about candidates to place up to five in order from most to least preferred. This is especially pronounced in city-council elections, where relatively unknown or low-profile candidates compete.

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ See, e.g., LEE DRUTMAN, WHAT WE KNOW ABOUT CONGRESSIONAL PRIMARIES AND CONGRESSIONAL PRIMARY REFORM 59 (2021) ("At best, open primaries increase participation by only 2 or 3 percentage points at best, and top-two primaries by about 6 percentage points."), <https://www.newamerica.org/political-reform/reports/what-we-know-about-congressional-primaries-and-congressional-primary-reform/implications-for-top-fourfive-voting/>.

¹⁷ See, e.g., generally Brian F. Schaffner & Matthew J. Streb, *The Partisan Heuristic in Low-Information Elections*, 66 PUB. OPINION Q. 559 (2002).

¹⁸ See, e.g., R. Michael Alvarez, Thad E. Hall, & Ines Levin, Low-Information Voting: Evidence From Instant-Runoff Elections, 46 Am. Pol. Rsch. 1012, 1012 (2018) ("[I]n partisan contests, voters make avid use of partisan cues in constructing their preference rankings, rank-ordering candidates based on the correspondence between voters' own partisan preferences and candidates' reported partisan affiliation. However, in nonpartisan contests where candidates have no explicit partisan affiliation, voters rely on cues other than partisanship to develop complete candidate rankings.").

I therefore recommend broadening the informational signals available on ballots by allowing endorsements, such as from high-ranking officials like the mayor and comptroller, to appear alongside candidates' names on ballots.¹⁹ Endorsements from local organizations, unions, business groups, newspapers, and others could likewise be printed on-ballot.²⁰ This would provide voters with an immediate cue, one far more information-rich than mere party labels. Voters would easily be able to select a candidate that closely aligns their values and preferences. The political salience and influence of these local endorsements would also encourage participation and engagement in local community groups. Candidates would vie for groups' endorsement, and New Yorkers would have an incentive to join and participate in these groups to influence candidate selection, thereby reinvigorating the city's civil society.

As for possible electoral systems to replace the status quo, I respectfully submit the following three for the Commission's consideration, without endorsing any one over the others, given the various tradeoffs of each: Final Five Voting (FFV), ranked choice voting in multimember city council districts (called the Single Transferable Vote, or STV), and party-list proportional representation systems for city council.

Final Five (or Four) Voting

Final Five Voting is a combination of three specific reforms: (1) a “nonpartisan primary,” in which all qualifying candidates appear, regardless of party, in a preliminary election open to all registered voters, who choose a single candidate using a non-ranked vote; (2) the top five (or, in some cases, four) primary vote-getters, regardless of party, advance to a general election where; (3) voters use RCV to elect a single winner (again, IRV) with a majority of final-round votes.²¹ Because this method selects a single winner, it can be used for single-member city council districts and for citywide offices like mayor, comptroller, and public advocate.

By definition, a “primary” is a process whereby voters select a party's nominee,²² making FFV's “top-five primary” not a true primary. Better termed a “qualifying-round election,” it reduces the larger pool of candidates who run initially to a smaller, more manageable five (or four) in the general election.²³ All candidates compete in this preliminary qualifying round, regardless of political party. Multiple candidates from the same major party can run against one another, as well as against minor-party and independent candidates, in the general election. Given that many elections have at least one or two clear front-runners, the third, fourth, and fifth qualifying-round vote-getters should secure general-election spots with relatively small shares of the vote—around

¹⁹ For the origin of this proposal, see Christopher S. Elmendorf & David Schleicher, *Informing Consent: Voter Ignorance, Political Parties, and Election Law*, 2013 U. ILL. L. REV. 363 (2013).

²⁰ For more on how such a proposal could operate, see JOHN KETCHAM, NYC ELECTORAL REFORM: HOW TO INCREASE POLITICAL COMPETITION AND REVITALIZE LOCAL DEMOCRACY 19–20 (Manhattan Inst. 2022).

²¹ *Id.* at 24; see also Nat'l Inst. Standards & Tech, *Election Terminology Glossary: ranked choice voting*, (last visited Jan. 5, 2024), <https://pages.nist.gov/ElectionGlossary/>.

²² Libr. Cong., *Political Primaries: How Are Candidates Nominated?*, (last visited Jan. 5, 2024), <https://www.loc.gov/classroom-materials/elections/presidential-election-process/political-primaries-how-are-candidates-nominated/>.

²³ KETCHAM, *supra* note 20, at 24; DRUTMAN, *supra* note 16, at 59.

10 percent, according to a report by members of the American Political Science Association.²⁴ FFV general elections should, therefore, routinely feature competition from third-party and independent candidates.

And because of the relatively minor effects that IRV (again, the single-winner variant of ranked choice voting) has produced as a standalone reform, FFV's main mechanism to enable greater political competition is not IRV, but the top-five primary. In states that use a similar top-two primary system, such as in California, Washington, and Louisiana, only two vote-getters advance to the general election.²⁵ This avoids the "spoiler effect" present in plurality races with more than two candidates. That phenomenon results from voters who fear that voting for a long-shot but preferred candidate will give their least-preferred candidate a better chance of winning, thus motivating them to vote strategically for the least-objectionable candidate they believe is most likely to win.²⁶ The use of ranked choice voting in FFV general elections results from the need to avoid the spoiler effect in a general election with more than two candidates.

Alaska is currently the only state to use a variant of FFV, "Final-Four Voting" (in which the top-four vote-getters from the qualifying-round election advance), demonstrating that the system has been tried in a real-life setting. The results of its 2022 congressional special election have sometimes been characterized as unfair because the two Republican candidates together earned approximately 60 percent of first-preference votes, yet the Democratic candidate won after one of the Republican candidates was eliminated and his votes were reallocated to his supporters' second-ranked choices.²⁷ In truth, Alaska's voters have long expressed idiosyncratic political preferences, and party labels have not carried the same overwhelming significance as in other states.²⁸ FFV simply allowed voters to express these more nuanced preferences in a way that plurality voting does not. Voters in plurality races have an incentive to vote strategically for the perceived lesser of two evils offered by the major parties.

Of critical importance in FFV elections is the manner of treating party labels. These are not incompatible. I do not recommend allowing candidates' preferred party or even registered party to appear as their party designation. Under either circumstance, the party may not wish to be affiliated with a candidate that bears its label. Instead, I recommend that internal party mechanisms select one candidate to receive the party's endorsement for both primary and

²⁴ APSA PRESIDENTIAL TASK FORCE ON POLITICAL PARTIES, MORE THAN RED AND BLUE: POLITICAL PARTIES AND AMERICAN DEMOCRACY 144 (2023), <https://protectdemocracy.org/wp-content/uploads/2023/07/APSA-PD-Political-Parties-Report-FINAL.pdf>.

²⁵ See, e.g., Dan Ordorica, *Blanket Primaries or Ranked choice? Why Not Both?*, BOSTON U. SCH. L. DOME (Apr. 20, 2019), <https://sites.bu.edu/dome/2019/04/20/blanket-primaries-or-ranked-choice-why-not-both/>.

²⁶ Rachel Hutchinson, *Defining the Spoiler Effect*, FAIRVOTE (Jan. 25, 2023), <https://fairvote.org/defining-the-spoiler-effect/>.

²⁷ Igor Derysh, "Scam to rig elections": Tom Cotton fumes over Sarah Palin loss as GOP fans cry "stolen election," SALON (Sept. 1, 2022, 9:30 PM), <https://www.salon.com/2022/09/01/scam-to-rig-elections-tom-cotton-fumes-over-sarah-palin-loss-as-fans-cry-stolen-election/>.

²⁸ LEE DRUTMAN, MORE PARTIES, BETTER PARTIES 74 (2023), <https://www.newamerica.org/political-reform/reports/more-parties-better-parties/4-the-contemporary-choice-will-we-repeat-the-mistakes-of-the-past-or-build-something-better-for-the-future/> ("The three statewide elections in 2022 each yielded a different result. Alaskans elected a moderate Democrat to the House in its one statewide race, a moderate Republican to the Senate, and a conservative Republican to the governorship. This likely represents Alaska's somewhat idiosyncratic politics.").

general elections. This will encourage party-candidate cohesion, giving parties an incentive to support the charter revision, rather than stick with the status quo. This party-candidate cohesion would extend to the post-election legislature, reducing the risk that parties would suffer from defections by weakly aligned lawmakers that may imperil durable legislative coalitions.

Proportional Representation through the Single Transferable Vote

Other electoral systems would allow for proportional representation (PR) in the city council by electing multiple councilmembers from a smaller number of districts. PR-based electoral systems aim to reflect the composition of subgroups in the electorate within the elected body, such as by matching the share of a party's seats with the share of votes that a party receives in an election.²⁹ The number of candidates elected in each multi-member district can vary; with more seats per district, each candidate requires a smaller percentage of the vote to secure a seat. In a 51-member body, four or five members per district would likely be small enough to encompass adjoining neighborhoods with similar demographic compositions while allowing for better representation of political minorities.

STV, one option to achieve PR, uses ranked choice voting to elect multiple winners. New York City used this system between 1936 and 1947 for city-council elections.³⁰ Under STV, voters rank their preferred candidates as they do today. A quota is established to win a seat, and if a candidate's votes meet or exceed the quota, she wins the seat.³¹ Any "surplus" votes above the quota are distributed proportionally to the second-choice candidates selected by the winning candidate's supporters.³² (If multiple candidates cross the quota threshold, the order will start with the largest vote-getter.) If there is at least one additional seat to be filled with no candidate over the quota, the last-place candidate is eliminated, and her votes redistributed among her second choices. This process of elimination and redistribution repeats until a candidate reaches the threshold, until all remaining seats are filled.³³

Proportional Representation through Party Lists

Finally, proportional representation can be obtained without RCV. In fact, list-based proportional representation is the most common form of PR worldwide.³⁴ Unlike with STV-based PR, in which voters exclusively select representatives, list-based proportional representation systems count votes at the party level, and parties receive seats in proportion to their shares of the vote.³⁵ Those who win seats come from party-designated lists of candidates, set by internal party

²⁹ FairVote, *Fair Voting/Proportional Representation*, <https://archive3.fairvote.org/reforms/fair-representation-voting/> (last visited June 21, 2024).

³⁰ See generally JESSE DOCTER AND THEODORE LANDSMAN, PROPORTIONAL REPRESENTATION IN NEW YORK: NEW YORK'S CITY EXPERIMENT WITH PROPORTIONAL REPRESENTATION AND MULTI-PARTY DEMOCRACY, (2017).

³¹ Opavote, *Single Transferable Vote*, <https://www.opavote.com/methods/single-transferable-vote> (last visited June 21, 2024).

³² The number of surplus votes is the difference between the winning candidate's number of votes and the amount necessary per the quota.

³³ FairVote, *Proportional Representation Voting Systems*, https://www.fairvote.org/how_proportional_representation_elections_work (last visited June 21, 2024).

³⁴ *Id.* ("Over 80% of the PR systems used worldwide are some form of party list voting.")

³⁵ JACK SANTUCCI, MORE PARTIES OR NO PARTIES: THE POLITICS OF ELECTORAL REFORM IN AMERICA 7 (2022).

processes. This makes list-based PR systems fundamentally different from STV. As the political scientist Jack Santucci writes, “Elections in list systems are fundamentally contests among parties.”³⁶

Open-list PR systems, for example, give voters a choice from among a party’s listed candidates. Party committees or some other internal mechanism select the candidates who appear under the party’s label on the ballot, (and, in some systems, candidates’ order of appearance). Each voter would then select her preferred candidate under the party heading. For example, a single, non-ranked vote could count for both the candidate and his party.³⁷ Votes cast for any of a party’s candidates are summed up as the party vote, and seats are allocated to each party based on its proportion of the total vote. Individual candidates who receive the most votes from the party’s list are elected first, and then in descending order, until all of the party’s seats are filled.

Procurement Reform

New York City public procurement involves an extremely complex, time consuming, and bureaucracy-laden process. Many of the rules governing public procurement have not been updated to keep up with advances in technology and governance. Section 326 of the charter is a perfect example. Adopted in the 1989 charter revision, it requires that agencies hold a public hearing for proposed non-emergency contracts of over \$100,000 awarded by a method other than competitive sealed bidding.³⁸ This \$100,000 threshold has not changed in 35 years, even as inflation has eroded the value of that figure to less than half of its original purchasing power.

Despite the considerable public expense and the average of three weeks that these hearings add to the procurement process, they offer virtually no benefits. Members of the public hardly ever appear at them or submit comments. As Lisa M. Flores, Director of the Mayor’s Office of Contract Services, wrote in an op-ed earlier this year, “These hearings, modeled on the Board of Estimate Era, provide only the illusion of transparency and public engagement without delivering any of the benefits.”³⁹

This month, the state legislature passed legislation that would replace section 326’s public-hearing requirement with an online notice-and-comment rulemaking period.⁴⁰ If Governor Hochul does not sign this legislation into law before the Commission concludes its work, I respectfully suggest that the Commission consider proposing it to city voters.

The Covid-19 pandemic and ongoing migrant crisis have also demonstrated the need to safeguard the public purse during emergencies. The extensive use of emergency, non-competitive contracts for prolonged periods has contributed to wasteful spending. At the same time, the Executive must retain the flexibility necessary to respond to crises.

³⁶ *Id.*

³⁷ Kevin R. Kosar, *What is the one-vote system? A Q&A with Jack Santucci*, AEI IDEAS, Oct. 25, 2021, <https://www.aei.org/politics-and-public-opinion/what-is-the-one-vote-system-a-qa-with-jack-santucci/>.

³⁸ N.Y.C. Charter § 326(a).

³⁹ Lisa M. Flores, *Buying into procurement reform*, CRAIN’S N.Y. BUS. (Apr. 15, 2024, 6:03 AM), <https://www.crainsnewyork.com/op-ed/buying-procurement-reform-new-york-city>.

⁴⁰ S.B. S7383A, 2023 S., Reg. Sess. (N.Y. 2024).

Between 2020 and 2021, Mayor de Blasio oversaw at least \$6.9 billion in emergency contracts, utilizing over a hundred emergency orders to avoid the oversight of the regular procurement process.⁴¹ Much of the personal protective equipment purchased during the early days of the pandemic was defective, eventually selling unused for pennies on the dollar.⁴² A February 2023 report of an audit conducted by the city comptroller's office also found that the Department of Citywide Administrative Services failed to provide documentation for vendor background checks in 11 out of 59 procurements, representing about \$226 million in contract value from these unvetted vendors.⁴³ Of those 11, four provided defective goods or none at all.⁴⁴

During Mayor Adams's tenure, the city has entered into at least 340 unique contracts to procure \$5.7 billion in services and goods related to the migrant crisis, much through emergency, noncompetitive contracts also enabled by repeated emergency orders.⁴⁵ A February 2024 report by the city comptroller's office found that emergency noncompetitive contracts contributed to services billed to the city at wildly different rates, though almost universally inflated relative to non-emergency vendor contracts.⁴⁶ The report noted that hiring city employees at just one migrant shelter would have saved the city \$50 million compared with the emergency contract, even after accounting for the city's generous fringe benefits.⁴⁷ High-profile examples of migrant-services contractors with dubious qualifications, most notably DocGo, have been a recurring theme in news and opinion coverage of the migrant crisis.⁴⁸

Recent news reports have also revealed that City Hall made a "handshake" no-bid deal last September with DocGo to operate a migrant shelter at Austell Place in Long Island City.⁴⁹ This is an undesirable practice for several reasons. It masks the true costs of public emergencies, circumvents the legally required emergency procurement process, affords the public no transparency until finally uncovered, and prevents accountability. The city charter and PPB Rules afford the mayor wide latitude with emergency contracting in part to avoid such "handshake" arrangements. The charter should be amended to prohibit the disbursement of public funds on an emergency basis unless the vendor has executed an emergency contract with a procuring city agency.

⁴¹ See, e.g., Office of the N.Y.C. Comptroller, *Comptroller Stringer Files Suit Against Mayor de Blasio to Restore Full Charter-Mandated Oversight of Contracts and Procurement*, (July 6, 2021), <https://comptroller.nyc.gov/newsroom/comptroller-stringer-files-suit-against-mayor-de-blasio-to-restore-full-charter-mandated-oversight-of-contracts-and-procurement/>.

⁴² See, e.g., Greg B. Smith, *Gear Purchased by City as Part of \$224 Million in COVID Contracts Auctioned Off for Just \$500,000*, THE CITY (Feb. 21, 2023, 5:07 AM), <https://www.thecity.nyc/2023/02/21/covid-bridge-vent-ppe-auction/>.

⁴³ OFFICE OF THE N.Y.C. COMPTROLLER, SPECIAL REPORT ON THE DEPARTMENT OF CITYWIDE ADMINISTRATIVE SERVICES' COVID-19 EMERGENCY PROCUREMENTS 4 (2023).

⁴⁴ *Id.*

⁴⁵ OFFICE OF THE N.Y.C. COMPTROLLER, ASYLUM SEEKER STAFFING CONTRACT COMPARISON AND REVIEW 1 (Feb. 27, 2024), <https://comptroller.nyc.gov/reports/asylum-seeker-staffing-contract-comparison-and-review/>.

⁴⁶ *Id.* at 1–2, 19–21.

⁴⁷ *Id.* at 2.

⁴⁸ See Nicole Gelinas, *How City Hall frittered away \$41M on no-bid migrant shelter deal with dodgy DocGo*, N.Y. POST (June 16, 2024, 10:41 AM), <https://nypost.com/2024/06/16/opinion/how-city-hall-blew-41m-on-docgo-migrant-shelter-deal/>.

⁴⁹ Craig McCarthy, *Dodgy DocGo quietly nabs \$41M no-bid deal to run migrant shelter same day city rejected separate contract due to mistreatment*, N.Y. POST (June 13, 2024, 5:23 PM), <https://nypost.com/2024/06/13/us-news/docgo-quietly-nabbed-nearly-41m-deal-to-run-queens-migrant-shelter/>.

Unlike for non-emergency contracts, the charter and Procurement Policy Board Rules (PPB Rules) do not require emergency contracts to be registered as a precondition for effectiveness.⁵⁰ The charter does, however, require agencies to submit awarded emergency contracts and related documentation to the comptroller's office "as soon as is practicable" for registration and an audit of the procedures used and basis for the determination of need for the emergency procurement.⁵¹ PPB Rule 2-12(e)(4) further stipulates that awarding agencies shall submit a copy of the emergency contract "within thirty days of award" to the comptroller.⁵² Yet as the comptroller's November 2023 report on emergency procurement makes clear, about 84 percent of the emergency contracts it reviewed were filed over 30 days after the contract start date, with 22 percent exceeding 180 days.⁵³

This situation should be rectified by including a 30-day contract submission requirement in the charter. The comptroller's office should then be required to make this information publicly available on its website, which it has already done through initiatives like Checkbook NYC and in various reports. Ensuring timely reviews by the comptroller's office would prevent unqualified businesses from continuing to do business with the city.⁵⁴ My proposed reform should not materially add to agencies' administrative burdens, as the requisite information should be available at the time the contract is awarded. Transparency would thus allow for public accountability while not directly impeding agencies' ability to respond to emergencies.

To correct for these issues, I recommend revising sections 315, 326, 328, 497, and related sections of the New York City Charter in the following ways:

- Section 326(a) shall be amended to repeal the public-hearing requirement. For proposed contracts awarded on a basis other than competitive sealed bidding, contracting agencies shall conduct an online seven-day notice-and-comment rulemaking procedure. The Procurement Policy Board shall have the authority to set the minimum contract value to trigger the requirement for an online notice-and-comment procedure.⁵⁵
- Section 328(d) shall be amended to require that for an emergency contract awarded under section 315 or an accelerated procurement as defined under section 326, the awarding agency shall, within thirty days of award, submit a copy of the contract to the comptroller for an audit of the procedures and of the basis for the determination of the need for an emergency or accelerated procurement.

⁵⁰ See N.Y.C. Charter § 315; PPB § 2-12(e).

⁵¹ N.Y.C. Charter § 328(d).

⁵² Procurement Pol'y Bd., Rule 2-12(e)(4) ("For contracts described in subdivisions (e)(1) and (2) above, the awarding agency shall, within thirty days of award, submit a copy of the contract (and such related materials as are included in subdivision (c) of this section) to the Comptroller for registration and for an audit of the procedures and of the basis for the determination of the need for an emergency or accelerated procurement.").

⁵³ OFFICE OF THE N.Y.C. COMPTROLLER, RETHINKING EMERGENCY PROCUREMENTS: A ROADMAP TO EFFICIENCY AND ACCOUNTABILITY 14 (2023).

⁵⁴ See *id.* at 15–16.

⁵⁵ For more on this proposal, see Flores, *supra* note 39.

- Within seven days of receipt, all awarded emergency contracts shall be listed publicly on the website of the New York City Comptroller. The information listed shall include, at a minimum: (a) the vendor name (including “doing business as” names); (b) the contract’s effective date; (c) the contract’s duration; (d) the total dollar amount of the contract; (e) the type of goods, services, or construction to be procured pursuant to the contract; (f) the name or code of the awarding agency; (g) the source selection method used; (h) the name (including “doing business as” names) of each subcontractor; and (i) the total dollar amount of each subcontract associated with the emergency contract. A digital facsimile of the awarded contract shall also be made publicly available on the comptroller’s website.
- Section 315 shall be amended to add that no public funds shall be disbursed to a vendor pursuant to an emergency contract with a city agency unless the vendor: (1) has undergone a background check administered by the procuring agency or the Department of Citywide Administrative Services; and (2) has executed an emergency contract with the procuring agency.
- In keeping with past charter revision recommendations by the city comptroller’s office,⁵⁶ charter section 497 shall be amended to require that the Office of Emergency Management incorporate emergency procurement into its emergency planning process,⁵⁷ and create an emergency procurement plan. This shall include making available comprehensive lists of “on-call” contracts from vendors who can supply goods and services in anticipation of an emergency.

Thank you again for the opportunity to provide this written testimony. I hope that the Commission finds it helpful as it considers ways to deliver greater public value in procurement and have New York City’s electoral system reflect the diversity of opinions that make our city the dynamic, vibrant place we’re fortunate to call home.

⁵⁶ See OFFICE OF THE N.Y.C. COMPTROLLER, A NEW CHARTER TO CONFRONT NEW CHALLENGES 87 (2018), <https://comptroller.nyc.gov/wp-content/uploads/documents/A-New-Charter-to-Confront-New-Challenges.pdf>.

⁵⁷ See N.Y.C. Charter § 497.

**Written Testimony before the
New York City Charter Revision Commission**
July 2, 2024

Eric Kober
Senior Fellow, Manhattan Institute for Policy Research
52 Vanderbilt Avenue, New York, NY 10017

About the Author

Eric Kober is a senior fellow at the Manhattan Institute for Policy Research (MI)* and an adjunct lecturer at the Yale School of Architecture. Before joining MI, he served as director of housing, economic and infrastructure planning at the New York City Department of City Planning. He has written several MI issue briefs and op-eds on housing reform, particularly in New York. Kober holds master's degrees in business administration from the Stern School of Business at NYU and in public and international affairs from the School of Public and International Affairs at Princeton University.

*The Manhattan Institute does not take institutional positions on legislation, rules, or regulations. Although my comments draw upon my research as an Institute scholar, the views represented today are solely my own, not my employer's.

Chair Scissura and members of the 2024 Charter Revision Commission, thank you for the opportunity to provide this written testimony. As a former director of housing, economic and infrastructure planning at the New York City Department of City Planning, where I spent over three decades of my career, I have firsthand knowledge of the city's housing needs and how past efforts to address those needs have fallen short.

For years, New York City has contended with a severe and worsening housing shortage. The Housing and Vacancy Survey, a study of housing conditions released this February, shows the overall rental vacancy rate in early 2023 at 1.4 percent, the lowest in more than 50 years.¹ This represents a disastrous situation for New Yorkers who need a place to live and for people who want to move to the city. There's not enough housing to go around. Only the affluent can afford to compete for scarce units.

Newly enacted state housing legislation and New York City's City of Yes for Housing Opportunity (CHO) zoning amendment (if passed as proposed) should meaningfully increase the number of permits for new housing units compared with the status quo.² However, Mayor Eric Adams's "moonshot" goal of 500,000 units in a decade remains far out of reach unless the city can create a regulatory framework producing large numbers of new housing units that can be sustained over time. In a forthcoming brief for the Manhattan Institute, I conclude that multiple changes must occur, including amendments to the city charter that would allow private property owners to obtain a zoning change more easily.

The great error of the 1961 comprehensive rezoning of New York City was to replace a zoning framework flexible enough to accommodate surges in housing demand with one that assumed a stagnant population. This new system would need major revision if the population started to grow again.³ Market prices in many parts of the city showed that the underlying land was more valuable than the zoning implied. Because that value could no longer be unlocked by building more densely after 1961, it was instead diverted as higher resale prices for existing homes.

Mayor Adams has acknowledged this fundamental shortcoming. Last September, he said, "The 1961 Zoning Resolution drastically changed the way our city would build housing . . . for decades to come, and those changes were not for the better. [T]he 1961 code limited growth rather than encouraging it—ultimately, leading to a massive housing shortage, one that we are still reckoning with 62 years later."⁴

The Department of City Planning relies on private applicants to identify locations appropriate for zoning changes, who then personally fund the considerable costs of obtaining the desired change. Applicants are required to hold land and pay for representation at multiple levels of government. Time-consuming and expensive requirements, like the Uniform Land Use

¹ U.S. Census Bureau, "[2023 New York City Housing and Vacancy Survey Selected Initial Findings](#)," February 8, 2024.

² Eric Kober, "[Hochul's Housing Deal Will Help New York's Affordable Housing Crisis, but Not Solve It](#)," Manhattan Institute, May 29, 2024. The "CHO" amendments are described at "[City of Yes: Housing Opportunity](#)," NYC Department of City Planning (NYCDP). The mayor's "moonshot" goal was announced in "[Mayor Adams Unveils 'Get Stuff Built,' Bold Three-Pronged Strategy to Tackle Affordable Housing Crisis, Sets 'Moonshot' Goal of 500,000 new Homes](#)," NYC Office of the Mayor, December 8, 2022.

³ I wrote about the 1961 vision in "[Zoning That Works](#)," *City Journal*, October 1, 2020.

⁴ Mayor Eric Adams, Transcript: Mayor Adams Delivers Address on Future of Housing in NYC and Holds In-Person Media Availability, NYC Office of the Mayor, September 21, 2023.

Review Procedure (ULURP), City Environmental Quality Review (CEQR), racial equity reports, and Mandatory Inclusionary Housing (MIH), deter many property owners from entering the public review process.

A 1989 revision to the City Charter added borough president review to ULURP, extending the public review timeline by 30 days for applications involving a single community board. The formal part of the zoning change review process now lasts seven months or more. The current ULURP schedule anachronistically assumes borough presidents and borough boards must wait to receive community board resolutions through U.S. mail, whereas in reality constant electronic communication occurs between borough presidents, board members, and the community. The extended review window increases applicants' costs without providing meaningful improvement in the quality of borough presidents' and borough boards' comments on applications.

To facilitate the goal of increased housing production, Section 197-c of the City Charter should be amended to combine the community board, borough board, and borough president ULURP review into a single 60-day period. This would prevent further unnecessary delays in rezoning applications, allowing housing to be built faster and at lower cost. A 60-day period would not materially affect the ability of borough presidents, borough boards, community boards, or constituents to provide input. It would instead reflect the reality that communications between these parties occur frequently and instantaneously through modern methods like email.

I appreciate the opportunity to provide this testimony. I hope that the Commission finds it useful as it considers ways to address New Yorkers' concerns, particularly the pressing need for more housing.

Honorable Chairperson and the members of the Commision,

Thank you for the opportunity to speak tonight. My name is Linda Lam. I am a board member of the Newtown Seniors Center.

The sanctuary city law, while the intentions behind this law were rooted in compassion and inclusivity, the current situation in New York City demands a reassessment of its relevance and practicality.

First and foremost, the sanctuary city law is no longer suitable for our city's circumstances. With thousands of migrants arriving in New York City continuously, we face an unprecedented challenge that our current policies are ill-equipped to handle. The scale of migration has overwhelmed our city's capacity to provide adequate support and services.

New York City simply does not have the financial resources or support structures necessary to accommodate the unchecked influx of migrants. Our city's budget is already stretched thin, and the added pressure of supporting a large number of new arrivals is unsustainable. The diversion of existing funds to provide services for migrants comes at a significant cost.

This reallocation of resources means that critical services for our most vulnerable populations—our seniors and the poor—are being compromised. It is a poor policy to divert funds from those who have contributed to our city for decades, who have built their lives here, and who now rely on city support to survive. This diversion is not just a financial issue but a moral one.

Moreover, the financial strain caused by this influx has increased the financial burden and led to a reduction in services for our existing residents. This is a bad policy that undermines the quality of life for all New Yorkers. Our residents should not have to bear the brunt of a situation that has spiraled beyond our control.

In conclusion, while our city must remain a place of refuge and opportunity, it is imperative that we address the current reality with practical solutions. Repealing the sanctuary city law is a necessary step to ensure that New York City can effectively manage its resources, provide for its residents, and maintain its commitment to fairness and equity for all. I humbly appeal to the Commision to put this proposed request "Repeal Sanctuary City Law" on the ballot and let the people of the City decide. After all this is what democracy is all about.

Thank you.

Linda Lam

Hello,

As a Deaf New Yorker working professional who does not speak and is reliant on American Sign Language, I am in the unique position of having experienced barriers to communication access yet having been fortunate enough to develop strong enough written English to overcome some of these barriers and also to be able to reach out to the Charter Commission, unlike many of my 30,000 Deaf peers in the city.

Among my Deaf peers, there is a large number of foreign-born and DeafBlind individuals who are unable to rely on printed and written English on websites and are not receiving the needed ASL interpretation and translation mandated by the Americans with Disabilities Act.

On behalf of the deaf community, I ask the charter commission to:

1. Add ASL to the list of ["designated city-wide languages under Local Law 30"](#). There are 10 spoken/foreign languages under Local Law 30 the city must offer written translation for. If ASL were added, the city would have to add ASL video clips on websites to provide language access equivalency the same as they do for foreign language written translations.
2. Add a commitment to the [ADA](#) to the [NYC Charter](#). The charter has 79 chapters yet none titled ADA and Disability Access. There is no section in the charter to refer to that directly accounts for how NYC will serve and operate for NYers with disabilities.
3. Create a NYC Commission for the Deaf which would help to ensure all Deaf have ASL interpretation and especially translation of city websites, applications and forms into ASL videos. Look at any [NYC agency website](#) and you will not find information translated in ASL.

These three proposals would have a profound impact on recognizing and solving the unmet interpretation and translation needs for 30,000 Deaf NYers. I thank you for your attention.

Sincerely,
Jonathan Lamberton
Manhattan resident

Maintaining Ranked Choice Voting in New York City Elections

July 8, 2024

As a multi-issue, nonpartisan political organization of over 100 years, the League of Women Voters of the City of New York encourages informed and active citizen participation in government, works to increase understanding of major policy issues, and influences public policy through advocacy and education.

On behalf of the League of Women Voters of the City of New York's community of members, volunteers and partner organizations, I appreciate the opportunity granted by Commissioner Scissura and the other members of the Charter Revision Commission to submit testimony. **Given the successful initial implementation of Ranked Choice Voting (RCV) in New York City elections, I encourage the Commission not to bring any new adjustments to our electoral system to the ballot this fall.**

Since 2021, RCV has largely succeeded in achieving the systemic benefits proposed by our past testimony before the 2019 Charter Revision Commission. At the time, we argued that RCV would:

1. Allow voters to more fully express their preferences on the ballot;
2. Prevent expensive, low-turnout primary runoff elections when races for citywide offices such as Mayor failed to produce a winner with more than 40% of the vote; and
3. Increase confidence in the electoral system.

Over the past 2 local election cycles, we have seen promising evidence in each of these areas.

First, voters have embraced the opportunity to have more choices and express information about their preferences more accurately. In 2021, the Mayoral primary race reached a turnout of 26.5%, representing a recent high water mark for local, odd-year elections in the city. In this election, 89.3% of Democrats and 56.6% of Republicans ranked more than one choice for at least one office, indicating a widespread understanding of the system. To the extent that not all Republican voters ranked multiple offices, it was primarily because the Mayoral primary only had two Republican candidates. In 2023, similarly, 56.9% of voters ranked more than one candidate, in part because there was no Mayoral race.

It is not necessarily a problem if a subset of voters only choose to rank one candidate in a race because they believe that only one candidate is the right choice. Overall, we know that voters typically understood and appreciated the value of the system because they mostly used the system successfully.

Nevertheless, we know there are still challenges in ensuring that all New York City voters are up to speed on how to use RCV. For example, in 2023, a small minority of voters (4.3%) did misunderstand the ballot and marked the same candidate for multiple rankings. We have also anecdotally observed through our Voter Services activities that some confusion does still exist. Next year for the 2025 primary, the New York City League will work diligently to support all outreach to voters by the Board of Elections and Campaign Finance Board. Informing voters across diverse communities is our mission, and we feel confident in our ability to build on past success as we educate citizens on the mechanics of RCV.

Second, New York City taxpayers have already benefited from avoiding the need for expensive, low-turnout citywide runoff elections. In 2021, no candidate reached the crucial 40% benchmark to avoid runoffs during the first round of the Democratic Mayoral primary. Mayor Eric Adams received 31% of the vote, with Maya Wiley as runner-up with 21%. However, because the large majority of Democratic voters ranked multiple choices on their ballot, we were able to use RCV's instant runoff system to quickly determine a runoff winner.

By contrast, the 2013 Public Advocate primary runoff election cost the city \$13 million dollars with an abysmally low turnout of 7% of eligible voters. Whereas 85% of 2021 Democratic Mayoral voters ranked at least one of the final two candidates, Mayor Adams and Kathryn Garcia, on their ballot, only 38% as many Democratic Public Advocate voters even showed up to the polls in the 2013 runoff.

Third, the changes in winners as a result of RCV are favorable to increasing voter confidence in our electoral system. In addition to the 2021 Mayoral primary reaching the highest municipal turnout since 1989, RCV has proved its utility in providing a stronger mandate for winning candidates. Research by the CUNY Center for Urban Research indicated that candidates prepared for the expectation of increased legitimacy by understanding that RCV required them to talk to more voters, in case they could become a voter's second or third choice in a crowded field.

We additionally expect that RCV demonstrates its value by producing a result that is approximately in line with first-round, or plurality, voter preferences most of the time, except when the diversity of candidates creates a situation when voters might need to express complex preferences about public policy. In 2021, RCV produced a different result from the plurality winner in 3 of 55 races with more than two candidates, or about 5.5% of races. In 2023, only 14 races had more than two candidates, so it is unsurprising that there were no come-from-behind winners. The rate of come-from-behind winners across the country has been about 6%, so New York City's results have been in line with expectations.



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As a matter of good governance, we strongly oppose creating voter confusion by reversing reforms to our electoral system after only a few years. The 2019 Commission brought RCV to the ballot after a thoughtful, thoroughly researched and consultative process. The League was able to testify several times over a full year as we researched the issue more deeply, and we believe that our members' voices were heard by the Commission.

Thank you for your leadership for New York City.

Bella Wang
Voting Reform Chair
League of Women Voters of the City of New York

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THE CITY OF NEW YORK
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COMMITTEES
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CO-CHAIR
QUEENS DELEGATION

Thank you Chair Scissura and members of the Charter Revision Commission for the opportunity to provide testimony.

Public engagement and transparency should be hallmarks of our democracy - to provide our City with the necessary tools for effective and responsive governance. A Charter Revision Commission is a significant constitutional process that should provide legitimate ways to improve the City Charter through a deliberate and intentional process that factors in the will of the public who we all collectively serve. The Mayor's Charter Revision Commission in its current implementation has rushed to develop proposals to change the City's constitution to prevent the full democratic process from taking place. As a co-equal legislative body that provides oversight of agencies, and a vital check to Executive appointments - including agency commissioners - the City Council must remain engaged in this process to prevent such a drastic overhaul of our City's constitution.

The Mayor's Charter Commission attempts to hastily fast-track this process by not allowing its full-term into 2025 to allow for public consideration on proposals that should be further fleshed out. At worst, this Charter Commission denies voters the opportunity to exercise their right to vote on an existing proposal to expand advice-and-consent, which would otherwise be on the 2024 November Election ballot. This would potentially undermine our democratic process, at the expense of thoughtful public engagement. This is a blatant attempt to undermine and speed up the process, at the expense of thoughtful public engagement.

As policymakers, we know that engaging New Yorkers on consequential policy issues is not always an easy task, but it is necessary to maintain transparency in government. This requires outreach to receive feedback that takes thoughtful planning, careful cooperation, and most importantly time. In this process, there has simply not been enough time to engage with all stakeholders to ensure the needs of New Yorkers will be met. Furthermore, by proceeding with this Commission, the Administration will attempt to undermine the Council as an authority to check its power. If the Administration continues down this path with the Charter Revision Commission, it will set a perilous undemocratic precedent that will undercut the checks-and-balances of our city government for future generations.

I join with my Council Colleagues to ensure that New Yorkers receive the adequate engagement in what should be a public process.



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Mark Levine, Borough President

July 11, 2024

Testimony of Manhattan Borough President Mark Levine

2024 Charter Revision Commission

Thank you Chair Scissura and Members of the 2024 Charter Revision Commission for the opportunity to testify.

In June, I testified before this body on issues related to capital funds allocated through the Office of the Manhattan Borough President, as well as suggestions related to better supporting and resourcing Community Boards. Today, following the release of the Commission's Preliminary Report, I'd like to draw your attention to issues related to the budget process and negotiations between the Council and Mayor's Office.

Chapter 10 of the New York City Charter lays out the responsibilities of the Mayor, Council, Director of the Office of Management and Budget (OMB), and other agencies in the budgeting process, as well as what that process must entail. These responsibilities include reports and analyses that must be done by various agencies, as well as publications allowing for the public to review the state of the city's finances and financial outlook. These requirements are essential for budgetary negotiations, as well as public transparency.

As part of this process, the Charter requires the Office of the Comptroller to analyze "the assumptions and methodologies used by the mayor in making the revenue estimates contained in such budgets." Additionally, Section 233 requires the comptroller to report to the Council on the state of the city's economy and finances, as well as the assumptions used for revenue and expenditure forecast. However, though these responsibilities make clear that the Office of the Comptroller plays an essential oversight and review role for planning and analysis, there is no obligation that this analysis is used as a basis for budget negotiations between the Council and Mayor.

Instead, the Mayor relies exclusively on projections from the Director of Management and Budget for both the Preliminary (Section 236) and Executive (Section 244) budgets that are released, and as a result they play an overwhelmingly large role in the tone, tenor and substance of budget discussion between the Mayor and Council. Those projections are at times conservative and subjective causing considerable time and energy in this process to be spent debating their accuracy, rather than discussing the budgetary needs of the city. Additionally, because the Council and other third-party stakeholders publish alternative reports and analysis, public trust in the process and the decisions that are being made by government leaders is gravely eroded.

This can and should be avoided. Chapter 11 of the Charter should be amended to require a 3rd party report, led by the Comptrollers Office, on projected revenue and expenditures that is then used by both the Council and the Mayor for the Preliminary Budget (Section 236), the Council preliminary budget response (Section 247) and the Executive Budget (Section 244). This would ensure that the Council, the Mayor, advocates, and the public are examining, advocating, and negotiating with the same set of data, assumptions and information so that the enacted budget most accurately reflects the needs, values, and requirements of the City.

I was happy to see that the Commission was taking a close look at budgetary and fiscal responsibility in the preliminary report, and believe that making amendments to Chapter 11 of the Charter will fit well with the responsible fiscal and budgetary practices required to govern New York City. Thank you for allowing me the opportunity to testify. I look forward to hearing from you if there are any questions.



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Mark Levine, Borough President

July 13, 2024

Testimony of Manhattan Borough President Mark Levine

2024 Charter Revision Commission

Thank you Chair Scissura and Members of the 2024 Charter Revision Commission for the opportunity to testify today. I would like to draw your attention to issues related to Capital funds allocated through the Office of the Manhattan Borough President and Community Boards support and resources.

Chapter 9, Section 211 of the New York City Charter lays out the formula by which capital funding is allocated to the Borough Presidents to be spent in each budget cycle. That formula is “based on an equal weighting of factors relating to population and geographic area,” and is based on “the average of (i) each borough’s share of the total population of the city, and (ii) each borough’s share of the total land area of the city.” That formula fails to properly account for the unique concentration and needs of major institutions based in Manhattan that contribute to New York City’s strength as a city overall.

Manhattan is a proud home to world-renowned academic medical centers and cultural organizations that draw tourists from around the world and generate a significant economic activity. 11 of the 34 members of the Cultural Institutions Group are in Manhattan. Basing fund allocations on a formula that heavily favors land mass over land use fails to account for the role of the Borough Presidents’ offices in supporting the infrastructure needs of their districts. Manhattan’s small geography relative to the other boroughs and its high concentration of major cultural institutions, healthcare centers and other nonprofits, disadvantages it in the allocation process. The Charter should be changed to reflect this understanding and arrive at a more equitable formula.

Manhattan is also home to 12 community boards, each comprised of 50 dedicated volunteer members representing their local community. I have the honor of appointing these members, and my office is dedicated to providing them with technical support and training, as required by Chapter 4, Section 82 of the New York City Charter. We lead monthly Borough Board and Borough Service Cabinet meetings, and participate in and support every monthly general meeting and a vast majority of committee meetings in every district.

Since taking office, my office has expanded and diversified trainings available to community board members. In total, our trainings include parliamentary procedure; conflict of interest; equal employment; implicit bias; understanding the city budget; bystander intervention; land use and

zoning; open data; overdose prevention and emergency preparedness. Each of these trainings help board members properly and effectively serve on their respective board.

However, the Charter is extremely vague about what exactly is meant by “technical support,” leaving it up to each Borough President’s office and each community board to determine what is appropriate and feasible. While that flexibility is good, further clarity is badly needed. Such questions as whether “technical support” includes access to land-use and planning professionals; access to technology that allows for the management of board business and facilitation of hybrid meetings; response to equal employment and opportunity concerns and other human resources related matters; and more must be made clearer. Furthermore, if it is the Borough President’s responsibility to provide them, additional resources and funding should be provided to our offices to enable to appropriate support for each board across the city.

Additionally, the City should play a much more active role in supporting community boards in need of accessible, local space for meetings. Following the pandemic, many local community-based organizations and academic institutions drastically limited the amount of space that they would make available to community meetings. As a result, my office frequently hears about Boards who are in serious risk of not finding an adequately large space to hold public meetings. The City, and in particular the Department of Citywide Administrative Services, should be required to support CBs in finding and paying for community space for Community Boards public meetings.

Thank you for allowing me the opportunity to testify. I look forward to hearing from you if there are any questions.

Testimony from Vienna Levitan

Dear NYC Charter Revision Commission,

My name is Vienna Levitan and I am here to testify on behalf of myself as a U.S. immigrant and as a board member of the Ridgewood Property Owners Civic Association (RPOCA). I came to the United States legally in 1989, the same year New York City gained sanctuary city status, and this city has been my home ever since. We left my country to escape the brutal violence of my biological father and the oppressive socialist regime. It took my mother and I over ten years to receive our citizenship. Without the social safety net programs that exist today, we spent over four years teetering on the brink of hunger and homelessness. Perseverance and the will to survive in this tough city eventually prevailed, and our lives improved. This was my immigrant experience.

I have never felt less safe than I do now, and most of my neighbors share this sentiment. The quality of life in my neighborhoods of Jackson Heights and Ridgewood has deteriorated significantly. I have witnessed feces, urine, trash, and intoxicated individuals littering the streets. Groups of suspicious strangers roam at night, targeting businesses or vulnerable individuals such as older adults.

Sanctuary city laws severely limit the NYPD's ability to cooperate with federal authorities on immigration matters, posing a clear threat to public safety and quality of life. Biased protections should be unconstitutional for any law-breaking individual, whether in the U.S. or elsewhere. Not cooperating with U.S. Immigration and Customs Enforcement (ICE) is illogical, callous, and endangers communities, particularly the most vulnerable.

While sanctuary status is meant to protect undocumented immigrants, it does nothing to protect residents and citizens who are sacrificing their own safety and paying for protection and services. Given the significant crime spike we are experiencing, where is the logic in this?

Living in a neighborhood knowing that if a crime is committed, the perpetrator is unlikely to be found or prosecuted is deeply unsettling. On behalf of myself and my civic organization, I urge the Commission to include the repeal of sanctuary city laws on the ballot.

We face a crisis at the border, with various crimes in the city committed by individuals who should not be here. Recent reports from the DHS reveal that 400 individuals with terrorist affiliations have entered the country. Disturbing incidents, such as the rape of a young girl at and the shooting of two NYPD officers by a migrant involved in gang activities, highlight the common dangers. Additionally, federal law enforcement recently arrested eight individuals with ISIS affiliations who were allegedly planning terrorist attacks in NYC, LA, and Philadelphia.

It has been only 23 years since 9/11, and it seems our elected officials have forgotten why the DHS and ICE were established—to address the lack of communication between federal, state, and local law enforcement. It is dangerous that the NYPD and Department of Corrections cannot collaborate with ICE to locate dangerous criminals here illegally.

This ballot proposal must be included to allow New Yorkers to make their voices heard. Unfortunately, most elected officials in the City Council have failed to act. We can no longer rely solely on them to ensure our city's safety. Let the people decide.

Sincerely,



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June 20, 2024

Testimony from Lou Turco**President, Lieutenants Benevolent Association (LBA)****to the New York City Charter Revision Commission's (CRC)****Public Safety Forum****Thursday, June 20, 2024**

Good evening, my name is Lou Turco, President of the Lieutenants Benevolent Association (LBA).

First, I would like to thank Commission Chair Carlo Scissura and Vice-Chair, Dr. Hazel Dukes, along with the rest of the members of the Charter Revision Commission for the opportunity to testify.

I speak on behalf of my colleagues, and fellow police officers, when I state that no one understands the importance of public safety and the intricacies of the New York City law enforcement system, better than we do. As the commission determines how ***"the charter can contribute to public safety and provide opportunities for greater input and transparency when legislation is proposed that would impact public safety,"*** the Lieutenants Benevolent Association feels a responsibility to ensure that our voices are heard.

As public servants, the LBA believes that changes in legislation, especially regarding law enforcement, should be made by the public to best serve the public. The New York City Council's How Many Stops Act requires officers to record their observations of residents they approach for any law enforcement purpose. While law enforcement must maintain transparency and work to combat discrimination, this legislation was enacted hastily, without room for public comment. Many New Yorkers worry that the law will do more harm than good.

The LBA supports a revision to the charter that would require law enforcement and public safety laws to undergo a thorough and public review process that resembles the ULURP process. As part of the ULURP process, the New York City Charter requires that applications receive input from the Mayor, City Council, the Department of City Planning, Borough Presidents, and Community Boards.



The LBA strongly advocates for a similar course of action when considering law enforcement legislation. After all, the purpose of the police department is to protect all people, not a select few. Drastic revisions to public safety law ought to be reviewed and considered by members of the public, experts, administrators, and elected officials.

The way officers spend their time is critical to the police force's efficiency and efficacy. Many New York City residents have expressed concerns that the How Many Stops Act will elongate the time officers spend on unproductive and inconsequential paperwork. They worry that this law will leave less time for officers to serve communities in need.

According to a study from the Police Executive Research Forum, Police departments are grappling with a "historic crisis in recruiting and retaining" police officers. Now more than ever, it is vital that Police Officers maximize time efficiency. The How Many Stops Act may prevent that from happening.

When abrupt legislative changes are made, New York City residents face the consequences. For the charter to contribute to public safety and ensure transparency, residents must be involved in the decision-making process. The city needs a comprehensive and inclusive review process that accounts for the voices of the communities that will be most affected by changes to law enforcement.

I urge this 13-person Charter Revision Commission to take this into account when it considers changing legislation that would impact public safety.

Sincerely,

A handwritten signature in black ink, appearing to be "LT", is written over a large, stylized, loopy flourish that extends from the left and curves around the signature.

Louis Turco
President
NYPD Lieutenants Benevolent Association

Written Testimony in Support of Ranked Choice Voting

Abigail Martin, District Leader of the 81st Assembly District

Good Morning,

My name is Abigail Martin, and I am the District Leader of the 81st Assembly District in the north west Bronx. I am writing to express my strong support for Ranked Choice Voting (RCV) and to urge its continued implementation in our electoral system.

Elections should represent voters' choices fairly and accurately. This fundamental principle is the cornerstone of any democratic society. Unfortunately, our current electoral system often falls short of this ideal, leading to outcomes that do not fully reflect the will of the electorate. Ranked Choice Voting addresses this issue by providing a more accurate representation of voters' preferences. By allowing voters to rank candidates in order of preference, RCV ensures that every vote counts and that the final outcome is a true reflection of the voters' collective will.

RCV makes candidates more accountable to voters and gives voters more choice over their ballot. Under the traditional plurality voting system, candidates can win with only a small percentage of the vote, often leading to divisive and polarizing campaigns. RCV, on the other hand, encourages candidates to seek broad support and to appeal to a wider range of voters. This fosters a more inclusive and positive campaign environment, where candidates are incentivized to address the concerns of a larger portion of the electorate. Voters, in turn, have more freedom to express their true preferences without fear of wasting their vote.

RCV is a popular pro-voter reform. In fact, nearly 80% of NYC voters supported the implementation of RCV for local elections. This overwhelming endorsement is a testament to the public's desire for a more fair and effective electoral system. The widespread support for RCV demonstrates that voters recognize the need for change and are willing to embrace innovative solutions to improve our democracy.

Voters understand and appreciate the value proposition of RCV. Contrary to some concerns, polling has shown that most New Yorkers find RCV easy to understand and use. The simplicity and intuitiveness of the ranking process have contributed to its broad acceptance and success. By empowering voters with a more flexible and expressive way to cast their ballots, RCV enhances the overall voting experience and encourages greater participation in the democratic process.

RCV produced diverse winners elected with a strong mandate in New York's highest turnout local election since 1989. The use of RCV in recent elections has resulted in a more diverse and representative group of elected officials, reflecting the rich diversity of our communities. Moreover, candidates elected through RCV have received a strong mandate from the voters, ensuring that they have the legitimacy and support needed to govern effectively.

In conclusion, Ranked Choice Voting is a transformative reform that strengthens our democracy by ensuring fair and accurate representation of voters' choices, promoting accountability, and enhancing voter participation. New York City is a world leader and the implementation of Ranked Choice Voting aligns with our innovative city. I strongly urge the continued implementation and expansion of RCV to ensure that our elections truly reflect the will of the people.

Thank you for your time and consideration.

Sincerely,

Abigail Martin
District Leader, 81st Assembly District

**WRITTEN TESTIMONY FROM MELLISA MARK-VIVERITO TO
THE 2024 CHARTER REVISION COMMISSION: GOVERNMENT AND
ELECTION REFORM HEARING**

June 17, 2024

Good evening, Commissioners. I'm Melissa Mark-Viverito, co-founder of The New Majority, formerly Speaker of the New York City Council, and the first Latina to hold that position. I'm here today in my capacity as a Board Member for Rank the Vote NYC, a nonprofit organization that was founded in 2019 to bring Ranked Choice Voting to New York City and has been educating voters for the last two election cycles since our landmark win. My testimony also reflects the convergence of my long standing professional and personal interest- electing more women to public office and how Ranked Choice Voting helped get us there.

Charter Revision Commissions are given immense authority to reshape the city's charter, and I look forward to its recommendations. However, I want to be unequivocal- this Commission should not undo the work of its most immediate predecessor and, more importantly, undo the will of an overwhelming majority of voters by attempting to repeal Ranked Choice Voting as it contemplates changes to the Charter.

A lot can be said about New York's elections, and what works and doesn't for everyday New Yorkers. In 2019, voters had the opportunity to reimagine how New York City votes with Ranked Choice Voting. With two election cycles under our belt, it's clear this reform

has had a positive impact on voters, elected officials, candidates and, ultimately, contributed to a more representative democracy.

As a former City Councilmember and City Council Speaker, I know what it is like to work in a male-dominated legislative body that does not truly reflect New York City's vibrant communities. When I was first elected to City Council in 2006, there were 16 women in Council with me, by the time I left office there were just 10. That's why in 2017, I co-founded 21 in 21 with the mission of electing 21 women to City Council in 2021. Spoiler alert, and hence the name change, we smashed our goal and are now The New Majority with 31 women – the majority of whom are women of color – with a seat at the table, fighting for their neighbors and communities under the leadership of yet another woman, Speaker Adams, the first Black speaker of the NYC Council.

Ranked Choice Voting was instrumental to our success. Under the old system, too often women were told to wait for our turn or, worse, two women couldn't possibly run in the same election – certainly not two women of color – for fear of “spoiling” the race by dividing the vote. Ranked Choice Voting helped us turn the page on these antiquated and unfair political operating norms. With Ranked Choice Voting, the more women the better! During the 2021 cycle, The New Majority endorsed 74 women in 35 races. That's because gone are the days in which voters could only choose one candidate. Now, voters can rank up to five candidates meaning voters now have more voice and more choice and never have to worry about wasting their vote. With Ranked Choice Voting,

you can still vote for your favorite but also have a few backups. And if you don't want to rank, you don't have to.

And it wasn't just candidates who benefitted from Ranked Choice Voting. We had the highest turnout primary election in thirty years. 85% of voters ranked at least two candidates in the Democratic mayoral primary and nearly 50% of voters used all five rankings on their mayoral ballot.¹ And they kept on ranking, 70% of voters ranked at least two candidates in their City Council race.

Voters like and understand that RCV allows them to vote their values while supporting multiple candidates that best reflect them.² The nature of RCV also forges better candidates who can not rely on simply turning out their base, but have to campaign to a broad constituency and therefore develop the consensus building skills that are essential to the work of actually governing.

As we prepare for the next local election cycle, Rank the Vote NYC along with its citywide network of community education partners will be on the ground educating voters and making sure every New Yorker is confident and prepared as they head to the polls next June. Thank you very much for your time.

¹ Data cited is from Rank the Vote NYC and Common Cause New York's [exit poll](#) during the June 2021 primary.

² Data cited is from Rank the Vote NYC and Common Cause New York's [exit poll](#) during the June 2021 primary.