

EXECUTIVE ORDERS OF THE MAYOR OF NEW YORK

EXECUTIVE ORDER NO. 4

April 4, 1994

Mayor's Advisory Committee On Appointments

By the power vested in me as Mayor of the City of New York, it is hereby ordered:

Section 1. Committee Established. The Mayor's Advisory Committee on appointments (hereinafter called the "Committee") hereby is established to assist the Mayor in the recruitment and evaluation of highly qualified candidates of superior ability for appointment, and to evaluate incumbent members for reappointment, to the following commissions and boards: Art Commission, Board of Health (other than the chair), Board of Standards and Appeals, City Planning Commission (other than the chair), Conflicts of Interest Board, Hardship Appeals Panel, Landmarks Preservation Commission, Tax Commission, Taxi and Limousine Commission, the public members of the Environmental Control Board, and the Campaign Finance Board (other than the chair), and any other commission, board or public body as shall be determined by the Mayor, from time to time in his discretion.

Section 2. Committee Membership.

(a) The Committee shall be appointed by the Mayor and shall consist of nine members, including a Chair, each residing or having a principal place of business in the City of New York. The Committee Chair may, in his discretion designate adjunct members who shall function under section three as voting members with regard to appointments and reappointments to specific commissions, boards or other public bodies. Adjunct members, if so designated, shall have such expertise or knowledge as will assist the Committee in making a reasoned, informed and impartial evaluation of candidates for the offices referred to in section two. If so designated, there shall be, in the discretion of the Committee Chair, no more than four adjunct members for each commission board or other public body for which candidates are evaluated.

(b) Members shall be appointed (and reappointed) for two year periods in the discretion of the Mayor, except that the term of the initial nine members appointed hereunder shall expire on December 31, 1995. Any member whose term has expired may continue to serve at the pleasure of the Mayor until such time as the member is reappointed or a successor is appointed. The Mayor shall designate the Committee Chair. Adjunct members shall function under section four as voting members until the appointments or reappointments for which they have been designated become final, and such adjunct members may be redesignated at the discretion of the Committee Chair.

(c) No person shall be considered or evaluated by the Committee for any position covered by this Order while serving as a member of the Committee. In the event that the Committee determines to consider any member of the Committee for appointment and the member consents to being considered for appointment, then said member shall resign from the Committee immediately and shall be precluded from participating in the functions of the Committee in any respect. The Mayor shall fill the vacancy created by said resigning member as promptly as reasonably practicable.

Section 3. Functions. The Committee shall:

(a) Recruit for consideration persons of superior abilities who are highly qualified for appointment to the offices referred to in section two, receive recommendations of persons for consideration as provided by law, and accept applications from persons seeking appointment to such offices;

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(b) Evaluate and conduct all necessary inquiry to identify those persons whose character, ability, training, experience, temperament and commitment to public service highly qualify them for such offices;

(c) Refer to the Department of Investigation for screening all persons the Committee proposes to nominate for appointment;

(d) Assist the Mayor in the selection of persons for the offices referred to in section two by nominating for consideration by the Mayor three or more candidates for appointment to any vacancy arising in an office referred to in section two, and submit to the Mayor such information as may be necessary to inform the Mayor of the qualifications of each nominee; provided, that when pursuant to law the Mayor receives nominations for appointments from other persons or bodies, the Committee, at the request of the Mayor, shall consider such nominations and report its recommendation in favor of or against the appointment of such persons to the Mayor; and provided, further, that if there is more than one vacancy on any commission, board or other public body or more than one initial appointment to be made to a new commission, board, or public body, the Committee may submit fewer than three nominations for each vacancy or initial appointment; unless the Mayor specifically requests three nominations;

(c) Evaluate the qualifications of incumbents in offices referred to in section two for reappointment and report the Committee's recommendation to the Mayor, provided that if the Committee shall recommend against reappointment it shall nominate three or more candidates for appointment to the office.

(f) Act expeditiously to assure that nominations are timely made, and begin the process of considering nominees for a vacancy before the term of the incumbent expires.

(g) In the event that the Mayor may choose to make an appointment or reappointment directly to an office referred to in section two, then the Chief of Staff to the Mayor, or such other person acting under authority of the Mayor, promptly shall notify the Chair of the Committee of the Mayor's intention to fill such vacancy directly.

Section 4. Continuing Validity of Nominations. After a nominee is appointed, the remaining nominations shall be valid for appointment to any vacancy occurring in that commission, board or other public body within six months after their submission to the Mayor; provided, however, that the Committee may nominate additional persons to fill any such vacancy, and may renominate persons for any such vacancy occurring more than six months after its prior submission.

Section 5. Confidentiality. All Committee communications concerning the qualifications of candidates shall be made and held in confidence, except if disclosure is necessary and proper to the conduct of Committee business.

Section 6. Committee Action and Procedure. The Committee may adopt such procedures and policies as it may deem appropriate to its functions, including standards for evaluating the qualifications of candidates for nomination and criteria for recommending the reappointment of incumbents.

Section 7. Financing and Staff.

(a) Members of the Committee shall receive no compensation for their service as members.

(b) The Committee shall be provided with paid staff and sufficient facilities to carry out its functions.

(c) Members of the Committee shall be reimbursed for necessary expenses incurred in connection with the responsibilities of the Committee.

Section 8. Chief of Staff. The Chief of Staff to the Mayor shall maintain liaison with and review the activities of the Committee, and shall advise the Mayor and the Committee regarding measures which may enhance the ability of the Committee to con-

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sider the best qualified candidates for appointment to commissions, boards and other public bodies.

Section 9. Prior Orders Revoked. Executive Order No. 5, dated January 23, 1990, and Executive Order No. 19, dated September 19, 1990, hereby are repealed.

Section 10. Effective Date. This Order shall take effect immediately.

Rudolph W. Giuliani
MAYOR