

2015 QUADRENNIAL ADVISORY COMMISSION: PLANS AND PROCESS

Our task, pursuant to Administrative Code § 3-601, is to study, evaluate and, if warranted, recommend specific changes to the “compensation levels” of City elected officials.¹ The Commission’s Report as to whether any recommendations for changes in compensation are, or are not, warranted is required first to be submitted to the Mayor. The Mayor then must submit the Commission’s Report to the City Council with recommendations for its approval, disapproval or modifications. The Council is then to consider the recommendations of the Commission and the Mayor and, in its discretion, approve a local law with respect to compensation.

Commissions are meant to be convened every four years (hence the title “Quadrennial Advisory Commission”). However, the last Commission issued its report in October 2006. Therefore, compensation for City elected officials has not changed since 2006.

This memorandum is to provide to the public our initial thoughts on our goals and guiding principles, the basic structure and timing of our proceedings, issues that should be explored in our research, and our staffing.

Goals and Guiding Principles: In deciding whether to recommend changes in compensation levels, our goal is to make recommendations that are in the public interest and commensurate with the duties and responsibilities of the offices held. Of course, there are many aspects to the public interest.

We hope to learn by listening.

¹ These are the Mayor, the Public Advocate, the Comptroller, the five Borough Presidents, and the fifty-one Council Members, as well as the five District Attorneys.

We will be transparent. For example, this memorandum and all our research materials will be digitally available.

Although there will be questions of judgment, to the extent possible, the Commission will rely on data and evidence-based methodology to make its recommendations.

The Basic Structure and Timing of Our Proceedings

At the outset, there is a lot to learn about the structure of City government, the duties and responsibilities of the various elected officials, prior Quadrennial Commission Reports, and relevant legal and constitutional materials. We will also be obtaining research papers, as indicated below.

We will make all these materials available digitally and invite comments from any who choose to submit them. We also invite comments on this memorandum.

After our initial research, we plan to hold two public hearings to listen to testimony about the relevant facts and about the issues facing us. These will be open to members of the public and anyone who wishes to testify, including elected officials (present and former), other government employees and their representatives, and other stakeholders, including representatives of civic, good government and other public interest groups. We hope that these hearings will involve dialogue between the witnesses and the Commissioners and not just be a passive reception of information and ideas.

Research Questions

Along with understanding the roles, responsibilities and key skill-sets required of the City's elected officials, we will gather evidence and data based on

research concerning at least the following subjects, and welcome suggestions on additional data and material we should obtain or analyze.

A. Data Concerning Compensation Levels for City Elected Officials.

1. Current levels of compensation.

- The Commission will have to determine what is included in the direct and indirect compensation of public officials.

2. Changes over time.

3. Analysis of the “compression” effect that salaries of City elected officials have on other City employees.

B. Data with Respect to Compensation for Persons Other Than City Elected

Officials. [For all of these we should also gather information on changes over time.]

1. Other government officials (Cities,² as well as Federal and States).

2. Selected appointed officials in NYC government, public authorities and other entities. We should also look at a sample of appointed officials in the New York State and Federal governments.

3. Leadership at NYC non-profit organizations and universities.

4. Heads of NYC unions.

² In our materials comparing NYC elected officials with elected officials elsewhere, we should reference at least differences in (i) population; (ii) number of the government’s employees; and (iii) size of the government’s budget. In considering population, we should consider the population of the City itself and the population of the surrounding metropolitan area, particularly the number of people who come into the City to work or for entertainment. In addition, we should consider the number of tourists who come to the City because they also affect the City government’s revenue and expenses.

And in analyzing budgets, we should reference both the expense budget and the capital budget. We should also note the difference between “strong mayor” positions and weak mayor positions. (There may be relevant comparisons with county executives as well as mayors.)

5. NYC civil service, union and municipal employees.
6. Executives and administrators at companies in NYC and other relevant private sector employment (some of this may be more relevant for trends than for absolute numbers).

C. Cost of Living (in NYC).

1. Changes over recent years.
2. Data relevant to cost of living in NYC:
 - General
 - Housing costs
 - Median personal income in NYC
 - Other data
 - Possible pay differentials for people “stationed” in NYC?
3. Comparisons based upon both the Consumer Price Index and Price Index for Personal Consumption Expenditures, with analysis of which is more relevant.
4. Changes in compensation of NYC employees pursuant to collective bargaining agreements and in management compensation.

D. Additional Research Related to Compensation and Possible Changes in it.

1. Should “Lulus” for City Council Members be Addressed in Considering Changes in Compensation? If pay raises are recommended for City Council members, should any recommended changes in compensation be based on the explicit assumption that the Council will enact a law eliminating “lulus” paid to Council members for duties such as chairing a

committee? Lulus (short for “payments in lieu of”) are a form of additional compensation for Council members beyond that set by law after the recommendations of a Quadrennial Commission. The issues would have to be looked at separately for the Speaker who is the only person elected to the position by a vote of the whole Council. Research should include how many members are today eligible for lulus? How many accept them? In how many other legislatures do lulus exist? What are the arguments for or against lulus? When, and under what circumstances, were they first established in NYC? Moreover, if there were no lulus, should, or should not, the “base pay” for Council members be adjusted and, if so, to what extent?

2. Should Council Members Be “Full Time,” As With All Other City Elected Officials? With respect to City Council members, there is—unlike all other City elected officials—no requirement that they work “full time” for the City. (This means, for example, that Council members are free to obtain additional compensation by practicing law or other professions.) If pay raises are recommended for City Council members, should they be based on the explicit assumption that the Council will enact a law with a “full time” requirement for Council members? Research would include the arguments pro and con. Research would also include the breadth of today’s City Council members’ responsibilities, the amount of time Council members today devote to their work for the City, practices in

other legislatures, and possible conflicts of interest or appearance of conflicts.

3. When we finish, we may want to opine on whether the City should consider any changes in the law and methodology governing future changes in compensation for elected officials, including the timing of any changes that are enacted.

Staffing

We made the decision that our staff should not be employed by the City. Talented and fair-minded as City employees would no doubt be, there would be an appearance of a conflict of interest given (i) who they work for and (ii) that, ultimately, the compensation of higher level City employees is related to the compensation of the City's elected officials. On occasion, however, we will, pursuant to § 3-601(g), both ask City employees for answers to specific questions and avail ourselves of technical assistance. We will make available digitally answers to those specific questions, as we will with our other research.

The Commission will be assisted by Jeffrey Friedlander, Counsel; R. Kyle Alagood, Director of Research; Laura Koziem, Communications Manager.

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Once again, we reiterate that we welcome any comments on or suggestions about the thoughts in this memorandum. They can be conveyed to us at: www.nyc.gov/quadcomm.

Frederick A. O. Schwarz, Jr.
Jill Bright
Paul Quintero

October 8, 2015