

**ADVANCING ACCOUNTABILITY:  
BALANCED BUDGETS AND  
ADMINISTRATIVE ETHICS**

**FINAL REPORT OF THE 2004-2005 NEW  
YORK CITY CHARTER REVISION  
COMMISSION**

**AUGUST 2, 2005**

New York City Charter Revision Commission  
2 Lafayette Street, 14<sup>th</sup> Floor  
New York, NY 10007

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charter  
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## EXECUTIVE SUMMARY

On August 19, 2004, Mayor Michael R. Bloomberg appointed Dr. Ester R. Fuchs as Chair of this Charter Revision Commission, along with twelve other distinguished leaders from the civic, academic, and business communities as Commissioners. The Mayor initially asked this Commission, in reviewing the entire New York City Charter, to pay special attention to fiscal stability, administrative judicial reform, and agency efficiency, effectiveness and accountability.

On August 26, 2004, this Commission held its first public meeting. At that meeting, Chair Fuchs restated the Mayor's request, but also stressed that this Commission was committed to reviewing the entire Charter, and encouraged the other Commissioners, the public and City agencies to suggest Charter-related reforms on any topic. Following the Commission's two initial meetings, a series of three public meetings, on December 8, 2004, January 19, 2005, and February 9, 2005, which focused, respectively, on fiscal stability, administrative judicial reform, and agency efficiency, effectiveness and accountability, established a "baseline" understanding of these topics.

Following these "baseline" meetings, on March 4, 2005, the Chair released *SUMMARY OF ISSUES UNDER CONSIDERATION FOR CHARTER REVISION*, which articulated principles, summarized below, to guide the Commission and the public as they embarked on a series of five public hearings in all the boroughs of the City.

- The City must continue its exemplary fiscal planning and budgeting practices after the financial controls imposed by State law expire.

- All City administrative tribunals must have the highest standards of adjudicatory practice to ensure that disputes continue to be resolved fairly, impartially, efficiently and consistently.
- Past Charter changes must be reviewed for unintended consequences that impede agencies' ability to deliver services effectively and efficiently, reforming them to ensure accountability while preserving flexibility.
- All aspects of the Charter must be reviewed, with the Commission open to all ideas that will strengthen New York City's future and promote innovation in municipal governance.

The *SUMMARY OF ISSUES UNDER CONSIDERATION FOR CHARTER REVISION* outlined the areas which the Commission had been focusing on and sought public comment on the Commission's initial ideas, as presented by the Chair, for Charter revision in those areas.

The first public hearing, on March 7, 2005, was in Queens, followed by hearings on March 16th, in the Bronx, March 23rd, in Brooklyn, March 30th, on Staten Island, and finishing on April 4th in Manhattan. At these public hearings, the Commission heard from the public on a variety of issues. In addition, immediately preceding three of the public hearings, the Commission held a forum to hear expert testimony on each of the topics. The first expert forum, on administrative judicial reform, took place in Queens on March 7th. The second expert forum, on fiscal stability, took place in Brooklyn on March 23rd. The last expert forum, on agency efficiency, effectiveness and accountability, took place in Manhattan on April 4th.

Following the series of public hearings and expert forums, the Commission held a series of four public meetings—May 3, May 16, May 25, and June 9—to discuss testimony received during the public hearings and to hear staff recommendations for

possible ballot proposals and consider them in light of the earlier public hearings and expert forums. On June 9, 2005, the Commission voted to adopt a set of preliminary recommendations for consideration and discussion by the public, which are described in its *PRELIMINARY RECOMMENDATIONS FOR CHARTER REVISION*.

The Commission held a series of public hearings in June to hear public comment on its *PRELIMINARY RECOMMENDATIONS FOR CHARTER REVISION*. Following this series of public hearings, the Commission held a series of public meetings—July 5, and August 1 and 2—to discuss the public comments and revise the proposed recommendations to reflect certain of such comments. At its August 1, 2005 public meeting, the Commission voted to defer, for future consideration, its third proposal, which was to create a commission on reporting. At its August 2, 2005 public meeting, the Commission voted to recommend its two remaining proposals for inclusion on the ballot, described below, and release this *ADVANCING ACCOUNTABILITY: BALANCED BUDGETS AND ADMINISTRATIVE ETHICS*, summarizing the two proposals, among other things, to the public. The Commission also voted to adopt a resolution and ballot questions and related abstracts attached to this *ADVANCING ACCOUNTABILITY: BALANCED BUDGETS AND ADMINISTRATIVE ETHICS* as Appendices A-1 and A-2.

### **Proposal on Balanced Budget and Other City Fiscal Requirements**

Currently, a New York State law (called the New York State Financial Emergency Act for the City of New York), which was enacted in response to the City's 1975 fiscal crisis, generally regulates certain aspects of the City's finances. Parts of that State law will expire on July 1, 2008, while the remaining parts will expire at a later date,

if certain City debt has been paid or discharged. These proposed Charter changes would be subject to that State law while it remains in effect. The changes would generally establish in the City Charter, and therefore codify as City law, without an expiration date, the following elements of that State law:

***Balanced Budget/No Deficit.*** The proposed changes, which are generally derived from the State law on the City's finances, require that the City prepare, each year, a budget balanced in accordance with generally accepted accounting principles (GAAP), and end each fiscal year without a deficit, also consistent with those principles. The Charter currently requires that real property tax rates must be fixed annually so as to produce a City budget that is balanced in accordance with generally accepted accounting principles, but contains no similar requirements concerning how the City must end the fiscal year. The current State law imposes stringent controls in the event that the City ends its fiscal year with a deficit of more than \$100 million. The proposed Charter change requires that the City end its fiscal year without any deficit, and does not impose similar controls, but instead requires the Mayor to take all actions necessary, in accordance with law, to ensure that the City does not end its fiscal year with any deficit.

***Financial Plan.*** The proposed changes, which are generally derived from the State law on the City's finances, require that the Mayor, each year, develop a four-year financial plan for the City, that complies with general standards that include: (i) the City expense budget must be balanced, in accordance with generally accepted accounting principles; (ii) the City may not issue debt that would be inconsistent with



its financial plan; (iii) the City must provide for the payment of its debts and for adequate funding of State or federally required programs; (iv) projections of revenues, expenditures and cash flow must be based on reasonable assumptions; (v) a general reserve of at least \$100 million must be provided for each fiscal year to cover shortfalls in projected revenues or increases in projected expenditures; and (vi) if the City ends a fiscal year with a deficit, the City must pay down that deficit in the next fiscal year.

The proposed changes require that the City's four-year financial plan be modified on at least a quarterly basis. The proposed changes differ from the State law on the City's finances by expressly tying the timing of the quarterly financial plan modifications to significant steps in the budget process already set forth in the City Charter. The adopted budget also must be consistent with the standards applicable to the financial plan. Changes in generally accepted accounting principles or in their application to the City could be phased in if the Mayor determines that their immediate application would result in a substantial adverse impact upon the delivery of essential services (under the State law, a State board, not the Mayor, currently makes this determination).

***Short-Term Debt.*** The proposed changes, which are generally derived from the State law on the City's finances, expand upon the Charter's current restrictions on the issuance of short-term debt by the City. The City may issue short-term debt to fund a projected deficit or in anticipation of its receipt of funds from taxes, revenues, and bonds. The proposed changes would limit the amount of short-term debt that the

City could issue in several ways, including limiting the amount of short-term debt issued in anticipation of taxes and revenues to ninety percent of, respectively, the real estate taxes and revenues available to repay that debt and limiting the amount of short-term debt issued in anticipation of bond proceeds to fifty percent of the amount of bonds issued in the previous twelve months.

The proposed changes would limit the duration of the short-term debt in various ways, including requiring that short-term debt issued in anticipation of taxes and revenues mature by the end of the fiscal year in which it was issued and short-term debt issued in anticipation of bond proceeds mature within six months of its issuance. However, debt issued in anticipation of revenues may be renewed for a limited period, provided the Mayor certifies that the revenue against which the debt was issued has been properly reflected in the financial plan (under the State law, a State board, not the Mayor, currently makes this certification); debt issued in anticipation of bond proceeds may be renewed for a period of up to six months. The proposed changes also provide that bond proceeds must be held in trust to repay certain outstanding obligations and restrict the City's issuance of budget notes used to fund projected expense budget deficits.

**Annual Audit.** The Charter currently requires that an annual audit be made of the City's accounts. The proposed changes, which are generally derived from the State law on the City's finances, would state conditions for that audit, including requirements that the audit be performed in accordance with generally accepted auditing standards and that the City make available to the auditors City books,

records, and other materials, as well as City officers and employees, to permit the auditors to complete the audit and issue their report within four months of the end of the City's fiscal year.

### **Proposal on Ethics Code for City Administrative Judges**

At the present time, the Administrative Law Judges (ALJs) and Hearing Officers who preside over matters in the City's administrative tribunals are generally not subject to a uniform code of professional conduct that applies to their adjudicatory duties. They are subject only to the City's general Conflicts of Interest Law. These tribunals, such as the Environmental Control Board and the Taxi and Limousine Commission's tribunal, while not courts, have the power to adjudicate violations of the City's laws and regulations.

These proposed changes to the City Charter require the Mayor and the Chief ALJ of the Office of Administrative Trials and Hearings (which is a City agency with authority to conduct administrative hearings on behalf of other City agencies) to jointly issue rules establishing one or more code or codes of professional conduct for the City's ALJs and Hearing Officers. The Mayor and Chief ALJ also may amend the rules as appropriate. The proposal requires the Mayor and Chief ALJ to consult with the City's Conflicts of Interest Board, the Commissioner of Investigation and all affected agency and tribunal heads before promulgating the new rules or amending them. ALJs and Hearing Officers would be subject to disciplinary action for violating the new rules.



## ABOUT THE COMMISSION

On August 19, 2004, Mayor Michael R. Bloomberg appointed Dr. Ester R. Fuchs as Chair of this Charter Revision Commission, along with twelve other distinguished leaders from the civic, academic, and business communities as Commissioners. The Mayor initially asked this Commission, in reviewing the entire Charter, to pay special attention to fiscal stability, administrative judicial reform, and agency efficiency, effectiveness and accountability. The Commission approved this *ADVANCING ACCOUNTABILITY: BALANCED BUDGETS AND ADMINISTRATIVE ETHICS*, having taken into consideration the public and expert testimony it received during public meetings and hearings that commenced on August 26, 2004, and ended on August 2, 2005.

### About the Commissioners

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

**Dr. Dall Forsythe (Vice Chair)** is the Chief Administrative Officer of the Episcopal Diocese of New York. He is the former Budget Director for New York State and the New York City Board of Education. He is a resident of Manhattan.

**Stephen J. Fiala (Secretary)** is the County Clerk and Commissioner of Jurors for Richmond County. He is a former member of the New York City Council. He is resident of Staten Island.

**Robert Abrams** is a partner of Stroock & Stroock & Lavan LLP. He was formerly the New York State Attorney General. He also served as the Borough President of the Bronx and was a member of the New York State Assembly. He is a resident of Manhattan.

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

**Dr. Lilliam Barrios-Paoli** is the President and CEO of Safe Space, Inc. She previously served as the Senior Vice President and Chief Executive for Agency Services of the United Way of New York City. She has also served as Commissioner of New York City's Human Resources Administration, Department of Housing and Preservation and Development, Department of Personnel and Department of Employment. She is a resident of Manhattan.

**Amalia Victoria Betanzos** is President of Wildcat Service Corporation, a non-profit employment program. Formerly, she was a Commissioner of the Department of Youth Services; an Executive Secretary to Mayor John Lindsay, and a member of four previous Charter Revision Commissions. She is a resident of Staten Island.

**David Chen** is the Executive Director of the Chinese-American Planning Council and is the founding Chairman of the Board of Directors of the Chung Pak Local Development Corporation. He is a resident of Brooklyn.

**Anthony Crowell** is Special Counsel to Mayor Michael R. Bloomberg and a former Executive Director and General Counsel to several previous Charter Revision Commissions. He is an adjunct Professor at Brooklyn and New York Law Schools. He is a resident of Brooklyn.

**Stanley E. Grayson** is the President and Chief Operating Officer of M.R. Beal & Company. He was a former Managing Director and Director of Prudential Securities Public Finance Department. Prior to his investment-banking career, Mr. Grayson held several senior positions within New York City government, including Deputy Mayor for Finance and Economic Development, Finance Commissioner and Chief Executive Officer of the New York City Industrial Development Agency. He is a resident of Manhattan.

**Dr. Mary McCormick** is President of the Fund for the City of New York. She is a former Special Assistant to New York City's Deputy Mayor for Labor Relations and Personnel and a professor at Columbia University. She is a resident of Brooklyn.

**Stephanie Palmer** is the Executive Director of the New York City Mission Society and is the former Executive Director of Human Services Council of New York City. She is a resident of Manhattan.

**Jennifer J. Raab** is the President of Hunter College. She is the former Chair of the New York City Landmarks Preservation Commission. She is a resident of the Bronx.

### **Overview of the Charter Revision Process**

The New York City Charter is the basic document that defines the organization,

power, functions and essential procedures and policies of City government. As a “short form” charter, it sets forth the institutions and processes of the City’s political system and defines the authority and responsibilities of elected officials—the Mayor, Council, Comptroller, Borough Presidents and Public Advocate—and City agencies in broad strokes, while leaving the details of operation to local law and agency rulemaking.

In New York State, municipalities like the City have broad authority to structure how they operate by virtue of the home rule provisions of the State Constitution and the State’s Municipal Home Rule Law. The City’s Charter, along with the State Constitution, the Municipal Home Rule Law and other State statutes, provides the legal framework within which the City may conduct its affairs.

Under State law, the legislative body of a municipality may revise its charter through the passage of local laws at any time, subject to certain limitations. For example, a local law revising the Charter cannot abolish, transfer or curtail the existing powers of an elected official or create a new elective office without having to go before the voters in a referendum. A charter revision commission can, however, put before the voters proposals that the legislative body cannot enact solely as a local law without a referendum. The Municipal Home Rule Law authorizes the Mayor to establish charter revision commissions such as this Commission.

A charter revision commission can put proposals before the voters regarding any matter that could be effectuated by local legislation, whether or not a referendum would ordinarily be required to enact comparable local legislation. After reviewing



the entire Charter, a commission may propose a broad set of amendments that essentially overhauls the entire Charter or it may choose to focus on certain areas. Unlike the United States Constitution, which is amended rarely, the City's Charter is a fluid document that is amended often, by the Council as well as by referenda proposed by charter revision commissions and passed by the electorate.

State law effectively limits the duration of any particular charter revision commission to no longer than two years. If a commission's proposals are submitted to the voters, the commission expires on the day of such election. If a commission does not submit any proposal to the voters, it expires on the day of the second general election following its creation. State law does not prohibit the reappointment of a commission upon its expiration or the appointment of a new commission upon the expiration of an existing commission.

A commission must file its proposed new charter or amendments—as one proposal, a series of proposals or alternatives—with the City Clerk at least 60 days before the election at which the commission intends that its proposals be submitted to the voters, and in any event no later than 60 days before the second general election after the commission's creation.

### **The Commission's Public Outreach Efforts**

On August 26, 2004, this Commission held its first public meeting. At that meeting, Chair Fuchs restated the Mayor's request that this Commission "explore issues of

fiscal stability, judicial reform and administrative efficiency and accountability.”<sup>1</sup> Dr. Fuchs also stressed that this Commission was committed to reviewing the entire Charter, and encouraged the other Commissioners, the public and City agencies to suggest Charter-related reforms on any topic. There were also presentations about the Charter revision process and the work of past commissions.

On November 3, 2004, the Commission held its second public meeting, at which Commission staff briefed the Commissioners on the 2003 Commission proposal on procurement and the Commissioners also raised issues they asked the staff to explore, such as a way to mitigate the effect on the budget of local legislation adopted during the fiscal year. Staff then briefed the Commissioners at the December 8, 2004 public meeting on some follow-up issues related to procurement. In view of the continuing administrative reforms of procurement practice among City agencies that commenced in 2002, the local legislation signed by the Mayor in June 2004 and proposed State legislation, the Commission concluded that procurement did not appear to be an area necessary for reform by Charter revision. The background papers provided to the Commissioners on the topic of procurement are included as Appendices B-1 and B-2.

Following the initial meetings, the Commission held three public meetings, on December 8, 2004, January 19, 2005, and February 9, 2005, which focused, respectively, on fiscal stability, administrative judicial reform, and agency efficiency, effectiveness and accountability, establishing a "baseline" understanding of these topics. The background papers provided to the Commissioners on each of these topics

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<sup>1</sup> Press Release: "Mayor Michael R. Bloomberg Announces Appointments to Charter Revision Commission," August 19, 2004, included as Appendix B.

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are included as Appendices D, E and F. At each of these three meetings, a government expert presented testimony before the Commission—Mark Page, Director of the Mayor’s Office of Management and Budget (OMB), discussed the topic of fiscal stability; Carol Robles-Román, Deputy Mayor for Legal Affairs, discussed the topic of administrative judicial reform; and Myrna Ramon, First Deputy Director of the Mayor’s Office of Operations, discussed the topic of agency efficiency, effectiveness and accountability. In addition, at the January 19 public meeting, lawyers from the New York City Law Department made a presentation to the Commission on the history and structure of the Charter as a whole in order to facilitate the Commission’s review of the entire Charter.

Following these “baseline” meetings, on March 4, 2005, the Chair released *SUMMARY OF ISSUES UNDER CONSIDERATION FOR CHARTER REVISION*, which articulated principles, summarized below, to guide the Commission and the public as they began a series of five public hearings in all the boroughs of the City.

- The City must continue its exemplary fiscal planning and budgeting practices after the financial controls imposed by state law expire.
- All City administrative tribunals must have the highest standards of adjudicatory practice to ensure that disputes continue to be resolved fairly, impartially, efficiently and consistently.
- Past Charter changes must be reviewed for unintended consequences that impede agencies’ ability to deliver services effectively and efficiently, reforming them to ensure accountability while preserving flexibility.
- All aspects of the Charter must be reviewed, with the Commission open to all ideas that will strengthen New York City’s future and promote innovation in municipal governance.

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The *SUMMARY OF ISSUES UNDER CONSIDERATION FOR CHARTER REVISION* outlined the areas which the Commission had been focusing on and sought public comment on the Commission's initial ideas, as presented by the Chair, for Charter revision in those areas.

The first public hearing, on March 7, 2005, was in Queens, followed by hearings on March 16th, in the Bronx, March 23rd, in Brooklyn, March 30th on Staten Island, and finishing on April 4th in Manhattan. At these public hearings, the Commission heard from the public on a variety of issues. Summaries of significant suggested recommendations that the Commission received from the public at these hearings and through correspondence may be found in the section, **OTHER SIGNIFICANT SUGGESTED RECOMMENDATIONS DEFERRED** and Appendix N, of this *ADVANCING ACCOUNTABILITY: BALANCED BUDGETS AND ADMINISTRATIVE ETHICS*. In addition, immediately preceding three of the public hearings, the Commission held a forum to hear expert testimony on each of the topics.

The first expert forum, on administrative judicial reform, took place in Queens on March 7th.<sup>2</sup> The members of the panel focused on the 2003 Charter Revision Commission's proposal to create an administrative judicial coordinator and to impose a uniform code of ethics on the City's administrative law judges (ALJs) and hearing officers. James Brown, a labor and employment attorney, Ronald Goldbrenner, an attorney with expertise in administrative law, Preston Niblack, Deputy Director of the

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<sup>2</sup> For a copy of the transcript of this expert forum, please go to the Commission's website, <http://www.nyc.gov/charter>.

New York City Independent Budget Office (IBO), and Betsy Plevan, President of the Association of the Bar of the City of New York, participated in this panel discussion.

The second expert forum, on fiscal stability, took place in Brooklyn on March 23rd.<sup>3</sup> Charles Brecher, a professor of Public and Health Administration at New York University's Wagner Graduate School of Public Service, Ronnie Lowenstein, Director of the New York City Independent Budget Office (IBO), James Parrott, Deputy Director and Chief Economist of the Fiscal Policy Institute, and Marcia Van Wagner, Deputy Comptroller for Budget of the New York City's Comptroller's Office, sat on this panel. The members of the panel focused their comments on identifying those provisions from the Financial Emergency Act (FEA) that the City should consider importing into the Charter to ensure the continuation of the City's sound fiscal practices.

The third expert forum, on agency efficiency, effectiveness and accountability, took place in Manhattan on April 4th.<sup>4</sup> The panel included Greg Brooks, Deputy Comptroller for Policy, Audit, Accountancy and Contracts at the City's Comptroller's Office, Barbara Cohn, Vice President at the Fund for the City of New York, Jay Fountain, Assistant Director of Research (Retired) of the Governmental Accounting Standards Board, Dennis Smith, Professor of Public Policy at New York University's Wagner Graduate School of Public Service, and Jack Ukeles, President of Ukeles Associates. The members of this panel focused on how the City might improve its performance-based management and reporting system.

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<sup>3</sup> For a copy of the transcript of this expert forum, please go to the Commission's website, <http://www.nyc.gov/charter>.

<sup>4</sup> For a copy of the transcript of this expert forum, please go to the Commission's website, <http://www.nyc.gov/charter>.

Following the series of public hearings and expert forums, the Commission held four public meetings—May 3, May 16, May 25, and June 9—to discuss testimony received during the public hearings and to hear staff recommendations for possible ballot proposals and consider them in light of the earlier public hearings and expert forums. On June 9, 2005, the Commission voted to adopt a set of preliminary recommendations for consideration and discussion by the public, which are described in its *PRELIMINARY RECOMMENDATIONS FOR CHARTER REVISION*. In the *PRELIMINARY RECOMMENDATIONS*, the Commission recommended consideration of importing five key elements of the FEA into the Charter and requiring a uniform code of ethics for ALJs and hearing officers. The Commission also recommended consideration of the feasibility of creating a new commission on public reporting to fill an observed need for an extended and continuous public review of local reporting and advisory board requirements.

The Commission held a series of public hearings in June to hear public comment on its *PRELIMINARY RECOMMENDATIONS FOR CHARTER REVISION*. Following this series of public hearings, the Commission held a series of public meetings—July 5, and August 1 and 2—to discuss the public comments and revise the proposed recommendations to reflect certain of such comments. At its August 1, 2005 public meeting, the Commission voted to defer, for future consideration, the third proposal to create a reporting commission. At its August 2, 2005 public meeting, the Commission voted to recommend the two remaining proposals for inclusion on the ballot, described below, and release this *ADVANCING ACCOUNTABILITY: BALANCED BUDGETS AND ADMINISTRATIVE ETHICS*, summarizing the two proposals, among other things, to the

public. The Commission also voted to adopt a resolution and ballot questions and related abstracts attached to this *ADVANCING ACCOUNTABILITY: BALANCED BUDGETS AND ADMINISTRATIVE ETHICS* as Appendices A-1 and A-2.

Since its inception, the Commission followed a varied and vigorous public outreach practice. The Commission provided notice to the public of its meetings and hearings in numerous ways, including:

- publishing notice of the meetings and hearings on the Commission website and in the Commission's newsletters ([www.nyc.gov/charter](http://www.nyc.gov/charter)),
- publishing notice of the meetings and hearings in the *City Record*,
- advertising the meetings and hearings in English newspapers as well as in Spanish-, Chinese-, Russian-, and Korean-language newspapers,
- providing notice of the meetings and hearings through paper and e-mail mailings,
- televising the Commission's proceedings on NYC-TV, and
- posting notice of the Commission's proceedings in a public location.

Further, the Commission offered sign and language translation services for all its public meetings and hearings.

In addition to the *SUMMARY OF ISSUES UNDER CONSIDERTION FOR CHARTER REVISION* and the Commission's *PRELIMINARY RECOMMENDATIONS FOR CHARTER REVISION*, the Chair also has published several newsletters. All of the Commission's newsletters and the executive summary of its *PRELIMINARY RECOMMENDATIONS FOR CHARTER REVISION* were translated into Spanish, Chinese, Russian and Korean, distributed to members of the Commission's mailing list and other members of the public, and published on the Commission's website, as will be the executive summary of this

*ADVANCING ACCOUNTABILITY: BALANCED BUDGETS AND ADMINISTRATIVE ETHICS.* The newsletters, among other things, discussed the topics under consideration by the Commission, summarized the expert forums, summarized the preliminary recommendations and provided information about upcoming meetings and hearings.

The Commission's website also provides a great deal of information to the public, including a copy of the Charter, a schedule of the Commission's meetings and hearings, transcripts of the Commission's meetings and hearings, copies of all the Commission's public reports and newsletters, biographical information about the thirteen commissioners, contact information for the Commission, a "send the Chair an e-mail" page, and archived materials from previous Commissions. In response to this Commission's outreach efforts, the Commission received numerous letters, telephone calls, e-mails, and online submissions either requesting information on or containing proposals for Charter revision.

On October 20, 2004, Chair Fuchs sent a letter to the Commissioners of City agencies to solicit their suggestions for changes to the Charter that could improve service delivery in the City. In the following months, the Chair and Commission staff had follow-up meetings with agency heads on their ideas for Charter reform. Summaries of significant proposals that the Commission received from agency heads are discussed in the section, **OTHER SIGNIFICANT SUGGESTED RECOMMENDATIONS DEFERRED** and Appendix N, of this *ADVANCING ACCOUNTABILITY: BALANCED BUDGETS AND ADMINISTRATIVE ETHICS.* Finally, in January 2005, Chair Fuchs commenced a wide-ranging outreach effort to members of civic organizations, non-profit



organizations, community advocacy groups, professional associations, academic institutions, and other organizations to gather information and listen to their ideas for reform. Please see Appendix G for a list of the more than 100 individuals and organizations the Chair and Commission staff have met with since January. Many of the issues and concerns expressed in these meetings were reflected in the Commission's preliminary recommendations and are discussed in the section, **OTHER SIGNIFICANT SUGGESTED RECOMMENDATIONS DEFERRED** and Appendix N, of this *ADVANCING ACCOUNTABILITY: BALANCED BUDGETS AND ADMINISTRATIVE ETHICS*.

## FISCAL STABILITY

### Proposal Adopted

Before 1975, the City spent more money than it was taking in and it covered the resulting gap by issuing large amounts of short-term debt. These practices, coupled with inadequate reporting and accounting by the City, resulted in a loss of access to the public credit markets, precipitating a major financial crisis in 1975. In response to this historic financial crisis, the State Legislature enacted the New York State Financial Emergency Act for the City of New York (FEA). The FEA, together with other measures taken during the 1970's, was critical to restoring stability to the City's finances.

The FEA addressed the City's management shortcomings by imposing a fiscal planning apparatus upon the City's existing budget and financial management process. A primary feature of the FEA was the creation of the New York State Financial Control Board (Control Board)<sup>5</sup> to oversee the City's financial affairs and exercise significant powers under certain circumstances. The most significant financial management practices imposed by the FEA were a year-end balanced budget requirement, in accordance with generally accepted accounting principles for municipalities (GAAP), subject to a limited operating deficit of no more than \$100 million, and a detailed four-year financial planning process.

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<sup>5</sup> The Control Board consists of seven members, four of whom are elected officials – the Governor, the City Comptroller, the State Comptroller and the Mayor – while the others are private citizens appointed by the Governor.

The Commission believes that key fiscal practices required by the FEA have served the City well. Since the FEA has been in effect, the City has achieved 23 consecutive years of balanced budget results. The City's adherence to the financial management practices in the FEA led to changes in its budget practice and culture. These changes, in part, helped the City emerge in good shape from a fiscal crisis in 2001-2002, which, in terms of a gap as a percentage of the budget, was worse than the one in 1975. At the same time, however, the FEA, with its Control Board apparatus and powers, represents a significant restriction on local home rule.

When the FEA was adopted, its expiration date was far away. Key provisions of the FEA are now set to expire in 2008.<sup>6</sup> A State-level discussion will take place, most likely before the FEA expires, about the need for, and nature of, regulation of the City finances. Whatever the result that discussion bears, the Commission nevertheless believes that the City has a responsibility to import those provisions of the FEA that all agree are positive financial planning and management tools directly into the Charter now. With these provisions in place and ready to take effect after the FEA expires, the future State-level discussion can then focus particularly on whether to continue State oversight of the City's financial condition and, if so, the appropriate nature of such oversight in view of the City's home rule powers.

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<sup>6</sup> In 2003, the termination provision of FEA was amended to read: "This act shall terminate on the *later* of (a) July first, two thousand eight or (b) the date (i) when all bonds and notes containing the pledge and agreement authorized by subdivision one of section ten-a of this act are refunded, redeemed, discharged or otherwise defeased, or (ii) when there shall no longer be outstanding any guarantee by the United States of America or any agency or instrumentality thereof as to payment of principal of or interest on any note or bond issued by the city or a state financing agency, whichever of (i) or (ii) shall occur *later*." FEA §13 (emphases added). This amendment created some confusion with respect to the Act's termination date. State legislation has been proposed that would provide that the FEA expire on July 1, 2008.

The Commission held its first public meeting on the topic of fiscal stability on December 8, 2004, at which Mark Page, Director of OMB, discussed the history and features of the FEA. In the *SUMMARY OF ISSUES UNDER CONSIDERATION FOR CHARTER REVISION*, the Chair sought comments from the public about what financial planning and management provisions from the FEA should be included in the City's Charter in anticipation of the expiration of the FEA. In particular, the Chair sought comment about whether the Commission should include the on-going GAAP balanced budget requirement, subject to a stated limited operating deficit, the short-term debt restrictions, the establishment of a general debt service fund to pay bondholders and an oversight mechanism.

From the expert forum in March to the series of public hearings in June, the Commission has witnessed a general consensus that the City should import the salutary financial planning practices mandated by the FEA that are not currently in the Charter. Thus, the Commission made a preliminary recommendation to import a package of such practices into the Charter, which essentially consist of requiring GAAP budget balance at the end of the fiscal year *without* the \$100 million operating deficit permitted under the FEA, requiring the detailed four-year financial plan process, including the quarterly modification of the four-year financial plan, requiring annual audit GAAP standards and imposing the restrictions on short-term indebtedness from the FEA that go beyond those present in the Charter and in the State Local Finance Law. Importing this package of fiscal practices into the Charter by referendum will codify them as City law and will also require a referendum for certain amendments to the newly codified provisions, thus approximating to the extent

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feasible through local action the “permanence” of these provisions afforded by the FEA and providing a certain amount of stability for the credit markets. With respect to a debt service fund, the City has proposed State legislation designed to codify the debt service fund in State law. Since the Commission believes that such State legislation is an effective way to make the debt service fund permanent, it has deferred addressing this issue through the charter revision process.

The range of differing views with respect to the continued need for, and nature of, a monitoring entity like the Control Board emerged during the expert forum in March and continued during the series of public hearings in June. Certain monitors will continue to exist in the absence of the Control Board. Both City and State Comptrollers and the IBO would continue to exist with statutory obligations to monitor the City's finances. Furthermore, the credit markets would continue to monitor the City's finances, as part of evaluating the creditworthiness of the City. As the Commission cannot, as a matter of law, create a monitoring board with State members, the decision to defer such a discussion reflects less a conclusion that such a board is not necessary than an acknowledgement that the appropriate forum for such discussion will be in Albany, as discussed above.

The Commission included in its preliminary recommendations a requirement that the City produce and make available to the public a monthly report that updates the four-year financial plan, showing actual financial information compared to projections. There had been an early consensus that this monthly report, currently provided to the Control Board as a result of the FEA, was a positive outgrowth of the monitoring

process that evolved under the FEA. In order to clarify that requiring such a monthly report did not imply any limitation on lawful access to financial data to evaluate the budget and the financial plan, the Commission's preliminary proposal added language clarifying that any existing powers of other officers or bodies to obtain information with respect to the budget and the City's finances would remain intact. The Commission also consistently and explicitly stated, during public meetings and hearings, that the inclusion of such a report was not intended to limit access to financial information and that the powers of access to budget information already possessed by the several entities with statutory obligations to review the City's budget and finances under the Charter and State law, including the FEA for so long as it is in effect, would be unaffected by the Commission's proposal. Furthermore, the Commission believes the information contained in the current budget and financial plan documents would generally continue to be available to such entities and the public at large in accordance with law. It became clear to the Commission, however, as people continued to express concerns during the last series of public hearings, that the proposed clarification language did not assuage concerns that such monthly financial reports would become the ceiling on budget and financial plan information after the FEA expires. Since the Commission believes existing powers of access under the Charter and State law, including the FEA for so long as it is in effect, remain unchanged regardless of whether such clarifying language is in the proposal, the Commission has therefore deleted both the clarifying language and the monthly report requirement as a way to make clear that existing powers in the Charter

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granting access to information will not be changed by the proposal to import the financial practices from the FEA into the Charter.

The Commission also heard testimony seeking clarification about the language that places responsibility upon the Mayor to end the fiscal year without a deficit when reported in accordance with GAAP. The Commission has added language to clarify that this responsibility is tied to the exercise of various powers present in the Charter and other law, including the Mayor's power to impound spending in Section 106.<sup>7</sup> If, after the budget is adopted, a budget gap appears, the Mayor is required to use his or her powers under applicable law to reduce the budget gap so that the City ends the fiscal year without a GAAP deficit. The power to impound, by which the Mayor can withhold from spending any authorized appropriation, is one critical tool in the Charter that the Mayor can use to manage a gap that emerges during a fiscal year. Other tools in the Charter include personnel and procurement powers to impose restrictions on hiring and contracting.

After consultation with the City Comptroller's office, the Commission has removed, from its preliminary proposed language, certain language from the FEA about the annual audit of the City's accounts that both the Comptroller and OMB deemed to be excessively detailed in view of the accepted GAAP practice that has evolved since the FEA was adopted.

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<sup>7</sup> The Mayor's power to impound authorized expenditures in the budget entered the Charter in 1961 as a result of the 1961 Charter Revision Commission. The 1961 Charter Revision Commission recommended the power to impound as a strong-mayor tool of budget administration. Although the text of this provision has been in the Charter since 1961, it has been revised several times. The 1989 Charter Revision Commission further amended this power by requiring the Mayor to notify the Council of an intent to exercise such power and to explain such exercise.

## Commission's Final Proposal

The Commission approves a proposal for referendum that would add the following features of the FEA to the Charter:

- **Require that the City *end* each fiscal year so that the results of its operations do not show a deficit when reported in accordance with GAAP.**  
The FEA requires that the City's expense budget be prepared and balanced so that the results do not show a deficit when reported in accordance with GAAP. The FEA further sets forth the consequence of a "control period" if the City were to incur a deficit of more than \$100 million in the results of operations covered by its expense budget during a fiscal year. In contrast, the Charter requires that the City's annual expense budget be balanced at adoption, in accordance with GAAP, but has no comparable provisions in relation to the end of the fiscal year. The proposed statutory language would require that the City's operations not show a deficit at the end of the fiscal year, without the cushion of a \$100 million operating deficit. Since the Commission's recommendation does not include the dramatic consequence of a "control period" in the event the City ends the fiscal year in deficit, the Commission believes it is appropriate to require the City to seek to achieve actual balance rather than a specified operating deficit. Further, the proposed statutory language would place the responsibility upon the Mayor to ensure the City does not end the fiscal year in GAAP-reported deficit. In the event, however, the



City ends the fiscal year in deficit, the four-year financial plan must provide for the repayment of that deficit in the first fiscal year of such financial plan.

- **Require the City to continue preparation of the four-year financial plan documents, with quarterly modifications during the year.** The FEA includes a detailed four-year planning process, which helps regularize the City's procedures for financial planning and ensures that the City is not exclusively focused upon the short-term adoption of a budget in June of every year. The Charter requires a four-year financial plan, but lacks the specificity of the FEA.
- **Require the City to conduct an annual audit in accordance with generally accepted auditing standards.** The Charter requires an annual audit but lacks the precise articulation of the standards found in the FEA. The proposed statutory language would incorporate the FEA's audit standards into the Charter, although not replicating some of the detail found in the FEA as discussed above.
- **Require the City to continue the stricter limits on short-term indebtedness.** Short-term debt is generally issued in anticipation of the City's receiving certain revenues in the near future. The City's reliance on short-term debt played an important role in triggering the 1970's fiscal crisis. The FEA now generally limits the amount of short-term debt the City may assume so that it is not based upon unrealistic future revenue projections. In certain instances, the FEA also prohibits the issuance of short-term debt that matures in a subsequent fiscal year. The FEA's limitations on short-term debt are more

restrictive than those in the State's Local Finance Law, which would apply to the City, as it does to all local governments in New York, when the FEA expires. In addition, the Charter already contains some restrictions on short-term debt that are generally not as stringent as those in the FEA.

## **PROPOSED CHARTER REVISION**

### ***Section-by-Section Discussion***

§1. This section would repeal current Charter §258, entitled "Financial plan," and reenact that section to incorporate into the Charter the requirements, standards and procedures for the four-year financial planning process set forth in the FEA, making appropriate adjustments by, for example, omitting references to the "covered organizations" referenced in the FEA, the Financial Control Board and procedures during a control period.

- §258(a) incorporates into the Charter the FEA's requirement that the City not end its year with a deficit. Unlike the FEA, however, for the reasons discussed above, the draft language does not provide for a limited operating deficit of \$100 million, but rather requires the City to seek to end the fiscal year with no deficit at all. This subdivision also places responsibility for the City's year-end results on the executive branch, requiring the Mayor to utilize his or her powers under applicable law to ensure that the City is in compliance with the year-end no-deficit requirement. Although the Mayor is not limited in the choice of powers under applicable law, the provision highlights section 106 because subdivisions (b) and (e) of that section set forth the power and process of impoundment, by which funds are withheld or set aside by the Mayor and are thus not available for expenditure during the fiscal year; impoundment is one critical tool that a mayor could use in order to ensure compliance with the no-deficit requirement. Other such tools might include uses of the personnel and procurement powers of the executive branch to impose restrictions upon hiring or contracting.

- §258(b) incorporates into the Charter standards set forth in the FEA for the four-year financial plan and financial plan modifications. These standards include, among other things, requirements that:
  - the City's expense budget be prepared and balanced so that the results thereof not show a deficit when reported in accordance with generally accepted accounting principles (GAAP);
  - the City not issue obligations inconsistent with the financial plan;
  - provision be made for the payment in full of all debt service on bonds and notes of the City and for funding City programs that are mandated by State or federal law and for which obligations will be incurred during the fiscal year;
  - projections of revenues, expenditures and cash flow be based upon reasonable and appropriate assumptions;
  - a general reserve be provided for each fiscal year to cover potential reductions in projected revenues or increases in projected expenditures; and
  - in the event that the City ends a fiscal year in deficit, the four-year financial plan provide for the repayment of that deficit in the first fiscal year of such financial plan.
  
- §258(c) describes how the financial plan shall be developed and modified, in conjunction with the City's budget process, as that process is already described in the Charter. The subdivision requires the Mayor to prepare the four-year financial plan in conjunction with the preliminary budget and to reexamine, at least quarterly, and modify as necessary, the projections and estimates contained in the four-year financial plan. Specifically, an update of the plan would be issued with the budget message, then again after the budget is adopted, then again during the second quarter of the City's fiscal year, and as additionally necessary as the Mayor deems appropriate. The adopted budget must be consistent with standards applicable to the financial plan.

- §258(d) imports from the FEA the required contents of the financial plan, including projections of all revenues, expenditures and cash flows and a schedule of the City's projected capital commitments.
- §258(e) imports from the FEA a provision that sets forth a mechanism to phase in changes in GAAP if immediate compliance with such changes would result in a substantial adverse impact upon the delivery of essential services. The power to phase in such changes, currently vested in the Financial Control Board (which will continue to exercise its authority until FEA expiration), would be vested in the Mayor.
- §258(f) clarifies that the amendments made by this section are intended to codify in the Charter the City's current financial planning practices, developed under the FEA, and should be construed as subject to the requirements of the FEA while the FEA remains in effect.

§2. This section would import the FEA language concerning the annual audit into the Charter section (§95) addressing the annual audit. The FEA language has been modified somewhat after consultation with the Office of the City Comptroller to retain its core substance, while removing certain language that (although reflecting current practice) was deemed to be excessively detailed for permanent codification. The current Charter language on the annual audit would be substantially preserved, in a new subdivision b, with the exception of an antiquated provision waiving the requirement of an annual audit in the event the audit is performed by the State Comptroller.

§§3-6. These sections would make various minor changes to Charter §§ 101 (on the preliminary expense budget), 213 (on the preliminary capital budget), 233 (on the report of the comptroller on the state of the city's finances), and 250 (on the budget message), providing relevant cross references to the new financial plan section (§258) where appropriate, and making minor conforming changes to ensure consistency with the new financial plan section.

§7. This section would import into the Charter the FEA's restrictions on short-term debt. The section would retain the Charter's current restrictions on short-term debt, but add to those restrictions and to the restrictions in the State local finance law the

FEA's more stringent requirements. In addition, a provision parallel to proposed section 258(f) would clarify that the Charter restrictions remain subject to the FEA. These new restrictions relate to the amount of short term debt and maturity of the notes. Tax anticipation notes are limited to an amount not to exceed 90% of real estate taxes available to repay such notes. The duration of tax anticipation notes is limited to a maturity of no later than the fiscal year in which the notes were issued. Revenue anticipation notes are limited to an amount not to exceed 90% of the revenues (generally aid to the City) in anticipation of which they are issued. Revenue anticipation notes may not mature later than the end of the fiscal year in which they were issued, but may be renewed to a date no later than 10 days after the date of anticipated receipt of the revenues expected to be used to repay the notes. In no event may revenue anticipation notes mature more than one year after the end of the fiscal year in which they were issued. In addition, revenue anticipation notes may be issued only in anticipation of a specific type or types of revenue. Bond anticipation notes are limited to one-half of the amount of the bonds issued in the year previous to the issuance of the notes. Budget anticipation notes may mature not later than 6 months after issue and may be renewed for only one additional 6 month period. Budget notes described in section 29.00 of the local finance law may be used only to fund projected expense budget deficits.

§8. This section provides that these revisions would take effect immediately.

***Proposed Text:***

Section one. Section 258 of the New York city charter is REPEALED and reenacted to read as follows:

§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. 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 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) 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.

(5) 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.

(6) 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. 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.

f. 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.

§2. Section 95 of the New York city charter, as amended by local law number 59 for the year 2001, is amended to read as follows:

§95. Annual audit. a. The city, in accordance with subdivision b of this section and section ninety-seven of this chapter, shall take such action as may be necessary to enable an independent certified public accounting firm or consortium of such firms to perform an annual audit in accordance with generally accepted auditing standards and to furnish to the city, in accordance with subdivision b of this section, the report on such audit prepared by such firm or consortium of firms, which report shall include an opinion as to whether the city's financial statements have been prepared in accordance



with generally accepted accounting principles and shall state whether the audit of such financial statements was made in accordance with generally accepted auditing standards. The city shall make available for inspection and copying all books, records, work papers and other data and material as required by such auditors, and officers and employees of the city shall be made available to, and shall cooperate with, such auditors so as to permit such annual audit to be completed and the report issued within four months after the close of the city's fiscal year.

b. [An]The annual audit described in subdivision a of this section shall be made [of the consolidated operating accounts of the city and year-end assets of the city] by a firm or firms of certified public accountants, as set forth in such subdivision, selected by the audit committee [unless such audit is performed or shall be performed by the state comptroller]. Copies of the annual audit shall be submitted to the mayor, the comptroller, the council and the state comptroller and shall be published in the City Record. No audit engagement contract pursuant to this section shall exceed four years.

§3. Section 101 of the New York city charter, as amended and renumbered by vote of the electors of the city of New York at a general election held on November 7, 1989, is amended to read as follows:

§ 101. **Preliminary expense budget.** The preliminary expense budget shall contain proposed expenditures and a forecast of revenues for the ensuing fiscal year, including, for each tax revenue source which represents five percent or more of the total forecast of tax revenues, a detailed statement of the methodology and assumptions used to determine the forecast of revenues estimated to be received from such source in sufficient detail to facilitate official and public understanding of the manner in which such forecasts are made, shall indicate proposed units of appropriations for personal service and for other than personal service, shall include a financial plan for the city for the four ensuing fiscal years (of which the first year is the year for which such preliminary expense budget is being prepared), consistent with section two hundred fifty-eight,[covering estimates of expenditures and revenues for the four ensuing fiscal years] with the amounts estimated to be available for discretionary increases, as defined in section one hundred two, in such years, shall

include the departmental estimates of agency expenditures for the ensuing fiscal year pursuant to section one hundred together with proposed sources of revenue for each unit of appropriation specified therein and shall present a plan to ensure balance between the expense and revenue budgets during the ensuing fiscal year.

§4. Section 213 of the New York city charter, as renumbered and amended by vote of the electors of the city of New York at a general election held on November 7, 1989, is amended to read as follows:

§ 213. **Preliminary capital budget.** The preliminary capital budget shall consist of: (1) a financial plan, consistent with section two hundred fifty-eight, covering estimates of capital expenditures for the four ensuing fiscal years, (2) departmental estimates for capital projects as provided in section two hundred twelve together with the cash flow requirements and proposed sources of funding for each project included in such estimates, (3) a capital program status report which sets forth the appropriations for each project included in the capital budget for the current fiscal year together with the expenditures to date, and (4) a summary description of the purpose of each capital project and the needs it will fulfill, the schedule for beginning and constructing the project, its period of probable usefulness and an appropriate maintenance schedule.

§5. Section 233 of the New York city charter, as added by vote of the electors of the city of New York at a general election held on November 7, 1989, is amended to read as follows:

§ 233. **Report of the comptroller on the state of the city's finances.** Not later than the fifteenth day of December, the comptroller shall report to the council, at a stated meeting of the council, on the state of the city's economy and finances, including evaluations of the city's financial plan, as most recently updated by the mayor in accordance with section two hundred [twenty-eight] fifty-eight, and the assumptions on which the revenue and expenditure forecasts contained therein are based.

§ 6. Subdivision 6 of section 250 of the New York city charter, as added by vote of the electors of the city of New York at a general election held on November 7, 1989, is amended to read as follows:

6. [A] 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.

§ 7. Section 266 of the New York city charter, as added by vote of the electors of the city of New York at a general election held on November 4, 1975, such section as renumbered and subdivision a as amended by vote of the electors of the city of New York at a general election held on November 7, 1989, is amended to read as follows:

§ 266 **Short term debt.** a. Subject to the provisions of subdivisions b[, c and d] through j of this section, the city may issue temporary debt obligations in anticipation of taxes and revenues as authorized by state law. The city shall issue no short-term obligations which shall be inconsistent with the limitations set forth in subdivisions b through j of this section. The limitations on short-term borrowing imposed upon the city by this section shall be in addition to the limitations on short-term borrowing imposed on the city under the state local finance law. 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.

b. Revenue or tax anticipation notes shall be issued against a specific tax or revenues receivable which are clearly identified by source and fiscal year.

c. If the amount of taxes or revenues receivable against which anticipation notes have been issued becomes equal to the amount of such notes outstanding, the city shall deposit all further funds obtained from such sources into a segregated bank account which may be used only to redeem such debt upon maturity.

d. The city shall not issue anticipation notes against taxes or revenues which have been receivable for more than two years.

e. No tax anticipation notes shall be issued by the city in anticipation of the collection of taxes or assessments levied for a fiscal year which would cause the principal amount of such issue of tax anticipation notes to exceed an amount equal to ninety per cent of the available tax levy with respect to such issue. For purposes of this subdivision, "available tax levy" with respect to an issue of tax anticipation notes means at any date of computation the total amount of city real estate taxes or assessments projected, consistent with the financial plan then in effect, to be received in cash on or before the fifth day preceding the maturity date of such tax anticipation note issue, less amounts required during the period between the date of computation and the fifth day preceding such maturity date to be paid into a general debt service fund or otherwise required to pay interest payable on other outstanding city bonds and notes, principal (including payments into sinking funds) coming due on outstanding city bonds and principal to be paid from sources other than the proceeds of bonds or renewal notes on other outstanding city notes (exclusive of revenue anticipation notes or renewals thereof issued less than two years prior to the date of computation) but not including payments from sinking funds required by the terms of certain city bonds.

f. Tax anticipation notes and renewals thereof shall mature not later than the last day of the fiscal year in which they were issued.

g. (1) No revenue anticipation note shall be issued by the city in anticipation of the collection or receipt of revenue in a fiscal year which would cause the principal amount of revenue anticipation notes outstanding to exceed ninety per cent of the available revenues for such fiscal year. For purposes of this subdivision, "available revenues" shall be the revenues other than real estate taxes and assessments which

have been estimated in the financial plan prepared pursuant to section two hundred fifty eight to be realized in cash during such year, less revenues previously collected, other than revenues on deposit in any special fund or account established pursuant to law for the payment of interest and/or principal of revenue anticipation notes.

(2) Each issue of revenue anticipation notes shall be issued only in anticipation of the receipt of a specific type or types of revenue and the amount of revenue, the source of revenue and the anticipated date of payment shall be stated in the proceedings authorizing the issuance of such notes.

(3) Revenue anticipation notes shall mature not later than the last day of the fiscal year in which they were issued, and may not be renewed or extended to a date more than ten days after the anticipated date of receipt of such revenue. No such renewal note shall mature after the last day of such fiscal year unless the mayor shall certify that the revenue against which such renewal note is issued has been properly accrued and estimated in the financial plan set forth in section two hundred fifty-eight in effect on the date of issuance of such renewal note; provided that in no event shall any such renewal notes mature later than one year subsequent to the last day of the fiscal year during which such revenue anticipation notes were originally issued.

h. (1) No bond anticipation note shall be issued by the city in any fiscal year which would cause the principal amount of bond anticipation notes outstanding, together with interest due or to become due thereon, to exceed fifty per cent of the principal amount of bonds issued by the city in the twelve months immediately preceding the month in which the note is to be issued.

(2) The proceeds of each bond issue shall be (i) held in trust for the payment, at maturity, of the principal of and interest on any bond anticipation notes of the city issued in anticipation of such bonds and outstanding at the time of the issuance of such bonds, (ii) paid into the general fund of the city in repayment of any advance made from such fund pursuant to section 165.10 of the state local finance law, and (iii) any balance shall be expended for the object or purpose for which such bonds were issued.

(3) Bond anticipation notes shall mature not later than six months after their date of issuance and may be renewed for a period not to exceed six months.

i. Budget notes issued pursuant to section 29.00 of the state local finance law may only be issued to fund projected expense budget deficits. No budget notes or renewals thereof shall mature later than sixty days prior to the last day of the fiscal year next succeeding the fiscal year during which such budget notes were originally issued.

j. All references to the state local finance law in this section shall be deemed to refer to the provisions of the New York state local finance law as such provisions may be amended over time or any successor provisions thereto.

§8. Section 1152 of the New York city charter is amended by adding a new subdivision j, paragraph (2), to read as follows:

(2) The amendments to the charter, repealing and reenacting section two hundred fifty-eight and amending sections ninety-five, one hundred one, two hundred thirteen, two hundred thirty-three and two hundred sixty-six and subdivision six of section two hundred fifty, approved by the electors on November eighth, two thousand five, shall take effect immediately, and thereafter shall control as provided with respect to all the powers, functions and duties of officers, agencies and employees, except as further specifically provided in other sections of this charter.

## ADMINISTRATIVE JUDICIAL REFORM

### Proposal Adopted

The City's administrative law judges and hearing officers represent the face of justice in the City. The City's administrative tribunals are often the only forums where citizens have any significant interaction with City government. They have the power to adjudicate violations of the City's laws and regulations. It is, thus, critical that these tribunals continue to resolve disputes fairly, efficiently and consistently.

Tribunal operations can be governed either by local or State law, or sometimes both. Some tribunals are stand-alone agencies like the Office of Administrative Trials and Hearings (OATH), which hears a wide range of cases referred from a variety of agencies, or the Tax Commission, which hears specialized challenges to real property assessments determined by the Department of Finance. Other tribunals are located within larger agencies, such as the Parking Violations Bureau (PVB), located within the Department of Finance, and the Environmental Control Board (ECB), located within the Department of Environmental Protection (DEP). The majority of tribunals located within agencies hear cases arising from the regulatory activities of those agencies, such as the tribunals at the Department of Health and Mental Hygiene, the Department of Consumer Affairs and the Taxi and Limousine Commission (TLC). A notable exception is ECB, which over the years has been given jurisdiction over regulatory matters outside the purview of DEP.

The proliferation of administrative tribunals, the devolution of matters formerly within the jurisdiction of criminal courts and the assignment of new matters to them began in earnest within the City during the 1970s. The history of the Environmental Control Board (ECB), initially created in 1972, provides a good example of the historical trend. After the ECB was transferred to the jurisdiction of the Department of Environmental Protection in 1977, the City, working with the Office of Court Administration and both City and State legislative bodies, expanded the role of ECB as an administrative tribunal. In 1979, a number of City laws and regulations, enforceable only at the Criminal Court, were transferred to the jurisdiction of ECB, and new areas of enforcement, such as street peddling and the Health Code, were made subject to the jurisdiction of the ECB. In 1984, the devolution to ECB continued, with specified violations of the Building Code, the Fire Prevention Code and water use regulations made subject to the jurisdiction of the ECB. In 1989, violations of Parks Department rules and regulations were devolved to ECB.

The 1988 Charter Revision Commission created a set of minimum standards of due process for all City administrative adjudicatory processes other than PVB.<sup>8</sup> These minimum standards require agencies to, among other things, give all parties reasonable notice of an adjudicatory hearing; adopt rules governing agency procedures for adjudications and appeals; and afford all parties due process of law, including the opportunity to be represented by counsel at hearings. When this Commission reviewed this area, it became aware of a wide variation in operation

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<sup>8</sup> These provisions are in Section 1046 of the Charter.



among the various tribunals at which most citizens have their only significant interaction with City government, with room for improving the sharing and coordination of best practices among the tribunals.

The Commission held its first public meeting on the topic of administrative judicial reform on January 19, 2005, focusing particularly on the issues identified by Deputy Mayor Carol Robles-Román as a result of her work with the City's administrative tribunals and the 2003 Charter Revision Commission's proposal to create an administrative judicial coordinator and to impose a more uniform standard of ethics on the City's ALJs and hearing officers. In the *SUMMARY OF ISSUES UNDER CONSIDERATION FOR CHARTER REVISION* the Chair sought comments from the public about what steps the Commission should take to improve the management of the City's administrative justice system. In particular, the Chair sought comment about whether, and how, the City's administrative tribunals would benefit from coordination, and whether, and how, a code of conduct should be established.

At the March 7 expert forum, the Commission witnessed a general consensus that the creation of the position of administrative justice coordinator was a necessary first step to assuring appropriate uniform standards and greater coordination among the City's administrative tribunals. Creation of an office with jurisdiction to coordinate the City's administrative tribunals would enable the City to improve the effectiveness and fairness of the City's administrative justice system as a whole. The City cannot effectively ensure uniform standards to enhance due process and the delivery of justice without coordinated oversight across all administrative tribunals. The

consensus among the panelists about the need for a coordinator was consistent with discussions Commission staff had with other outside experts.

There was also a consensus that it was not necessary to create such a position by ballot initiative, since the Mayor has the authority to create it by executive order. Although there is value in creating the position by a ballot initiative, there was a consensus that the higher priority was establishing the position as soon as practicable. Experience with such a position created by administrative action would increase support in the future for a more permanent place in the Charter. This consensus, too, was consistent with discussions staff has had with other experts.

In view of the consensus that a coordinator is necessary to assess the state of the City's administrative tribunal system and make recommendations for appropriate coordination, use of technology and better practices and that it is not necessary to put such creation before the voters, at the public meeting on May 3, 2005, the Commission decided to recommend, to the Mayor, the creation of such an administrative judicial coordinator by executive order. A letter from the Commission to the Mayor with this recommendation, attached to this report as Appendix H, was sent on June 3, 2005. The Commission endorsed the establishment of a full-time Coordinator of Administrative Justice, with appropriate resources, to consult with the tribunals and related agencies to make recommendations to the Mayor with respect to coordination of policies, plans and operations common to the management of these tribunals, establishment of budget priorities for the tribunals, policies to increase efficiency at the tribunals, including the appropriate use of information technology,

programs for training and professional development of administrative law judges and hearing officers and programs to enhance alternative dispute resolution. Creating such position by executive order follows the pattern that the City used when it created the Office of the Criminal Justice Coordinator in the 1970s. Establishing this position by executive order first gives the Mayor flexibility to modify it as circumstances warrant and the empirical evidence necessary to support future legislative action to make it permanent in the Charter once there is consensus that the position has proven to be both useful and necessary.

At the March 7 expert forum, the Commission also witnessed support for creating a uniform code of ethics for ALJs and hearing officers. Unlike in the case of State court judges, no State or local law binds the City's ALJs and hearing officers to any code of professional conduct or ethics that is focused on the quasi-judicial nature of their work.<sup>9</sup> The lack of a formal standard code of conduct or ethics specifically governing hearing officers and ALJs may render the City's tribunals less accountable than they should be. Subjecting all City ALJs and hearing officers to a uniform code of conduct or ethics would enhance accountability, continuing the work begun by the 1988 Charter Revision Commission, and also contribute to increasing professionalism within the ALJ and hearing officer corps. It is extremely important and necessary to ensure that the tribunals have credibility and that the public perceives them to resolve their disputes in a fair manner.

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<sup>9</sup> The City's ALJs and hearing officers are subject, as public servants, to the City's general conflicts of interest law. OATH has, however, adopted a code of conduct for its ALJs, which may serve as a model for a uniform code of ethics.

Thus, the Commission made a preliminary recommendation to amend the Charter to require the Mayor (or designee) and the Chief ALJ at OATH to establish a uniform code of conduct or ethics for ALJs and hearing officers, after having consulted with the Conflicts of Interest Board, the Commissioner of Investigation, and the heads of appropriate agencies and administrative tribunals. The Commission received suggestions to make the Commission's recommendation to require a code of ethics clearer. The Commission reviewed these suggestions and has revised the proposal to make it clearer that (1) both the Conflicts of Interest Board and the affected agencies must be consulted in *amending* the code of ethics as well as in creating the code and (2) the Mayor (or designee) and the Chief ALJ at OATH are jointly responsible for promulgation of the code and its amendment.

#### **Commission's Final Proposal**

The Commission approves a proposal for referendum that would add to the Charter the requirement that the Mayor (or a designee) and the Chief ALJ at OATH, after consultation with the Conflicts of Interest Board, the Commissioner of Investigation, and the heads of appropriate agencies and administrative tribunals, jointly establish a uniform code of conduct for ALJs and hearing officers. The existing general conflicts of interest law, located in Chapter 68 of the Charter, and related rules do not specifically address the quasi-judicial aspect of the work that ALJs and hearing officers perform but, rather, apply to all City public servants. Thus, Chapter 68 is necessarily more general than typical judicial codes of conduct, which focus on the types of conflicts likely to arise in a judicial forum. A code of conduct or

ethics designed specifically for ALJs and hearing officers could be more appropriately tailored to the uniquely quasi-judicial nature of the work performed by ALJs and hearing officers than the Charter's general conflicts provisions. A Charter amendment requiring the promulgation of this code of conduct could help ensure that adequate measures are in place to properly and uniformly impose the new rules. Finally, should the position of Coordinator of Administrative Justice be created by executive order, the Commission believes that this Coordinator could be ideally situated to help develop the new rules.

#### **PROPOSED CHARTER REVISION**

Section 1. The New York city charter is amended by adding a new section 13-a to read as follows:

§13-a. Code of administrative judicial conduct. The mayor and the chief administrative law judge of the office of administrative trials and hearings shall jointly promulgate, and may from time to time jointly amend, rules establishing a code or codes of professional conduct governing the activities of all administrative law judges and hearing officers in city tribunals, except to the extent that such promulgation would be inconsistent with law. Prior to promulgating or amending any such rules, the mayor and the chief administrative law judge shall consult with the conflicts of interest board, the commissioner of investigation and affected agency and administrative tribunal heads. An administrative law judge or hearing officer shall be subject to removal or other disciplinary action for violating such rules in the manner that such administrative law judge or hearing officer may be removed or otherwise disciplined under law. Further, such rules may set forth additional sanctions or penalties for violations of such rules to the extent consistent with law.

2. Subdivision 2 of section 1049 of the New York city charter, as added by local law number 49 for the year 1991, is amended to read as follows:

2. (a) The chief administrative law judge shall establish rules for the conduct of hearings, in accordance with the requirements of chapter forty-five of the charter.

(b) In conjunction with the mayor and in accordance with the requirements of section thirteen-a of the charter, the chief administrative law judge shall promulgate and may from time to time amend rules establishing a code or codes of professional conduct governing the activities of all administrative law judges and hearing officers in city tribunals.

§3. Section 1152 of the New York city charter is amended by adding a new subdivision j, paragraph (1), to read as follows:

j. (1) The amendments to the charter, adding a new section thirteen-a and amending subdivision two of section one thousand forty-nine, approved by the electors on November eighth, two thousand five, shall take effect immediately, and thereafter shall control as provided with respect to all the powers, functions and duties of officers, agencies and employees, except as further specifically provided in other sections of this charter.

## AGENCY EFFICIENCY, EFFECTIVENESS AND ACCOUNTABILITY

### Proposal Deferred

This Commission spent the last twelve months on this topic considering how to be "accountable about accountability." Unlike the Commission's work on the topics of fiscal stability and administrative judicial reform, which built upon analyses done by earlier charter revision commissions, the Commission's work on this topic had no antecedent and evolved extensively during the public meeting and hearing process. The Commission received much helpful comment at the public hearings on the proposal it released in its *PRELIMINARY RECOMMENDATIONS* and, at its July 5 public meeting, the Commission announced several revisions to the proposal in response to many of the comments. The proposed statutory language, as revised, is attached as Appendix I. Since that public meeting, members of the public contacted individual Commissioners and Commission staff indicating that, in their opinion, such changes were insufficient to satisfy their concerns. While the Commission believes that it addressed all legitimate concerns, the continued dissatisfaction indicated that no consensus on this proposal exists, providing further evidence that the issue of information continues to be articulated as a political "zero sum game". The Commission believes that a consensus on this issue is achievable but not before it must act to make recommendations for placement of proposals on the ballot for the next general election. Thus, the Commission voted not to place this proposal on the ballot, deferring it to continued discussion at the local level, either by the Mayor and Council or by a future charter revision commission.

The Commission's initial discussion, in February, about the re-making of the Mayor's Management Report (MMR), served as a catalyst for a broader discussion of the existing system of performance-based planning and reporting documents in the Charter. Looking beyond the MMR, the Commission's focus turned to the general issue of reporting. While measuring results and reporting outcome-based information are vital to agency efficiency and effectiveness, there are costs to agencies and elected officials collecting and reporting data. Since the 1975 and 1989 Commissions created our present performance-based reporting system, technological innovation and a nationwide government experience in managing and reporting for results have emerged as tools to help make this system more efficient and effective in providing useful data to a variety of users.

In the *SUMMARY OF ISSUES UNDER CONSIDERATION FOR CHARTER REVISION*, the Chair sought comments from the public about how the Charter might be amended in order to facilitate efficient and effective delivery of municipal services through technology, to make the current performance-based planning and reporting system less prescriptive and more efficient and relevant to a wide range of users, and to increase flexibility and efficiency in agency operations while maintaining high levels of accountability. During the expert panel discussion on this topic, the experts agreed that making reports useful and relevant to the public is important, although there were differing opinions on the best way to achieve this goal. A mechanism to discuss changing data needs as well as to assess the public's interest in reported data was suggested as a possible solution to the need to balance changes in reporting with accountability. The discussion expanded to a focus on the panoply of other locally



mandated documents. While the Charter cannot make agencies plan and manage well, it can provide tools for better planning and management and can institutionalize processes that increase the chance of better planning and management. The current panoply of Charter-mandated documents does not appear to form a coherent structure of planning, management and reporting to support effective performance-based management and public accountability. The experts noted that there is overlap and duplication in the current system and an ineffective linkage between spending and results, there is little ability to trace connections among the documents so that they provide a composite picture of City government, there is no certainty that the stated recipients are the actual users, and it is no longer clear that the documents perform their intended functions.

While acknowledging these problems, the Commission also expressed concern that the large number of these reports and the varying constituencies for them pointed toward the Commission not doing a wholesale reworking of the current set of reports itself, but rather creating a more extended and continuing process to do such reworking. Balancing changing data needs and accountability is, by definition, a dynamic process, and the charter revision commission process is limited in duration by law—essentially, no commission can exist for longer than two years. Thus, any attempt by a charter revision commission to improve reporting by changing the document requirements themselves will be a necessarily limited solution, informed by then-present circumstances and successful for so long as such external circumstances do not change. On the other hand, the perception that day-to-day government activities often preclude focusing on these issues also supported the idea of a process, including

all relevant stakeholders, that focused on these issues alongside, but not directly involved in, day-to-day government.

There is also the reality that information as a topic has been politicized in the City. From the public's perspective, while many noted in our survey (discussed below) that some of the mandated reports or parts of them are no longer as useful or relevant as originally intended, there is a reluctance to admit defects in existing reports and support their elimination for fear of not receiving anything better. From the agencies' perspective, requirements to produce less-than-useful or less-than-relevant information can make it less likely that agencies will be inclined or even be able to produce more meaningful or relevant data they are not required to produce. The issue of information, then, is often expressed in "zero sum game" terms--if information equals power then less information must mean less power. This paradigm unfortunately does not recognize the issues related to quality of data and changing data needs--and the opportunity costs imposed by failing to recognizing either of these. It is clear that the City--both the public and its agencies--could benefit from an institutional mechanism where all stakeholders can have a discussion about reporting data to the public so that agencies can stop producing reports where there is a consensus that they are no longer meaningful and members of the public can feel confident that discussions about changing, and additional, data needs will not be automatically resisted by City agencies.

During the development of this proposal, Commission staff members conducted research and analysis. The 33 reports listed in *Appendix A* to the *SUMMARY OF ISSUES*

*UNDER CONSIDERATION FOR CHARTER REVISION*, which is included in Appendix J to this report, along with additional information, formed the basis of the initial discussions, research and analysis.<sup>10</sup> The first analysis, a frequency analysis, surveyed the media's use of such documents as one indicator of their usefulness. As shown in the bar graphs in Appendix K hereto, the budget documents and the MMR appear in press stories, while the remaining Charter-mandated documents are barely covered, if at all. Though frequency of actual use by the press, or anyone, should not be the sole criterion for evaluation, it is, nevertheless, an important criterion. As shown in the first bar graph in Appendix L hereto, the majority of local reporting requirements were enacted before 1990. In addition, staff developed a user survey of the reports listed in *Appendix A* to the *SUMMARY OF ISSUES*, sending it, in early April, to a group of professionals and experts who were most likely to use such documents in order to increase the probability that our sample would be familiar with or would have actually used one of the Charter documents. The first question in the survey was a screening question and asked whether the respondents were familiar with the document. Less than a majority of respondents were familiar with a majority of the documents. A higher familiarity response was expected given the sophistication of the survey group. The survey then asked the respondents to assign a value to the reports—"never used," "rarely used," "sometimes used," "often used," and "very often used." Respondents who did not work for the City found the reports "rarely useful" to

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<sup>10</sup> The 33 reports in Appendix A to *SUMMARY OF ISSUES UNDER CONSIDERATION FOR CHARTER REVISION* are not the only Charter-mandated reporting requirements. Those 33 reports form a performance-based reporting system intended, by the 1989 Charter Revision Commission, to link to and inform the City's budget process. Since release of *SUMMARY OF ISSUES UNDER CONSIDERATION FOR CHARTER REVISION*, Commission staff did a LEXIS-based Boolean search of the Charter and Administrative Code

“often useful,” while those who worked for the City found them “never useful” to “somewhat useful.” A sample from the survey is attached to this report as Appendix M.

In its *PRELIMINARY RECOMMENDATIONS*, the Commission made a preliminary proposal to examine the feasibility of creating a commission on public reporting to fill this observed need for an extended and continuous public discussion about effective public reporting and how to improve reporting requirements to create a better integrated performance-based reporting and planning system. The Commission welcomed input from the public at the last series of public hearings on the proposed form of the reporting commission and received much helpful comment. While the Commission did receive some unqualified support for its preliminary proposal, the Commission also made changes to the initial proposal to address some expressed concerns.

The proposed commission, called the Commission on Public Reporting and Accountability, would involve all stakeholders in the area of public management and accountability: representatives of the Council, the Comptroller, the Public Advocate, the Mayor’s Office of Operations, the Office of Management and Budget and the Corporation Counsel, as well as three members of the public. In response to concerns that the composition of the proposed commission was tilted toward the Mayor, the Commission agreed to add that the Mayor’s appointment of the three private members be subject to Council advice and consent. Subjecting Mayoral appointment to Council

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and preliminarily identified 66 additional reporting requirements in the Charter and 76 reporting requirements in the Administrative Code. See Appendix J.

advice and consent is not often done, but the Commission felt that subjecting these appointments to Council advice and consent was critical to make clearer the non-partisan nature of the proposed commission. Among the category of appointments subject to Council advice and consent are appointments to the Art Commission, the Board of Standards and Appeals, the City Planning Commission, the Landmarks Preservation Commission, the Tax Commission, the Conflicts of Interest Board and the Board of Health.

The proposed commission would review local law requirements to produce reports, subject to the exemption of the MMR and budget-related documents, and local law requirements that establish advisory bodies.<sup>11</sup> After reviewing their usefulness and relevance, this commission would be able to waive the requirement. With respect to a report requirement, this commission could waive the requirement in whole or in part, thus relieving its preparer from producing it in whole or in part. If this commission waived an advisory body, it would be dissolved. The proposed review process would require the solicitation of input from those constituencies affected or benefited by the report under review—either users of the reports themselves or users of the services covered by such reports—and all members of the general public would have the opportunity to observe the public meetings and participate in the public hearings of this commission. The commission would develop standards for evaluation, both from a management perspective and the perspective of public accountability, and would review, on a periodic basis, the Charter-mandated performance-based

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<sup>11</sup> Review of reporting requirements revealed companion advisory bodies that have as their sole purpose the production of such reports. It should be noted, however, that the Commission proposal would not have been strictly limited to such bodies.

planning and reporting documents and other locally required documents, as well as all requirements in the Charter and elsewhere in the City's local laws that mandate the establishment of advisory bodies that often have, as their main purpose, responsibility for producing reports. After reviewing such requirements, the commission would determine whether they work as intended and whether they can be improved to create a better-integrated performance-based reporting and planning system.

The purpose of this commission is to provide an opportunity for the City to step back from particular issues of the moment and look at the City's data and reporting needs systematically in a way that complements the day-to-day functions of the legislative and executive branches. Thus, the options available to the commission after review would include waiving the requirement that a report, or part of a report, be produced. The Commission initially proposed that a waiver in whole or in part of a requirement would then be subject, in a manner similar to those found in land use and budget administration processes, to disapproval by the Council within 90 days, veto by the Mayor and subsequent override by the Council within a period of time. In response to concerns that the requirement that the Council act within 90 days of a waiver determination would restrict the Council, the Commission agreed to delete the 90-day requirement. In the revised proposal, the Council could act at any time to restore, by local law, the requirement for any advisory body or report (or portion of a report) waived by this commission. In addition, the Commission added a three-year "no waiver" period before the proposed commission could waive a new requirement or a requirement, initially waived, but then restored by the Council. It is important that sufficient time exist to produce empirical evidence of a report's usefulness for the

reporting commission to evaluate and consider, and three years seems to be an appropriate period of time for a report to be fully realized.

The proposed commission also would be able to make recommendations to the Mayor and the Council about additional data needs as well as recommendations to modify or consolidate reporting or advisory body requirements, including recommendations in light of technological advances. These recommendations would not involve a formal waiver process, but would be purely advisory for the Mayor and the Council to consider as part of the regular legislative process.

The public also expressed concerns about an overlap of functions of the proposed reporting commission with those of the Commission on Public Information and Communication, (COPIC), created during the 1989 Charter Revision Commission process. In order to address concerns of overlap, the Commission agreed to amend the Charter provisions creating COPIC to address the potential for any overlap by removing, from COPIC's mandate to review documents or reports for usefulness, those documents and reports subject to review by the proposed reporting commission.<sup>12</sup> It would be clearer, then, that both the proposed reporting commission and COPIC would serve the same goal of opening up government to its citizens. The reporting commission's functions would be narrowly targeted to focus on the content of reporting requirements and reduce less-than-useful and less-than-relevant reporting requirements in order to make room for agencies to better respond to changing data

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<sup>12</sup> This would leave the reports excluded from the review of the reporting commission – the MMR and budget-related documents – still subject to review by COPIC.

needs and a changing environment and to produce more useful and relevant data to a wide variety of users.

Finally, the Commission agreed to add a novel feature to the proposed reporting commission, in effect aligning its proposal with its articulated principle that requirements that do not work as intended should not linger indefinitely in the Charter. The Commission added a requirement that the proposed reporting commission may dissolve itself after having evaluated its effectiveness every eight years. As discussed above, however, the Commission decided to defer this proposed commission for future consideration at the local level.



## OTHER SIGNIFICANT RECOMMENDATIONS DEFERRED

In the course of its review of the entire Charter, the Commission has received and considered suggested recommendations in addition to the final proposals discussed in the preceding pages. These additional suggestions come from a variety of sources. Some have come to the Commission from the public and elected officials during public hearings as well as from correspondence to the Commission. Other suggestions from the public have come to the Commission as a result of meetings that arose out of the Commission's broad outreach process as discussed above. Still other suggestions have come to the Commission from City agency heads as a result of a solicitation from Chair Fuchs made last fall for their suggestions for changes to the Charter. The Chair and the staff have now met with the heads of many agencies about their recommendations.

Commission staff has reviewed and analyzed all such suggestions, supplementing them with additional research when necessary. Commission staff sent summaries of such suggestions to the Commission, providing legal and policy comment as appropriate. At the June 9th and July 5th meetings, Commission staff generally reviewed these suggestions with the Commission, answering questions the Commissioners had about particular ideas. All such significant suggested recommendations are summarized in the charts attached to this report as Appendix N.

A charter revision commission established pursuant to the Municipal Home Rule Law is able to propose a referendum on any matter within the jurisdiction of local

government to enact. A commission may choose to propose a broad set of amendments that essentially overhauls the entire charter or a set of proposals aimed at broad reform in particular areas or it may choose to focus on certain technical issues. It may also choose a combination of the above approaches. This Commission has chosen the middle approach, choosing to focus on broad systemic issues concerning the operation and administration of the entire City government about which there is a considerable consensus. The Mayor's initial suggestion that the Commission examine, as part of its review of the entire Charter, the issues of fiscal stability, citywide tribunal operations and agency efficiency, effectiveness and accountability, focused the Commission on the general theme of accountability. The theme of accountability has permeated much of the Commission's discussions of proposals—both within the three areas and without. As a result, the Commission's proposals would amend the Charter in areas in which there is a substantial consensus that such reforms would increase accountability, in a systemic manner, across City operations.

Thus, the Commission chose to defer recommendations, including one of its own as discussed above, about which a consensus had yet to achieve a satisfactory level that it furthered accountability or about which a consensus did not even exist. The Commission also deferred a number of suggested recommendations, many of which could be enacted by local law, that have a limited or particular effect on a single agency or small group of stakeholders. This Commission believes, as a matter of policy, that before it would propose any narrow, non-systemic or non-structural proposal for referendum, a case should be made that it addresses a very significant

need or that, if the issue could be addressed by a local law without referendum, it has been presented to the City Council and rejected (or would evidently be rejected), despite its merits.

The vast majority of suggestions received and deferred by the Commission concern important City government issues. The Commission deferred these suggestions, primarily as a result of the policy preference discussed above. The Commission also noted, in the charts in Appendix N, additional concerns for several deferred recommendations. It is important to emphasize that, notwithstanding the Commission's decision not to recommend these suggestions for inclusion on the ballot this year, some of these suggestions may well be worthy of ultimate adoption by the Council, the State Legislature or a future charter revision commission. Indeed, the Commission hopes that other public actors use this "back of the book" discussion of issues deferred as a resource for developing future legislative agendas.

Several important themes, discussed below, have emerged from the Commission's review of these various suggestions and the Commission's discussions over the past year. The Commission has identified, and amplified, these themes for future discussion and consideration, below.

### **Issues of Fiscal Stability for Future Consideration**

***Rainy Day Fund.*** Many people suggested, in the expert panel discussion and public hearings, that creation of a "rainy day fund" would be an important way to ensure the City's fiscal stability after the FEA expires. A rainy day fund can provide a source of funds to mitigate negative budget impacts created by changes in the economic cycle.

Further, a rainy day fund can provide an accepted mechanism to spread repayment, over a period of time, of a deficit in a particular year. Since the requirement of "GAAP budgeting" prevents, as a legal matter, the ability of the City to create a rainy day fund, because current revenues must be spent in the year they accrue, it would be necessary to create an explicit exception to the GAAP budget balance requirement in order to permit a rainy day fund. Once the relevant provisions of the FEA expire, however, the ability to create an explicit exception to GAAP budgeting for a rainy day fund might become possible at the local, instead of state, level.

While there may be, among the fiscal experts external to the City, a consensus that a rainy day fund is generally a good financial tool for fiscal stability, the Commission believes that it is not a simple task to design an appropriate and effective rainy day fund. The Commission further believes that a future discussion at the local level should take place to evaluate the extent to which the benefits of the "surplus roll" mechanism,<sup>13</sup> the "budget stabilization account" mechanism<sup>14</sup> and the revenue stabilizing effect of the City's varied tax structure<sup>15</sup> are equivalent to, or less than, the benefits of an appropriately designed rainy day fund.

***Increasing Linkages between Local Legislation and the Budget.*** During the public process, Commissioners raised financial management issues covered by neither the

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<sup>13</sup> The City can "roll" a surplus in one year to the following year, within GAAP budgeting requirements, by pre-paying certain future year expenses, such as debt service, thus freeing up an amount equal to the pre-payment in the following year for expenditure.

<sup>14</sup> Beginning in fiscal year 1998, the City formally instituted a "budget stabilization account" mechanism in the budget, creating a unit of appropriation to assist in tracking pre-payment of future year debt service with surplus revenues.

<sup>15</sup> Janine Berg, John Tepper Marlin and Farid Heydarpour, "Local Government Tax Policy: Measuring the Efficiency of New York City's Tax Mix, FYs 1984-1998", in *Local Government Tax Policy* (Summer 2000), pp. 1-14.

current Charter budget process nor the FEA. Commissioner Fiala raised a concern that local legislation adopted during the middle of the year often creates fiscal strain on the priorities articulated at budget adoption. While the City has been able to accommodate such mandates, Budget Director Mark Page noted in response that, when such mandates are imposed during the fiscal year, there is an element of “one-sided budgeting” that neither the Charter nor FEA requires the City to explicitly address. Section 33 of the Charter requires that a fiscal impact statement accompanying any proposed law include an estimate of the fiscal impact on the revenues and expenditures of the proposed law or modification. The Charter does not, however, explicitly require the Council to address the source of funding for a local law that creates a new program during the fiscal year and requiring the fiscal impact statement to address the available revenues--either from the revenue side or the expense side in the form of compensating savings--would allow Council Members to fully assess the merits of proposed legislation. The Commission believes that a future discussion at the local level on this issue would be helpful in enhancing the City's fiscal stability in the context of the expiring provisions of the FEA.

***Increasing Linkages between Programs and the Budget.*** Commissioner McCormick raised a concern that the FEA's financial planning and management processes and documents do not meet the needs of important segments of the City's vendor community, such as the human services providers who need to plan for their operations as well. She believes there is insufficient articulation of planning for programmatic priorities in the current process. The City's financial planning and management processes and documents are, as the Commission heard throughout its

process, transparent and, thus, exemplary from a broad, aggregate perspective, permitting fiscal monitors to understand broad spending and revenue trends. It has been argued, however, that these processes and documents are not equally transparent from a programmatic perspective. This concern has been echoed in testimony and correspondence from groups such as City Project and the Human Services Council. They have suggested presenting the budget in a programmatic format as one way of making the budget and planning documents more useful to a different set of budget policy monitors. The present Charter provisions do not prohibit alternative presentations of budget information. The Commission believes that a continuing discussion between OMB and these groups to identify and, if possible, resolve obstacles to a programmatic restatement would be the most appropriate place to start.

### **Issues of Government Institutional Structure for Future Consideration**

The 1989 Charter Revision Commission made sweeping changes to the structure of city government as a result of the Supreme Court declaring the voting structure of the Board of Estimate to be unconstitutional. The 1989 Commission eliminated the Board of Estimate, which exercised both executive and legislative functions, and allocated its functions among the remaining institutional bodies and related elected officials. Additionally, among the goals of the 1989 structural changes was to ensure fair and effective representation of all New Yorkers in city government. During the Commission's work, it encountered concerns and proposals suggesting that a comprehensive review of the 1989 restructuring and its intended objectives, in light

of changed circumstances in the intervening years, may be the appropriate subject of a future charter revision commission devoted largely to that. Summarized below, are several themes that relate to this possible future topic.

***Revisiting Charter Mandates of Certain Entities and Their Ability to Perform Them.*** By retaining the office of the Borough President and revising its functions in light of the elimination of the Board of Estimate in which the Borough Presidents exercised significant powers and by creating the office of the Public Advocate<sup>16</sup> with enhanced powers, the 1989 Commission intended that they play a substantive role in City government. In addition, the 1989 Commission intended the 59 community boards to participate in a meaningful way in the City's land use planning processes. In particular, the 1989 Commission intended, by adding standards to the district land use plan and requiring the Planning Commission to review plans that meet the standards and the City to conduct the environmental reviews, to increase the likelihood that community boards would initiate and complete local plans.

During the Commission's process, some Borough Presidents and the Public Advocate expressed concern that having their budgets subject to both the Mayor and the Council conflicted with their post-1989 Charter-mandated functions, which include monitoring the Mayor and the Council, and also suggested that the continued reduction in their actual budgets over time has reduced their ability to perform their Charter-mandated functions, such as effectively transmitting borough-based needs and concerns to the broader City-wide budget and land use processes. They

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<sup>16</sup> The 1989 Charter changes were made to the office of the Council President which was later renamed the Public Advocate.

requested budget protection similar to that of the IBO. The 1989 Commission "hard-wired" IBO's budget to be a stated percentage of OMB's budget, primarily to preclude a Mayor and Council from failing to fund IBO much in the same way an earlier Mayor and Council did to the IBO's predecessor. Fiscal experts generally consider a mechanism such as this to be bad fiscal policy, though the 1989 Commission thought non-fiscal concerns outweighed the fiscal concerns in the instance of the IBO. The 1989 Commission did not think such concerns were of sufficient weight in the cases of the Borough Presidents and the Public Advocate, elected officials themselves.

Further, as a result of discussions with agencies, the Commission learned that vestigial functions of the Borough Presidents that were important when the City was not the built city it is today, such as their role in the City map process and the street address process, are now at odds with current technology which permits centralized mapping and with public safety which requires addresses that relate meaningfully to actual streets. It should be mentioned, though, that some have suggested that the offices of the Borough President and Public Advocate are themselves vestigial appendices of City government, which could be eliminated with little harm. Perhaps a future charter revision commission could review all the various functions of all offices, from the 59 community boards to the Mayor and Council and consider a possible recalibration of powers to assure effective articulation of borough and community district interests and needs to both the executive and legislative branches, as well as provide effective monitoring of both branches. A review of this nature, especially with respect to the community boards, would necessarily involve a review of land use powers.



***Revisiting the Land Use Process in View of Tension Between Need for Open Space and Future Development.*** The Commission also heard thoughtful public testimony from representatives of the Community-Based Planning Task Force of the Municipal Art Society Planning Center suggesting that the 1989 changes intended to increase the likelihood of local planning were not as effective as had been hoped. Further, the Commission reviewed two proposals relating to conservation of open space and one relating to impediments to future development. The Staten Island Borough President proposed creation of borough-based community preservation commissions, funded by an additional real estate transfer fee of 1.5% (which would require new State legislation), to purchase land for open space and historic purposes. The Department of Parks and Recreation proposed to amend the Charter to create a process that would make “Forever Wild” conservation designations of parkland more permanent, thus increasing the chances that undeveloped land would remain undeveloped. On the other hand, the Staten Island Chamber of Commerce proposed several changes to City agencies’ roles in the City’s land use process (see Appendix N) to remove impediments to future development. A future charter revision commission, charged with reviewing the land use process that underwent substantial change as a result of the 1989 Commission, might appropriately study and resolve the underlying tension and varying approaches present in these proposals now that such tension has crystallized.

***Revisiting Fiscal Issues with Implications for Government Structure.*** The Commission reviewed several proposals raised during the discussion on fiscal stability, which the Commission deferred primarily because of the impact of these proposals

upon important powers of elected officials in the budget process and elsewhere. This is consistent with the general consensus-oriented approach of the Commission described above. These proposals included:

- revising the revenue estimate process to include other participants
- requiring the City's legislative process to address, more effectively than it currently does in the fiscal impact statement, increasing expenditures as a result of:
  - local laws enacted during the fiscal year
  - home rule messages in response to State legislation concerning pension issues
- limiting the ability of the Council to pay stipends to Council Members for the performance of certain Council functions, such as chairing committees, perhaps by establishing variations in salary based on functions within the Council as some legislative bodies elsewhere do
- restricting the effective date of pay raises for elected officials to the term after the approval takes place

### **Issues of Government Operations for Future Consideration**

On October 20, 2004, Chair Fuchs sent a letter to the Commissioners of City agencies to solicit their suggestions for changes to the Charter that could improve service delivery in the City. The Commission reviewed past agency restructurings—both the

historical context for restructuring and the post restructuring experience (see Appendix E). The Chair and Commission staff had follow-up meetings with agency heads on their ideas for Charter reform. Summaries of significant proposals that the Commission received from agency heads are listed in Appendix N. As described above, the Commission has deferred including such proposals on the ballot, primarily because it chose to focus on increasing accountability, in a systemic manner, across City operations. Thus, the Commission deferred a number of suggested recommendations, many of which could be enacted by local law and may well be worthy of ultimate adoption by the Council, that have a limited or particular effect on a single agency or small group of stakeholders. The Commission believes that the following proposals, however, are most interesting and should be considered for inclusion in future legislative agendas:

- Revise the Charter to eliminate specific references to the number and designation of deputy commissioners to give agencies the flexibility to structure their agencies to meet changing circumstances.
- Revisit the allocation of powers affected by local legislation dissolving the Department of Ports and Terminals in view of changed circumstances since 1991.
- Revisit the role of the Board of Standards and Appeals (BSA) with respect to the Department of Buildings licensing authority to ensure that BSA has no jurisdiction over such matters.

## Issues related to Procurement

Finally, the Commission reviewed the procurement-related proposal of the 2003 Charter Revision Commission, which the voters did not approve, and learned from staff about administrative reforms that began before the 2003 Commission was underway and steps both the Administration and Council took the following year to effect much of what was in the proposal by local legislation signed by the Mayor in June 2004. In view of subsequent events, including proposed State legislation on matters not subject to local legislation, the Commission concluded that procurement did not appear to be an area necessary for reform by Charter revision.

Members of the public, however, continued to raise issues related to procurement. During discussions among several Commissioners and staff and representatives of various non-profit organizations, it became clear that some issues initially articulated as procurement issues often have as their root cause a process that is not the procurement process, such as the budget process. As discussed above in the subsection, *Increasing Linkages between Programs and the Budget*, Commissioner McCormick raised a concern that the City's financial planning and management processes and documents do not meet the needs of the human services providers who need to plan for their operations because there is insufficient articulation of planning for programmatic priorities in the current process. A discussion between OMB and these groups, continuing from the work of this Commission, to identify and resolve, if possible, obstacles to presenting the budget in a programmatic format to make the budget and planning documents more useful to a different set of budget policy

monitors would continue the Administration's efforts to improve the procurement process for all users.

These discussions also revealed fundamental concerns within the non-profit human services vendor community about the nature of the legal and programmatic relationship between City and the non-profit human services vendors, with which the City discharges certain of its public duties. The relationship is both a contractual relationship and a programmatic partnership. The contractual relationship is subject to all Charter procurement provisions, which are rooted in State law. In the programmatic relationship, which significantly pre-dates the 1989 Charter Revision Commission's revision of the procurement process, the City relies upon an extensive network of non-profit organizations, large and small, to deliver much needed services, at a community-based level, to some of the City's most vulnerable New Yorkers. The source selection requirements, such as the requirement for periodic competition, also serve as critical programmatic tools for ensuring that as communities and their needs evolve, so do the programs designed to serve them. For example, as the City's human services needs change--both in nature and in location--periodic competition facilitates programmatic innovation and permits the City and its programmatic partners to adapt and change as circumstances warrant. Nevertheless, a future commission could initiate a focused policy review of ways to increase the efficiency and effectiveness of the City's delivery system for human services.



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212 676 2060 Fax 212 676 2062  
[www.nyc.gov/charter](http://www.nyc.gov/charter)

## Appendix A-1

Ester R. Fuchs  
*Chair*

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

### RESOLUTION OF THE NEW YORK CITY CHARTER REVISION COMMISSION

dated August 2, 2005, in relation to the filing with the City Clerk of proposals revising the city charter and questions therefor for the purpose of having the same submitted to the electors of the City at the general election held November eighth, two thousand and five, and the adoption of a report relating thereto.

Resolved, that pursuant to Section 36 of the Municipal Home Rule Law, two proposals to amend the charter of the City of New York with the appropriate ballot questions and the amendments to be effected upon the approval of such questions are attached hereto, to be filed with the City Clerk of the City of New York before September ninth, two thousand and five; and be it further

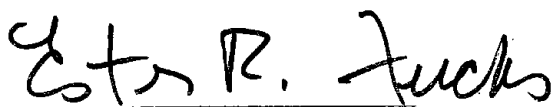
Resolved, that the City Clerk of the City of New York shall take such action as may be required by law to provide for the submission of the said revisions to the electors of the City of New York at the general election to be held on November eighth, two thousand and five; and be it further

Resolved, that the Commission hereby adopts the report that is attached hereto; and be it further

Resolved, that the Commission hereby authorizes and delegates to the Chair, the Executive Director and other staff and the Office of the Corporation Counsel the duty and power to take all necessary and/or appropriate actions to effectuate the placement of the questions on

the ballot in accordance with section 36 of the Municipal Home Rule Law, including but not limited to inclusion of non-substantive technical changes to the documents attached hereto, the finalization of ballot abstracts pursuant to law, substantially in the form attached hereto, the preparation of other material to be appended to the final report including documentation memorializing the proceedings of the commission and the defense or commencement of litigation to effectuate such placement on the ballot, and to provide for such publication and other publicity as may be appropriate to ensure that the public is adequately informed about the proposals.

The foregoing resolution was adopted by the New York City Charter Revision Commission by a vote of 10-0 with 3 not present,



Ester R. Fuchs, Chair



William Barrios-Paoli, Commissioner



Mary McCormick, Commissioner



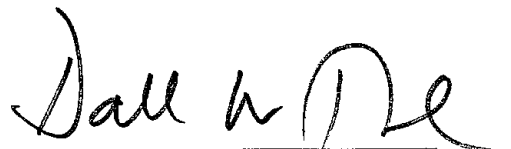
Stephanie Palmer, Commissioner



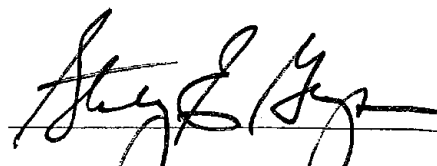
Stephen Fiala, Commissioner



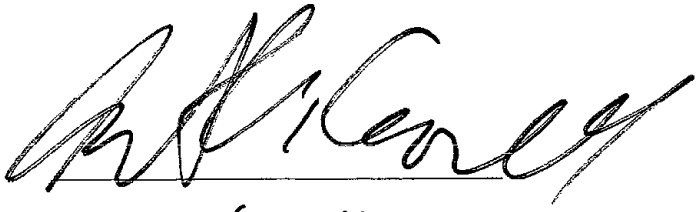
Curtis L. Archer, Commissioner



Dale Forsythe, Commissioner



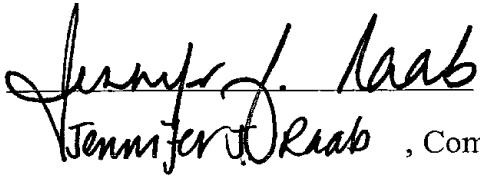
Stanley E. Grayson, Commissioner



Anthony Crowell, Commissioner

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, Commissioner



Jennifer D. Raab, Commissioner

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, Commissioner

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, Commissioner

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**Ballot Proposals and Abstracts Adopted by  
Commission on August 2, 2005**

**2005 BALLOT QUESTIONS**

**NEW YORK CITY CHARTER REVISION COMMISSION**

**August 2, 2005**

**Question 3: Ethics Code for City Administrative Judges**

These changes to the City Charter, as proposed by the New York City Charter Revision Commission, would require the Mayor and the Chief Administrative Law Judge of the Office of Administrative Trials and Hearings to jointly issue rules establishing a code or codes of professional conduct for the administrative law judges and hearing officers in the City's administrative tribunals. Shall the proposed changes be adopted?

**Question 4: Balanced Budget and Other City Fiscal Requirements**

These changes to the City Charter, as proposed by the New York City Charter Revision Commission, would establish as Charter requirements the following fiscal mandates that, in general, now apply to the City through a State law enacted in response to the City's 1975 fiscal crisis. The changes would add these mandates to the City Charter so that they would continue to apply after the State law expires. The changes would:

- Require that the City annually prepare a budget balanced in accordance with generally accepted accounting principles (GAAP), and end each year not showing a deficit in accordance with those principles;
- Require that the Mayor annually prepare a four-year City financial plan, to be based on reasonable assumptions and modified on at least a quarterly basis, and that the plan provide for payment of the City's debts and a general reserve of at least \$100 million to cover shortfalls;
- Impose additional conditions on the Charter's current restrictions on short-term debt (which may be issued by the City to fund a projected deficit or in

anticipation of the receipt of funds from taxes, revenues, and bonds). These conditions generally limit the duration and amount of the short-term debt; and

- Impose additional conditions on the annual audit of the City's accounts that is currently required by the Charter. These conditions relate to application of generally accepted auditing standards and access by auditors to records so that the audit may be issued within four months after the close of the City fiscal year.

Shall the proposed changes be adopted?

## 2005 ABSTRACTS

### NEW YORK CITY CHARTER REVISION COMMISSION

August 2, 2005

#### **Question 3: Ethics Code for City Administrative Judges**

At the present time, the Administrative Law Judges (ALJs) and Hearing Officers who preside over matters in the City's administrative tribunals are generally not subject to a uniform code of professional conduct that applies to their adjudicatory duties. They are subject only to the City's general Conflicts of Interest Law. These tribunals, such as the Environmental Control Board and the Taxi and Limousine Commission's tribunal, while not courts, have the power to adjudicate violations of the City's laws and regulations.

These proposed changes to the City Charter require the Mayor and the Chief ALJ of the Office of Administrative Trials and Hearings (which is a City agency with authority to conduct administrative hearings on behalf of other City agencies) to jointly issue rules establishing one or more code or codes of professional conduct for the City's ALJs and Hearing Officers. The Mayor and Chief ALJ also may amend the rules as appropriate. The proposal requires the Mayor and Chief ALJ to consult with the City's Conflicts of Interest Board, the Commissioner of Investigation and all affected agency and tribunal heads before promulgating the new rules or amending them. ALJs and Hearing Officers would be subject to disciplinary action for violating the new rules.

#### **Question 4: Balanced Budget and Other City Fiscal Requirements**

Currently, a New York State law (called the New York State Financial Emergency Act for the City of New York), which was enacted in response to the City's 1975 fiscal crisis, generally regulates certain aspects of the City's finances. Parts of that State law will expire on July 1, 2008, while the remaining parts will expire at a later date, if certain City debt has been paid or discharged. These proposed Charter changes would be subject to that State law while it remains in effect. The changes would generally establish in the City Charter, and therefore codify as City law, without an expiration date, the following elements of that State law:

**Balanced Budget/No Deficit** – The proposed changes, which are generally derived from the State law on the City's finances, require that the City prepare, each year, a budget balanced in accordance with generally accepted accounting principles (GAAP), and end each fiscal year without a deficit, also consistent with those principles. The Charter currently requires that real property tax rates must be fixed annually so as to

produce a City budget that is balanced in accordance with generally accepted accounting principles, but contains no similar requirements concerning how the City must end the fiscal year. The current State law imposes stringent controls in the event that the City ends its fiscal year with a deficit of more than \$100 million. The proposed Charter change requires that the City end its fiscal year without any deficit, and does not impose similar controls, but instead requires the Mayor to take all actions necessary, in accordance with law, to ensure that the City does not end its fiscal year with any deficit.

**Financial Plan** — The proposed changes, which are generally derived from the State law on the City’s finances, require that the Mayor, each year, develop a four-year financial plan for the City, that complies with general standards that include: (i) the City expense budget must be balanced, in accordance with generally accepted accounting principles; (ii) the City may not issue debt that would be inconsistent with its financial plan; (iii) the City must provide for the payment of its debts and for adequate funding of State or federally required programs; (iv) projections of revenues, expenditures and cash flow must be based on reasonable assumptions; (v) a general reserve of at least \$100 million must be provided for each fiscal year to cover shortfalls in projected revenues or increases in projected expenditures; and (vi) if the City ends a fiscal year with a deficit, the City must pay down that deficit in the next fiscal year.

The proposed changes require that the City’s four-year financial plan be modified on at least a quarterly basis. The proposed changes differ from the State law on the City’s finances by expressly tying the timing of the quarterly financial plan modifications to significant steps in the budget process already set forth in the City Charter. The adopted budget also must be consistent with the standards applicable to the financial plan. Changes in generally accepted accounting principles or in their application to the City could be phased in if the Mayor determines that their immediate application would result in a substantial adverse impact upon the delivery of essential services (under the State law, a State board, not the Mayor, currently makes this determination).

**Short-Term Debt** — The proposed changes, which are generally derived from the State law on the City’s finances, expand upon the Charter’s current restrictions on the issuance of short-term debt by the City. The City may issue short-term debt to fund a projected deficit or in anticipation of its receipt of funds from taxes, revenues, and bonds. The proposed changes would limit the amount of short-term debt that the City could issue in several ways, including limiting the amount of short-term debt issued in anticipation of taxes and revenues to ninety percent of, respectively, the real estate taxes and revenues available to repay that debt and limiting the amount of short-term debt issued in anticipation of bond proceeds to fifty percent of the amount of bonds issued in the previous twelve months.

The proposed changes would limit the duration of the short-term debt in various ways, including requiring that short-term debt issued in anticipation of taxes and revenues mature by the end of the fiscal year in which it was issued and short-term

debt issued in anticipation of bond proceeds mature within six months of its issuance. However, debt issued in anticipation of revenues may be renewed for a limited period, provided the Mayor certifies that the revenue against which the debt was issued has been properly reflected in the financial plan (under the State law, a State board, not the Mayor, currently makes this certification); debt issued in anticipation of bond proceeds may be renewed for a period of up to six months. The proposed changes also provide that bond proceeds must be held in trust to repay certain outstanding obligations and restrict the City's issuance of budget notes used to fund projected expense budget deficits.

**Annual Audit** – The Charter currently requires that an annual audit be made of the City's accounts. The proposed changes, which are generally derived from the State law on the City's finances, would state conditions for that audit, including requirements that the audit be performed in accordance with generally accepted auditing standards and that the City make available to the auditors City books, records, and other materials, as well as City officers and employees, to permit the auditors to complete the audit and issue their report within four months of the end of the City's fiscal year.



THE CITY OF NEW YORK  
OFFICE OF THE MAYOR  
NEW YORK, NY 10007

FOR IMMEDIATE RELEASE

Press Release # 040819

Thursday, August 19, 2004

Edward Skyler / Jonathan Werbell (212) 788-2958

### **MAYOR MICHAEL R. BLOOMBERG ANNOUNCES APPOINTMENTS TO CHARTER REVISION COMMISSION**

Mayor Michael R. Bloomberg today announced the appointment of 13 members to a Charter Revision Commission (CRC). Special Advisor to the Mayor for Governance and Strategic Planning Ester R. Fuchs will chair the Commission. The panel is charged with reviewing the entire Charter, holding hearings in all five boroughs to solicit public input, and issuing a report outlining findings and recommendations to amend or revise the Charter.

"We are fortunate to have such a talented and distinguished group of New Yorkers dedicating themselves to this Charter Revision Commission," said Mayor Bloomberg. "Led by Chairwoman Fuchs, the first woman to chair a Charter Revision Commission, I have asked the Commission to explore the issues of fiscal stability, judicial reform and administrative efficiency and accountability. I know these individuals will give these important issues the attention they deserve."

"I'm proud to join this extraordinary group of New Yorkers for this important undertaking," said Chairwoman Fuchs. "We will tackle important issues regarding the future of our City and its governance. We must bring the City's Charter into the 21st Century and make the adjustments to the Charter that reflect our constantly evolving economic, social and political environment."

The members of the Charter Revision Commission are:

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

**Robert Abrams** is a partner of Stroock & Stroock & Lavan LLP. He was formerly the New York State Attorney General. He also served as the Borough President of the Bronx and was a member of the New York State Assembly. He is a resident of Manhattan.

**Amalia Victoria Betanzos** is President of Wildcat Service Corporation a non-profit employment program. Formerly, she was a Commissioner of the Department of Youth Services and an Executive Secretary to Mayor John Lindsay, and a member of two previous Charter Revision Commissions. She is a resident of Staten Island.

**Stephanie Palmer** is the Executive Director of the New York City Mission Society and is the former Executive Director of Human Services Council of New York City. She is a resident of Manhattan.

**Stephen J. Fiala** is the County Clerk and Commissioner of Jurors for Richmond County. He is a former member of the New York City Council. He is resident of Staten Island.

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

**Dr. Lilliam Barrios-Paoli** is Senior Vice President and Chief Executive for Agency Services of the United Way of New York City. She has served as Commissioner of New York City's Human Resources Administration, Department of Housing and Preservation and Development, Department of Personnel and Department of Employment. She is a resident of Manhattan.

**Anthony Crowell** is Special Counsel to Mayor Michael R. Bloomberg and a former Executive Director and General Counsel to several previous Charter Revision Commissions. He is an adjunct Professor at Brooklyn and New York Law Schools. He is a resident of Brooklyn.

**David Chen** is the Executive Director of the Chinese-American Planning Council and is the founding Chairman of the Board of Director of the Chung Pak Local Development Corporation. He is a resident of Brooklyn.

**Dr. Mary McCormick** is President of the Fund for the City of New York. She is a former Special Assistant to New York City's Deputy Mayor for Labor Relations and Personnel and a professor at Columbia University. She is a resident of Brooklyn.

**Dr. Dall Forsythe** is the Chief Administrative Officer of the Episcopal Diocese of New York. He is the former Budget Director for New York State and the New York City Board of Education. He is a resident of Manhattan.

**Jennifer J. Raab** is the President of Hunter College. She is the former Chair of the New York City Landmarks Preservation Commission. She is a resident of the Bronx.

**Stanley E. Grayson** is the President And Chief Operating Officer of M.R. Beal & Company. He was a former Managing Director and Director of Prudential Securities Public Finance Department. Prior to his investment-banking career, Mr. Grayson held several senior positions within New York City government, including Deputy Mayor for Finance and Economic Development, Finance Commissioner and Chief Executive Officer of the New York City Industrial Development Agency. He is a resident of Manhattan.

November 1, 2004

To: Dr. Ester R. Fuchs (Chair)  
Dr. Dall Forsythe (Vice Chair)  
Stephen J. Fiala (Secretary)  
Robert Abrams  
Amalia Victoria Betanzos  
Stephanie Palmer  
Curtis L. Archer  
Dr. Lilliam Barrios-Paoli  
Anthony Crowell  
David Chen  
Dr. Mary McCormick  
Jennifer J. Raab  
Stanley E. Grayson

Fr: Terri Matthews  
Ruth Genn

Re: Review of Procurement Issues

## History

The Mayor specifically charged the 2003 Charter Revision Commission (2003 Commission) with reviewing the City's procurement process, as several civic groups had pointed out in reports that the City's complex process led to lengthy cycle times. The 2003 Commission approved a number of proposals for a ballot question that failed in the 2003 election. These proposals sought to amend the Charter to streamline the process and introduce greater flexibility into the process. In the spring of 2004, the Administration and the Council negotiated several bills, a number of which implemented the proposals of the 2003 Commission described below.

## 2003 Commission Proposals

### Administrative flexibility:

- The Charter contains substantial detail about the process for each purchasing method. The proposal would have deleted much of the process detail for alternative procurement methods and authorized the Procurement Policy Board ("PPB") to promulgate rules governing the process.
- The Charter requires that, as a general matter, purchases of goods be made by the Department of Citywide Administrative Services ("DCAS"). The proposal



would have allowed the DCAS commissioner to delegate a specific purchase of a specific good to another agency, for direct purchase by that agency, provided that the DCAS commissioner could not make this delegation for goods to be generally used by City agencies.

- The Charter authorizes the Mayor to designate DCAS to perform specified administrative functions for certain specified City agencies. The proposal would have permitted the Mayor to designate additional agencies for which DCAS could perform procurement services.
- The Charter contains substantial detail about workplace employment reports required of certain contractors and subcontractors. The proposal would have deleted the information detail and authorized the Department of Small Business Services ("DSBS") commissioner to promulgate rules detailing the required information.

#### Qualifications for City purchasing officials:

- The Charter contains no provisions governing the training or qualifications of City purchasing officials. The proposal would have required the PPB to promulgate rules setting forth training and professional standards for these purchasing officers, taking into account the volume and complexity of agency contracting activities.

#### Small businesses and minority and women-owned businesses:

- The Charter requires DSBS to take steps relating to the promotion of equal opportunities for minority and women-owned businesses. The proposal would have required citywide agency coordination by the Mayor to enhance opportunities for vendors.<sup>17</sup>

#### Security-related contracts:

- The Charter generally requires public notice and hearing of contracts for the purchase of goods and services. The proposal would have provided an exception to this requirement when the Mayor determined that the notice or hearing would disclose sensitive information that, if made public, could be detrimental to the security of the City or its citizens.

#### Timeliness of contracting and payment:

- The Charter requires that the PPB issue rules for the prompt payment of vouchers, including rules for the payment of interest to vendors whose

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<sup>17</sup> On June 12, 2003, the Mayor enacted Executive Order 36, which seeks to enhance opportunities for minority- and women-owned business enterprises.

vouchers are not paid on time. The proposal would have modified this requirement to require uniform interest for all vendors. In addition, this proposal would have required the PPB to promulgate rules mandating timetables for the completion of purchasing steps and remedies for failure; providing for expedited renewal or extension of existing human services contracts in certain circumstances; and requiring the development of annual contract plans by the City's human services agencies. This proposal would also have established an annual mayoral procurement report, which would include not only procurement activity indicators (as currently required to be included in the Mayor's management report) but also indicators on agency performance relative to the timeliness of agencies' procurement actions.

#### Financial audits:

- The Charter does not provide for financial audits of vendors by agencies. The proposal would have required the PPB to issue rules governing City agency requirements for annual financial audits of vendors, including rules providing for consolidated audits across multiple contracts held by vendors with one or multiple agencies.

#### VENDEX:

- The Administrative Code contains inflexible and detailed requirements for the VENDEX system, the City's computerized vendor integrity data system, including the information to be submitted, the timing of submission, the consequences for failure to submit and limited circumstances for exceptions. This proposal would have continued the VENDEX system as the mechanism to process and maintain integrity data but would have authorized the Mayor and Comptroller to jointly promulgate rules governing the details.

#### **June 2004 Procurement Reform Package**

The procurement proposals summarized above were voted down as a package; however, several of these proposals were included in the procurement reform legislation described below, which amends both the Charter and the Administrative Code, and which the Administration and the Council negotiated. In June 2004, the Mayor signed the 12 procurement reform bills, all of which had been passed by City Council in May. The Mayor also supported the two Council resolutions described below.

*Local Law 11: Requires all procurement notices to be posted electronically. City Record publication will suffice if the notice appears in the electronic version - otherwise, posting a copy of the notice on the agency's web page will suffice. Also requires the complete text of RFPs to be posted electronically, so until the electronic City Record functionality permits this, each agency must arrange its own electronic posting of RFPs.*

Local Law 12: Authorizes the Mayor to initiate a reverse auction “pilot program”.

Local Law 13: Requires an agency to issue a “concept report” before it releases an RFP for any new or substantially restructured human services program.

Local Law 16: Allows agencies to buy services from state/federal contracts if price is “fair and reasonable,” (i.e., conforming to the Charter standard that applies to other City procurements, instead of requiring a finding that price was below market).

Local Law 17: Eliminates Charter mandate for all agencies to keep prequalified lists.

Local Law 18: Allows the Mayor to delegate authority to approve selective solicitations from prequalified lists.

Local Law 19: Raises the threshold for canceling public hearings (in cases where no one signs up to testify) from \$500,000 to \$1,000,000.

Local Law 20: Directs the PPB to develop rules to ensure timely contract processing, and related reforms. MOCS is drafting rules, to be considered by the PPB, providing for mandatory procurement schedules, penalties for non-compliance with schedules, expedited processing of renewals and extensions, human services plans and “single audit” authorization.

Local Law 21: Allows DCAS to delegate purchase of agency-specific, unique goods to the agency with relevant expertise.

Local Law 22: Allows vendors to qualify for a full three years by a one-time VENDEX filing.

Local Law 23: Raises the threshold for Deputy Mayor sign-off from \$2,000,000 to \$5,000,000, and the Mayor to delegate approval authority to agencies for various procurement awards, based on agency-specific judgments.

Local Law 24: Specifies the timing and required content of human services plan and mandates public hearing on draft version of the plan.

Resolution 13: Authorizes (but does not mandate) agencies to accept electronic bids.

Resolution 36: Adopts the amendments of the PPB raising the small purchase limit to \$100,000 across-the-board.

MEMORANDUM

December 7, 2004

To: Dr. Ester R. Fuchs (Chair)  
Dr. Dall Forsythe (Vice Chair)  
Stephen J. Fiala (Secretary)  
Robert Abrams  
Curtis Archer  
Dr. Lilliam Barrios-Paoli  
Amalia Victoria Betanzos  
David Chen  
Anthony Crowell  
Stanley Grayson  
Dr. Mary McCormick  
Stephanie Palmer  
Jennifer J. Raab

Fr: Terri Matthews

Re: Update on Procurement Items

During the presentation of procurement issues at the last meeting, several Commissioners asked questions and/or raised concerns. This memorandum provides additional information.

- ***Regarding the proposal that would have permitted the Mayor to designate additional agencies for which DCAS could perform procurement services:***  
The Council objected to this proposal because it permitted DCAS to perform administrative services beyond procurement services. The Commission staff believes this proposal still has merit for consideration, but believes it is better suited for the Governmental Accountability and Operational Efficiency topic. The presentation on the Accountability and Efficiency area is scheduled for February 9, 2005.
- ***Regarding the proposal that would have deleted the information detail and authorized the Department of Small Business Services ("DSBS") commissioner to promulgate rules concerning the required information:***  
The Council objected to it because it felt that it would have eliminated the requirement for baseline information in the employment reports and would have given the commissioner discretion not only to the content of the report

but also whether to require the report at all. Even with the detail in the Charter, however, the current Charter provisions do permit the DSBS Commissioner to prescribe the form and information in the employment reports, with an ability to provide appropriate exemptions by rule. Thus, the Commission staff believes DSBS can effect change within the current Charter provisions. Additionally, MOCS does not believe this proposal is critical to current efforts to reduce contract retroactivity at this time.

- ***Regarding the proposal that would have provided an exception to the requirement for public notice and hearing of contracts for the purchase of goods and services when the Mayor determined that the notice or hearing would disclose sensitive information that, if made public, could be detrimental to the security of the City or its citizens:*** The Council initially and strongly opposed this measure as being overbroad and without sufficient oversight safeguards. It is the opinion of MOCS that the danger of disclosure of information for contracts for security purposes is also present to a larger degree in the State law requirement that specifications be made available to everyone who asks for them when goods are competitively bid. Unlike the public notice requirement, which could be amended by local referendum, the State law requirement can only be amended by the State Legislature. Thus, it is the opinion of MOCS that this proposal be combined into a comprehensive bill for State legislative consideration.
- ***Regarding the proposal that would have established an annual mayoral procurement report, which would include not only procurement activity indicators (as currently required to be included in the final Mayor's management report (MMR)) but also indicators on agency performance relative to the timeliness of agencies' procurement actions:*** The Council opposed this proposal because it was linked to another proposal to eliminate the preliminary Mayor's management report (PMMR), which the Council also opposed. MOCS does not believe it is necessary to have procurement indicators listed in the Charter. To the extent the Commission is interested in the MMR and/or the PMMR, the Commission staff believes they are better suited for the Governmental Accountability and Operational Efficiency topic.
- ***Regarding professional training for procurement professionals:*** Local Law 20 of 2004 requires the Procurement Policy Board to produce "an annual report . . . setting forth any professional standards for agency contracting officers adopted by the mayor, including any applicable certification process." Executive Order 48 of 2004, issued by Mayor Bloomberg shortly after the adoption of that local law, directed the City Chief Procurement Officer ("CCPO"), as director of MOCS, to "develop guidelines, as appropriate, for professional qualifications for Mayoral agency Agency Chief Contracting Officers ("ACCOs") and procurement staff."

- To that end, MOCS has a number of ongoing projects relating to procurement staff training. During 2003-2004, MOCS worked with the Procurement Training Institute ("PTI"), a unit of the Department of Citywide Administrative Services ("DCAS") to overhaul the curriculum for each of the courses taught at PTI, to ensure that these courses fully comported with current city policy and incorporated best practices in the government procurement field. In the very near future, DCAS will release a Request for Proposals ("RFP"), resulting from that curriculum overhaul process; the RFP will seek new instructors and instructional materials for each of the approved courses, as well as new course development in a number of areas identified and outlined by MOCS staff.
- This past summer, MOCS also formed an inter-agency working group, comprised of approximately 20 agency ACCOs and senior procurement staff, along with representatives of PTI, to undertake a comprehensive review of procurement staff and to make recommendations concerning potential professional standards and/or certification requirements. MOCS is now tabulating and analyzing the results of a detailed needs assessment survey drafted by that working group. For the first time, at least in recent years, agencies are providing complete descriptions of their respective procurement staffs - identifying each person who participates in the process, and for each such person, his/her specific function, professional background and agency title. Based upon the results of this survey, the working group will make recommendations to the CCPO concerning: 1) potential professional standards or certification mandates for Mayoral ACCOs, at least those for agencies with significant annual procurement volumes; 2) similar mandates and/or continuing education guidelines for senior procurement staff members of high volume agencies; and 3) broader needs for continuing education across all levels of agency procurement staffs
- ***Regarding the use of technology in the procurement area, in particularly the VENDEX system:*** Attached is an excerpt from the RFP for the City's End-to-End Procurement Technology that describes the City's efforts to apply technology to the problem of contract cycle time. (Attachment 1)
- ***Regarding the need to differentiate between the procurement of social services for clients of City agencies and the procurement of other goods and services:*** Attached is a memo from Marla Simpson describing the administrative efforts underway to treat such contracts differently when appropriate. (Attachment 2)

Excerpt from End-to-End Procurement Technology RFP

### Project Goals and Objectives

New York City is striving to streamline its procurement process by converting from a paper-intensive process to a fully automated web-based one. This automated system must provide real-time, on-demand status information, allow different users (e.g. agency staff, vendors, members of the public) access to appropriate levels and types of information, and allow the City itself, particularly the oversight agencies, including MOCS, the Law Department, the Department of Investigations (DOI), the Office of Management and Budget (OMB) and the office of the Comptroller, to collect detailed management information.

The End-to-End Procurement Workflow project will be accomplished in two phases that will run concurrently whenever possible. Phase I is the higher priority. It consists of two main parts:

1. Develop and execute a plan to replace the City's vendor responsibility database (VENDEX) with a flexible, user-friendly, web-based system.
2. Develop and execute a plan to upgrade the information technology supporting the Vendor Enrollment Center (VEC).

Phase II also consists of two main parts:

1. Develop and execute a plan to create an End-to-End Procurement Workflow Management System. This will incorporate the new VENDEX system and the upgraded VEC system as well as many other agency-based and citywide systems. It will also include a user-friendly web-based front end for access to the City's procurement system for all relevant stakeholders, including but not limited to vendors, agencies who do procurement, and agencies who oversee procurement.
2. Work together with the various "line agencies" – agencies that do procurement in support of the City's programmatic goals – to upgrade or replace their procurement management systems so that each agency has a fully automated system. These agency systems must also tie into the end-to-end procurement workflow management system.

The overall project encompasses

- a) requirements gathering and validation,
- b) project management,
- c) quality assurance, and
- d) systems integration.

**The selected contractor would be responsible for activities (a) through (c).**

### 2.2 Current Environment

Currently, the City has many separate systems that are all integral to the procurement process. Only some are automated and most do not "talk" to one another at all. This means, to do business effectively with the City, vendors must now use various agency-based and citywide systems and often must supply the same data to each of them. For example, a vendor might be asked to provide the same detailed information on his/her business on a Vendor Enrollment

Center form, minority and women owned business enterprise (M/WBE) certification form, and VENDEX form.

#### Current VENDEX Environment

One component of this system that is a particular problem is VENDEX. Section 6-116.2(b) of the New York City Administrative Code mandates the creation of a system to store information to be used by City agencies in determining whether a potential contractor is responsible, *i.e.*, whether it has the requisite business integrity to warrant an award of public funds. In order to meet the requirements of the statute, vendors are required to complete detailed disclosure forms at least once every three years. The database that stores this information is known as VENDEX. MOCS is responsible for the operation and maintenance of VENDEX, which is housed on a Department of Information Technology and Telecommunications (DoITT) mainframe. The database was designed in 1990 using then-current technology. It is implemented in Adabas Natural and runs on an IBM mainframe. Because this technology is so antiquated, it has become difficult to maintain and impossible to adapt to changing conditions. It is difficult to even find programmers with any experience on this platform. The VENDEX system must be replaced with a more up to date system that allows much greater flexibility.

Some specific problems with the current implementation include:

1. All submissions to the VENDEX system by vendors and agencies are made in hard copy and manually keyed in by trained staff. This includes any back and forth with submitters, which must all be made in hard copy.
2. All communications between the VENDEX system and other City systems are likewise made in hard copy. For example, when a Vendor Name Check (VNC) is initiated by an agency through VENDEX, the relevant information is faxed to the Department of Investigations (DOI).
3. The public currently has access to VENDEX only at a single dedicated site for viewing that portion of the information defined as publicly available.
4. Queries and reports of the data are difficult to produce.
5. It is difficult to purge old data.
6. Adding functionality to the system is difficult.
7. Data conversion is problematic.

#### Current VEC Environment

Another component of the system that produces particular and immediate problems is the VEC system. City agencies are required by law to use established lists of vendors as their solicitation lists to announce procurement opportunities for goods, services and construction. In order to fulfill that mandate, MOCS created VendorSource as a module of the City's Financial Management System (FMS). VendorSource is maintained by MOCS staff and is physically located at the offices of the City's Financial Information Systems Agency (FISA). VendorSource is typically the first point of entry for vendors into the City's procurement process. In order for vendors to receive notification of procurements in their field, vendors need to complete a vendor enrollment application package, including their contact information and the types of commodities or services for which they want to be solicited. The application is available on-line at [www.nyc.gov/selltonyc](http://www.nyc.gov/selltonyc) and may be completed on-line and/or in hard copy. If completed in hard copy it is forwarded to the Vendor Enrollment Center (VEC) and the data are entered into the FMS database. Once the information is entered into FMS, vendors are not able to update their own existing information themselves; they must call or write to VEC. This



enrollment process is separate, however, from the current enrollment process used by the Department of Citywide Administrative Services/Division of Municipal Supply Services (DCAS/DMSS) which handles larger dollar value goods purchases (i.e. over \$25,000). It is also separate from the current enrollment process used by The Department of Small Business Services (DSBS) for enrolling eligible vendors into M/WBEs and related programs. However, vendors wishing to enroll with DSBS must first enroll via VEC to receive an FMS payee identification number.

Most City agencies connect to VendorSource to use the Citywide Bidders lists. They have access to VendorSource through the BuyWise intranet site. The site provides a process by which users may select appropriate vendors for the commodity or service they wish to purchase.

Agencies often find that a search of VendorSource returns vendors who no longer provide the commodity or service in question or provides out of date contact information. The long lists of vendors, many of whom do not respond to solicitations, place a serious burden on the agencies because they are required to solicit all vendors on the list generated.

In order to reduce this problem, vendors who fail to bid on three or more procurements for which they have been solicited are supposed to be removed from the list for that commodity or service. There is currently no automated way to track which vendors have actually received bid solicitations and which have responded. That information is manually tallied. Once that information has been compiled, it is a further labor-intensive, manual process to remove the vendors from the lists.

#### Current Environment of Oversight and Line Agencies

City laws, rules and policy mandate extensive record keeping and require the processing of approvals at multiple points throughout the procurement process. For any given procurement action, there may be as many as seven separate oversight reviews and approvals, depending on the dollar value of the proposed contract, the type of good, service, or construction being procured, and the method of procurement (competitive sealed bid, request for proposal, negotiated acquisition, etc). In addition, each contract must be officially executed by the respective line agency head and the vendor.

The City's procurement rules are primarily contained within the Procurement Policy Board (PPB) Rules (attached). The Rules recognize three main categories of procurement: goods, services, and construction. These may be procured through any one of approximately a dozen distinct procurement methods recognized in the Rules. There is also a provision for attempting innovative procurement methods not contemplated in the Rules. The Rules are subject to change by the PPB at any time.

Over half of the agencies have software that tracks the status of contracts to varying degrees. Several agencies with high procurement volumes have sophisticated systems – e.g. the Department of Design and Construction “ACCO-Flow” system and the Department of Youth and Community Development's Comprehensive Contractor Management System. Other agencies use paper-based systems for tracking procurement. This may have worked well for agencies over the years due to the efforts of highly trained staff, but it makes citywide tracking of procurement extremely difficult.

Some agencies, including the Department of Information Technology and Telecommunications (DoITT) and the Department of Youth and Community Development (DYCD) have begun putting RFPs on the web. Legislation is currently pending that will mandate that all agencies make RFPs available through the web and that at least some invitations for bids be available

electronically as well. The legislation will also require at least some ability for vendors to make bids electronically. This will require compliance with State law on electronic signatures. No agencies can currently receive completed bids or proposals in an electronic format.

No Mayoral oversight agencies currently have fully automated systems to manage workflow. MOCS has the C-LOG system, which helps manage workload, but does not function as an electronic workflow system. Other agencies, like the Department of Small Business Services-Division of Labor Services (DLS), are completely paper-driven. Although many aspects of our procurement process are automated, there is little inter-agency connectivity or automated sharing of information, so data available for one purpose cannot readily be retrieved for another. There is no workflow and data management system to link line agencies and oversight agencies together. Nearly all basic information related to procurement moves between the contracting agency and the oversight agencies in hard copy, usually by messenger, sometimes by fax. One significant effect of this paper-driven environment is that oversight reviews are done in a linear, sequential fashion. If reviews could be done simultaneously the City could save substantial time in the contracting cycle.

The procurement systems to be covered by this effort interact with other systems used in the City. In particular, the Financial Information Services Agency (FISA) – jointly administered by the Mayor and the Comptroller – maintains the City’s Financial Management System (FMS) in which much procurement information is stored. The Department of Citywide Administrative Services (DCAS) purchases most goods for the City valued at more than \$25,000, and maintains the Commodity Line Item Purchasing System (CLIPS) system to manage that process. The CLIPS system is not proposed for replacement or upgrade as a part of this contract, however it covers a large part of the City’s procurement and it, or its successor systems, must function seamlessly with the City’s other procurement systems. The Comptroller also maintains a separate system, OASIS, which contains scanned copies of all registered contracts. There is an initiative currently underway to build a Human Services Workflow System to allow the human services agencies to manage their contracts more effectively that is anticipated to connect to the end-to-end procurement workflow system.

### **2.3 To-Be Environment**

Our long term goal is for procurement documents to move across agency lines seamlessly from end-to-end, with vendors viewing and responding to solicitations online, and with City staff placing orders, receiving invoices, tracking procurements through to approval, and planning for future procurements online. Vendors will be able to enroll to be included on citywide Bidders lists, enter responsibility information (VENDEX or its successor), enter employment reports such as those required by the Department of Small Business Services-Division of Labor Services (DLS), and complete such other forms as needed and permissible by law all online. The system will also provide online public access functionality, to permit retrieval of public information about vendors and their contracts, and will provide City staff with access to information relevant to their assigned duties

The system must be very flexible. The system must be able to accommodate changes in the regulatory environment and permit changes to system requirements to be authorized at appropriate levels. The system must be able to accommodate the differences in procurements for goods, services, and construction. The system must be able to accommodate differences in

procurement methods at different dollar levels, for which thresholds may be changed. The system must accommodate different levels of delegation of approval authority.



OFFICE OF THE MAYOR

**OFFICE OF CONTRACT SERVICES**

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New York, New York 10007

(212) 788-0018 Fax (212) 788-0049

**MARLA G. SIMPSON**  
**Director**

**MEMORANDUM**

TO: Terri Matthews  
FROM: Marla G. Simpson  
DATE: December 8, 2004  
SUBJECT: Procurement of Human Services

- 
- **Procurement Method** – Human services vendors are far more likely than construction or other services to be selected via Request for Proposals, whereas vendors for other services are most often selected by sealed bid. The major consequence of this method is that price is rarely the determinative factor as vendors are chosen.
  - **Procurement planning** – The PPB Rules (2-04(c)) require agencies to publish an annual plan for the procurement of human services. We have modified the format of these plans so that they are continuously updated throughout the year and thus serve as a useful tracking tool for affected vendors and interested members of the public.
  - **Presumption of continuity** – The PPB Rules (2-04(e) and (f)) provide that human services contracts run longer than most other services, as they explicitly recognize the importance of continuity for program clients. Human services contracts typically run at least three years, often six or nine (depending on the type of program), and sometimes even longer if a vendor-owned facility is involved. These contracts also typically include up to three years' worth of renewal options, and can be amended to extend for another year as a matter of course; they may also be amended for still longer extensions at the agencies' discretion, typically while new RFPs are in development. This administration has stressed the importance of these latter extensions as a way of ensuring continuous

funding during the RFP development process, rather than allowing contracts to become retroactive.

- ***Pre-solicitation dialogue*** – The City’s human services agencies have long used pre-solicitation consultation devices – *e.g.*, focus groups and concept papers – to facilitate dialogue with the vendor community. Local Law 13, enacted with Administration support this year, now makes the latter process mandatory whenever a human services program is newly initiated or materially changed.
- ***Timeliness initiative*** – The Administration has made the quest for timely registration of recurring human services contracts a high priority, as a management initiative. Agencies know that they are being closely monitored for performance in this area, that the Administration will support their efforts to keep contracts on track and that agencies that succeed in this area will be rewarded with greater procurement authority. In addition, pursuant to Local Law 20, also enacted this year with Administration support, the PPB is developing new procurement scheduling regulations – specifically for human services contracts – to formalize this approach.
- ***Loan fund*** – The City funds (via a grant to the Fund for the City of New York) an interest-free loan program to address cash flow shortages during the time period when contracts await the Comptroller’s registration. While this program is open to non-human services, for-profit vendors, overwhelmingly human services vendors are its primary users, and this year, the Administration has piloted an expansion of the program for smaller non-profits, offering cash flow loans much earlier in the procurement process.
- ***Delegation*** – Even apart from performance-driven additional delegations of procurement authority, this Administration has broadly delegated to the human services agencies the authority to approve virtually all of their own procurement initiations, along with most of their own awards, for those human services procurements that are designed to continue existing services – *e.g.*, renewals and extensions. Those actions typically are not reviewed by the Mayor’s Office of Contract Services.
- ***Short-form contracts*** – This Administration has developed a plain English, short-form (4 ½ page) contract form for use in connection with discretionary funded human services contracts of \$100,000 or less. We are currently exploring the potential use of this same contract for other small human services awards – *e.g.*, RFP awards.
- ***VENDEX waivers*** – The PPB Rules (2-08(e)(3)) provide that VENDEX filings can be done post-registration whenever the CCPO determines that expedited procurement is required. This Administration has exercised that waiver for large classes of recurring human services contracts to facilitate timely procurements and allow time to sort out vendor confusion over the VENDEX process.

MEMORANDUM

December 7, 2004

To: Dr. Ester R. Fuchs (Chair)  
Dr. Dall Forsythe (Vice Chair)  
Stephen J. Fiala (Secretary)  
Robert Abrams  
Curtis Archer  
Dr. Lilliam Barrios-Paoli  
Amalia Victoria Betanzos  
David Chen  
Anthony Crowell  
Stanley Grayson  
Dr. Mary McCormick  
Stephanie Palmer  
Jennifer J. Raab

Fr: Terri Matthews

Re: Financial Emergency Act

In anticipation of Mark Page's presentation to you on Wednesday, December 8th, the following outline provides a summary of the history of the Financial Emergency Act and various issues related to its expiration. The analysis leading up to this outline has been our first collective assessment of the relation among the Act, the Charter and various general state laws. This memo represents our best conclusions at the present time, but may be subject to changes that we will supply to you as they become evident to us. If you have any questions or comments, please call (212-788-8107) or email me (tmatthews@cityhall.nyc.gov) at your earliest convenience.

**Brief History of the Financial Emergency Act for the City of New York (FEA)**

- For a period of time before 1975, the City:
  - incurred substantial operating deficits,
  - had approximately \$6 billion of outstanding short-term debt and
  - followed financial and accounting practices and disclosure policies that were widely criticized by certain regulatory entities and others.
- During 1975, the City lost access to the public credit markets, precipitating a financial crisis.

- In the fall of 1975, the State enacted the FEA, which, among other things, established the Financial Control Board (Control Board) to oversee the City's financial affairs.
- From 1975 to June 30, 1986, the City was subject to a Control Period, as defined in the FEA. During a Control Period, the Control Board exercises its most significant powers over the City's finances, which include the power to approve or disapprove certain contracts (including collective bargaining agreements), long-term and short-term borrowings and the four-year financial plan and modifications thereto of the City and Covered Organizations.
- For the period beginning July 1, 1986 to the present, the Control Period has been deemed "sunset" due to the satisfaction of the statutory conditions for termination of the Control Period, which include:
  - termination of all federal guarantees of obligations of the City,
  - a determination by the Control Board that the City had maintained a balanced budget in accordance with GAAP for each of the three immediately preceding fiscal years, and
  - a certification by the State and City Comptrollers that sales of securities by or for the benefit of the City satisfied its capital and seasonal financing requirements in the public credit markets and were expected to satisfy such requirements in Fiscal Year 1987
- With the termination of the Control Period, certain Control Board powers were suspended, including, among others, its power to approve or disapprove certain contracts (including collective bargaining agreements), long-term and short-term borrowings and the four-year financial plan and modifications thereto of the City and Covered Organizations.
- After termination of the Control Period in 1986, but before the statutory expiration date of the FEA not earlier than July 1, 2008:
  - the City is still required to develop a four-year financial plan each year and to modify the plan as changing circumstances require;
- the Control Board continues to have the power to review:
  - the four-year financial plan of the City and Covered Organizations and modifications thereto,
  - the operations of the City and the Covered Organizations, including their compliance with the financial plan, and
  - long-term and short-term borrowings and certain contracts, including collective bargaining agreements, of the City and the Covered Organizations;

- the Control Board must re-impose a Control Period upon the occurrence or the substantial likelihood and imminence of the occurrence of any one of the following events:
  - failure by the City to pay principal of or interest on any of its notes or bonds when due or payable,
  - existence of a City operating deficit of more than \$100 million,
  - issuance by the City of notes in violation of certain restrictions on short-term borrowing imposed by the FEA,
  - any violation by the City of the FEA that substantially impairs the ability of the City to pay principal of or interest on its bonds when due or payable or its ability to adopt or adhere to an operating budget balance in accordance with the FEA, and
  - joint certification by the State and City Comptrollers that they *could not at that time* make a joint certification that sales of securities in the public market by or for the benefit of the City during the immediately preceding fiscal year and the current fiscal year satisfied its capital and seasonal financial requirements during such period, and there is a substantial likelihood that such securities can be sold in the general public market from the date of the joint certification through the end of the next succeeding fiscal year in amounts that will satisfy substantially all of the capital and seasonal financing requirements of the City during such period in accordance with the financial plan then in effect;
- The practical consequence of the continuing powers of the Control Board during the "sunset period" is that the Control Board must re-examine the financial plan on at least a quarterly basis to determine its conformance to statutory standards.

**What financial controls go away when the FEA expires?**

- No Control Board
- No limit on operating budget deficit during year
- End of FEA restrictions on tax, revenue and bond anticipation notes
- "City Covenants" with bondholders under FEA no longer authorized to be made; existing covenants continue in effect, except as incorporating FEA.
- The principal City Covenants are to maintain a separate fund for the payment of debt service and to have it fully funded for each month at the beginning of the month.



- These are less specific than, but consistent with, the payment mechanism in the FEA.
- These covenants will survive the expiration of the FEA.
- The City has also made covenants to adhere in particular respects to the FEA as in effect from time to time; as the FEA expires, these covenants lose their effect.
- Covenants relating to variable-rate bonds are authorized by the Local Finance Law (LFL), as well as the FEA.

**What similar financial controls remain in the Charter when the FEA expires?**

- § 1516. Budget at adoption balanced in accordance with GAAP. Upon the adoption of the budget, the city council must fix annual tax rates so that the rates will produce a balanced budget within generally accepted accounting principles for municipalities (GAAP).<sup>18</sup>
- §§ 101, 250(6), 258. Financial Plan.
  - The preliminary expense budget must contain, among other things, a financial plan covering estimates of expenditures and revenues for the next succeeding four fiscal years.
  - The budget message submitted with executive budget no later than April 26, must include a four-year financial plan containing (a) for each agency, for all existing programs, expenditure forecasts for the next and succeeding three fiscal years at existing levels of service; (b) revenue forecasts by source from existing sources of revenue for the next and succeeding three fiscal years; and (c) for each new or expanded program, when such program is projected to be fully implemented and a forecast of the annual recurring costs for such program or program expansion after implementation.
  - Not later than 30 days after the budget is adopted, the Mayor must issue an update of the four-year financial plan submitted in the budget message, to reflect changes made during the budget adoption process. In addition, on a schedule that the Mayor deems appropriate, the Mayor shall issue additional updates of the financial plan during the fiscal year.
- § 266. Short-term debt restrictions. Further subject to provisions of state law, the City may issue temporary obligations in anticipation of taxes and revenues

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<sup>18</sup> Charter § 93 requires the Comptroller to establish, for the City, a uniform set of accounting and reporting based on GAAP.

provided (a) the revenue or tax anticipation notes are issued against a specific tax or revenue receivable which is clearly identified by source and fiscal year and (b) the specified tax or revenue has not been receivable for more than two years. Further, the City must provide for a deposit, into a segregated bank account for redemption of such notes upon maturity, of such receivables when the amount of such receivables equals the amount of the notes outstanding.

- §§ 210, 217. Capital Budgeting. City may issue long-term bonds only for capital projects as defined by GAAP.
- §§ 95, 97. Annual Audit and Audit Committee. City must have a firm or firms of certified public accountants conduct annual audit of the consolidated operating accounts of the City and year-end assets of the City, unless the State Comptroller performs such audit. The firm or firms are selected by the audit committee, which is composed of the Mayor, the Comptroller, the Public Advocate and four private members appointed by the Mayor, two of whom upon the recommendation of the Comptroller.

**What similar financial controls remain in State law applicable to all localities when the FEA expires?**

- LFL, §§ 10, 11. State law specifies the purposes and maximum lives for which localities may issue bonds. Other localities can issue bonds for some purposes, such as tax refunds, that are not bondable by the City.
- LFL, § 21. Bonds must be amortized conservatively, with annual principal payments governed by one of two permissible formulas.
- LFL, §§ 23-25. These provisions of state law apply to all localities within the state, unless a locality is subject to a more restrictive law on the matter, such as the FEA. Section 23 contains general provisions for the issuance of bond anticipation notes, which the City has not issued since the fiscal crisis, § 24 contains general provisions for the issuance of tax anticipation notes and § 25 contains general provisions for the issuance of revenue anticipation notes.
- LFL, § 54.90. Provides limits on variable-rate bonds and swaps.
- LFL, § 85. Authorizes the City to be eligible for bankruptcy under federal law, but not for New York State insolvency proceedings.
- LFL, § 104. Implements the constitutional debt limit, which is 10 percent of the five-year rolling average of the full value of taxable real property, subject to various adjustments.

### What Happened to MAC?

- All outstanding bonds of the Municipal Assistance Corporation For the City of New York (MAC) were defeased in November with MAC reserves and the proceeds of bonds issued by the Sales Tax Asset Receivable Corporation, a local development corporation organized by the City under State law.
- The MAC bonds were secured by a 4% State-imposed sales tax on sales in the City that replaced the City-imposed 3% tax (which was suspended).
  - MAC no longer requires tax revenues to pay its bonds.

Nonetheless, the 4% tax continues until July 1, 2008, when the rate will revert to 3% unless legislative action is taken.

MEMORANDUM

January 18, 2005

To: Dr. Ester R. Fuchs (Chair)  
Dr. Dall Forsythe (Vice Chair)  
Stephen J. Fiala (Secretary)  
Robert Abrams  
Curtis Archer  
Dr. Lilliam Barrios-Paoli  
Amalia Victoria Betanzos  
David Chen  
Anthony Crowell  
Stanley Grayson  
Dr. Mary McCormick  
Stephanie Palmer  
Jennifer J. Raab

Fr: Terri Matthews

Re: Introduction to City Administrative Law Issues

**Introduction**

In anticipation of Carol Robles-Roman's presentation to you on Wednesday, January 19th, the following provides an introduction to City administrative law issues. If you have any questions or comments, please call (212-788-8107) or email me (tmatthews@cityhall.nyc.gov) at your earliest convenience.

**Administrative Law Continuum**

The administrative law process begins with rulemaking, a quasi-legislative process,<sup>19</sup> and ends with adjudication, a quasi-judicial process.<sup>20</sup> To expand on a useful model, administrative rulemaking is the beginning of the "up- front" component of agency enforcement activities, with agency enforcement practices and policies filling out the

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<sup>19</sup> Eric Lane, "When is a Rule a Rule?", CITYLAW, January/February, 1997, p. 4 (citing The Report of the Charter Revision Commission, Section-by-Section Analysis of Proposals, December 1986-1988, at 95).

<sup>20</sup> Robert M. Benjamin, Administrative Adjudication in the State of New York, Report to Honorable Herbert H. Lehman, 1942 (1942 Report), pp. 5-7.

remainder of this component. Administrative adjudication comprises the "back-end" of agency enforcement activities.<sup>21</sup>

Another--formal and legalistic--way to distinguish the ends of the administrative law continuum is that a "rule sets standards for future behavior and has general applicability, while an adjudication determines the interests of named parties, usually by applying rules to past conduct."<sup>22</sup> It is important to note that executive agencies' power to promulgate rules comes from a legislative delegation. The ability of agencies to promulgate rules and the nature of the rules themselves are dependent on and limited by the underlying legislative authority.<sup>23</sup>

### **Evolution and Devolution of Administrative Rulemaking and Adjudication**

At the State level, expansion of the areas covered by administrative rulemaking and adjudication accelerated in the early years of the last century.<sup>24</sup> At the City level, the expansion followed later. The expansion of administrative rulemaking and its concomitant enforcement activity placed burdens on the court system, which, in part, led to the creation of administrative tribunals and the increasing devolution, to administrative tribunals, of matters that had formerly only been enforceable at the court level.

The history of the Environmental Control Board (ECB), initially created in 1972, provides a good example of the historical trend. After the ECB was transferred to the jurisdiction of the Department of Environmental Protection in 1977, the City, working with the Office of Court Administration and both City and State legislative bodies, expanded the role of ECB as an administrative tribunal. In 1979, a number of City laws and regulations, enforceable only at the Criminal Court, were transferred to the jurisdiction of ECB, and new areas of enforcement, such as street peddling and the Health Code, were made subject to the jurisdiction of the ECB. In 1984, the devolution to ECB continued, with specified violations of the Building Code, the Fire Prevention Code and water use regulations made subject to the jurisdiction of the ECB. In 1989, violations of Parks Department rules and regulations were devolved to ECB.<sup>25</sup>

As true today as in 1942 is the observation that administrative rulemaking and adjudication touch "... in varied ways the lives, the health, the safety, the labor and

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<sup>21</sup> New York City Independent Budget Office, "Is Everything Going to be Fine(d)? *An Overview of New York City Fine Revenue and Collection*," p. 2. This report provides a helpful framework for analyzing enforcement and collection issues in a way that does not obscure important non-financial policy considerations in the area of enforcement.

<sup>22</sup> CityBar Center for Continuing Legal Education, *The Association of the Bar of the City of New York, "Administrative Law: Federal, New York State and City,"* p. 76.

<sup>23</sup> This memorandum primarily focuses on administrative activity of a regulatory nature as distinct from administrative activity of a civil service/personnel nature.

<sup>24</sup> 1942 Report, p. 9.

<sup>25</sup> From background materials on file at the Law Department.

business of most citizens."<sup>26</sup> The variety of the ways administrative rulemaking and adjudication touch our lives reflects the great variation in the reasons that particular areas have been "... committed to administrative adjudication or legislation and the purposes of administrative action in [those fields]."<sup>27</sup> For example, administrative rulemaking and/or adjudication has been an effective tool:

- when it is not possible or prudent for legislators, in drafting legislation, to establish detailed rules before its effective date;
- when rules themselves are not possible because the governmental action involves exercising discretion;
- when resolution of a matter involves technical knowledge in statutory interpretation;
- in order to provide an simple, relatively quick and inexpensive process;
- when there is a need for continuing control over a course of action beyond the particular controversy;
- in order to prevent undesirable activities; and
- in order to take advantage of enforcement activities not available through the courts.<sup>28</sup>

A chart detailing the powers of some of the best-known City administrative tribunals is contained in Attachment 2 to illustrate the breadth of the areas covered by administrative adjudication in the City. It is not intended to be a comprehensive analysis of all City administrative tribunals.<sup>29</sup>

As administrative rulemaking and adjudication have become a pervasive part of the modern landscape, however, so too has an "... awareness of the problems of procedure which that administrative activity presents."<sup>30</sup> As summarized below, both ends of the continuum have been the subject of past Charter Revision Commissions' review and/or proposals, as well as the subject of other governmental attempts at reform.

### History of Administrative Law Reform in New York City

**Rulemaking Reform.** The 1988 Charter Revision Commission set out to "open up the city's rulemaking process and make it more accessible and understandable to the public by incorporating what is known as an 'administrative procedures act' in the charter."<sup>31</sup> The 1988 Commission's guiding principles in this area included public

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<sup>26</sup> *Idem*, p. 9.

<sup>27</sup> 1942 Report, pp. 12-13. The reason the 1942 Commission detailed the variety found among the subjects of administrative law, was to caution that attempts to reform administrative procedure must be mindful of the reasons behind the devolution of a matter to administrative law and take care not to impair the purposes for which the devolution happened in the first place. In other words, there are likely to be valid policy reasons for retaining a variety of administrative adjudication forums.

<sup>28</sup> 1942 Report, p. 13.

<sup>29</sup> A more comprehensive chart of all City administrative tribunals will follow at a later date.

<sup>30</sup> 1942 Report, p. 9.

<sup>31</sup> 1988 Charter Revision Commission, *The Charter Review/Fall 1988*, p. 11.

participation in developing rules that directly affect the public and certainty about and access to final rules. The 1988 Commission recommended ballot proposals that became, after the voters adopted them in a referendum on November 8, 1988, Chapter 45 of the Charter, also known as the City Administrative Procedures Act or "CAPA". CAPA sets forth the process agencies must follow when promulgating rules and is summarized in Attachment 1.

**Adjudication Reform.** The 1988 Commission also set out to "[r]equire that minimum procedural standards for adjudicating serious disputes arising under city rules and laws be established."<sup>32</sup> Chapter 45-A, also adopted by the voters in 1989, established the Office of Administrative Trials and Hearings (OATH), initially created by executive order, as a charter agency that can provide hearing officers for agency adjudications when agencies consent to giving OATH jurisdiction. Charter § 1046 provides minimum standards of due process for all agency adjudicatory processes other than the parking violations bureau. These minimum standards require agencies, among other things, to give all parties reasonable notice of an adjudicatory hearing; adopt rules governing agency procedures for adjudications and appeals; and, afford all parties due process of law, including the opportunity to be represented by counsel at hearings.

In the Preliminary Budget for Fiscal Year 1995, the City proposed a consolidation of various administrative tribunals as part of an overall consolidation initiative. Consolidating certain administrative tribunals would permit integration of collections, licensing and adjudication functions, enhance a focus on collection efforts and eliminate duplicative collection efforts.<sup>33</sup> The City submitted a legislative package to the State Legislature for several years, but it faced opposition and was not enacted.

The 2003 Charter Revision Commission reviewed the area of administrative adjudication and observed that, unlike the criminal justice area, which is subject to the coordination by the Criminal Justice Coordinator, there is no centralized mechanism to coordinate operational policy and management practices in the administrative justice area.<sup>34</sup> The 2003 Commission proposed, for inclusion on the ballot, the creation of a coordinator of administrative justice within the Mayor's office, who would, among other things, advise and assist the Mayor in the coordination of policies, plans and operations common to the management of the City's administrative tribunals. The 2003 Commission identified several needs in the area of administrative justice, including a need to coordinate technology, enhance accountability and focus on improving the interaction between the public and the tribunals. The 2003 Commission joined another proposal—increasing the Department

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<sup>32</sup> *Idem.*

<sup>33</sup> New York City Office of Management and Budget, Financial Plan 1995-1999, p. 2.

<sup>34</sup> The Criminal Justice Coordinator was established in the 1975 Charter revision, which adapted an earlier entity, the Criminal Justice Coordinating Council. This Council was originally created in 1967 in response to the federal Law Enforcement Assistance Administration Act and later formally established by executive order in 1970. Thus, after 1967, areas of enforcement at the criminal courts that were later devolved to administrative tribunals had, before devolution, been subjected to the salutary effects of a coordinating entity.

of Consumer Affairs' hearing authority—to the proposal to create an administrative justice coordinator, and the entire proposal was voted down at referendum.

### **ALJ Ethics**

Most, if not all, of the City's administrative law judges (ALJs) and hearing officers are lawyers and are thus subject to the Code of Professional Responsibility. To the extent ALJs and hearing officers are considered City officials and, in some cases, City employees, they are also subject to the Conflicts of Interest provisions set forth in the Charter.<sup>35</sup> However, there is no state or local law that binds all of the City ALJs and hearing officers to any code of professional conduct.



## Rulemaking under CAPA

- All City agencies, both mayoral and non-mayoral, have the power to adopt rules necessary to carry out the powers and duties delegated to them by federal, state or local law. (§1043(a))<sup>36</sup> The power to promulgate rules is considered to be a delegation of legislative authority.<sup>37</sup>
- Chapter 45 of the Charter sets forth the process agencies must follow when promulgating rules. No other process is valid for rules to be effective. (§1043(a))
  - *Notice.* An agency must publish the full text of the proposed rule (or amendment to a rule) in the City Record at least 30 days before the earlier of the date set for the public hearing described below and the final date for receipt of written comments. Agencies should use simple, ordinary language in drafting rules, when possible. In addition, the proposed rule must state the statutory authority for the rule, the purpose of the rule, the time and place of the public hearing and the final date for receipt of notice, among other things. The agency must also submit copies of the notice to various elected officials, the news media and civic organizations; though, failure to comply with this provision will not invalidate the rule. (§1043(a), (b))
  - *Review of Statutory Authority.* As a check on the agency, the Office of the Corporation Counsel is required, before final publication of the rule, to review the rule to make sure it is within the agency's power to promulgate. (§1043(c))
  - *Opportunity for and Consideration of Agency and Public Comment.* The agency must provide the public with an opportunity to comment on the proposed rule through:
    - the submission of written data, and
    - a public hearing, unless the agency had determined in writing that a public hearing on a proposed rule would serve no public purpose and such determination had previously been published in the notice of the proposed rule described above.

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<sup>36</sup> Charter §389(b) similarly authorizes mayoral agencies to adopt rules.

<sup>37</sup> Whether by the City Council or by a Charter Commission in conjunction with a vote by referendum.

The agency must make available to the public within a reasonable time, a public record of all written comments and a summary of all oral comments. (§1043(d))

- *Effective Date.* After the agency considers relevant comments, it may adopt a final rule, which may include revisions to the proposed rule. It is not necessary for the agency to provide further notice and comment on revisions to a proposed rule based on the consideration of relevant comments. In order for the final rule to become effective, however, generally 30 days must elapse from publication in the City Record of the final rule and the statement of basis and purpose. Also the agency must file the final rule with the Corporation Counsel, who is responsible for publishing and updating a Compilation of City Rules, and transmit the rule and statement of purpose to the Council for information purposes. (§1043(e))
- The definition of what constitutes a rule subject to the CAPA process is functional. An agency must comply with the CAPA process for pronouncements that fit within the definition, regardless of whether the agency formally designates them as rules or regulations.<sup>38</sup> (§1041(5))
  - A rule subject to the CAPA process consists of a statement or communication of general applicability to members of a class, regardless of the number of members of such class,<sup>39</sup> that:
    - implements or applies law or policy or
    - prescribes the procedural requirements of any agency. (§1041(5))
  - By way of example, rules include:
    - standards that, if violated, may result in a sanction or penalty,
    - a fee to be charged by or required to be paid by an agency,
    - standards for the issuance, suspension or revocation of a license or permit,
    - standards for any product, material or service that must be met before manufacture, distribution, sale or use,
    - standards for the procurement of goods and services,
    - standards for the disposition of public property or property under agency control, and
    - standards for the granting of loans or other benefits. (§1041(5)(a))
  - Certain statements are excluded from the definition of a rule subject to the CAPA process, based on the premise that they do not require the safeguards

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<sup>38</sup> The Report of the Charter Revision Commission, Section-by-Section Analysis of Proposals, 1986-1988 ("Report"), pp. 85-86.

<sup>39</sup> Report, p. 86.

provided by the CAPA process.<sup>40</sup> By way of example, excluded statements include:

- internal management of agency personnel not materially affecting the rights of or procedures available to the public and;
- mere explanatory statements of general policy with no legal effect allocation of agency resources or personnel;
- pedestrian and vehicular traffic rules reflecting engineering or other technical considerations more than policy choices that result in street signs or markings; and
- statements made under specifically enumerated Charter provisions that provide for notice and opportunity for public comment in certain matters not inconsistent with the CAPA process. (§1041(5)(b))

Every City agency must publish annually each May 1, its regulatory agenda with, among other things, a brief description of the subject areas it intends to promulgate rules for and an approximate schedule for adopting such rules. Mayoral agencies must submit the agendas to the Mayor for review. Agencies are required to send final rules to Corporation Counsel, and Corporation Counsel is required to publish a complete compilation of all effective rules and update the compilation not less than every six months. (§§1042, 1045)

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<sup>40</sup> Report, pp. 86-89.

**Appendix E**  
**Attachment 2**

**Selected Adjudication Tribunals**

<b>Administrative Tribunal</b>	<b>Authority</b>	<b>Adjudicatory Authority</b>	<b>Enforcement Tools (including docketing authority)</b>
<p><b>Parking Violations Bureau (PVB)</b></p> <p>Located within Department of Finance</p> <p>Date of Creation: 1969</p>	<p>Vehicle and Traffic Law, Article 2-B; Administrative Code, Title 19, Chapter 2</p>	<p>PVB has power to:</p> <ul style="list-style-type: none"> <li>• accept pleas to, and to hear and determine, charges of parking violations, including red light camera violations</li> <li>• provide for penalties, other than imprisonment, for parking violations; subject to specified limits on monetary penalties. (Ad. Code, § 19-203 (a) and (b))</li> </ul>	<p>PVB has power to enter judgments and enforce them, without court proceedings, in the same manner as enforcement of money judgments in civil actions. (Ad. Code, § 19-203(e))</p>
<p><b>Taxi and Limousine Commission (TLC)</b></p> <p>Date of Creation: 1971</p>	<p>Charter § 2303</p>	<p>Commission (or administrative tribunal created by commission) has power to adjudicate charges of violation of administrative code provisions and related rules and regulations, such as:</p> <ul style="list-style-type: none"> <li>• rates of fare charged and collected</li> <li>• standards and conditions of service</li> <li>• revocation and suspension of vehicle licenses</li> <li>• issuance, revocation, suspension of licenses for drivers, chauffeurs, owners/operators of vehicles and taxicab brokers</li> <li>• establishment of qualifying standards for above licenses (§ 2303 (b) and (c))</li> </ul>	<p>Commission (or administrative tribunal) has power to enforce decisions and orders imposing civil penalties not greater than \$10,000/respondent for violations relating to unlicensed vehicles for hire and for violations relating to unauthorized commuter van operations and unlicensed drivers of commuter vans as if they were money judgments without court proceedings--entered in appropriate civil court--so long as prescribed methods of notice followed. (§ 2303 (c))</p>
<p><b>Environmental Control Board (ECB)</b></p> <p>Located within Department of Environmental Protection</p> <p>Date of Creation: 1972</p>	<p>Charter §1404</p>	<p>ECB is authorized to conduct proceedings for adjudication of violations of law providing for enforcement by ECB, including the charter and administrative code provisions, any rules and regulations made under them relating to:</p> <ul style="list-style-type: none"> <li>• cleanliness of streets</li> <li>• waste disposal</li> <li>• provision of pure, wholesome and adequate water supply</li> <li>• prevention of air, water and noise pollution</li> <li>• regulation of street peddling</li> <li>• prevention of fire and danger to life and property from fire, which are within Fire Department jurisdiction and which have been designated by Fire Commissioner</li> <li>• construction, alteration, maintenance, use, occupancy, safety, sanitary condition,</li> </ul>	<p>ECB has power to render decisions and orders and to impose civil penalties provided under law for such violations. (Charter, §1404 (d)(1)(a))</p> <p>Final ECB orders imposing civil penalties not more than \$25,000 will be deemed a judgment rendered by ECB and may be "docketed"--i.e., may be entered in appropriate civil court and, subject to compliance with all provisions of law (involving notice and service of process), able to be enforced without additional court proceedings as in the manner of money judgments entered in civil actions. (Charter, §1404 (d)(1)(e))</p>

Administrative Tribunal	Authority	Adjudicatory Authority	Enforcement Tools (including docketing authority)
		<p>mechanical equipment and inspection of buildings or structures in city, which are within Buildings Department or Department of Small Business Services jurisdiction and which have been designated by Buildings Commissioner or Commissioner of Small Business Services</p> <ul style="list-style-type: none"> <li>• emergency responses to hazardous substance release, actual or threatened</li> <li>• use and regulation of all property subject to Parks Department jurisdiction</li> <li>• reporting with respect to or labeling of hazardous substances</li> <li>• construction, maintenance and repair and obstruction or closure of public roads, streets, highways, parkways, bridges and tunnels within Department of Transportation and Department of Information Technology and Telecommunications jurisdiction</li> <li>• use and regulation of all property subject to Department of Small Business Services jurisdiction</li> <li>• defacement of property</li> <li>• landmarks and historic districts within Landmarks Preservation Commission jurisdiction</li> <li>• provisions of Health Code and related rules and regulations as designated by Board of Health (§1404(d)(1)(a), (c)(1) and (2))</li> </ul>	
<p>Tax Appeals Tribunal</p> <p>Located within Department of Finance</p> <p>Date of Creation: 1988 (1988 Charter Revision Commission)</p>	<p>Charter §§ 1504-a, 168</p>	<p>Tax Appeals Tribunal has jurisdiction to hear and determine cases initiated by filing of petitions protesting notices for City-administered non-property taxes, excise taxes and annual vault charges issued by Finance Commissioner of a hearing related to, among other things, determination of:</p> <ul style="list-style-type: none"> <li>• tax due,</li> <li>• tax deficiency,</li> <li>• denial of refund or credit application</li> <li>• refusal to grant, suspend or revocation of license to sell cigarettes.</li> </ul> <p>Tribunal also has power to rule on legality of Finance Commissioner rules disputed in appeals. (§ 168(a)) Tribunal president can appoint presiding officers, subject to appropriation, to conduct small claims (&lt;\$10,000) hearings (§168(e))</p>	<p>Tax Appeals Tribunal has same power and authority as Finance Commissioner to impose, modify, or waive any taxes within jurisdiction, interest and applicable civil penalties. (§ 168(a))</p>

Administrative Tribunal	Authority	Adjudicatory Authority	Enforcement Tools (including docketing authority)
		Powers, functions, duties and obligations of tribunal are separate from and independent of Finance Commissioner's authority. (Charter §§ 1504-a, 168)	
Office of Administrative Trials and Hearings (OATH)  Date of Creation: 1988 (1988 Charter Revision Commission)	Charter § 1048	OATH has power to conduct adjudicatory hearings for all agencies unless otherwise provided by executive order, rule, law or collectively bargained agreement. (§ 1048)	

MEMORANDUM

February 8, 2005

To: Dr. Ester R. Fuchs (Chair)  
Dr. Dall Forsythe (Vice Chair)  
Stephen J. Fiala (Secretary)  
Robert Abrams  
Curtis Archer  
Dr. Lilliam Barrios-Paoli  
Amalia Victoria Betanzos  
David Chen  
Anthony Crowell  
Stanley Grayson  
Dr. Mary McCormick  
Stephanie Palmer  
Jennifer J. Raab

Fr: Terri Matthews

Re: Introduction to History of Administrative Reform and Operational Efficiency/Accountability Issues

**Introduction**

In anticipation of the presentation to you on Wednesday, February 9th, the following outline provides an introduction to the City's history of administrative reform and operation efficiency/accountability issues. The work leading up to this outline has been our first collective review of these issues, and this memo represents our initial thoughts on how to frame them. We know, however, that each of you has extensive experience with the City and its agencies on this topic and do not intend this approach to be exclusive. We hope you find this background memo to be a helpful supplement. If you have any questions or comments, please call (212-788-8107) or email me (tmatthews@cityhall.nyc.gov) at your convenience.

**Emerging Themes from Agency Head Meetings**

As the Commissioners requested during the November meeting, we have been meeting with agency heads to identify issues concerning administrative reform/operational efficiency, especially focusing on changes within the bureaucracy that can improve service delivery. While we have not yet concluded these meetings, themes have

emerged which we would like to bring to your attention. There is detail in the Charter that does not recognize the possibility of technology to permit streamlining of activities or, worse, that presents obstructions to agencies individually or attempting to work on common issues collectively. There have also been unintended negative consequences of past restructurings of government, some of which could be remedied by technology, some of which could be remedied by clean up provisions.

### **Many More Pages in the Charter**

As Spencer Fisher indicated at the last meeting, in his presentation on the history and structure of the Charter, the Charter is a dynamic document, if not a "heartbreaking work of staggering genius." From the short-form 1936 Charter, which outlined the organic structure of City government in 43 chapters, 22 of which established city agencies, we now have a charter with more than 74 chapters, about half of which establish city agencies and empower them to perform varying tasks with varying levels of specificity.

The City's Charter, although still a short form charter, is now much lengthier than it was in 1936. There are many reasons for this expansion, only two of which are the subject of this background memo. The first reason has been the introduction, over a long period of time, of performance-based planning documents into the City's various processes, primarily the budget process. The second reason has been the continual restructuring of city agencies over time. Since these two distinct reasons are germane to the issues of administrative reform and operation efficiency/accountability that this Commission will study, we have presented them in this memo.

### **Performance as a Tool for Administrative Reform--The Legacy of Past Charter Commissions**

Unlike the federal government and several states,<sup>41</sup> New York City has engaged in an evolutionary process of performance-related reform over a longer period of time, introducing performance-based tools to various parts of existing processes. This evolutionary approach has resulted in layers of performance tools, scattered throughout the Charter, some used and useful, others, perhaps, not. A chart of the performance-based tools found in the Charter is attached to this memo as Attachment 1. Another feature of the City's experience with performance is that the majority of planning documents has been introduced by Charter Revision Commissions. Indeed the City's current performance management/budget system is the combined legacy of the 1975 and 1989 Commissions. Thus, it is within the customary purview of the 2005 Commission to conduct the necessary periodic review and evaluation of what works, what does not work and what may work better with respect to the City's performance management/budget system.

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<sup>41</sup> The federal government enacted the comprehensive Government Performance and Results Act of 1993. Several states have, since the 1990s, enacted similarly comprehensive performance- or results-based systems for agency oversight and appropriation processes.



The Mayor's Management Report (MMR), an important part of the performance based reporting system, came to the Charter by way of the 1975 State Charter Revision Commission. The 1975 Commission, established in response to perceived shortcomings in the ability of the City to deliver effective services in an efficient manner, blamed increasing costs of City government on "inadequate management policies and practices." The 1975 Commission specifically pointed to a "lack of accountability of the Mayor and line agencies to the public for the quality of services and the achievement of performance objectives."<sup>42</sup> This absence of a Charter requirement to compel the Mayor to focus on the performance of his agencies motivated the 1975 Commission to put the MMR in the Charter. "[The Charter] says nothing about the establishment of agency performance goals or the evaluation of service performance. Unless the Mayor is formally committed to an open process of setting and reviewing agency goals and performance, the public and the City's legislative bodies (the City Council and the Board of Estimate) remain ignorant of these matters. Without mayoral commitment, the whole process of management evaluation may simply never take place; specific goals will not be set and agency performance will not be reviewed."<sup>43</sup>

The 1989 Charter Revision Commission also focused on agency efficiency and accountability, leaving behind a core of planning documents in the Charter. Among the several stated objectives that guided the 1989 Charter Revision Commission, three of them relate to agency efficiency and accountability.

- To fix accountability by clarifying responsibility
- To enhance efficiency by streamlining procedures
- To encourage a shift from crisis management to long-term planning<sup>44</sup>

As shown on Attachment 1, which lists the planning documents related to the budget process currently required by the Charter, most of them originated from the 1989 Charter Revision Commission recommendations.<sup>45</sup> The focus on performance by the 1989 Charter Revision Commission was not new, but was comprehensive and integrated with the budget process. The Chair of the 1989 Charter Revision Commission articulated the Commission's goals for its reform of the budget process in the spring of 1989, intending to make the budget process "... an open and informed debate to set the city's budget priorities in a fiscally responsible manner ..." and to

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<sup>42</sup> Preliminary Recommendations of the State Charter Revision Commission for New York City, 1975, p. 35.

<sup>43</sup> *Id.*

<sup>44</sup> 1989 Charter Revision Commission, "Summary of Final Proposals," August 1989 (Final Report), p. 3.

<sup>45</sup> The 1988 Charter Revision Commission is responsible for an infrastructure maintenance reporting process that feeds into the annual budget process. 1988 Charter Revision Commission, "The Charter Review," Fall 1988 (Vol. 2, No. 1), pp. 8-9.

focus the budget process and deliberations " ... on ends (programs, objectives and results) as well as mean (money, staff and materials) ...".<sup>46</sup>

The 2003 Charter Revision Commission proposed the elimination of the Preliminary Mayor's Management Report (PMMR) as part of a broader ballot question on government administration and accountability. The 2003 Commission proposed to eliminate the requirement that the Mayor publish the PMMR, a single update of the MMR with first quarter data, because technology made it possible to provide updated data to the public in other ways more efficiently. This proposal was defeated.

Since the recently renewed national interest in performance, a healthy skepticism has developed in parallel, pointing out challenges in designing and implementing performance systems.<sup>47</sup> They include challenges posed by the indicators themselves, the utility of the indicators to a variety of stakeholders, and the perceived liabilities posed by indicators to stakeholders.<sup>48</sup> Challenges are exacerbated when, as in New York City, significant public services—both in terms of program, policy and resources—are contracted out to non-public entities.<sup>49</sup> Finally, performance tools can help inform elected officials in their discharge of public obligations, but they cannot replace value and political judgments that are the essence of the resource allocation—or budget—process.<sup>50</sup>

In its review of the current performance-based reporting system, the 2005 Commission may consider possibilities that current technology provide that were not available in 1989, much less in 1975. While the reporting of outcome-based information is vital to agency efficiency and effectiveness, as the 2003 Commission observed, there is a countervailing cost to reporting data which comes at the expense of diverting agency resources from providing services. The cost of providing data is especially high when the detail required of such reports is written in the Charter and the rationales and/or methodologies behind such detail may have outlived their usefulness and relevance. There may be a long-term benefit to imparting some flexibility into the performance-based reporting system, so that the ends—reporting relevant outcome measures to ensure informed decision making and better agency management—are mandated, but the detailed means are not.

Yet with all these caveats, performance tools remain critical to legislators focusing on administrative efficiency and accountability. The National Conference of State Legislatures and the Urban Institute recently completed their Legislating for Results Project and have published a comprehensive report of performance efforts among the states that have enacted results-based legislation. The report notes that legislating

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<sup>46</sup> 1989 Charter Revision Commission, "The Chair's Recommendations for Charter Revision," April 24, 1989, p. 1.

<sup>47</sup> Dall Forsythe, "Quicker, Better, Cheaper? Managing Performance in American Government", (New York: Rockefeller Institute Press, 2001), Chapter 18.

<sup>48</sup> Forsythe, pp. 523-527, 530-533, 535-536.

<sup>49</sup> Forsythe, pp. 529-530.

<sup>50</sup> Forsythe, pp. 533-535.

for results can, in a variety of ways, enhance the legislative oversight process, inform budget and policy decisions, provide information to stakeholders outside government, including citizens, to improve communication generally and enhance policy development and provide opportunities to change approaches to service delivery.<sup>51</sup> This report splits its key recommendations into strategies for *obtaining* useful outcome information and strategies for effectively *using* outcome information. These key strategies can provide a useful guide to this Commission as it reviews the existing performance-related processes and documents within the Charter.

### **Structural Change as Way to Effect Administrative Reform**

New York City's governmental structure is fluid, changing over time in response to legal mandates, changes in public policy objectives and the need to increase agency efficiency and accountability. When the 1989 Charter Revision Commission revised the Charter, in response to a ruling of the United States Supreme Court, it effected major structural changes among the various "branches" of local government. More often, however, the City Council and various Charter Revision Commissions create, merge or split executive agencies.<sup>52</sup>

By way of example, and in the interest of providing context, the Commission staff has prepared Attachment 2, containing outlines of major agency change efforts. The first summarizes several reorganizations initiated during the Giuliani Administration (1994-2001). Two of these—the Department of Citywide Administrative Services and the Department of Design and Construction—were accomplished by Council action, and one—the Business Integrity Commission—was accomplished by Charter referendum. The second summarizes the creation, during the Lindsay Administration (1966-1973), of the Human Resources Administration (HRA) and the subsequent devolution of two HRA functions in the establishment, during the Giuliani Administration, of the Department for Homeless Services and the Agency for Children's Services. The last is a summary of the elimination of the Department of Ports and Terminals, which occurred as a result of Council legislation during the Dinkins Administration (1990-1993).

This summary outline provides a useful catalog of the external environmental conditions surrounding these bureaucratic changes. It is hoped that these agency histories will provide a useful backdrop as we continue to meet with agency heads and identify specific potential Charter changes that could enhance operational efficiency and improve service delivery at the various agencies.

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<sup>51</sup> National Conference of State Legislatures and Urban Institute, "Legislating for Results," (Colorado, 2003), pp. xi-xii.

<sup>52</sup> Although Charter § 11 provides that "the mayor may organize or reorganize agency under his jurisdiction," this provision has had little or no practical effect and contains some significant restrictions.

See Charter 1 Appendix J below for *Appendix A* to  
*SUMMARY OF ISSUES UNDER CONSIDERATION FOR CHARTER REVISION*

## Major Agency Change Efforts

### *Reinventing Government*

In the first term of the Giuliani Administration, restructuring City agencies was part of a comprehensive effort to reinvent government. In the Fiscal 1996 Preliminary Budget, Mayor Giuliani proposed the consolidation of capital construction functions into a single citywide capital construction agency. In the Executive Budget in the following year, Mayor Giuliani proposed the establishment of the Department of Citywide Administrative Services to streamline and consolidate two central administrative functions. First Deputy Mayor Peter Powers described these proposals as “part of reinventing government”<sup>53</sup>—and the mid-1990s saw the launching of new city agencies and the disappearance of old ones during this major revamping of government structure. The second term of the Giuliani Administration shows a different approach to restructuring government in the creation of the Business Integrity Commission through the charter revision process in 2001.

- **Department of Design and Construction (DDC)**
  - The creation of DDC reflected the Giuliani Administration’s belief that the creation of a single consolidated construction agency would allow for greater coordination on all construction projects between the City and utility companies, community representatives and the private sector.<sup>54</sup> Greater coordination would “reduce the level of disruption in neighborhoods affected by construction projects and invariably reduce the costs associated with such projects.”<sup>55</sup> And a single agency would permit the elimination of redundant program units within other agencies, attracting high-quality in-house architects and engineers as well as the most capable contractors to build the City’s infrastructure.<sup>56</sup>
  - Created by Local Law 77 of 1995, the DDC commissioner was given “charge and control of and [responsibility] for functions and operations ... relating to city construction projects.”<sup>57</sup> Additionally, the DDC commissioner was given authority to “perform responsibilities as the mayor shall direct with respect to the acquisition of real or personal property in connection with construction or a capital project.”<sup>58</sup> The Mayor, however, retained the

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<sup>53</sup> Steven Lee Myers, “Mayor Plans to Eliminate Five Agencies”, *New York Times*, Jan. 30, 1996, p. B-1.

<sup>54</sup> Finance Committee report.

<sup>55</sup> *Id.*

<sup>56</sup> *Id.*

<sup>57</sup> Charter § 1202(a).

<sup>58</sup> *Id.* § 1202(a).

- power to assign the operations and functions of a particular construction project to an agency other than DDC when s/he deemed it appropriate.<sup>59</sup>
- DDC manages other agencies' capital projects with capital funds from such agencies.<sup>60</sup> Under the fiscal 2005 capital plan, DDC was expected to manage \$885 million in capital projects,<sup>61</sup> of which 24 percent are courts, corrections, or juvenile justice projects; 22 percent are Department of Environmental Protection projects; 19 percent are Department of Transportation projects, 15 percent are child development, aging, homeless or health projects; 8 percent are library projects; and 7 percent are cultural projects.<sup>62</sup>
  - Since its inception in 1996, the DDC has completed more than 2,400 construction projects throughout the five boroughs with a total value of more than \$5.3 billion,<sup>63</sup> which includes 723 projects valued at \$2.7 billion in the infrastructure division and 1,708 projects valued at \$2.6 billion in the structures division.<sup>64</sup>
  - In a March 2004 report, the Independent Budget Office (IBO) evaluated how well DDC met its initial goals. While the report found that data limitations precluded comprehensive comparison of DDC with other agencies, it concluded, based on available information, that DDC had improved its performance in several respects since fiscal 1997—"speeding the bid process and possibly shortening construction duration; reducing cost overruns; and containing personnel costs."<sup>65</sup>
- **Department of Citywide Administrative Services (DCAS)**
    - Local Law 59 of 1996 created DCAS, merging the Department of Personnel and the Department of General Services, and giving DCAS charge of both administrative support functions (such as acquisition of supplies and managing the City's real property portfolio) and personnel management services (such as administration of civil service examinations).
    - The Administration's goal in creating DCAS was to "streamline and consolidate" these two functions.<sup>66</sup> And at the time of the law's passage, the Administration anticipated that the "increased productivity and improved efficiencies" resulting from the creation of DCAS would save the city millions of dollars.<sup>67</sup>

<sup>59</sup> *Id.* § 1202(b).

<sup>60</sup> Natalie Keith, "At the Helm: NYC Department of Design and Construction Commissioner David Burney," *New York Construction*, August 1, 2004.

<sup>61</sup> *Id.*

<sup>62</sup> *Id.*

<sup>63</sup> Natalie Keith, "Follow the Money; DDC to Oversee \$885 Million in Capital Projects in FY '05," *New York Construction*, Aug. 1, 2004.

<sup>64</sup> *Id.*

<sup>65</sup> IBO Report, at 1, 6.

<sup>66</sup> 1997 Executive Budget, at 178.

<sup>67</sup> "Giuliani Appoints Three Commissioners," *New York Times*, Aug. 11, 1996, p. A-32.

- In its first full year of operation, DCAS created a new organizational structure to support the consolidation of the City's personnel and administrative functions, merging duplicative administrative functions and establishing a new agency management structure. And as part of its strategic planning effort, DCAS began meeting with its client agencies to discuss agency views about DCAS performance and identify areas needing improvement.<sup>68</sup>
- A survey of Mayor's Management Reports from the late 1990s shows DCAS becoming active on varied fronts. In reducing the number of competitive job titles in an effort to enhance flexibility in recruitment and assignments, DCAS had a role in the Giuliani Administration's efforts to cut city-funded staffing levels without resorting to layoffs. DCAS also undertook an early privatization effort, contracting with a private vendor to service automobiles, vans and pickups via the New York State contract for vehicle maintenance services.
- Today, DCAS carries out its duties through its five main divisions: the Division of Municipal Supply Services (DMSS), the Division of Facilities Management and Construction (DFMC), the Division of Citywide Personnel Services (DCPS), the Division of Real Estate Services (DRES) and the Division of Administration and Security (DAS). It also has several other specialized offices, including the Office of Citywide Opportunity, which promulgates and enforces the City's EEO policy for mayoral agencies.
- The Fiscal 2004 Mayor's Management Report again demonstrates the breadth of activity in which DCAS is currently involved. In its function of operating and maintaining city-owned public buildings, DCAS saw the number of in-house work orders reach a four-year high in Fiscal 2004 as a result of a joint initiative with the State Office of Court Administration to reduce the backlog of repairs at court facilities. In its personnel function, DCAS administered more employee training sessions, though it did report giving fewer civil service exams. In its role as manager of the city's surplus property, DCAS pointed to a public sale of 100 sets of seats from the 1975 Yankee Stadium renovation, which generated over \$150,000. And on the procurement front, DCAS reported that it solicited an average of 111 vendors per procurement opportunity and received an average of 5.3 bids per solicitation.

- **Business Integrity Commission (BIC)**

- Regulatory schemes initiated during the Administration's first term sought to eliminate—or head off, in the case of shipboard gambling—the influence of organized crime in the private carting industry and in the City's public wholesale food markets. The Trade Waste Commission and the Gambling Control Commission performed some of these regulatory functions. The Department of Business Services (now Small Business Services) and the

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<sup>68</sup> Mayor's Management Report, Fiscal 1997, p. 76.

Department of Investigation shared oversight of the City's public wholesale markets.

- The idea of consolidating regulation of the refuse and wholesale food industries into a single agency was first proposed by the 1999 Charter Revision Commission. The consolidated entity would encompass the Trade Waste Commission, the Gambling Control Commission and include oversight of the city's public wholesale markets. The 1999 Commission reasoned that the process of vetting and licensing businesses was similar across industries, as were the investigative process and regulatory enforcement, so that consolidation would create a specialized agency with considerable expertise. All of the 1999 charter referendum measures were defeated (they were bundled into one up-or-down vote).
- The 2001 Charter Revision Commission revived this consolidation proposal and it passed in 2001. Originally due to be called the Organized Crime Control Commission, the agency's name was changed to the Business Integrity Commission by local law after the Bloomberg Administration took office.

### ***Consolidation and Decentralization over Time***

- **Human Resources Administration**

- When the Lindsay Administration assumed office in 1966, it planned to group approximately 40 city agencies into super-agencies or administrations based on functional groupings designed to improve bureaucratic efficiency. The federal government had been experimenting with this "super-agency" approach to improving government services.
- A Mayor's Task Force on Governmental Reorganization was preparing plans for 10 or 11 super-agencies. The list of proposed super-agencies included the Economic Development Administration (made up of the departments of Commerce, Markets, and Licenses), the Transportation Administration (Traffic, Highways and bits of others), the Financial Management Administration (Finance, City Register, Real Property Assessment), the Recreation and Cultural Affairs Administration (Parks, Landmarks Preservation Commission), the Health Services Administration (Hospitals, Chief Medical Examiner, Health), the General Services Administration (City Record, Purchase and the gas and electricity bureaus), the Environmental Protection Administration (Sanitation, air pollution control and water supply), and the Correction Administration (Correction, Parole Commission and civil jail). Police, Fire, Investigation and the Budget Bureau were unaffected, as were certain free-standing boards.
- Mayor Lindsay appointed the head of New Haven's social service agency, Mitchell Sviridoff, to conduct a four-month study of the City's social services, to assess the consolidation of the City's seven welfare, anti-



poverty and youth programs into a "showcase anti-poverty agency."<sup>69</sup> As reported at the time, the study " ... found 'a vast array of programs operating in the city - with little or no coordination, sometimes working at cross-purposes, and often puzzling and frustrating the people whom they are designed to serve.'"<sup>70</sup> Sviridoff was quoted as saying that the disorganization was costing the City money and that getting organized would elicit more anti-poverty funds from Washington. The recommendation included "... new programs to achieve a more unified and systematic attack on poverty."<sup>71</sup>

- The Lindsay Administration created HRA with Executive Order 28 on August 16, 1966, noting that the substantial government reorganization would "ultimately require the enactment of legislation to amend the Charter." The new agency would include the Department of Welfare, the Youth Board, the Commission for the Foster Care of Children, a new Department of Manpower and Career Development to coordinate employment and training programs, an Office of Education Liaison, and the Department of Community Development. Three units created by executive order in previous administrations would be abolished, including the Economic Opportunity Committee, the Anti-poverty Operations Board, and the Mayor's Council on Expanded Employment Opportunity and Training. A policy planning body, the New York City Council Against Poverty, was also created.
- By the end of January 1968, the Council had approved the creation of four super-agencies—Housing and Development, Health Services, Environmental Protection and Finance, but not HRA. Six months later, the Mayor issued Executive Order 84, enlarging the Council Against Poverty from 28 members to 51 members.
- The Council's oversight activities with respect to HRA commenced in October 1968. The interim report in early June 1969 suggested that HRA was too multi-faceted to perform all of its tasks well. In addition, six months earlier, a federal audit had been critical of HRA's financial management practices. The Council's final report on HRA called for elimination of the agency's Office of Education—which the Administration quickly did—and transfer of the Addiction Services Agency to the Health Administration.
- A February 1970 report to the Institute of Public Administration recommended breaking up the super-agencies and grouping city departments under four deputy mayors. One of the report's authors, Dr. David Hertz, was vice chair of the Mayor's Operations Research Council.
- On July 1, 1971, Executive Order 38 created the Agency for Child Development within HRA. ACD took over day care from the Bureau of Child

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<sup>69</sup> *New York Times* article, January 6, 1966.

<sup>70</sup> John Kifner, "Giant City Agency to Reorganize Aid to Poor is Urged", *New York Times*, June 27, 1966,

p. 1.

<sup>71</sup> *Idem*.

Welfare, day care services and Project Headstart from the Community Development Agency.

- The Beame Administration campaigned on breaking up the super-agencies. Shortly after assuming office he announced plans to deconstruct three of them, including HRA. A *New York Times* editorial, critical of the Beame Administration's plan to disaggregate the super agencies, cited the Citizens Budget Commission to the effect that, though HRA had not achieved all its intended benefits, it had made gains in productivity.
  - In 1981, the Koch Administration issued Executive Order 82, which declared that HRA would continue. Although HRA never became a charter agency, today HRA acts, for the most part, concurrently with the Department of Social Services, which is established as a charter agency in Charter Chapter 24.
- **Department of Homeless Services (DHS)**
    - Throughout the second half of the 1980s and early 1990s, the problem of homelessness became visible across the nation. Daily stories in the media chronicled the many homeless people sleeping on the streets, panhandling, offering to wash windshields at traffic lights. Homelessness seemed to be a problem without a ready solution, the result of societal forces beyond the coping ability of any municipality.
    - In New York City, homeless services fell within the purview of HRA, which ran the homeless shelters and related addiction counseling and employment programs.
    - In early 1990, Council Speaker Peter Vallone appointed a Legislative Advisory Commission on the Homeless. In September 1991, Mayor David Dinkins created the New York City Commission on the Homeless, headed by Andrew Cuomo, to study the homeless issue and recommend a course of action. Five months later, the Cuomo Commission recommended that the City establish a new city agency to focus on the homeless issue, removing it from HRA's jurisdiction. The new agency would run the City's homeless shelters and contract with non-profit social service agencies for the provision of the various services for the homeless. The new agency would coordinate extra-shelter needs with the Department of Housing Preservation and Development, the New York City Housing Authority, and the Board of Education, just as HRA had done.
    - The Dinkins Administration established the Mayor's Office for Homeless Facilities and Service Development by executive order in 1992. In November 1992, the Dinkins Administration sent legislation to create DHS to the Council. The Council expressed concern that the proposed legislation did not consolidate homeless services sufficiently, leaving them fragmented among multiple City agencies. Charles Raymond, the commissioner-designate of the new agency, responded that the Administration wanted to focus narrowly on improving the City's shelter system, the focus of much litigation, and did not want to create another HRA-like entity. The Council

adopted the legislation and DHS became a charter agency, on July 1, 1993, subject to a provision that the agency's existence would "sunset" in 1998. After the sunset in 1998, Mayor Giuliani merged DHS into the Department of Social Services (the Charter version of HRA) by executive order. This merger continued briefly in 1998 by local law. In 1999, however, the Council adopted Local Law 19, which established DHS as a permanent charter agency without a sunset date.

- **Administration for Children's Services (ACS)**

- As with the external circumstances surrounding the creation of DHS, a sensational story surrounded the creation of ACS. The media's chronicle of the life and death of Elisa Izquierdo, a six-year-old girl who was killed by her mother on November 22, 1995, revealed problems with the City's child protective services, which were provided by HRA's Child Welfare Administration (CWA).
- After an informal investigation into CWA by a small group appointed by Mayor Giuliani, which was led by Howard Wilson, the Commissioner of Investigation, the Mayor decided to move CWA out from the under HRA's umbrella and constitute it as a separate city agency. Executive Order 26, issued on January 11, 1996, initially created ACS, incorporating three HRA units: CWA, the Agency for Child Development, and Office of Child Support Enforcement.
- On May 22, 1996, the Administration submitted a bill to create ACS as a charter agency to the Council. Since ACS was operating by executive order, however, adoption of the legislation was not critical.
- The 1999 Charter Revision Commission proposed the creation of ACS as a charter agency, which did not pass. Resubmitted by the 2001 Charter Revision Commission, the ACS proposal was approved by the voters in 2001.

### ***Long-Term Historical Change***

Unlike the chronicles of agencies above, which begin in the last century, the chronicle of the Department of Ports and Terminals (Ports) begins in colonial times. Founded at the mouth of the Hudson River and around a fine natural harbor, New York City prospered largely because of maritime trade and successive waves of ship-borne immigration. Over a long period of time, however, the changing maritime environment, often beyond the control of the City, required the City to evolve as is summarized below.

- **The Department of Ports and Terminals**

- The story begins in 1686, when British colonial authorities transferred decision-making authority over unencumbered land, including that under water, to municipal officials. But the municipal government seems not

- have managed the waterfront in a way that kept pace its growth, which boomed through the 1800's as New York's trade with the world burgeoned.
- The 19th century saw several efforts to develop comprehensive waterfront plans, which were mostly unsuccessful. By 1870, a consensus had emerged that "the derelict condition of the piers" was "a public hazard," as Mary Beth Betts writes in her comprehensive essay on the city's maritime history.<sup>72</sup> That same year, the State enacted legislation creating the New York City Department of Docks and charged it with managing the City's extensive waterfront, including maintaining wharves and slips and requiring the agency to formulate a plan for improving the waterfront and harbor. As Betts observes, "[t]he establishment of an agency so broadly empowered as to regulate all facets of the waterfront was unprecedented in the history of municipalities."<sup>73</sup>
  - In the 1930's, a City Charter amendment gave the Department of Docks exclusive control of the City's airports and seaplane bases, and subsequent amendments renamed the agency several times, including, in 1942, the Department of Marine and Aviation. Betts suggests that the seeds of the Department's demise were sewn during the 1940's, when heavy use of the harbor's facilities during World War II revealed "the city's weakened financial and administrative abilities to care for its port properties," and the obsolescence of the physical structures on waterfront.
  - In 1946, Mayor William O'Dwyer transferred administration of the City's airports from the City to the Port Authority of New York and New Jersey, which had been established 25 years earlier. Two years later, Mayor O'Dwyer unsuccessfully tried to transfer most of the City's waterfront properties to the Port Authority. Later attempts to enlarge the Port Authority's role on the waterfront continued for the next two decades or so, with some success. By the 1970s, the Port Authority administered most major pier and terminal construction projects, although the City agency—which in 1969 had changed its name to the Department of Ports and Terminals—continued to review waterfront construction plans.
  - In 1979, the Commissioner of Ports and Terminals, Susan Heilbron, recommended elimination of her agency, indicating it needed additional resources to perform its mandated tasks. The next year, Mayor Koch initially proposed such elimination, citing the introduction of containerized shipping as radically altering the nature and future of the waterfront. The Mayor later withdrew the proposal in view of political reaction and a concern that apportioning the remaining functions among other agencies "would add a new layer of red tape and lead to an uncertainty of

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<sup>72</sup> Mary Beth Betts, "Masterplanning: Municipal Support of Maritime Transport and Commerce 1870s-1930s," appeared in *The New York Waterfront Evolution and Building Culture of the Port and Harbor*, pp. 36-84, edited by Kevin Bone (The Monacelli Press, 1997).

<sup>73</sup> Betts.

responsibility, making it more difficult and less profitable for the maritime industry to operate here.”<sup>74</sup>

- In 1986, the agency underwent one of its periodic renamings, becoming the Department of Ports, International Trade and Commerce, with a mandate to attract overseas investment, encourage local businesses to export their goods and promote creation of foreign trade zones in the City. A few years later, in 1989 the agency changed its name to the Department of Ports and Trade.
- In 1991, the Dinkins Administration accomplished the elimination of Ports as part of a consolidation of a half-dozen economic development agencies, when the Council adopted Local Law 61 of 1991. The business community, budget watchdogs and Council leadership all praised the move, though others viewed the consolidation as reflecting the perceived demise of the port and the waterfront in general.
- The agency’s functions were divided among the Department of Business Services (now Department of Small Business Services), the Department of General Services (now DCAS) and the New York City Economic Development Corporation. The docks department’s passing from the bureaucratic scene was hardly noticed by the general public. As Betts writes, “The closing of the department, after 120 years of existence, was not even reported in the *New York Times*.”

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<sup>74</sup> Michael L. Pesce, “Koch Perils Our Ports,” *New York Times*, June 6, 1980, p. A-27.

**List of Individuals and Organizations Commission Staff  
Met with as Result of Outreach Program**

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**Name and Organization**

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Ross Sandler, New York Law School

Ronnie Lowenstein, Preston Niblack and Frank Posillico, Independent Budget Office

John Doyle, Real Estate Board of New York

Frank Ricci, Rent Stabilization Association

Rosalind Fink, New York County Lawyers' Association

Brendan Sexton, Brendan Sexton and Associates and former Director of Mayor's Office of Operations

Diana Fortuna, Charles Brecher and Betsy Lynam, Citizens Budget Commission

Jeff Sommer, Financial Control Board

Paul Epstein, Government Accounting Standards Board

Nat Leventhal, Mayor's Committee on Appointments and former CRC Commissioner

Dick Dadey, Citizens Union

Jack Krauskopf, Baruch College, School of Public Affairs

Michael Jacobson, Vera Institute

Jeremy Travis, John Jay College

Bonnie Brower, City Project

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**Name and Organization**

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Patricia Brodhagen, Food Industry Alliance of NYS, Inc.

Dick Anderson, New York Building Congress

Jay Fountain, Government Accounting Standards Board

Louis Colleti, Building Trades Employers Association

Frank McArdle, General Contractors Association

Peter Kiernan, Elaine Reiss and Jeremy Berman, City Bar Association

Dennis Smith, New York University Wagner School

Bryna Sanger, New School University, Robert J. Milano School of Management and Urban Policy

E.J. McMahon, Manhattan Institute

Barbara Dwyer Gunn, Senior Vice President, American Museum of Natural History

Betsy Gotbaum, Public Advocate

Kathy Wylde and Marysol Rodriguez, Partnership for New York City

Heather Ruth, former President, Bond Market Trade Association, and former member of Financial Control Board

Adrienne Kivelson, The League of Women Voters of the City of New York

Henry Stern, New York Civic

Jacob Ukeles, Ukeles Associates, Inc.

James Parrott, Fiscal Policy Institute

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## **Name and Organization**

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Helen Marshall, Queens Borough President

Rosemary Scanlon, Real Estate Institute of New York University

Rae Rosen, New York Federal Reserve Bank

Rita Sallis and Marcia Van Wagner, State Comptroller's Office

Corey Bearak, The Queens Civic Congress

Robert Kurtter, Moody's Investors Services, Inc.

Donna Lynne, former Director of Mayor's Office of Operations

Fred Siegel, The Cooper Union for the Advancement of Science and Art

Julia Vitullo-Martin, Manhattan Institute

Larian Angelo, Director City Council Finance Division

Steve Cohen, Columbia University

Howard Chernick, Hunter College

Paul Light, New York University Wagner School

Andy Scherer, Legal Services for New York City

Rachel Leon, Common Cause

Ken Adams, Brooklyn Chamber of Commerce

Peter Powers, Powers Global Strategies, former CRC Chair

Christian DiPalermo, Alison Farina and Mark Caserta, New Yorkers for Parks

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## **Name and Organization**

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Ken Bleiwas, State Comptroller's Office

John Mollenkopf, CUNY Center for Urban Research

Frank Mauro, Fiscal Policy Institute

Paul Verkuil, Yeshiva University

Nancy Wackstein, United Neighborhood Houses

Richard Briffault, Columbia University

Linda Baran, Bob Olivari and Patrick Hyland, Staten Island Chamber of Commerce

Michael Clark, Citizens Committee for New York City

Elizabeth Lubetkin Lipton, Women's City Club of New York

Barbara Cohn, Fund for City of New York

Glenn Pasanen, Lehman College

Lynne Weikart, Baruch College

Alair Townsend, Crain's, former Director of Mayor's Office of Management and Budget

Gordon Campbell, Safe Horizon

Dean Mead, Government Accounting Standards Board

David R. Jones, Walter Fields and Nancy Rankin, Community Service Society of New York

Stan Altman, Baruch College

Frank J. Macchiarola, St. Francis College, former CRC Chair

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## Name and Organization

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Alessandra Sumowicz, Hofstra University, former CRC Executive Director

Clara Hemphill, Inside Schools

Alan Dobrin, CUNY Senior Vice Chancellor and former Director of Mayor's Office of Operations

Angelo Falcon and Jose Garcia, Institute For Puerto Rican Policy at the Puerto Rican Legal Def. & Education Fund

Greg Brooks and Valerie Budzik, Comptroller's Office

Mark Holzer, Rutgers University

E.S. Savas, Baruch College

Ted Greenwood, Alfred P. Sloan Foundation

Monica Blum, Lincoln Square Business Improvement District

Maureen Connelly, Connelly & McLaughlin

Bob Bacigalupi & Daniel Shaffer, Lesbian & Gay Law Association of Greater New York

Richard Green & Katherine Barrett, Government Performance Project

Randi Weingarten, Chair, Municipal Labor Committee (MLC), and other MLC members

Paul Dickstein, Health First and former Director of Mayor's Office of Management and Budget

Richard Davis, Weil, Gotshal & Manges LLP

Nicole Gordon, New York City Campaign Finance Board

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## **Name and Organization**

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Eric Lane, Larian Angelo, Tisha Jackson, and James Caras, City Council

Doug Muzzio, Baruch College

Council Member David Weprin

Andrew White, New School University, The Center for New York City Affairs

Gene Russianoff, NYPIRG

Hon. David N. Dinkins, former Mayor

John Hallacy, The Municipal Analysts Group of New York

Neil Kleiman and Jonathan Bowles, Center for an Urban Future

Council Member Eric Gioia

Roy Goodman, former CRC Chair

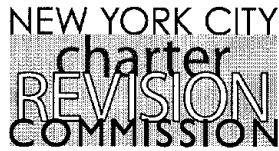
Richard Ravitch, former CRC Chair

Michael Gerrard, Arnold & Porter LLP

Frederick Schwarz, Brennan Center for Justice, former CRC Chair

Hon. Edward I. Koch, former Mayor

Council Member Gale A. Brewer



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Ester R. Fuchs  
*Chair*

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

June 3, 2005

Mayor Michael R. Bloomberg  
City Hall  
New York, New York 10007

Dear Mayor Bloomberg:

You asked this Commission to consider administrative judicial reform. We have heard testimony from Carol Robles-Román, the Deputy Mayor for Legal Affairs, in which she outlined the issues facing the City's administrative tribunals as well as the proposal to create the position of Coordinator of Administrative Justice. We have also heard testimony from Betsy Plevan, President of the Association of the Bar of the City of New York, in which she stated her and the Association's strong support for the creation of such a position.

We have also heard from a panel of experts on this topic, and Commission staff has reported to us the many conversations they have had with other experts and stakeholders. There is a wide consensus that creating the position of an administrative judicial coordinator is a necessary first step toward assessing the state of the City's administrative tribunal system and making recommendations to improve its operations. There is also a consensus that it is not necessary--either legally or practically--to put the creation of this position before the voters as a ballot initiative.

The Commission endorses the establishment of a full-time Coordinator of Administrative Justice, with appropriate resources, to consult with the tribunals and related agencies and assist the Mayor with respect to: coordination of policies, plans and operations common to the management of these tribunals; establishment of budget priorities for the tribunals; establishment of policies to increase efficiency at the tribunals, including the appropriate use of information technology; establishment of programs for training and professional development of administrative law judges and hearing officers; and, establishment of programs to enhance alternative dispute resolution.

We further believe that the establishment of the Coordinator of Administrative Justice would provide the context for any ballot proposal we might consider on the topic of administrative judicial reform. Thus, we respectfully request that you create such a position by executive order as soon as practicable.

Sincerely,

Ester R. Fuchs  
Chair, Charter Revision Commission

cc: Members of the Charter Revision Commission  
Michael A. Cardozo, Corporation Counsel  
Carol Robles-Román, Deputy Mayor for Legal Affairs and Counsel to the Mayor  
Peter Madonia, Chief of Staff

## Statutory Summary and Statutory Text for Proposal Deferred

The Commission initially approved, but finally deferred, a proposal for referendum that would add, to the Charter, a commission on public reporting and accountability to fill an observed need for an extended and continuous public discussion about effective public reporting and how to improve reports to create a better integrated performance-based reporting and planning system. The new commission would have the duty to review, on a periodic basis, all local requirements mandating reports, with certain exceptions, and the establishment of advisory bodies and would have the authority to waive such requirements, subject to reinstatement by local law.

### PROPOSED CHARTER REVISION DEFERRED

#### *Section-by-Section Summary*

§1. This section would add to the Charter a new section 1113, entitled "Commission on public reporting and accountability."

- §1113(a) provides that, except as otherwise provided in this section, any local requirement that mandates the periodic issuance of reports by public agencies, officers or employees or the establishment of a commission or similar body that exercises no sovereign power and serves only an advisory function shall be subject to waiver and deemed to be conditioned in accordance with the provisions of this section.
- §1113(b) establishes the commission on public reporting and accountability, to consist of nine members, including the Speaker of the Council, the Public Advocate, the Comptroller, the Corporation Counsel, the Director of the Office of Operations and the Director of the Office of Management and Budget, all serving *ex officio*. In addition,

three members, none of whom shall be a City employee, appointed by the Mayor with the advice and consent of the City Council, would also serve on the Commission. In appointing the three additional members of the Commission, the Mayor is required to consider the members' experience in matters related to the Commission's jurisdiction. The Director of the Office of Operations would serve as chair of the Commission. Members who do not serve by virtue of their offices would serve four-year terms.

- §1113(c) requires that the Commission meet at regular intervals and hold at least one public hearing each year devoted to matters required to be reviewed by the Commission. Ex officio members could act through designees. This subdivision also requires that all meetings of the Commission be in compliance with the state Open Meetings Law. The Chair would have authority to appoint and supervise the Commission's staff and to request from other City agencies staff or other assistance, as appropriate, with regard to any matter within the Commission's jurisdiction.
- §1113(d) defines the Commission's powers and duties with respect to reviewing provisions of the Charter, the Administrative Code, or any local law mandating the issuance, by public agencies, officers or employees, of periodic or multiple reports or the establishment of advisory bodies. This subdivision also sets forth important restrictions on the Commission's review power and exceptions to its jurisdiction.
- The first paragraph of the subdivision authorizes and requires the Commission, subject to the exceptions set forth later in the subdivision, to review requirements in the Charter, the Administrative Code, or any local law that mandate the issuance, by public agencies, officers or employees, of periodic or multiple reports or the establishment of advisory commissions or similar bodies. The Commission is further authorized to waive any such requirements. It is useful in this context to expand briefly upon the concept of an advisory body exercising no sovereign power. The concept is intentionally linked to the longstanding New York judicial test for public officer status. In the context of this proposal, it is generally intended to cover bodies that prepare reports or offer advice or recommendations that do not themselves constitute a mandatory part of any legal process; these advisory bodies generally do not themselves implement City programs or initiatives and generally do not have their own staff. Thus, for example, the array of powers possessed by community boards

indicates that they would not be within the jurisdiction of the proposed commission; indeed the Corporation Counsel has stated in a formal opinion that members of community boards are public officers. Opinion of the Corporation Counsel No. 6-84. Similarly, the Voter Assistance Commission, which has the power to “undertake...activities intended to encourage and facilitate voter registration and voting...” (Charter section 1054[b][3]), would not be within the jurisdiction of the proposed commission. On the other hand, without in any way prejudging its utility or value, the archives, reference and research advisory board established by Charter section 3009 would be within the jurisdiction of the commission.

- The second paragraph of this subdivision requires the Commission, prior to making a determination to waive a requirement, to solicit the views of groups or entities that the Chair or Commission reasonably determines are the subject of or are otherwise affected or benefited by the requirement under review, and to state in writing as part of any determination to waive a requirement that it has done so.
- The third paragraph requires the Commission to review all requirements within its jurisdiction, and empowers the Chair to establish the Commission’s agenda and priorities, and to address similar matters. In the case of a requirement that the Chair recommends should not be waived, the Chair or Commission staff may present to the Commission such a requirement individually or grouped together with other requirements that the Chair also recommends not be waived for similar reasons. The Chair or Commission staff may make its recommendation not to waive such a requirement or group of requirements based on aggregated review, as appropriate, consistent with the criteria set forth in subdivision e of this section. After reviewing a requirement, the Commission is required to issue a written determination whether to waive that requirement. If the Commission determines that a requirement should be waived, its written determination must state the reasons for its decision. If the requirement is waived, the relevant report no longer will be required or the advisory body in question will be dissolved. With respect to reporting requirements, the Commission would be authorized to waive such requirements either in whole or in part.
- The fourth paragraph of subdivision d sets forth the timeframe for the Commission’s review process. With regard to requirements in effect at the time of adoption of

section 1113, the Commission would be required to complete its reviews and reach determinations regarding waivers of such requirements by no later than April 1, 2009. With regard to requirements enacted subsequent to the adoption of section 1113, the Commission would be required to complete its reviews and reach determinations concerning waivers of such requirements by no later than five years after the dates of their enactment. Requirements that the Commission determines should be retained would be required to be reviewed again by the Commission no later than five years after its initial determination. Requirements that have been retained as a result of a local law overriding the Commission's waiver determination also must be reviewed by the Commission within five years of the date of enactment of such local law. However, because paragraph six of the subdivision provides that the Commission may not make a determination to waive any requirement within three years of its date of enactment, the effect of reading paragraphs four and six together is that, for any newly enacted requirement or any requirement retained by the City Council as the result of a local law overriding the Commission's waiver determination, the Commission's determination whether to waive such a requirement must be made no earlier than three years, but no later than five years, after the local law's date of enactment. With respect to requirements already in effect at the time of adoption of this section, the same three-year prohibition on the Commission's waiver determination would apply if such requirements had been enacted during the preceding three years, but the Commission would be required to complete its review of such requirements by April 1, 2009, instead of within five years.

- The fifth paragraph of the subdivision requires the Commission to file each determination to waive a requirement, whether in part or in whole, with the City Council and the Mayor, with copies to all groups or other entities whose input was solicited by the Commission during its review. Publication in the *City Record* of each determination to waive a requirement also would be required.
- Finally, the sixth paragraph of subdivision d sets forth the exceptions to the Commission's jurisdiction and powers. The Commission is prohibited from making a determination to waive any requirement within three years of that requirement's date of enactment. Similarly, the Commission is prohibited from making a new determination to waive any requirement that the Commission earlier had waived, but



the waiver of which was overridden by a local law, until three years have passed from the date of the local law's enactment. Further, the following requirements, as in effect as of July 1, 2005 or as adopted by referendum at the 2005 general election, are wholly exempt from the Commission's jurisdiction, and are not subject to the Commission's waiver powers: provisions of the Charter relating to the Mayor's Management Report, to the Comptroller's annual statement, to the Annual and Actuarial Audits, to the adoption of the City budget, and to the Independent Budget Office, as well as requirements by or pursuant to state or federal law, rule, or regulation.

- §1113(e) authorizes the Commission to base its determinations on such criteria as it may deem appropriate, including, with regard to reporting requirements, whether the report provides useful information for evaluating the results of programs or the City's effectiveness in managing its resources, whether the report is duplicative of any other report, whether the report remains relevant in light of changing circumstances, current information needs and technological advances, and how the report's benefits compare to the costs of its preparation; and, with regard to requirements mandating the establishment of advisory bodies, whether the work of the body substantially furthers the mission of other City agencies, whether the function of the body is duplicative of the functions of other bodies, whether the work of the body is limited to the production of one or more reports which have been waived by the Commission, whether the work of the body remains relevant, and how the benefits of the body compare to the costs of its operation.
- §1113(f) provides that the Commission also may recommend to the Mayor and City Council the modification of requirements regarding the issuance of reports or the operation of advisory bodies, for the purpose of increasing the effectiveness of such requirements, including recommendations to revise or consolidate reporting requirements in light of technological advances, and may make recommendations concerning additional information needs.
- §1113(g) makes clear that the City Council may act by local law to repeal, limit enhance, or extend any requirement otherwise subject to section 1113. Any enhancement or extension of a requirement by the Council would be subject to

Commission review in no fewer than three years, but no more than five years, after the date of its enactment. Further, the Council may override, with a local law, any Commission determination to waive a requirement, and the Commission could not again waive such a requirement for three years. This subdivision further clarifies that nothing in section 1113 should be construed to authorize the enactment by the Council of any local law that it otherwise would not be authorized to enact under the Charter, state or federal law.

- §1113(h) provides that, any time on or after January 1, 2015, but no later than June 30, 2015, or during any comparable six-month period every eight years thereafter, the Commission may determine to dissolve itself, after considering whether it has substantially furthered its purposes and whether its benefits and usefulness have outweighed the costs of its operation. The Chair is required to file such a determination with the Mayor and the Council.

§2. This section would make a conforming change to Charter §31, which lists commissions whose members are appointed by the Mayor with the advice and consent of the City Council, to include the three non *ex officio* members of the Commission on Public Reporting and Accountability as subject to that process.

§3. This section would eliminate some potential overlap between the duties of the Commission on Public Information and Communication (COPIC), in Charter §1061, and the duties of the new Commission on Public Reporting and Accountability by amending §1061's requirement that COPIC review the usefulness of city documents, reports and publications to require instead that COPIC review such items for usefulness only to the extent such items are not otherwise subject to review by the Commission on Public Reporting and Accountability. COPIC would still review the availability of such materials.

§4. This section provides that these amendments would take effect on January 1, 2006.

***Proposed Text***

Section 1. The New York city charter is amended by adding a new section 1113 to read as follows:

**§1113. Commission on public reporting and accountability.**

a. Notwithstanding any inconsistent provision of this charter, the administrative code or any local law and except as provided in this section, any requirement in this charter, the administrative code or otherwise in any local law that mandates the issuance of periodic or multiple reports by public agencies, officers or employees where at least one such report is due on or after the effective date of this section, and any requirement that mandates the establishment of a commission, committee, board, task force or other similar body that is advisory in nature and exercises no sovereign power, shall be subject to waiver in accordance with the provisions of this section, and the processes and powers set forth in this section shall be deemed a condition of such requirement.

b. There shall be a commission on public reporting and accountability, which shall consist of the speaker of the council, the public advocate, the comptroller, the corporation counsel, the director of the mayor's office of operations, the director of management and budget and three other members appointed by the mayor with the advice and consent of the council, none of whom shall be an employee of the city. In appointing the three other members of the commission, the mayor shall consider the members' experience in matters related to the commission's jurisdiction. The director of the mayor's office of operations shall be the chair of such commission. Members of such commission who do not serve by virtue of their offices shall be appointed to four-year terms beginning the first day of January, two thousand six; such appointments shall be by the mayor serving on or after such date. Members of the commission shall serve until their successors have been appointed and qualified. Any vacancy occurring other than by expiration of term shall be filled by the mayor with an individual who has the qualifications required to fill the vacancy. A person so appointed shall serve for the unexpired portion of the term of the member succeeded. Terms of members who do not serve by virtue of their offices shall expire concurrently on December thirty-first at the end of each four-year period, and appointments of successor members shall be by the mayor serving on or after the January first immediately following such date. The mayor may remove any such member from the commission for cause, after providing such member prior notice and an opportunity to be heard.

c. The commission shall meet on a regular basis, at intervals determined by the chair, to perform the reviews required by this section. The commission shall hold at least one public hearing each year to solicit comment from members of the public on matters required to be reviewed by the commission pursuant to this section. All meetings of the commission shall be held in compliance with the New York state open meetings law. Each member of the commission who serves by virtue of his or her office may be represented at such meetings by a delegate of such member. The chair shall have charge of the organization of the commission and shall have authority to employ, assign and superintend the duties of such officers and employees as may be necessary to carry out the provisions of this section. In addition, the commissioner or head of any agency represented on the commission or the commissioner of any other appropriate city agency may, if requested by the chair or the commission, provide staff and other assistance with respect to any matter within the jurisdiction of the commission.

d. 1. Except as provided in paragraph six of this subdivision, the commission shall have the power and it shall be its duty to review all requirements in this charter or the administrative code or elsewhere in the local laws of New York city which mandate the issuance of periodic or multiple reports by public agencies, officers or employees where at least one such report is due on or after the effective date of this section, and all requirements that mandate the establishment of commissions, committees, boards, task forces or other similar bodies that are advisory in nature and exercise no sovereign power. Notwithstanding any inconsistent provision of this charter, the administrative code or any local law, the commission shall further have the power except as provided in paragraph six of this subdivision, to waive any such requirement. The commission shall be empowered to review requirements in effect on the effective date of this section, as well as requirements enacted after such effective date.

2. Prior to making any determination to waive a requirement pursuant to this section, the commission shall solicit the views of groups, organizations or entities representing the interests of persons and entities that the chair or the commission reasonably determines are the subject of or are otherwise affected or benefited by the requirement under review. Any determination made by the commission to waive a requirement shall include a statement that the commission has solicited input in accordance with this paragraph.

3. The commission shall review all requirements within its jurisdiction. Except as provided in this subdivision, the chair may establish the agenda and priorities of the commission with respect to the order in which the commission reviews requirements and with respect to similar matters. In the case of a requirement that the chair recommends should not be waived, the chair or commission staff may present to the commission such a requirement individually or grouped together with other requirements that the chair recommends not be waived for similar reasons, and may make its recommendation not to waive such a requirement or group of requirements based on aggregated review, as appropriate, consistent with the criteria set forth in subdivision e. Upon completing its review of each requirement, the commission shall issue a written determination whether to waive such requirement and, if the commission determines such requirement shall be waived, stating the reasons therefor. If a requirement is waived, then the relevant report shall not be required or the relevant body shall be dissolved, provided that the council may override such determination and thereby reinstate such requirement by enacting a local law in accordance with paragraph six of this subdivision. In the case of reporting requirements, the commission may opt to waive a requirement in part rather than in whole by identifying particular required elements of such report that should be waived or retained.

4. Initial determinations with respect to requirements that are in effect on the date of adoption of this section shall be issued no later than April first, two thousand nine, and initial determinations with respect to requirements enacted after such date of adoption shall be issued no later than five years after their date of enactment. After its initial determination with respect to a requirement, the commission may from time to time make further determinations with respect to such requirement; provided, however, that when a requirement has been retained by the commission or as a result of a local law overriding a commission determination, the commission shall again review such requirement within five years of the date of the determination to retain the requirement or the date of enactment of such local law. Notwithstanding any inconsistent provision of this paragraph, no determination may be issued during any three-year period that applies pursuant to paragraph six of this subdivision.

5. The commission shall promptly file with the council and the mayor, and publish in the City Record, each determination to waive a requirement, whether in part or in whole, that is issued pursuant to paragraphs three and four of this subdivision, and such determination shall take effect upon such filing. Copies shall also be provided promptly to groups, organizations or entities from which the commission has solicited input in accordance with paragraph two of this subdivision.

6. (a) Notwithstanding any inconsistent provision of this section, in no event shall the commission make any determination to waive any requirement otherwise subject to the jurisdiction of the commission for three years after the date of enactment of the most recent local law imposing any such requirement; provided, however, that the commission has the duty to review requirements in effect on the date of adoption of this section by no later than April 1, 2009, and requirements enacted after such date of adoption by no later than five years after their date of enactment, in accordance with paragraph four of this subdivision. Further, the council may by local law override any determination made by the commission to waive any such requirement and, in such event, the commission shall not make any determination to waive the requirement for which the commission's earlier determination was overridden for at least three years after the date of enactment of such local law; provided, however, that the commission has the duty to review such a requirement within five years of the date of enactment of such local law.

(b) Notwithstanding any inconsistent provision of this section, the powers and duties of the commission shall not extend to the mayor's management report required pursuant to subdivisions a and c of section twelve as in effect on July first, two thousand five, or to requirements mandating the issuance of reports, or the creation of bodies, that are both (i) in effect on July first, two thousand five, or adopted by the voters at the general election held on November eighth, two thousand five, and (ii) set forth in or required by subdivision l of section ninety-three or section ninety-five or ninety-six, or by chapter six, nine, ten or eleven of this charter, or by or pursuant to any state or federal law, rule or regulation.

e. The commission shall base its reviews and determinations on such criteria as it may deem appropriate. Such criteria shall include but not be limited to the following:

1. With regard to requirements mandating the issuance of reports: whether the report provides useful information for evaluating the results of programs, activities and functions and their effectiveness in achieving their goals and objectives; whether the report provides useful information for assessing the effectiveness of the city's management of its resources; whether the report is entirely or partially duplicative of the subject matter of any other mandated report; whether the report remains relevant in light of changing circumstances, current information needs and technological advances; and whether the benefits and usefulness of the report outweigh the expenditure of public resources to produce it;

2. With regard to requirements mandating the establishment of commissions, committees, boards, task forces or other similar bodies: whether the body substantially furthers the mission of city agencies with which it interacts or within which it is located; whether the function or jurisdiction of a body is entirely or partly duplicative of the function or jurisdiction of any other mandated body; whether the function or jurisdiction of a body is limited to the production of reports that have been waived pursuant to this section; whether the function or jurisdiction of a body remains relevant in light of changing circumstances and needs; and whether the benefits and usefulness of the body outweigh the expenditure of public resources to support and interact with it.

f. In addition to the powers set forth in subdivisions a through e of this section, the commission may recommend to the mayor and the council the modification of existing requirements with respect to the issuance of reports, and with respect to the establishment of advisory bodies that exercise no sovereign power, so as to make the implementation of such requirements more effective in achieving their intended purposes, including recommendations designed to modify or consolidate reporting requirements in light of technological advances, and may also evaluate, and make recommendations to the mayor and the council concerning, additional data needs.

g. Nothing in this section shall be construed to prevent the city council from acting by local law to repeal or limit any requirement otherwise subject to this section at any time, to enhance or extend such requirement. Any such enhancement or extension

shall be subject to commission review pursuant to this section, as such review is limited by the three-year period set forth in paragraph six of subdivision d. In addition, the council may by local law, in accordance with such paragraph, override any commission determination to waive a requirement. Nothing in this section shall be construed to authorize the enactment of any local law in contravention of other provisions of this charter or state or federal law.

h. At any time on or after January first, two thousand fifteen but not later than June thirtieth, thousand fifteen, and during a comparable six-month period every eight years thereafter, the commission may determine to dissolve itself. The chair shall file any such determination with the mayor and the council, and, in such event, all powers, duties and obligations set forth in this section shall terminate and the terms of commission members who do not serve by virtue of their offices shall terminate. In determining whether to dissolve itself pursuant to this subdivision, the commission shall consider whether the commission has substantially furthered the purposes of this section by conducting reviews of reports and bodies that have resulted in more effective management of city resources, and whether the benefits and usefulness of the commission to the city outweigh the expenditure of public resources to support and interact with it.

§2. Section 31 of the New York city charter, as renumbered and amended by vote of the electors of the city of New York at a general election held on November 7, 1989, is amended to read as follows:

§31. **Power of advice and consent.** Appointment by the mayor of the commissioner of investigation and of the members of the art commission, board of health (other than the chair), board of standards and appeals, city planning commission (other than the chair), civil service commission, landmarks preservation commission, tax commission, taxi and limousine commission and the public members of the commission on public reporting and accountability and the environmental control board shall be made with the advice and consent of the council after a public hearing. Within thirty days after the first stated meeting of the council after receipt of a nomination, the



council shall hold a hearing and act upon such nomination and in the event it does not act within such period, the nomination shall be deemed to be confirmed.

§3. Paragraph 2 of subdivision d of section 1061 of the New York city charter, as added by vote of the electors of the city of New York at a general election held on November 7, 1989, is amended to read as follows:

(2) review (i) all city information policies, including but not limited to, policies regarding public access to city produced or maintained information, particularly, computerized information; (ii) the quality, structure, and costs to the public of such information; (iii) agency compliance with the various notice, comment, and hearing provisions of the charter and other laws applicable to city agencies; and (iv) the [usefulness and] availability of city documents, reports, and publications, and the usefulness of any city documents, reports and publications that are not within the jurisdiction of the commission on public reporting and accountability pursuant to section eleven hundred thirteen;

§4. Section 1152 of the New York city charter is amended by adding a new subdivision j, paragraph (3), to read as follows:

(3) (a) The amendments to the charter, adding a new section eleven hundred thirteen and amending section thirty-one and paragraph two of subdivision d of section one thousand sixty-one, approved by the electors on November eighth, two thousand five, shall take effect on the first day of January, two thousand six, and thereafter shall control as provided with respect to all the powers, functions and duties of officers, agencies and employees, except as further specifically provided in other sections of this charter.

(b) Officers and employees of the city shall take any actions as are necessary and appropriate to prepare for the implementation of the provisions of the amendments to the charter described in subparagraph (a), approved by the electors on November eighth, two thousand five, prior to the effective date prescribed in such subparagraph.

**Preliminary Estimates of Reporting Requirements in the  
Charter and the Administrative Code**

The 33 reports listed below are not the only Charter-mandated reporting requirements. These 33 reports form a performance-based reporting system intended, by the 1989 Charter Revision Commission, to link to and inform the City's budget process. Some of the reports below would be exempt from the jurisdiction of the proposed Commission on Public Reporting and Accountability.

**Chart 1: Reproduced from Appendix A to *SUMMARY OF ISSUES UNDER  
CONSIDERATION FOR CHARTER REVISION***

<b>Report Name/Content</b>	<b>Charter Reference</b>	<b>Affected Agency/ Agencies</b>
<b>Report on Social Indicators:</b> Analyzes social, economic and environmental health of City and proposes strategies to address issues raised in such analysis. Published in late August (no later than 60 days before CBs submit Community Board budget priorities).	Charter § 16 introduced by 1989 CRC	Mayor
<b>Borough Strategic Policy Statements:</b> Contents include summary of most significant long-term issues faced by Borough, policy goals related to such issues and proposed strategies for meeting such goals. In preparation, Borough Presidents consult with CBs. Published on or before first September 1 of every Mayoral term.	Charter § 82 (14) introduced by 1989 CRC	Borough Presidents
<b>Capital Plant Inventory and Maintenance Estimates:</b> For each agency, Capital Plant Inventory and Maintenance Estimates set forth condition assessment and annual maintenance schedule for major capital assets of agency, and estimated amounts necessary, for Financial Plan Period <sup>75</sup> , to maintain such assets in good repair consistent with maintenance schedules. Published October 1.	Charter §1110-a introduced by 1988 CRC	All agencies

<sup>75</sup> Financial Plan Period consists of next fiscal year and following three fiscal years.

Report Name/Content	Charter Reference	Affected Agency/ Agencies
<b>Comptroller's Revenue Report:</b> Certificate of actual revenues for previous fiscal year; Mayor uses for <b>Comparison of Actual Revenues to Estimated Revenues</b> . Published November 1.	Charter §229 (a) consists of a revision by 1989 CRC to pre-1989 Charter §129 introduced by 1975 CRC	Comptroller
<b>Draft 10-Year Capital Strategy:</b> Contents include narrative describing strategy for development of City's capital facilities for next 10 fiscal years, capital commitments expected to be made during each of next 10 fiscal years and maps. In preparation of Draft, Office of Management and Budget (OMB) and Department of City Planning (DCP) consider, among other items, <b>Strategic Policy Statement</b> and <b>Comparison of Adopted Budget and 10-Year Capital Strategy</b> . Published November 1 in every even-numbered year.	Charter §§ 215, 228 introduced by 1989 CRC	OMB and DCP
<b>Comparison of Actual Revenues to Estimated Revenues:</b> Comparison of actual revenues to estimated revenues in the adopted budget for previous fiscal year is accompanied by detailed listing and explanation of variances. Published November 15.	Charter §229 (b) consists of a revision by 1989 CRC to pre-1989 Charter §129 introduced by 1975 CRC	Mayor
<b>Preliminary City Strategic Policy Statement:</b> Contents include summary of most significant long-term issues faced by City, policy goals related to such issues and proposed strategies for meeting such goals. Published the first November 15 of every Mayoral term. In preparation of Preliminary Strategic Policy Statement, Mayor considers <b>Borough Strategic Policy Statements</b> .	Charter §17 introduced by 1989 CRC	Mayor
<b>Citywide Statement of Needs:</b> Identifies new City Facilities <sup>76</sup> , significant expansions to City facilities and closures or significant reductions of City Facilities. Published November 15. The Charter lists events, without dates, preceding Mayor's presentation of the Citywide Statement of Needs: <ul style="list-style-type: none"> <li>• <b>Community District Needs Statements:</b> Community Boards submit to Mayor (Charter §2800(d)(10)).</li> <li>• <b>Departmental Statement of Needs for City Facilities:</b> Each agency submits to Mayor after having reviewed Community District Needs Statements (Charter §204(e)).</li> </ul>	Charter §§ 204, 2800(d)(10) introduced by 1989 CRC	Mayor
<b>Comptroller's Report on Capital Debt and Obligations:</b> Report sets forth, among other things, amount and nature of all obligations authorized for capital projects and City's financial condition with advice as to maximum amount and nature of debt and reserves which City may soundly incur for capital projects during Financial Plan Period. Published	Charter §232 consists of a revision by 1989 CRC to pre-1989 Charter § 212 introduced by	Comptroller

<sup>76</sup> City Facilities are facilities (1) used or occupied/to be used or occupied to meet City needs that are located on real property owned or leased by City or (2) operated by City pursuant to written agreement on behalf of City.

Report Name/Content	Charter Reference	Affected Agency/ Agencies
December 1.	Local Law 15 of 1933	
<b>Report on State of City's Finances:</b> Report on state of City's economy and finances, including evaluations of Financial Plan, as updated. Published December 15.	Charter § 233 introduced by 1989 CRC	Comptroller
<b>Preliminary Certificate on Capital Debt and Obligations:</b> Sets forth maximum amount of debt and reserves City may soundly incur for capital projects during Financial Plan Period. Published January 16.	Charter § 235 consists of a revision by 1989 CRC to pre-1989 Charter § 213 introduced by 1975 CRC	Mayor
<p><b>Preliminary Budget:</b> Consists of three component budgets—expense, capital and revenue—and includes update of Financial Plan. Published January 16. Following planning documents/processes are incorporated into Preliminary Budget:</p> <ul style="list-style-type: none"> <li>• <b>Community Board Budget Priorities:</b> Submitted no later than 30 days before Mayor receives Departmental Estimates, statements include expense and capital budget priorities for next fiscal year. (§ 230)</li> <li>• <b>Departmental Estimates:</b> Submitted whenever Mayor directs agencies, Departmental Estimates set forth estimated expense and capital budget requirements of each agency for next fiscal year (next succeeding 3 fiscal years in the case of capital), as well as estimated revenue budget; agencies that deliver local services and agencies with capital projects must consult with appropriate Community Boards and consider Community Board Budget Priorities when preparing Departmental Estimates. (§§ 231, 100, 212)</li> </ul>	<p>Charter § 236 consists of a revision by 1989 CRC to pre-1989 Charter § 112-a introduced by Local Law 6 of 1979</p> <p>Charter § 230 introduced by 1989 CRC</p> <p>Charter § 231 consists of a revision by 1989 CRC to pre-1989 Charter § 112 (d) introduced by Local Law 11 of 1933</p>	<p>Mayor</p> <p>CBs</p> <p>Agencies</p>
<b>Comments on Draft 10-Year Capital Strategy.</b> Published January 16 in odd-numbered years.	Charter § 234 introduced by 1989 CRC	City Planning Commission

Report Name/Content	Charter Reference	Affected Agency/ Agencies
<b>Preliminary Mayor's Management Report (PMMR):</b> Contains for each agency, statement of actual performance for first 4 months of current fiscal year and proposed performance goals and measures for next fiscal year reflecting budgetary decisions in Preliminary Budget. Published January 30.	Charter § 12 introduced by 1975 CRC	Mayor
<b>Final Strategic Policy Statement:</b> Includes changes and revisions to Preliminary Strategic Policy Statement. Mayor makes annual communication to Council about City finances, government and affairs, with summary statements of agency activities and progress in implementing goals and strategies contained in most recent Strategic Policy Statement. (§ 5). Published on the second February 1 of every Mayoral term.	Charter § 17 introduced by 1989 CRC	Mayor
<b>Borough/Community Board Comment on Citywide Statement of Needs.</b> Published 90 days after November 15.	Charter § 204(f) introduced by 1989 CRC	Borough Presidents and Community Boards
<b>Community Board Statements on Preliminary Budget:</b> Statements consist of assessment of responsiveness of Preliminary Budget to earlier Community Board Budget Priorities. Published February 15.	Charter §238 consists of a revision by 1989 CRC to pre-1989 Charter § 112-a (b) introduced by Local Law 6 of 1979	CBs (public hearings)
<b>Tax Benefit Report:</b> Includes, among other items, listing of all exclusions, exemptions, abatements, credits or other benefits allowed against City tax liability. <sup>77</sup> Published February 15.	Charter §240 introduced by 1989 CRC	Mayor
<b>Borough Board Budget Priorities:</b> Consist of comprehensive statements on Borough budget priorities. Published February 25.	Charter §241 consists of a revision by 1989 CRC to pre-1989 Charter § 112-a (c) introduced by Local Law 6 of 1979	Borough Boards (public hearings)
<b>Comptroller Statement of Debt Service:</b> Contains schedule of appropriations required during next fiscal year for debt service. Published March 1.	Charter §242 consists of a revision by 1989	Comptroller

<sup>77</sup> Tax Benefit Report comes out on same day Commissioner of Finance submits, to Mayor, estimate of assessed valuation and statement of taxes due and uncollected. Local Law 69 of 1993 requires the City's Economic Development Corporation to report annually on its business retention/economic development agreements.

Report Name/Content	Charter Reference	Affected Agency/ Agencies
	CRC to pre-1989 Charter § 113 introduced by Local Law 11 of 1933	
<b>Borough President Proposed Modifications of Preliminary Budget:</b> Consists of proposed modifications of the Preliminary Budget, taking into consideration related Community and Borough Board Budget Priorities. Published March 10. In preparation of the Executive Budget, Mayor must consult with Borough Presidents. (§§ 244 and 245)	Charter §244 introduced by 1989 CRC	Borough President
<b>Council Response on Preliminary Budget:</b> Contains findings and recommendations on preliminary budget after public hearings, by Council Committees, have been held in connection with, among other things, Preliminary Budget, Community Board Budget Priorities and Borough Presidents' recommendations. Published March 25.	Charter §247 consists of a revision by 1989 CRC to pre-1989 Charter § 115 introduced by 1975 CRC	Council
<b>Council Report on PMMR:</b> Contains findings and recommendations on PMMR, after Council holds public hearings on PMMR and agencies' proposed program and performance goals and measures. Published by April 8.	Charter § 12 introduced by 1975 CRC	
<b>Executive Budget.</b> Published April 26.	Charter §249 consists of a revision by 1989 CRC to pre-1989 Charter § 117 introduced by Local Law 11 of 1933	Mayor
<b>Ten Year Capital Strategy.</b> Published April 26 in odd-numbered years.	Charter §§ 248, 215 introduced by 1989 CRC	Mayor
<b>Borough President Response to Executive Budget.</b> Published May 6.	Charter §251 introduced by 1989 CRC	Borough Presidents
Comparison of Adopted Budget and 10-Year Capital Strategy. Published no later than 30 days after budget adopted.	Charter § 257 introduced by 1989 CRC	Mayor
<b>Mayor's Management Report (MMR):</b> Among other things, MMR contains program performance goals for current fiscal year, statement of actual performance for previous fiscal year and appendix indicating the relationship between program performance goals and corresponding expenditures from previous fiscal year. Published September 17.	Charter § 12 was introduced by 1975 CRC	Mayor
<b>Annual Audit:</b> Annual audit of City's consolidated operating	Charter § 95	Comptroller

Report Name/Content	Charter Reference	Affected Agency/ Agencies
accounts and year-end assets, performed by certified public accountants, is presented by Comptroller in Comprehensive Annual Financial Report (CAFR). Published circa October 30.	introduced by 1975 CRC	

Since release of the *SUMMARY OF ISSUES UNDER CONSIDERATION FOR CHARTER REVISION*, Commission staff did a LEXIS-based Boolean search of the Charter and Administrative Code and preliminarily identified 62 additional reporting requirements in the Charter (Chart 2 below) and 78 reporting requirements in the Administrative Code (Chart 3 below).

This is not intended to be a definitive list of reporting requirements, but rather to provide an estimate of the magnitude of reporting requirements. These charts represent the results of searches based on the following criteria: "report" found in the Charter, including only those documents representing a genuine reporting requirement. As in the case of the previous chart, some of the reports below would be exempt from the jurisdiction of the proposed Commission on Public Reporting and Accountability.

**Chart 2: Certain Additional Reporting Requirements in the NYC Charter**

Charter Reference	Report Name/Content	Affected Agency/ Agencies
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Charter Reference	Report Name/Content	Affected Agency/Agencies
<p><b>§ 19(d)(5) - Domestic Violence Facility Review Committee</b></p> <ul style="list-style-type: none"> <li>• Local Law 61 of 2005</li> </ul>	<p><b>Domestic Violence Facility Review Committee annual report:</b> Committee required to submit to mayor and council an <b>annual report</b> including, but not limited to, the number of domestic violence fatality cases which occurred in NYC during the previous year; number of domestic violence fatality cases reviewed by committee during the previous year, if any; any non-identifying data with respect to victims and perpetrators involved in domestic violence fatalities, such as gender, age, race and familial or other relationship involved, and, if available, religion, ethnicity and employment status; any factors indicating a high risk of involvement in domestic violence fatalities; and recommendations regarding the coordination and improvement of services for victims of domestic violence provided by agencies and private organizations that provide such services pursuant to a contract with an agency.</p>	<p>Mayor's Office to Combat Domestic Violence</p>
<p><b>§ 24(n) Public Advocate</b></p> <ul style="list-style-type: none"> <li>• Added by 1989 CRC</li> </ul>	<p><b>Public Advocate annual report:</b> Not later Oct. 31 of each year, the public advocate shall present to the council a <b>report on the activities of the office</b> during the preceding fiscal year</p>	<p>Public Advocate</p>



Charter Reference	Report Name/Content	Affected Agency/ Agencies
<p><b>§ 93(e) Powers and duties (Comptroller)</b></p> <ul style="list-style-type: none"> <li>• Section amended by L. 1943, ch. 710, § 561. Section amended by L. 1954, ch. 338, § 64. Section amended by L. 1962, ch. 998, § 7. Section amended by L. L. 3/1968. Section amended by L. L. 10/1968. Section amended by L. L. 74/1969. Section amended by L. 1973, ch. 868. Section amended by 1975 CRC. Subd. e amended by L. L. 28/1976, No. 28. Section by 1989 CRC.</li> </ul>	<p><b>Comptroller procurement and technology studies:</b> Comptroller shall undertake studies of: (i) purchases of goods, services, and construction by agencies of government that use city funds for such purposes and (ii) the adoption and use of new technology by city agencies to promote their economy and efficiency, and <b>periodically report the findings and recommendations of such studies to Mayor, Council and public.</b></p>	<p>Comptroller</p>
<p><b>§ 93(f) Powers and duties (Comptroller)</b></p> <ul style="list-style-type: none"> <li>• Section amended by 1989 CRC.</li> </ul>	<p><b>Report on major audits of City agencies:</b> Not later than <b>March 1</b> of each year, the comptroller shall deliver to the Mayor and Council a <b>report describing all major audits of city agencies conducted by the Comptroller during the previous fiscal year;</b> the corrective actions recommended in such audits; the corrective actions which have been implemented to the extent such information is known to the Comptroller on the basis of agency reports, comptroller audits, or otherwise; and the Comptroller's recommendations, if any, for additional corrective actions.</p>	<p>Comptroller</p>

Charter Reference	Report Name/Content	Affected Agency/ Agencies
<p><b>§ 96</b> Actuarial audit (Comptroller)</p> <ul style="list-style-type: none"> <li>• Section added by 1975 CRC. Section amended by 1989 CRC.</li> </ul>	<p><b>Actuarial audit:</b> The Comptroller, with the approval of the audit committee, biennially shall select an independent actuary to <b>review and comment</b> upon the financial soundness and probity of the actuarial assumptions employed by the city to calculate contributions to the city pension funds. The <b>report</b> of the actuary shall be published in the City Record.</p>	<p>Comptroller</p>
<p><b>§ 110</b> Expenditure reports.</p> <ul style="list-style-type: none"> <li>• Section added by 1975 CRC. Section amended, renumbered by 1989 CRC (formerly § 130).</li> </ul>	<p><b>Expenditure reports:</b> Any public or private agency, authority, corporation, board or commission which receives city funds and is not otherwise subject to the requirements of Charter Section 106 shall submit <b>quarterly reports</b> of the expenditure of such funds to the Mayor in such form and detail as the Mayor may prescribe.</p>	<p>Agencies/ corporations/ boards</p>
<p><b>§ 155(a)</b> Annual report (Tax Appeals)</p> <ul style="list-style-type: none"> <li>• Section added L.L. 7/1992</li> </ul>	<p><b>Tax Commission Annual Report:</b> Issued to the city council and the mayor not later than <b>March 1</b> in each year.</p>	<p>Tax Commission</p>
<p><b>§ 168(f)</b> Tribunal for tax appeals.</p> <ul style="list-style-type: none"> <li>• Section added by 1988 CRC. Subd. f added ch. 808/1992 § 133.</li> </ul>	<p><b>Tax Appeals Tribunal Annual Report:</b> The tribunal shall collect, compile and prepare for publication statistics and other data with respect to its operations, and <b>shall submit annually to the mayor a report on such operations</b>, including, but not limited to, the number of proceedings initiated, the types of dispositions made and the number of proceedings pending.</p>	<p>Tax Appeals Tribunal</p>

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<p><b>§ 191(b)(6)</b> Department and Director of City Planning</p> <ul style="list-style-type: none"> <li>• Amended by L. L. 1969, No. 39.</li> <li>Amended by 1975 CRC.</li> <li>Amended by 1989 CRC.</li> </ul>	<p><b>DCP Role in Preparing Strategic Plans:</b> DCP's duties include assisting the mayor in the preparation of strategic plans, including the preparation of the report on social indicators (§ 16), the strategic policy statement provided (§17) and the ten-year capital strategy (§ 215).</p>	DCP
<p><b>§ 192(f)</b> City Planning Commission</p> <ul style="list-style-type: none"> <li>• Amended by 1975 CRC.</li> <li>Amended by 1989 CRC. Subd. f amended by L.L. 68/1993.</li> </ul>	<p><b>DCP Zoning and Planning Report:</b> Not later than Dec. 31, 1992 and every four years thereafter, the commission shall file with the mayor, the council, the public advocate, the borough presidents, and community boards, a <b>zoning and planning report</b>.</p>	DCP
<p><b>§ 213</b> Preliminary capital budget.</p> <ul style="list-style-type: none"> <li>• Added by L.L. 6/1979, No. 6.</li> <li>Section renumbered and amended by 1989 CRC.</li> </ul>	<p><b>Preliminary capital budget components:</b> The preliminary capital budget shall consist of: (1) a four-year capital financial plan, (2) § 212 departmental estimates for capital projects, (3) a <b>capital program status report</b>, and (4) a <b>summary description</b> of the purpose of each capital project and the needs it will fulfill, the schedule for beginning and constructing the project, its period of probable usefulness and an appropriate maintenance schedule.</p>	OMB and DCP

Charter Reference	Report Name/Content	Affected Agency/ Agencies
<p><b>§ 219(d)</b> Project initiation; commitment plan.</p> <ul style="list-style-type: none"> <li>• Section amended by L. 1962, ch. 998. Section amended by 1975 CRC. Subd. c &amp; d amended by L. L. 102/1977. Section renumbered and amended by 1989 CRC (formerly § 228).</li> </ul>	<p><b>Capital Project Periodic Reports:</b> The mayor shall require each agency to prepare and submit <b>periodic reports</b> in regard to the progress of its capital projects, including schedules and clear explanations of any delays for particular prospects and summary information on each agency's record on such matters. Such reports shall be published at least <b>three times</b> each year.</p>	<p>All agencies</p>
<p><b>§ 222(a)</b> Scope of project.</p> <ul style="list-style-type: none"> <li>• Added by 1975 CRC. Section renumbered by 1989 CRC.</li> </ul>	<p><b>Scope of Project reports:</b> Each agency, with respect to a capital project under its jurisdiction included in a capital budget, <b>shall prepare a proposed scope of project</b> within appropriated planning funds. In preparing proposed scope of project, agency shall consult with appropriate community board. The proposed scope of project <b>shall be submitted</b> to the Mayor and to the respective Council committee, Borough President and community board by date specified in the relevant adopted capital budget.</p>	<p>All agencies</p>
<p><b>§ 227(b)</b> Spending pursuant to appropriations</p> <ul style="list-style-type: none"> <li>• Added by 1989 CRC.</li> </ul>	<p><b>Statement of spending pursuant to appropriations:</b> The head of each City agency shall by each <b>Oct. 15</b>, submit to mayor and council a <b>statement of the sources, amounts and disposition of all money received</b> by such agency or entity other than (i) money appropriated for the use of such agency or entity by the Council, or (ii) money paid by such agency or entity into the city treasury and reported in the annual report of the comptroller for such fiscal year.</p>	<p>All agencies</p>
<p><b>§ 237</b> Report of independent budget office on revenues and expenditures</p> <ul style="list-style-type: none"> <li>• Added by 1989 CRC.</li> </ul>	<p><b>IBO report on revenues and expenditures:</b> By Feb. 1, IBO director shall publish a report for the ensuing fiscal year with respect to <b>expected levels of revenues and expenditures</b>. Such report shall also include a discussion of City budget priorities.</p>	<p>IBO</p>

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<p><b>§ 246</b> Report of independent budget office on preliminary budget.</p> <ul style="list-style-type: none"> <li>• Added by 1989 CRC.</li> </ul>	<p><b>IBO Report on preliminary budget:</b> By March 15, IBO director shall publish a report analyzing the preliminary budget for the ensuing fiscal year.</p>	<p>IBO</p>
<p><b>§ 252</b> Report of independent budget office on executive budget.</p> <ul style="list-style-type: none"> <li>• Added by 1989 CRC.</li> </ul>	<p><b>IBO Report on executive budget:</b> By May 15, IBO shall publish a report analyzing the executive budget for the ensuing fiscal year.</p>	<p>IBO</p>
<p><b>§ 277</b> Monthly report (Obligations of the City)</p> <ul style="list-style-type: none"> <li>• Section amended by L.L. 102/1977 § 39.</li> </ul>	<p><b>Monthly report on sinking funds:</b> Not later than the tenth in each month, Comptroller shall submit to mayor and Council a certified report setting forth the operations of the several sinking funds during the preceding month and the condition of such funds.</p>	<p>Comptroller</p>
<p><b>§ 278</b> Annual report (Obligations of the City).</p> <ul style="list-style-type: none"> <li>• Section added by Local Laws of 1962.</li> </ul>	<p><b>Annual report on sinking funds:</b> By each September 1, comptroller shall submit to Mayor and Council a certified report setting forth in detail the operations of the several sinking funds during the preceding fiscal year, as well other information related to the sinking funds.</p>	<p>Comptroller</p>
<p><b>§ 297</b> Monthly and annual reports</p> <ul style="list-style-type: none"> <li>• Section added L.L. 81/1981 § 7.</li> </ul>	<p><b>Reports on Section 298 sinking funds:</b> The provisions of Charter §§ 277 and 278 shall apply to the general sinking fund and any additional sinking funds established pursuant to § 298.</p>	<p>Comptroller</p>

Charter Reference	Report Name/Content	Affected Agency/ Agencies
<p><b>§ 311(e)</b> Procurement Policy Board.</p> <ul style="list-style-type: none"> <li>• Section e added by L.L. 20/2004 § 1, eff. July 20, 2004.</li> </ul>	<p><b>PPB Annual Report on contracting officer standards:</b> Submitted to the Mayor, Comptroller, and Council setting forth the professional standards for agency contracting officers adopted by the mayor, including any applicable certification process.</p>	<p>PPB</p>
<p><b>§ 314(b)</b> Small purchases.</p> <ul style="list-style-type: none"> <li>• Section (b) added by L.L. 9/2002 § 1, eff. June 13, 2002.</li> </ul>	<p><b>Report on Small Purchases:</b> Every quarter, mayor or designee shall submit to council and comptroller a <b>report detailing each small purchase award</b> made pursuant to this section and for which information is required to be contained in the computerized database maintained pursuant to Ad. Code. § 6-116.2(a).</p>	<p>Mayor's Office</p>
<p><b>§ 440(c)(6)</b> Public complaints against members of the police department (Civilian Complaint Review Board)</p> <ul style="list-style-type: none"> <li>• Section added by L.L. 1/1993 § 1.</li> </ul>	<p><b>Civilian Complaint Review Board semi-annual report:</b> Board shall issue to the mayor and the City Council a <b>semi-annual report</b>, which shall describe its activities and summarize its actions.</p>	<p>Civilian Complaint Review Board</p>
<p><b>§ 454</b> Annual report (Ind. Police Investigation and Audit Board.)</p> <ul style="list-style-type: none"> <li>• Section added by L.L. 91/1997.</li> </ul>	<p><b>Independent Police Investigation and Audit Board:</b> The Board shall issue to the mayor and the city council an <b>annual report</b> which shall describe its activities and summarize its actions.</p>	<p>Independent Police Investigation And Audit Board</p>
<p><b>§ 522</b> Reports of board (Education)</p> <ul style="list-style-type: none"> <li>• No legislative history listed.</li> </ul>	<p><b>Board of Education annual report:</b> Board shall by <b>Nov. 30</b> transmit to Mayor a <b>written report</b> giving various statistics about schools, number of teachers, number of students, average attendance, teacher training; money spent on public education, etc.</p>	<p>Board of Education</p>

Charter Reference	Report Name/Content	Affected Agency/ Agencies
<p><b>§ 529</b> Ed. Dept. and Police Dept. Reporting Requirements</p> <ul style="list-style-type: none"> <li>• Local Law 4 of 2005.</li> </ul>	<p><b>NYC DOE crime reports:</b> DOE required to make available <b>public reports</b> reflecting crimes, including annual reporting by school, <b>on its website</b>, in school report cards, and in paper form at all schools.</p>	<p>DOE, Police</p>
<p><b>§ 541(c)(4)</b> New York City Sports Commission.</p> <ul style="list-style-type: none"> <li>• Section added by L.L. 61/1991.</li> </ul>	<p><b>NYC Sports Commission quarterly reports:</b> Commission must issue a <b>quarterly report</b> to the Mayor and the council detailing the commission's activities during the previous three-month period.</p>	<p>NYC Sports Commission</p>
<p><b>§ 555(a)(2)</b> Powers and duties of the commissioner (DOHMH).</p> <ul style="list-style-type: none"> <li>• Amended by 1988 CRC. Subds. a (2), b (1), added by 2001 CRC.</li> </ul>	<p><b>Report on DoHMH Establishment:</b> At conclusion of second year following establishment of DoHMH, and again at conclusion of fourth year following such establishment, mayor's office of operations shall conduct a review and <b>submit a report</b> to the mayor comparing such periods with the period preceding such establishment with regard to the department's delivery of mental health, mental retardation and alcoholism and substance abuse services.</p>	<p>Office of Operations, DoHMH</p>
<p><b>§ 612(a)(7)</b> Powers and duties (DHS).</p> <ul style="list-style-type: none"> <li>• Section added by L.L. 19/1999.</li> </ul>	<p><b>Report on DHS outreach programs:</b> Every quarter, the commissioner shall <b>report</b> to Speaker of the Council in writing on the <b>outreach programs</b> operated by the department, by other City agencies or by entities contracting with the department.</p>	<p>DHS</p>

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<p><b>§ 613</b> Transitional housing inventory</p> <ul style="list-style-type: none"> <li>• Section added L.L. 19/1999 § 3. DERIVATION: Section added as § 613 by L.L. 75/1995.</li> </ul>	<p><b>Transitional housing inventory report:</b> On each May 1, commissioner shall <b>report to speaker on transitional housing</b> maintained by DHS and such transitional housing operated by any entity pursuant to a contract with the department.</p>	<p>DHS</p>
<p><b>§ 614</b> Permanent housing needs, annual report.</p> <ul style="list-style-type: none"> <li>• Section added L.L. 19/1999 § 3. DERIVATION: Section added as § 613 by L.L. 75/1995.</li> </ul>	<p><b>Housing needs report:</b> On May 1 of each succeeding year thereafter, commissioner shall <b>report to speaker</b> in writing on <b>permanent housing and transitional housing and services</b>, respectively, projected to be needed to house homeless families and individuals expected to be housed within the system during upcoming FY.</p>	<p>DHS</p>
<p><b>§ 626(d)</b> Board of correction.</p> <ul style="list-style-type: none"> <li>• Amended by 1975 CRC. Amended by L. L. 102/1977.</li> </ul>	<p><b>Board of correction annual report:</b> The board, annually and at such other times as it may determine, shall submit to Mayor, Council, and commissioner <b>reports, findings and recommendations</b> in regard to the matters within its jurisdiction.</p>	<p>Department Of Correction</p>
<p><b>§ 678(b)</b> Advisory board (DJJ).</p> <ul style="list-style-type: none"> <li>• Local Law 24 of 1979</li> </ul>	<p><b>DJJ Advisory Board Annual Report:</b> The board shall <b>submit an annual report</b> of its activities to the mayor.</p>	<p>DJJ Advisory Board</p>
<p><b>§ 735(b)(7)</b> Interagency coordinating council.</p> <ul style="list-style-type: none"> <li>• Subsection (b)(7) added by L.L. 1/1992.</li> </ul>	<p><b>ICC annual comprehensive youth services needs assessment:</b> done on a citywide, borough-wide and community district basis</p>	<p>Interagency coordinating council</p>



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<p><b>§ 735(b)(10)</b> Interagency coordinating council.</p> <ul style="list-style-type: none"> <li>• Subsection. b(10) added by L.L. 67/1991 § 1. Amended by L.L. 1/1992.</li> </ul>	<p><b>ICC Annual Report:</b> ICC shall issue an annual report in October to council and mayor summarizing its activity during previous fiscal year and detailing recommendations for improving service delivery and coordination, reducing duplication and fragmentation and facilitating the more efficient use of existing resources.</p>	<p>Interagency coordinating council</p>
<p><b>§ 814(b)(8)</b> Personnel management; powers and duties of the commissioner.</p> <ul style="list-style-type: none"> <li>• Subd. b(8) added by 1989 CRC.</li> </ul>	<p><b>Annual report on equal opportunity activities:</b> at DCAS and other agencies.</p>	<p>DCAS</p>
<p><b>§ 814(e)</b> Personnel management; powers and duties of the commissioner.</p> <ul style="list-style-type: none"> <li>• Subds. d, e added by 1989 CRC.</li> </ul>	<p><b>Quarterly report on provisional employees:</b> Among DCAS Commissioner's duties.</p>	<p>DCAS</p>
<p><b>§ 815(i)</b> Agency heads; powers and duties concerning personnel management.</p> <ul style="list-style-type: none"> <li>• Added by 1989 CRC.</li> </ul>	<p><b>Agency head EEO reports:</b> Head of each city agency shall quarterly publish and submit to the mayor, council, DCAS and the Equal Employment Practices Commission a report on the agency's efforts during previous quarter to implement the EEO plan.</p>	<p>All agencies</p>

Charter Reference	Report Name/Content	Affected Agency/ Agencies
<p><b>§ 831(d)(7)</b> Duties and powers of the New York city equal employment practices commission.</p> <ul style="list-style-type: none"> <li>• Added by 1989 CRC. Subd. d(7) amended by L.L. 59/1996 § 19.</li> </ul>	<p><b>Equal Employment Practices Commission annual report:</b> EEPC's duties include <b>publishing by Feb. 15</b> an annual report to Mayor and Council on activities of the commission and effectiveness of each city agency's <b>affirmative employment efforts</b> and efforts by DCAS to ensure equal employment opportunity for minority group and women employees or applicants.</p>	<p>EEPC</p>
<p><b>§ 832(c)</b> Compliance Procedures.</p> <ul style="list-style-type: none"> <li>• Added by 1989 CRC. Subd. c amended L.L. 59/1996 § 20.</li> </ul>	<p><b>EEPC compliance reports:</b> If EEPC makes a final determination that any plan adopted by any city agency or DCAS does not provide equal employment opportunity and/or that an agency has not provided equal employment opportunity, and that plans for compliance are not satisfactory, <b>affected agency shall within 30 days thereafter respond to commission</b> on any corrective action it intends to make and shall make <b>monthly reports to such commission</b> on the progress of such corrective action for a period of up to six months - at which point EEPC can issue a follow-up determination, agency issues a response and mayor takes action deemed appropriate.</p>	<p>Relevant agencies</p>
<p><b>§ 905(e)(8)</b> Powers and duties. (Human Rights Commission)</p> <ul style="list-style-type: none"> <li>• Added by 2001 CRC.</li> </ul>	<p><b>Human Rights Commission:</b> HRC duties include submitting an <b>annual report</b> to City Council, which is published in City Record</p>	<p>Human Rights Commission</p>
<p><b>§ 1055(6)</b> Coordinator of voter assistance.</p> <ul style="list-style-type: none"> <li>• Added by 1988 CRC. Subd. 6 amended by 1989 CRC.</li> </ul>	<p><b>Voter Assistance Coordinator's annual report:</b> Submitted to voter assistance commission no later than July 30<sup>th</sup> on the state of voter registration and participation in the city.</p>	<p>Coordinator of voter assistance.</p>

Charter Reference	Report Name/Content	Affected Agency/ Agencies
<p><b>§ 1061(d)(4)</b> Commission on public information and communication.</p> <ul style="list-style-type: none"> <li>• Added by 1989 CRC.</li> </ul>	<p><b>COPIC annual report:</b> Commission’s duties include issuing “at least one report each year with such recommendations as the commission deems advisable”</p>	<p>COPIC, Public Advocate</p>
<p><b>§ 1075 - 311</b> Citizens Service Center Reports</p> <ul style="list-style-type: none"> <li>• Local Law 47 of 2005.</li> </ul>	<p><b>311 Citizens Service Center Reports:</b> DoITT required to submit in electronic format to speaker, public advocate, all community boards, a report regarding requests for service received by 311 since April 1, 2004, disaggregated on a monthly and yearly basis. Also required to submit reports on 311 directory assistance calls, as well special community district report on requests for service.</p>	<p>DoITT</p>
<p><b>§ 1112</b> Reports to mayor.</p> <ul style="list-style-type: none"> <li>• Amended by L. L. 58/1967. Amended by L. L. 102/1977. Amended by 1988 CRC. Amended by 1989 CRC.</li> </ul>	<p><b>Annual reports to the Mayor:</b> The heads of administrations and departments established by this charter, borough presidents and such officers as the Mayor may require shall in addition to any other reports required by this charter, once in each year and at such other times as the mayor may direct, make to the Mayor, in such form and under such rules as the Mayor may prescribe, reports of their operations and action.</p>	<p>Agency heads, BPs, other officers</p>
<p><b>§ 1134</b> Copies of agency reports, audits or evaluations to council.</p> <ul style="list-style-type: none"> <li>• Added by 1989 CRC.</li> </ul>	<p><b>Submission of reports and audits and evaluations to council:</b> The head of each agency shall promptly transmit to the council copies of all final reports or studies that the charter or other law requires the agency or any official thereof to prepare. The head of each agency shall also promptly transmit to the Council copies of all final audits, audit reports and evaluations of such agency prepared by state or federal officials or by private parties.</p>	<p>Agency heads</p>

Charter Reference	Report Name/Content	Affected Agency/ Agencies
<p><b>§ 1301(1)(b)</b> Powers and duties of the commissioner.</p> <ul style="list-style-type: none"> <li>• Section added L.L. 61/1991 § 6. Subd. 1 par b amended L.L. 69/1993 § 1.</li> </ul>	<p><b>LDC reports on jobs created:</b> The department shall include in any contract with an LDC to provide economic development services on the city's behalf, a requirement that such LDC <b>submit to the Mayor and the Council</b> by January 31 of each year, a report with regard to projected and actual jobs created and retained in connection with any project undertaken by such local development corporation for the purpose of job creation or retention if in connection with such project assistance to a business entity was provided by such LDC in the form of a loan, grant or tax benefit in \$250,000, or a sale or lease of land where the project is estimated to retain or create not less than 25 jobs.</p>	LDCs, DSBS
<p><b>§ 1302(c)</b> Waterfront plans.</p> <ul style="list-style-type: none"> <li>• Added by L.L. 61/1991 § 6.</li> </ul>	<p><b>Waterfront plans reports:</b> Before acting under this subdivision, commissioner shall <b>make a report</b> to the city planning commission including a map showing any proposed change and such other information as the chair of the city planning commission shall require. If city planning commission makes finding that proposed change is in accordance with the water front plan or approves the change, the commissioner may proceed with it, but if the city planning commission makes a finding that it is not in accordance with such plan and disapproves the change, then the commissioner shall not proceed unless the Council, by a two-thirds vote, authorizes the commissioner to proceed.</p>	DSBS
<p><b>§ 1303</b> Waterfront management advisory board.</p> <ul style="list-style-type: none"> <li>• Added by L.L. 61/1991 § 6.</li> </ul>	<p><b>Waterfront management advisory board annual report:</b> Rendered to Mayor, Borough Presidents, City Council and people of the City regarding the development of wharves and water front property in the city.</p>	Waterfront management advisory board
<p><b>§ 1304(e)(5)</b> Division of Economic and Financial Opportunity.</p> <ul style="list-style-type: none"> <li>• Formerly Chapter 13-A §§ 340-343 added at General Election, Nov. 7, 1989, repealed LL 61/1991 § 3. Section added L.L. 61/1991 § 6.</li> </ul>	<p><b>DSBS Division of Economic and Financial Opportunity annual report:</b> Submitted to Mayor and Council on activities of the division and efforts by agencies to comply with Charter Section 1304.</p>	DSBS

Charter Reference	Report Name/Content	Affected Agency/ Agencies
<p><b>§ 2302</b> Reports of commission (TLC).</p> <ul style="list-style-type: none"> <li>• Section added by L. L. 1971, No. 12.</li> </ul>	<p>TLC annual report: The commission shall make an <b>annual report</b> to the city council on or before the <b>second Monday of January in each year</b></p>	<p>TLC</p>
<p><b>§ 2403(b)</b> Advisory council.</p> <ul style="list-style-type: none"> <li>• Amended by L. L. 1980, No. 6.</li> </ul>	<p><b>DFTA Advisory Council annual report:</b> Submitted to the Mayor.</p>	<p>DFTA Advisory Council</p>
<p><b>§ 2603(i)</b> Powers and obligations (COIB).</p> <ul style="list-style-type: none"> <li>• Added by 1988 CRC.</li> </ul>	<p><b>Conflict of Interest Board annual report:</b> Submitted to Mayor and Council in accordance with Charter Section 1106.</p>	<p>COIB</p>
<p><b>§ 2702(a)</b> Preparation and adoption of map. (Community Districts And Coterminality Of Services)</p> <ul style="list-style-type: none"> <li>• Added by 1975 CRC. Amended by 1989 CRC. Subd. a amended L.L. 71/1993 § 1, eff. Sept. 30, 1993.</li> </ul>	<p><b>Community district map report:</b> Not later than the first day of May 1994 and <b>every tenth year thereafter</b>, the Mayor shall, and at such other times as the Mayor deems appropriate, the Mayor may, prepare and present to the council a report reviewing the community district map then in force and presenting such recommendations for changes in the map as the mayor deems appropriate.</p>	<p>Mayor</p>
<p><b>§ 2704 (k)</b> Coterminality of local services. (Community Districts And Coterminality Of Services)</p> <ul style="list-style-type: none"> <li>• Added by 1989 CRC.</li> </ul>	<p><b>Biennial report on implementation of the requirements of Charter Section 2704:</b> Report includes (1) an evaluation of the quality of services delivered to community districts pursuant to Charter subdivisions 2704(a) and 2704(c) during the preceding two fiscal years, (2) a review of agencies' implementation of subdivisions 2404(d) and 2404(f), and of Section 2706(a), and (3) any recommendations for changes in the services listed or in the requirements for those services which the Mayor deems appropriate.</p>	<p>Mayor</p>

Charter Reference	Report Name/Content	Affected Agency/ Agencies
<p><b>§ 2707(c)</b> Agency budgets and service statements.</p> <ul style="list-style-type: none"> <li>• Section added by 1975 CRC. Subd. c amended by L. L. 102/1977. Subds. b, c amended by 1989 CRC.</li> </ul>	<p><b>Agency service district expenditure reports:</b> By no later than four months after end of the fiscal year, each agency with service districts within the community districts and boroughs <b>shall report to respective community and borough boards</b> the amount of expenditures within each service district for each unit of appropriation for preceding year.</p>	<p>Agencies</p>
<p><b>§ 2800(d)(6)</b> Community Boards</p> <ul style="list-style-type: none"> <li>• Section added by 1975 CRC. Subd. d amended by L. L. 102/1977.</li> </ul>	<p><b>Community Board annual report:</b> Each CB required to render an annual report to Mayor, Council and borough board within three months of end of each year and such other reports to Mayor or borough board as they shall require (such reports or summaries thereof to be published in the City Record).</p>	<p>Community Boards</p>
<p><b>§ 2800(e)</b> Community Boards</p> <ul style="list-style-type: none"> <li>• Section added by 1975 CRC. Subd. e amended by L. L. 102/1977.</li> </ul>	<p><b>Agency reports on service activities programs and operations within the community district:</b> Reported to the respective Community Boards.</p>	<p>Agencies</p>
<p><b>§ 2903(b)(6)</b> Powers and duties of the commissioner.</p> <ul style="list-style-type: none"> <li>• Section added by L. L. 27/1977. Subd. b par. (6) amended by 1989 CRC.</li> </ul>	<p><b>DOT report on conditions bridges and tunnels:</b> DOT commissioner required to issue a report to the Mayor, City Council and the people of the City about the condition of all bridges and tunnels operated and maintained by the department on March 1, as of December 31 of the preceding calendar year.</p>	<p>DOT</p>

Charter Reference	Report Name/Content	Affected Agency/ Agencies
<p><b>§ 3004(3)(c)</b> Department; duties.</p> <ul style="list-style-type: none"> <li>• Section added by L. L. 49/1977. Amended by 1988 CRC. Subd. 3( c) amended by 1989 CRC. Subd. 3( c) amended by L.L. 11/2003 § 4.</li> </ul>	<p><b>DORIS annual report:</b> Duties include annual report by Sept. 30 to the Mayor and City Council on the powers and duties herein mentioned including, but not limited to, the cost of savings effectuated by the department during the preceding fiscal year. This report shall further include an evaluation of compliance with the requirements of Charter Section 1133(a).</p>	<p>DORIS</p>
<p><b>§ 3005</b> Archival review board.</p> <ul style="list-style-type: none"> <li>• Section added L.L. 22/2003 § 4, eff. Mar. 26, 2003. [See § 1133 Note 2]</li> </ul>	<p><b>Archival review board annual report:</b> Such board shall render annually to the Mayor a report reviewing the archival processing of any City papers during the year for which the report has been written.</p>	<p>DORIS archival review board</p>
<p><b>§ 3009</b> Archives, reference and research advisory board.</p> <ul style="list-style-type: none"> <li>• Added by L. L. 1977, No. 49. Became subsd. 1, 2, 3 with changes at General Election, November 8, 1988. Amended by 1989 CRC.</li> </ul>	<p><b>Archives, reference and research advisory board annual report:</b> Rendered to the mayor regarding the development of municipal archives, reference and research services in the government and administration of the city.</p>	<p>DORIS archives, reference and research advisory board</p>
<p><b>§ 3020(b)(4)</b> Landmarks preservation commission.</p> <ul style="list-style-type: none"> <li>• Section added by 1989 CRC. Derived from former § 534. Subd. 11 added L.L. 77/1995 § 12.</li> </ul>	<p><b>Landmarks preservation commission annual report:</b> The commission shall submit an annual report on its activities to the mayor.</p>	<p>Landmarks Preservation Commission</p>

**NOTES:**

- This compilation of reporting requirements in the NYC Administrative Code is not intended to be exhaustive. It is based on a LEXIS search of "Report" within a paragraph of ...
  - 1) "shall" or 2) "prepare" or 3) "publish" or 4) "annual"
- Reporting requirements of finite duration that were significantly in the past (e.g., 1994 legislation mandating a one-year pilot program, and saying "department shall produce a report on the pilot program soon after its completion") were excluded. Included, however, were one-time or multi-year reporting requirements that are still pending.
- Excluded annual pension fund board of trustee reporting requirements, which were largely a matter of state law.

**Chart 3: Selected Reporting Requirements in the Administrative Code**

Ad. Code Reference	Report/Content	Affected Agency/ Agencies
<p><b>§ 3-111</b> [Drug Enforcement and Drug Abuse Task Force]</p> <p>• Section added LL 58/1986 § 2.</p>	<p><b>The Drug Enforcement and Drug Abuse Task Force reports:</b> Task force submits informal quarterly report about its ongoing coordination activities and a formal annual report in September of each year to the Mayor and the Council. Such report shall include any findings and recommendations of the task force.</p>	<p>Mayor</p>
<p><b>§ 3-310</b> Comptroller; monthly reports from agencies.</p> <p>• 93c-5.0 added chap 929/1937 § 1</p>	<p><b>Monthly reports from agencies to comptroller:</b> Regarding unencumbered and unexpended balances, contract or other liabilities, of appropriations and other authorizations for his or her agency, in such form as prescribed by the Comptroller.</p>	<p>Agency heads</p>
<p><b>§ 3-312</b> Statistical records to be compiled by city officials [Comptroller provision].</p> <p>• 93c-7.0 added chap 929/1937 § 1</p>	<p><b>Statistical records to be compiled by city officials:</b> Every City official/employee and every City board or commission, and in the manner directed by the comptroller, required to furnish reports of facts relating to City property or money. Such officials and employees shall compile and maintain in their respective offices such system of statistical record as the comptroller may require</p>	<p>City officials, boards and commissions</p>



Ad. Code Reference	Report/Content	Affected Agency/ Agencies
<p><b>§ 3-601</b> Quadrennial advisory commission for the review of compensation levels of elected officials.</p> <ul style="list-style-type: none"> <li>• Section added L.L. 77/1986 § 2. Subds. b, e amended L.L 68/1993 § 21.</li> </ul>	<p><b>Report of Quadrennial advisory commission for the review of compensation levels of elected officials:</b> Submitted to Mayor by March 15 following its appointment; Mayor shall submit commission's report along with recommendation for any changes to Council.</p>	<p>Commission (private citizens appointed by Mayor), the Mayor</p>
<p><b>§ 4-201</b> Commissioner of citywide administrative services, functions.</p> <ul style="list-style-type: none"> <li>• Section added chap 907/1985 § 1. Section amended L.L. 59/1996 § 38. DERIVATION: 1082-1.0 added chap 929/1937 § 1. Amended chap 309/1959 § 6. Subd. 8 amended LL 80/1960 § 4 Renumbered and amended chap 100/1963 § 232 (formerly § 384-13.0). Subd. b par 3 amended chap 315/1964 § 1.</li> </ul>	<p><b>DCAS commissioner reporting requirements to Board of Estimate for leasing or disposing of property</b></p>	<p>DCAS</p>
<p><b>§ 5-388</b> Report of commissioners</p> <ul style="list-style-type: none"> <li>• K51-13.0 added chap 929/1937 § 1. Amended chap 357/1939 § 8. Sub b amended chap 710/1943 § 577 (Part 3). Renumbered chap 100/1963 § 1360 (formerly § K41-13.0) Amended chap 794/1964 § 3</li> </ul>	<p><b>Report of commissioners:</b> commissioners of appraisal shall prepare a report <b>describing real estate acquired, taken or affected</b>, with a reference to map; a statement of compensation; respective owners.</p>	
<p><b>§ 5-605</b> Reporting requirement [section on Budget - Capital Projects - Criminal Justice Account]</p> <ul style="list-style-type: none"> <li>• Section added L.L.</li> </ul>	<p><b>Report on allocation of funds from criminal justice account:</b> OMB director, consulting with police commissioner and agency heads, <b>must make a year-end annual report</b> on allocation of funds from criminal justice account and status of implementation of the safe streets-safe city omnibus criminal justice program.</p>	<p>OMB director</p>

Ad. Code Reference	Report/Content	Affected Agency/ Agencies
11/1991 § 2.		
<p><b>§ 6-108.1</b> Locally based enterprises.</p> <ul style="list-style-type: none"> <li>• Section added chap 907/1985 § 1. Subd. a par 6 subpar. (a) amended LL 25/1989 § 1. Subd. a par 8 added LL 25/1989 § 2 Subds. b, c, d, e, f, g amended LL 25/1989 § 3</li> <li>DERIVATION: 343-8.1 added LL 49/1984 § 1</li> </ul>	<p><b>Locally based enterprises annual report:</b> Mayor shall submit an annual report to council by April 1 on administration of Locally Based Enterprises program</p>	Mayor
<p><b>§ 6-109</b> [Living wage, prevailing wage and health benefits for certain city service contractors or subcontractors.]</p> <ul style="list-style-type: none"> <li>• Section repealed and added L.L. 38/2002 § 1, eff. Feb. 25, 2003.</li> <li>Section repealed and added L.L. 79/1996 § 2, eff. Mar. 10, 1997.</li> <li>Section added chap 907/1985 § 1.</li> <li>DERIVATION: 343-9.0 added LL 91/1961 § 1.</li> <li>Sub d amended chap 100/1963 § 216. Sub a par 1 amended LL 118/1967 § 1. Sub a par 1 amended LL 59/1969 § 1</li> </ul>	<p><b>Living wage annual reports:</b> Comptroller shall submit annual reports to mayor and city council on implementation; also reports on contracting agencies not in compliance.</p>	Comptroller
<p><b>§ 6-111.2</b> Client services contracts.</p> <ul style="list-style-type: none"> <li>• L.L. 13/2004</li> </ul>	<p><b>Client services contracts concept reports:</b> No RFP for new client services program contracts released to the public unless at least 45 days prior to such release a concept report regarding such request for proposal is released.</p>	Human services agencies.
<p><b>§ 6-111.3</b> Online reverse auction pilot program.</p> <ul style="list-style-type: none"> <li>• L.L. 13/2004</li> </ul>	<p><b>Online reverse auction pilot program report:</b> Mayor shall submit a report to the Council and the Comptroller detailing the results of the online reverse auction pilot program no more than 60 days after the completion of</p>	Mayor

Ad. Code Reference	Report/Content	Affected Agency/ Agencies
	such pilot program.	
<p><b>§ 6-115</b> [City contracts with entities that do business in Burma.]**</p> <ul style="list-style-type: none"> <li>• L.L. 33/1997</li> <li>** The City has determined that New York City's Local Law No. 33 of 1997, which restricts City business with banks and companies doing business in Burma, is unconstitutional.</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Report on City contracts with entities that do business in Burma:</b> In October of each year, <b>designated agenc(ies) shall submit a report</b> to Mayor and Council setting forth information concerning contractors not agreeing to terms of Burma law, and on the efforts of public and quasi-public entities operating in the city to implement the Burmese embargo policies.</li> <li>• In October of each year, Mayor designated agencies shall submit a report to the Mayor and Council on labor negotiation with employees of Burmese companies.</li> </ul>	Mayor- designated agency.
<p><b>§ 6-116.2</b> Reporting of contracted goods and services; computerized data base*</p> <ul style="list-style-type: none"> <li>• Dates back to L.L. 52/1987. Last amended L.L. 22/2004.</li> </ul>	<p><b>FISA Report:</b> Comptroller, Mayor shall jointly maintain at FISA a computerized database with information on all city franchises; concessions; contracts. Comptroller <b>must publish</b>, not later Jan. 30, a <b>summary report</b>.</p>	Comptroller, Mayor
<p><b>§ 6-124</b> Apparel and textile services procurement by city.</p> <ul style="list-style-type: none"> <li>• L.L. 20/2001</li> </ul>	<p><b>Report on apparel and textile services procurement:</b> Contracting agency must <b>maintain detailed info</b> on wages, subcontractors of all apparel/textile contractors, and make it available for public inspection and to the Comptroller. In October of each year, comptroller shall <b>submit a report</b> to the mayor and the council on that information.</p>	Contracting agencies, Comptroller
<p><b>§ 6-126</b> Equal employment benefits to the employees of city contractors.*</p> <ul style="list-style-type: none"> <li>• L.L. 27/2004</li> </ul>	<p><b>Equal employment benefits to the employees of city contractors:</b> Requires CCPO or other implementing agency to <b>report on waivers</b>. Comptroller makes annual reports on compliance</p>	MOCS, Comptroller
<p><b>§ 7-301</b> Board of statutory consolidation; powers and duties.</p>	<p><b>Board of statutory consolidation periodic report:</b> Board shall cause its work to be printed from time to time ... It shall <b>report to the local legislative body</b> of the city upon the progress of its work.</p>	Board of Statutory Consolidation (consists of mayor,

Ad. Code Reference	Report/Content	Affected Agency/ Agencies
<ul style="list-style-type: none"> <li>Section added chap 907/1985 § 1. Subds. a, f amended L.L. 68/1993 § 27, eff. Jan. 1, 1994. DERIVATION: B16-1.0 added chap 929/1937 § 1. Renumbered and amended chap 100/1963 § 317 (formerly § 397-1.0)</li> </ul>		comptroller, public advocate and corporation counsel)
<p><b>§ 8-105 - Commission on Human Rights - Powers and Duties</b></p> <ul style="list-style-type: none"> <li>Dates back to LL 55/1955; last amended L.L. 39/1991</li> </ul>	<p><b>Human Rights Commission annual report:</b> Submitted to mayor and council.</p>	Human Rights Commission
<p><b>§ 8-1008 -- Equal Access To Human Services -- Implementation.</b></p> <ul style="list-style-type: none"> <li>L.L. 73/2003</li> </ul>	<p><b>Equal Access To Human Services Implementation/Annual Reports:</b> Provisions require reports on progress of implementation, eventually to include report on number of limited English proficient people served, by language and by agency. By 2008, requires <b>annual report</b> on language assistance services.</p>	HRA, as well as, DHS, DoHMH, ACS.
<p><b>§ 9-111 Dept. of Correction Libraries.</b></p> <ul style="list-style-type: none"> <li>623(4)-3.0 added chap 929/1937 § 1</li> </ul>	<p><b>DOC Reading Material Contributions Report:</b> Made yearly to Corrections Commissioner.</p>	Correction
<p><b>§ 10-137 Prevention of harassment on school premises.</b></p> <ul style="list-style-type: none"> <li>L.L. 42/2004</li> </ul>	<p><b>School-related harassment report:</b> Annual summary published by Dept. of Ed. of all <b>school-related harassment</b> incidents -- broken down by school, school district, region, borough and grade level. (Law includes detailed provisions on chain of reporting harassment incidents).</p>	Department of Education
<p><b>§ 11-106 Weekly reports by commissioner of finance to mayor and</b></p>	<p><b>Finance Commissioner weekly reports:</b> Written report to mayor and the comptroller all moneys received by commissioner, amount of all warrants paid, and amount remaining to credit of city.</p>	Dept. of Finance

Ad. Code Reference	Report/Content	Affected Agency/ Agencies
<p>comptroller.</p> <ul style="list-style-type: none"> <li>• 418-1.0 added chap 929/1937 § 1. Amended chap 100/1963 § 351. Amended LL 54/1977 § 50</li> </ul>		
<p><b>§ 11-243</b> Reextension of exemption and tax abatement in regard to improvements of substandard dwellings.</p> <ul style="list-style-type: none"> <li>• J51-2.5 added LL 50/1960 ... Subd. cc added L.L. 41/1988 § 14</li> </ul>	<p><b>Annual report on exemptions and abatements:</b> Prepared by HPD and Finance commissioners. Submitted to Mayor and Council by July 1. Includes the following information: (i) the amount of real property tax that would have been paid in the aggregate by the owners of real property granted an exemption or abatement if the property were fully taxable and the amount of tax actually paid in the aggregate by such owners, (ii) the geographic distribution of exemptions and abatements granted pursuant to this section, and (iii) a distribution by type of eligible categories.</p>	Finance, HPD
<p><b>§ 11-267 [ICIB Program]</b> Annual report.</p> <ul style="list-style-type: none"> <li>• 1321 added LL 71/1984</li> </ul>	<p><b>ICIB Program annual report:</b> Department of Finance council, on April 1 of each year, concerning status of Industrial and Commercial Incentive program and effects in the city. Includes information on certificates of eligibility issued and jobs created in each area where benefits are available.</p>	Finance
<p><b>§ 11-355 Tax Liens and Tax Sales -- Reporting.</b></p> <ul style="list-style-type: none"> <li>• Section amended L.L. 98/1997 § 9. Section amended L.L. 26/1996 § 46, eff. Mar. 18, 1996</li> </ul>	<p><b>Tax Liens and Tax Sales annual report:</b> Submitted by Commissioner of Finance to council concerning sale of tax liens during preceding year. Upon request by council, information provided in such report shall be arranged by community board.</p>	Finance
<p><b>§ 12-127 City employees injured in course of duty.</b></p> <ul style="list-style-type: none"> <li>• Subd. c added L.L. 41/2004 § 1, eff. Jan. 1, 2005.</li> </ul>	<p><b>Report on City employees injured in course of duty:</b> Each agency shall keep a record of any workers' compensation claim filed by an employee, the subject of which concerns an injury sustained in the course of duty while such employee was employed at such agency. Mayor shall ensure that an <b>annual, public report</b> is prepared about <b>workers injured</b> in line of duty and workers' compensation claims.</p>	Mayor, all City agencies
<p><b>§ 12-206 DCAS -- Eligible List</b></p>	<p><b>Eligible List Report:</b> DCAS Commissioner shall submit a report on an annual basis beginning in 2005 to Mayor,</p>	DCAS

Ad. Code Reference	Report/Content	Affected Agency/ Agencies
<p>Reporting.</p> <ul style="list-style-type: none"> <li>Section added L.L. 50/2004</li> </ul>	<p>Comptroller, Public Advocate and Speaker of Council June 1, regarding lists of persons eligible for promotion or appointment pursuant to state civil service law.</p>	
<p><b>§ 14-119</b> Department to cooperate with department of health and mental hygiene.</p> <ul style="list-style-type: none"> <li>Section amended L.L. 22/2002. Section added chap 907/1985 § 1</li> </ul>	<p><b>Police reporting to DoHMH:</b> It shall be the duty of the police department... to regularly report to DOHMH all violations of its rules and ordinances, and of the health laws, and all useful sanitary information.</p>	<p>NYPD</p>
<p><b>§ 14-149</b> Police 911 operational time analysis report.</p> <ul style="list-style-type: none"> <li>Section added L.L. 89/1991 § 1, eff. May 20, 1992. Subd. c amended L.L. 48/2004 § 1, eff. Nov. 1, 2004</li> </ul>	<p><b>Police 911 operational time analysis report:</b> NYPD shall submit quarterly to city council an operational time-analysis report summarizing departmental performance with respect to 911 calls, with info. on number calls, incidents, dispatch time and broken down by borough, precinct, tour and, in addition, data shall be incorporated in PMMR and MMR.</p>	<p>NYPD</p>
<p><b>§ 14-150</b> Police department reporting requirements.</p> <ul style="list-style-type: none"> <li>Section added L.L. 55/2001 § 1. Subd. b amended L.L. 48/2004 § 2, eff. Nov. 1, 2004.</li> </ul>	<p><b>Police department reporting requirements:</b> NYPD shall quarterly submit to the city council on a quarterly basis the following materials, data and reports (with exceptions for confidential material):</p> <ul style="list-style-type: none"> <li>All training materials.</li> <li>All new patrol guide procedures</li> <li>A report detailing number of personnel and personnel assigned to each and every patrol borough and operational bureau.</li> <li>Detailed crime status report</li> <li>Detailed report based on the information provided in the department's Stop, Question and Frisk Report Worksheet</li> <li>report on summonses for moving violations -- with race and gender breakdown.</li> <li>number of positions that are "civilianizable".</li> </ul>	<p>NYPD</p>

Ad. Code Reference	Report/Content	Affected Agency/ Agencies
<p><b>§ 15-227</b> Violations; order to vacate building.</p> <ul style="list-style-type: none"> <li>• Section added chap 907/1985 § 1. Section amended L.L. 23/1990 § 3.</li> </ul>	<p><b>FDNY report on building closings:</b> On each Jan. 1, Fire commissioner shall <b>submit a report to council</b> with number and location of <b>building closings</b>, and nature and use of premises closed. Commissioner shall also publish notice of closing to notify community, as well as notice of reopening.</p>	<p>Fire Department</p>
<p><b>§ 15-303</b> Arson Strike Force -- Reports</p> <ul style="list-style-type: none"> <li>• F1-3.0 added LL 23/1978 § 1. Amended LL 8/1985 § 1</li> </ul>	<p><b>Arson Strike Force Annual Reports:</b> Submitted in September of each year to mayor and council. Includes any findings and recommendations of the strike force.</p>	<p>Mayoral Task Force (with reps from Fire, Police, HRA, HPD, Finance)</p>
<p><b>§ 16-316</b> Recycling plan.</p> <ul style="list-style-type: none"> <li>• Section added L.L. 19/89 § 2.</li> </ul>	<p><b>Sanitation Commissioner annual updated recycling plan:</b> Statute gives detailed requirements for reports contents.</p>	<p>Sanitation</p>
<p><b>§ 16-322</b> City purchase of products made from secondary materials.</p> <ul style="list-style-type: none"> <li>• Section added L.L. 19/89 § 2.</li> </ul>	<p><b>Annual report on City purchase of products made from secondary materials:</b> DCAS, upon consultation with Sanitation, shall prepare and submit to the Mayor, the Council, citizens' solid wastes advisory boards (see §§ 16-317; 16-319), an <b>annual report</b> on its activities to increase the city's purchase of products manufactured from secondary materials.</p>	<p>DCAS, Sanitation</p>
<p><b>§ 17-185</b> Electronic death registration system.</p> <ul style="list-style-type: none"> <li>• Section added L.L. 2/2004 § 2, eff. Feb. 4, 2004</li> </ul>	<p><b>Electronic death registration system report:</b> Submitted twice a year to the Mayor and the Council reviewing the development and implementation of the electronic death registration system.</p>	<p>DoHMH</p>
<p><b>§17-188</b> Automated external defibrillators</p> <ul style="list-style-type: none"> <li>• Local Law of 20 of 2005</li> </ul>	<p><b>Automated external defibrillators reports:</b> Department shall conduct a <b>comprehensive study</b> and submit a <b>report</b> to the Mayor and the Council twelve months after the effective date of the local law that added this section, with information on the quantities and locations of automated external defibrillators placed in public places and the identification of any additional locations throughout the city that warrant placement of automated external defibrillators. Twenty-four months after the effective date of local law that added this</p>	<p>DoHMH</p>

Ad. Code Reference	Report/Content	Affected Agency/ Agencies
	section, and annually thereafter for the next succeeding three years, the department shall submit to mayor and council a report indicating the quantities and locations of automated external defibrillators placed in public places.	
<p><b>§ 17-341</b> Annual report, submission to council.</p> <ul style="list-style-type: none"> <li>• 568-2.3 added LL 46/1980 § 1</li> </ul>	<p><b>Medical-record storage operators annual report:</b> Submitted by DoHMH no later than June 30 with number of licensed medical-record storage operators, the facilities in which the medical records are kept, the state of the management and maintenance of these facilities, the number of times the facilities were inspected by DoRIS.</p>	DoHMH
<p><b>§ 17-349</b> Dangerous dog advisory board.</p> <ul style="list-style-type: none"> <li>• Section added L.L. 2/1991 § 2, eff. Apr. 4, 1991.</li> </ul>	<p><b>Dangerous dog advisory board annual report:</b> Describing board's activities and plans.</p>	Board (composed of DoHMH, Mayor, Council)
<p><b>§ 17-514</b> Smoke-Free Air Act --Report.</p> <ul style="list-style-type: none"> <li>• Section added L.L. 2/1988 § 2.</li> </ul>	<p><b>Smoke-Free Air Act annual report:</b> Not later than twelve months after the effective date of this local law, and each year thereafter, the department shall submit a report to mayor and council concerning the administration and enforcement of this local law.</p>	DoHMH
<p><b>§ 17-625</b> Tobacco Product Regulation Act -- Report</p> <ul style="list-style-type: none"> <li>• Section added L.L. 83/1992 § 2, eff. Apr. 25, 1993.</li> </ul>	<p><b>Tobacco Product Regulation Act annual report:</b> Submitted to Mayor and Council concerning the administration and enforcement of the law.</p>	DOHMH
<p><b>§ 17-805</b> Animal Shelters And Sterilization Act Reporting requirement.</p> <ul style="list-style-type: none"> <li>• Section added L.L. 26/2000 § 1. Subd. h added L.L. 12/2002 § 2.</li> </ul>	<p><b>Animal Shelters And Sterilization Act - annual report:</b> Provided by DoHMH to Mayor and Council by February 28 setting forth information regarding the management and operation of all full-service shelters performing services pursuant to a contract with the City.</p>	DoHMH
<p><b>§ 17-915</b> Access to summary day care</p>	<p><b>Access to summary day care service inspection reports:</b> Commencing on the effective date of the local</p>	DoHMH



Ad. Code Reference	Report/Content	Affected Agency/ Agencies
service inspection reports. <ul style="list-style-type: none"> <li>Local Law 13 of 2005</li> </ul>	law that added this chapter, following each inspection of a day care service, the <b>department shall post a summary day care service inspection report on the department's website</b> and shall make summary day care service inspection reports available by calling 311.	
<b>§ 17-920</b> Reports regarding child care facilities citywide. <ul style="list-style-type: none"> <li>Local Law 14 of 2005</li> </ul>	<b>Reports regarding child care facilities citywide:</b> Beginning 45 days after end of first full calendar quarter following the effective date of local law and 45 days after the end of each succeeding calendar quarter thereafter, department will furnish to the speaker of the City Council a <b>report regarding child day care</b> in New York City. Provision includes detailed requirements for report's contents. Within 45 days after the end of each calendar year, the department will <b>publish and make available on its website an annual report</b> containing that information for the prior calendar year.	DoHMH
<b>§ 17-1004</b> Prescription drug discount program -- Report <ul style="list-style-type: none"> <li>Local Law 19 of 2005</li> </ul>	<b>DOHMH prescription drug discount program report:</b> Not later than sixty days after the end of each twelve-month period during which the prescription drug discount card program has been in operation, the <b>department shall provide the city council with a report</b> regarding such program.	DoHMH
<b>§ 18-111</b> Gifts of real and personal property. <ul style="list-style-type: none"> <li>532-9.0 added chap 929/1937 § 1</li> </ul>	<b>Statement on gifts of real and personal property:</b> Parks Commissioner, with annual report, <b>shall state</b> the condition of all gifts, devises and bequests of the previous year, and of names of the persons making them.	Parks & Recreation
<b>§ 18-131</b> Emergency reporting signs* <ul style="list-style-type: none"> <li>Section added L.L. 14/1991 § 1, eff. Mar. 27, 1991. Amended by Local Law 29 of 2005.</li> </ul>	<b>Report on accidents and hazardous conditions:</b> Commissioner required to maintain a record of reports of such accidents or hazardous conditions by borough and service district, which shall be provided to the council and mayor on an <b>annual basis</b> . Such report shall include any action taken by the department in response to reported accident or condition. The commissioner shall post the dates and results of departmental inspections of property under the jurisdiction of the department on its official website within seven days of the completion of the inspection cycle in which such inspection was made, except that information regarding the inspections of bathing beaches shall be posted within three days of the completion of the inspection cycle in which such inspection was made. Results of each inspection shall be accessible on the official department website for a	Parks & Recreation

Ad. Code Reference	Report/Content	Affected Agency/ Agencies
	period of at least one year. In addition, the commissioner <b>shall forward a combined report of such inspection results</b> to the mayor, the public advocate and council speaker for each fiscal year by August 1 of the next succeeding fiscal year.	
<p><b>§ 18-132</b> Displaying a POW/MIA flag over public property</p> <ul style="list-style-type: none"> <li>• Section added L.L. 32/2003 § 2, eff. May 23, 2003. [See Note 1]</li> </ul>	<p><b>Report on POW/MIA flag displays:</b> Annual report submitted to Mayor and Speaker indicating all public property under jurisdiction of commissioner over which the POW/MIA flag is flown. <b>Reporting requirement terminates</b> upon full compliance with law, at which time the commissioner shall submit a final report indicating all public property under the jurisdiction of the commissioner over which the POW/MIA flag is flown.</p>	Parks & Recreation
<p><b>§ 18-201</b> Summer camps for children.</p> <ul style="list-style-type: none"> <li>• 67-4.0 added chap 929/1937 § 1. Renumbered and amended chap 100/1963 § 29 (formerly § 70-4.0)</li> </ul>	<p><b>Annual report summer camps for children:</b> Submitted by on matters relating to carrying out the provisions of this section.</p>	Parks & Recreation
<p><b>§ 19-152</b> Duties and obligations of property owner with respect to sidewalks and lots.</p> <ul style="list-style-type: none"> <li>• 693-6.0 added LL 70/1980 § 1 ... Subd. r added ch. 813/1992 § 10, eff. Nov. 5, 1992</li> </ul>	<p><b>Sidewalk and lot complaint and inspection reports:</b> Department shall keep record of all complaints submitted and work ordered and performed under this section and <b>shall issue a public report for a minimum of three years</b> containing such information including number of complaints heard each year according to category, number of reinspections performed, and dispositions of such reinspections.</p>	Transportation
<p><b>§ 19-153</b> Inspection, testing and repair of electrical-related infrastructure.</p> <ul style="list-style-type: none"> <li>• Section added L.L. 44/2004 § 2, eff. Oct. 14, 2004.</li> </ul>	<p><b>Electrical-related infrastructure reports:</b> Department shall conduct random tests, by utilizing a voltmeter, of the electrical-related infrastructure of any local electric corporation for the purposes of detecting stray voltage and shall maintain written reports of results of each such test. Commencing with the 12-month inspection and testing period beginning on December 1, 2004, the department shall conduct at least two hundred fifty such tests at random sites during each twelve month inspection and testing period. <b>The reports created pursuant to this testing</b> shall be forwarded to the public service commission and to local electric corporation whose sites and department tests.</p>	Transportation

Ad. Code Reference	Report/Content	Affected Agency/ Agencies
<p><b>§ 19-174</b> Passengers boarding horse drawn cabs.</p> <ul style="list-style-type: none"> <li>• Section added L.L. 2/1994 § 6, retro. to Jan. 1, 1994</li> </ul>	<p><b>Horse drawn cab stand reports:</b> Department shall annually review existing locations of horse drawn cab stands and any proposals by the department and any written proposals by others to establish or eliminate horse drawn cab stands and shall report the results of such review to the Mayor and Council.</p>	<p>Transportation</p>
<p><b>§ 19-210</b> Owner liability for failure of operator to comply with traffic-control indications.</p> <p>*  Expires Dec. 1, 2009 as per chap. 667/2004 § -4, eff. Oct. 26, 2004. Section added L.L. 46/1989 § 1, eff. July 7, 1989 and expires Dec. 1, 2009 per chap 667/2004 § 4. Subd. (a) amended L.L. 20/1998 § 1, eff. Apr. 27, 1998. Subd. (a) amended L.L. 25/1994 § 6, eff. July 1, 1994. Subd. (f) amended L.L. 29/1994 § 1, eff. July 20, 1994. Subd. (n) amended L.L. 25/1994 § 7, eff. July 1, 1994. Subd. (o) amended L.L. 14/1992 § 1, eff. Dec. 26, 1991. Subd. (o) open par amended chap 667/2004 § 3, eff. Oct. 26, 2004 and expires with section. Subd. (o) open par amended chap 503/1999 § 3, eff. Sept. 28, 1999. Subd. (o) open par amended L.L. 25/1994 § 8, eff. July 1, 1994.</p>	<p><b>Traffic-control signal violation-monitoring system reports:</b> On or before <b>September 1, 1989</b>, and every four months thereafter, until such time as demonstration program is fully operational, Commissioner of transportation shall submit a written report to council on the status of demonstration program. Commissioner shall submit to Governor, Senate, Assembly and Council a report on the results of the use of a traffic-control signal violation-monitoring system by <b>March 1, 2009</b>.</p>	<p>Transportation</p>
<p><b>§ 19-305</b> Ferry Service</p> <ul style="list-style-type: none"> <li>• Local Law 11 of 2005</li> </ul>	<p><b>Ferry service disruption reports:</b> In the event of any such disruption in the schedule of service set forth in subdivision a of this section, the commissioner or a designee shall, within forty-eight hours of the service disruption, submit a written report to the speaker of the council which shall include the specific reasons for the disruption and the time at which service was restored. If service has not been restored by the time the report must be submitted, the report shall also</p>	<p>Transportation</p>

Ad. Code Reference	Report/Content	Affected Agency/ Agencies
	include the estimated duration of the disruption in service and what, if any, attempts are being made to mitigate the loss of scheduled service.	
<p><b>§ 20-469</b> Forfeiture.</p> <ul style="list-style-type: none"> <li>• B32-507.0 added LL 77/1977 § 3. Sub b amended LL 57/1983 § 3.</li> </ul>	<p><b>Annual Report on distribution of property via forfeiture sales:</b> Submitted by police commissioner to City Council.</p>	<p>NYPD</p>
<p><b>§ 20-966 SHIPBOARD GAMBLING --</b> Reporting requirements.</p> <ul style="list-style-type: none"> <li>• Section added L.L. 57/1997</li> </ul>	<p><b>BIC Report on shipboard gambling:</b> No later than one week following the submission of the Mayor's management report, the <b>commission shall submit to the council a report detailing its activities</b> pursuant to this chapter for the period covered by the Mayor's management report.</p>	<p>Business Integrity Commission</p>
<p><b>§ 21-124</b> Prohibiting the use of Tier I shelters.</p> <ul style="list-style-type: none"> <li>• Section added L.L. 18/1990 § 1 eff. June 6, 1990. [See Note.]</li> </ul>	<p><b>Tier I shelter report:</b> Within fifteen days of having made finding that city has more homeless families in need of shelter than the system can accommodate, and at such other times as the council may request, the <b>mayor shall report to the council</b> on the plans to meet the requirements of subdivisions a and b and the progress that has been made in implementing such plans.</p>	<p>Mayor; DHS</p>
<p><b>§ 21-124.1</b> Homeless diversion teams.</p> <ul style="list-style-type: none"> <li>• L.L. 57/1998; L.L. 75/1995</li> </ul>	<p><b>Homeless diversion teams report:</b> Quarterly reports [Oct. 1] to the speaker of the city council in writing on the homeless diversion teams. With information on:</p> <ul style="list-style-type: none"> <li>• number of clients interviewed;</li> <li>• number of clients diverted, how and to where diverted; and</li> <li>• number of clients who presented themselves as homeless during the reporting period subsequent to a diversion and the number of days since such initial diversion.</li> </ul>	<p>DHS; HRA</p>
<p><b>§ 21-128</b> Benefits and services to be provided to persons with clinical/ symptomatic HIV illness or with AIDS.</p> <ul style="list-style-type: none"> <li>• Section added L.L. 49/1997. Amended by Local Law 32 of 2005.</li> </ul>	<p><b>Report on HIV/AIDS benefits and services:</b> Extensive quarterly reporting requirement to report on various info re: benefits for HIV/AIDS sufferers</p>	<p>HRA</p>

Ad. Code Reference	Report/Content	Affected Agency/ Agencies
<p><b>§ 21-307</b> Interagency coordinating council.</p> <ul style="list-style-type: none"> <li>• L.L. 19/1999 L.L. 57/1998 L.L. 52/2003 L.L. 57/1998 L.L. 75/1995 L.L. 61/1995.</li> </ul>	<p><b>Report on each such public hearing:</b> Submitted in writing to speaker within ten days. Where the interagency coordinating council fails to meet, a written explanation of failure shall be submitted to speaker</p>	<p>Each agency involved in homeless-related services</p>
<p><b>§ 21-311</b> Quarterly reporting requirements.</p> <ul style="list-style-type: none"> <li>• L.L. 75/1995; L.L. 19/1999.</li> </ul>	<p><b>DHS Quarterly Reports:</b> Beginning Oct. 1, 1995 and each quarter thereafter, commissioner shall submit to the Speaker a report</p>	<p>DHS</p>
<p><b>§ 21-312</b> Shelters for adults</p> <ul style="list-style-type: none"> <li>• L.L. 19/1999 L.L. 57/1998 L.L. 6/1999 L.L. 22/2002</li> </ul>	<p><b>Report on shelter deficiencies:</b> DHS Commissioner shall submit to speaker quarterly reports summarizing health, sanitation, safety and fire protection-related deficiencies identified in any inspection of a shelter for adults conducted by any State or City agency or any other government agency.</p>	<p>DHS</p>
<p><b>§ 21-402</b> Reporting requirements to the city council.</p> <ul style="list-style-type: none"> <li>• L.L. 81/1996</li> </ul>	<p><b>Youth Services programs reports:</b> DYCD shall submit to city council two reports annually concerning department's youth services programs, reported separately for community service block grants and other federal, state and city funding sources, respectively, providing indicators on the department's performance goals, actual performance and delivery of youth services within community districts and boroughs.</p>	<p>DYCD</p>
<p><b>§ 22-226 FULTON FISH MARKET DISTRIBUTION AREA AND OTHER SEAFOOD DISTRIBUTION AREAS</b> -- Reporting requirements.</p> <ul style="list-style-type: none"> <li>• L.L. 50/1995; L.L. 28/1997; L.L. 54/1995</li> </ul>	<p><b>DSBS Report on Seafood Distribution Areas:</b> No later than one week following the submission of the mayor's management report, the commissioner shall submit to the council a report detailing the department's activities pursuant to this chapter.</p>	<p>DSBS</p>
<p><b>§ 22-269 OTHER PUBLIC MARKETS</b> -- Reporting Requirements.</p> <ul style="list-style-type: none"> <li>• L.L. 28/1997</li> </ul>	<p><b>DSBS Report on other public markets:</b> No later than one week following the submission of the mayor's management report, the commissioner shall submit to the council a report detailing the department's activities pursuant to this chapter.</p>	<p>DSBS</p>

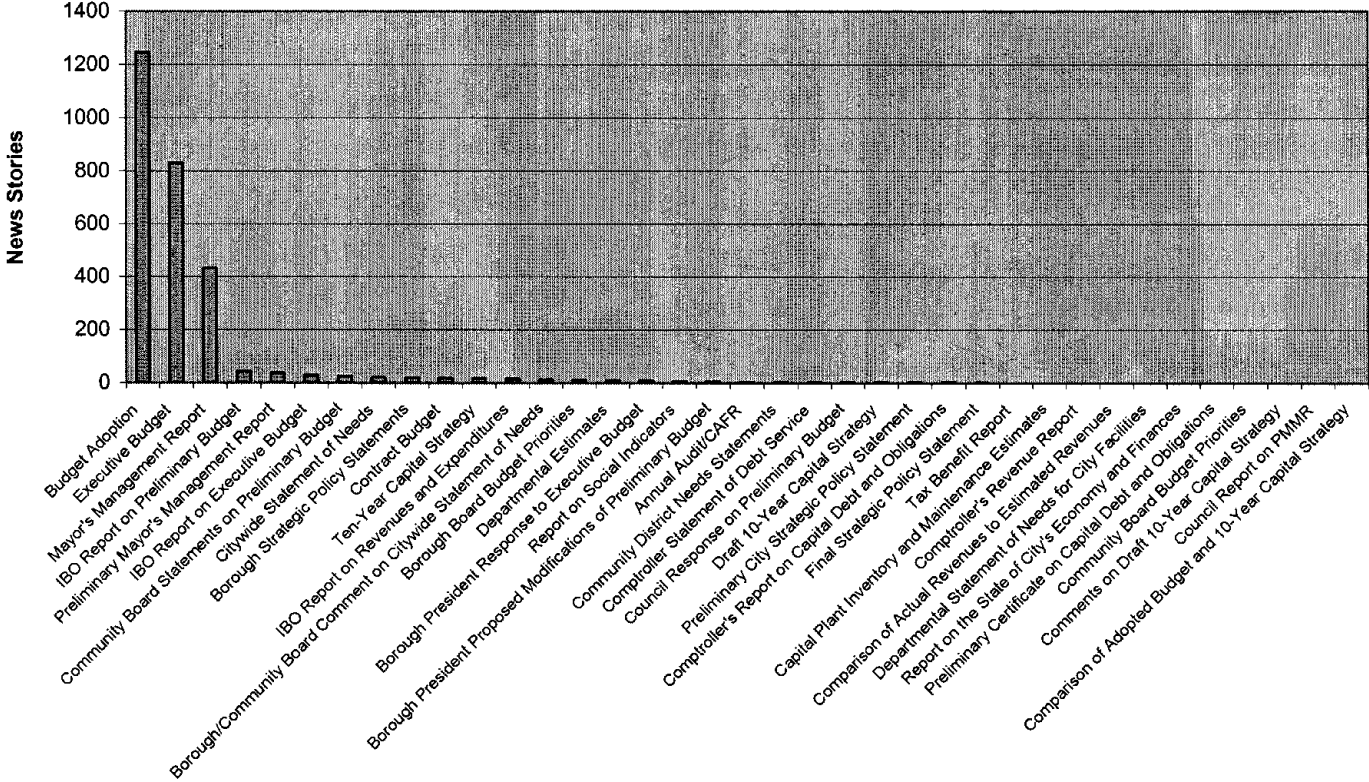
Ad. Code Reference	Report/Content	Affected Agency/ Agencies
<p><b>§ 24-158</b> Use of department of sanitation refuse burning equipment without control apparatus prohibited</p> <ul style="list-style-type: none"> <li>• 1103.2-11.07 added LL 49/1971</li> </ul>	<p><b>Report on use of refuse burning equipment without control apparatus:</b> Commissioner shall submit a report to Council twice a year setting forth in detail the extent of compliance with statute, the cause of whatever non-compliance may exist and what action is being undertaken to assure compliance.</p>	DEP
<p><b>§ 24-163.1</b> Alternative fuel motor vehicles.</p> <ul style="list-style-type: none"> <li>• Section added L.L. 6/1991 § 1, eff. Jan. 24, 1991. Subd. b amended L.L. 59/1996</li> </ul>	<p><b>Alternative fuel motor vehicles study update:</b> Within sixty days after end of each fiscal year, the commissioner, the commissioner of transportation and the commissioner of citywide administrative services shall forward to mayor and council a report updating study.</p>	DEP, DOT, DCAS
<p><b>§ 24-163.2</b> Alternative fuel buses</p> <ul style="list-style-type: none"> <li>• Section added L.L. 6/1991 § 1, eff. Jan. 24, 1991.</li> </ul>	<p><b>Alternative fuel buses study update:</b> Within sixty days after the end of each June 30, the commissioner, in consultation with commissioner of transportation, shall forward to Mayor and the Council a report updating study required on alternative fuel buses.</p>	DEP
<p><b>§ 24-163.3</b> Use of ultra low sulfur diesel fuel and best available technology in nonroad vehicles.</p> <ul style="list-style-type: none"> <li>• L.L. 77/2003</li> </ul>	<p><b>Ultra low sulfur diesel study:</b> Every succeeding January 1, commissioner shall report to comptroller and speaker on the use of ultra low sulfur diesel.</p>	DEP
<p><b>§ 24-243</b> Ambient noise quality zones, criteria and standards.</p> <ul style="list-style-type: none"> <li>• LL 57/1972; LL 64/1979; LL 75/1982</li> </ul>	<p><b>DEP ambient noise quality report:</b> Commissioner shall submit a supplementary report to council every two years that will (i) update the description of existing noise levels in New York City, (ii) evaluate the continued validity of maintaining the noise zone groupings, (iii) evaluate practicality and the economic impact of reducing existing noise levels, (iv) make specific recommendations for modifications that will update and improve ambient noise quality criteria and standards.</p>	DEP
<p><b>§ 24-337</b> Waste of water prohibited; remedies.</p> <ul style="list-style-type: none"> <li>• 734(4)-4.0 added chap</li> </ul>	<p><b>Permanent committee on water conservation annual report</b> - Submitted to city council. Evaluates effectiveness of certain water-conservation provisions and including written recommendations. Department</p>	DEP

Ad. Code Reference	Report/Content	Affected Agency/ Agencies
929/1937 § 1. Amended LL 62/1950 § 1. Repealed and added LL 70/1983 § 4. Section added chap 907/1985 § 1. Subds. (c), (d), (e) added LL 29/1989 § 5	shall make available to the committee any and all information useful and necessary for the committee to prepare and complete the report for submission to the City Council.	
<p><b>§ 24-715 --</b> Community Right-To-Know Law -- Annual report. • L.L. 26/1988 L.L. 76/2003</p>	<p><b>Community Right-To-Know Annual report:</b> Commissioner shall annually review the facility inventory forms and material safety data sheets filed with the department pursuant to this chapter and citywide facility inventory data. Upon making this annual review, the commissioner shall forward a report to the mayor and the council no later than October first of each year.</p>	DEP
<p><b>§ 26-109</b> Annual report. • chap 929/1937; LL 112/1955; LL 76/1968</p>	<p><b>DOB annual report:</b> Published in book form for public information. Such report shall contain the statistics kept by the department.</p>	Buildings
<p><b>§ 26-127</b> Dangerous buildings, places and things; nuisance; order to vacate building; expenses. • chap 907/1985; L.L. 23/1990</p>	<p><b>Dangerous buildings closings report:</b> On Jan. 1 of each year, commissioner shall submit a report to council with number of closings made in previous year, locations of such closings, and nature and use of premises closed. Commissioner shall, in addition, as soon as practicable after a building, has been closed, publish a report of closing in a manner calculated to quickly notify the community. Similar provision for reopenings.</p>	Buildings
<p><b>§ 26-301</b> Relocation of tenants. • Section added chap 907/1985 § 1. Subd. 6 par a amended L.L. 22/2002 § 55.</p>	<p><b>Tenant relocation annual report:</b> Commissioner shall annually submit to Mayor, the Board of Estimate, and the City Council a detailed report on tenant relocation activities and shall coordinate efforts and consider ideas of agencies and civic groups on the issue.</p>	HPD
<p><b>§27-191.1</b> List of permits for cellular antenna to be maintained. • Local Law 28 of 2005</p>	<p><b>Cellular antenna permit list:</b> The commissioner shall maintain a separate list of alteration permits issued for the erection or placement of antennae used to provide cellular telephone or similar service or any structure related to such service which shall, at a minimum, set forth the name, business address and business telephone number of the applicant, the date of the application, the date the permit was issued, the location for which the permit was issued, including the premises address and the zoning district, whether residential, commercial, or manufacturing, and the number of permits issued for such purpose at the same location</p>	Buildings

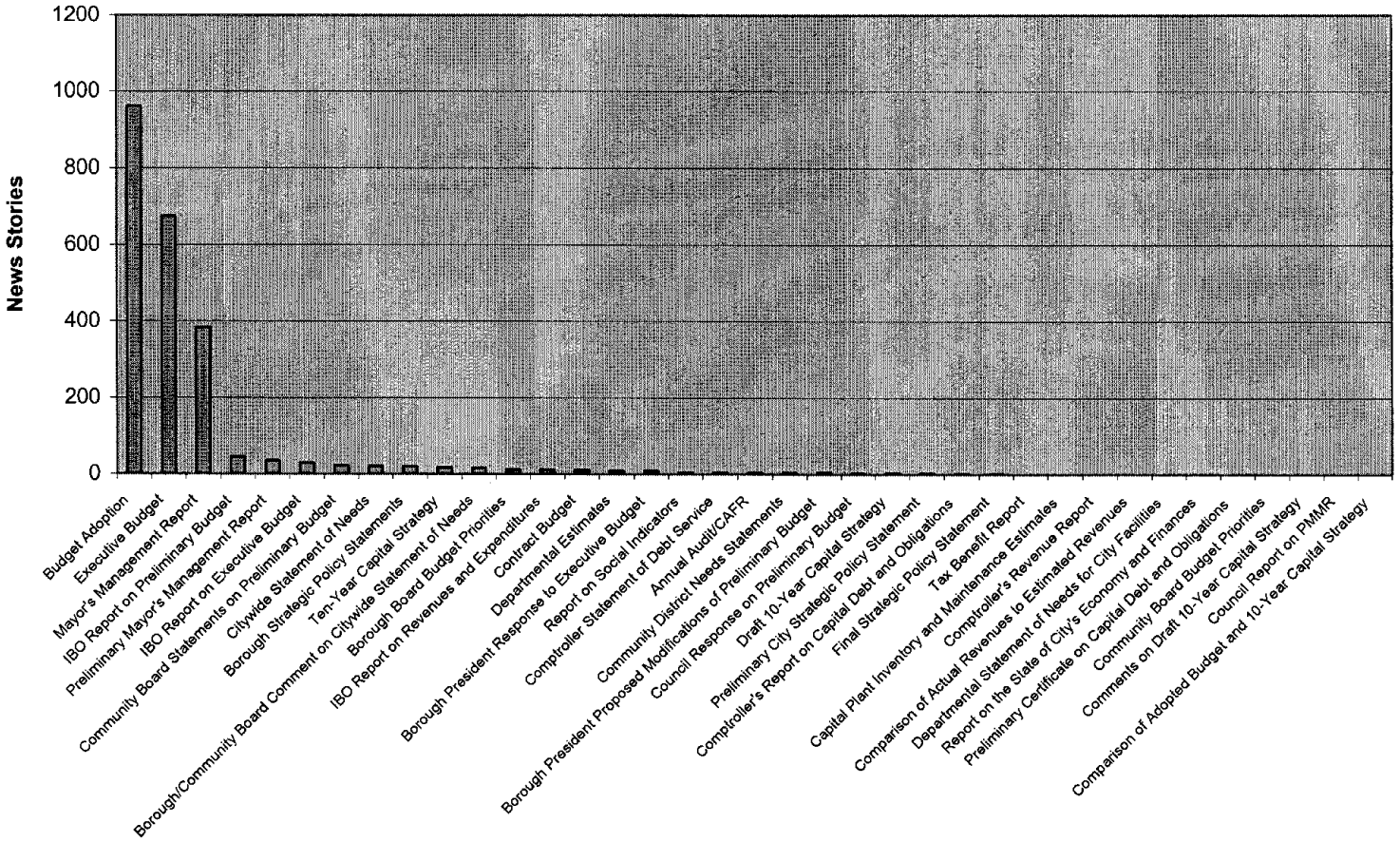
Ad. Code Reference	Report/Content	Affected Agency/ Agencies
	since the effective date of this section. Such list shall be made available to the public upon request between regular business hours and <b>shall be available to the public in electronic format on a 24-hour basis on the department's website.</b>	
<p><b>§ 27-198.2</b> Conversion, alteration and demolition of single room occupancy multiple dwellings prohibited.</p> <ul style="list-style-type: none"> <li>• chap 907/1985; L.L. 9/1987; L.L. 1/1987; L.L. 22/1986</li> </ul>	<p><b>Single-room occupancy housing development fund company annual report:</b> Commissioner of housing preservation and development shall establish a single-room occupancy housing development fund company ... <b>annually thereafter company shall submit a report to city council and to the mayor describing its activities during the preceding calendar year.</b></p>	HPD
<p><b>§ 27-2056.12(a) --</b> Lead Poisoning Prevention And Control - Reporting</p> <ul style="list-style-type: none"> <li>• Added by L.L. 38/1999. Amended by L.L. 1/2004.</li> </ul>	<p><b>Lead law implementation report:</b> Within four months after the close of the first fiscal year after which this article takes effect and for every fiscal year thereafter, the commissioner shall provide to the Council a written report on the department's implementation of this article during the preceding year.</p>	Buildings, DoHMH
<p><b>§ 27-2056.12(b) --</b> Lead Poisoning Prevention And Control -- Reporting.</p> <ul style="list-style-type: none"> <li>• Added by L.L. 1/2004.</li> </ul>	<p><b>DoHMH report on lead screening:</b> DoHMH to prepare a report on progress toward increasing screening rates and reducing the incidence rates of children newly identified with elevated blood lead levels. The department in its implementation of this article shall utilize this report. Such report shall be submitted to the Council within nine months after the close of <b>each calendar year.</b></p>	DoHMH



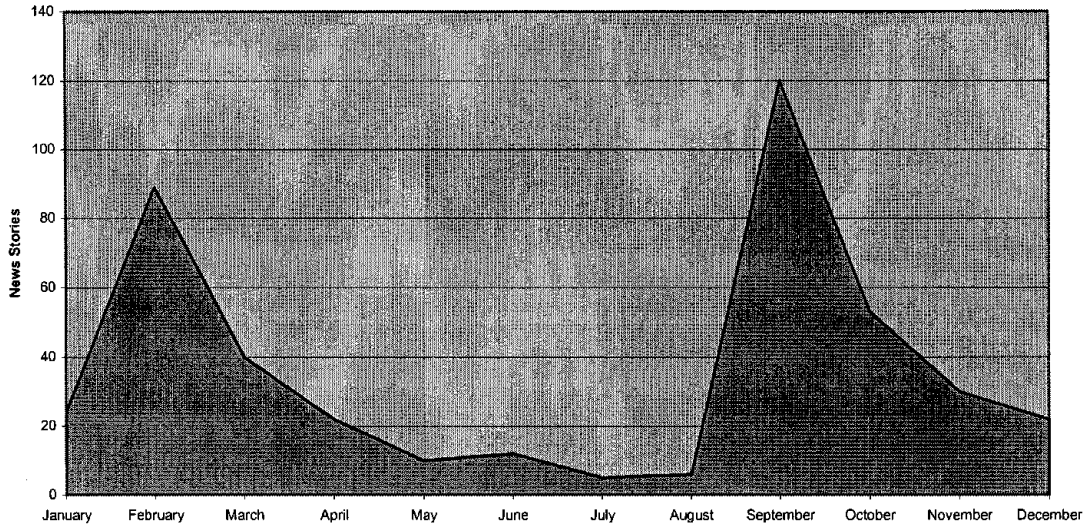
### Charter-Mandated Reports in the News (1976 - present)



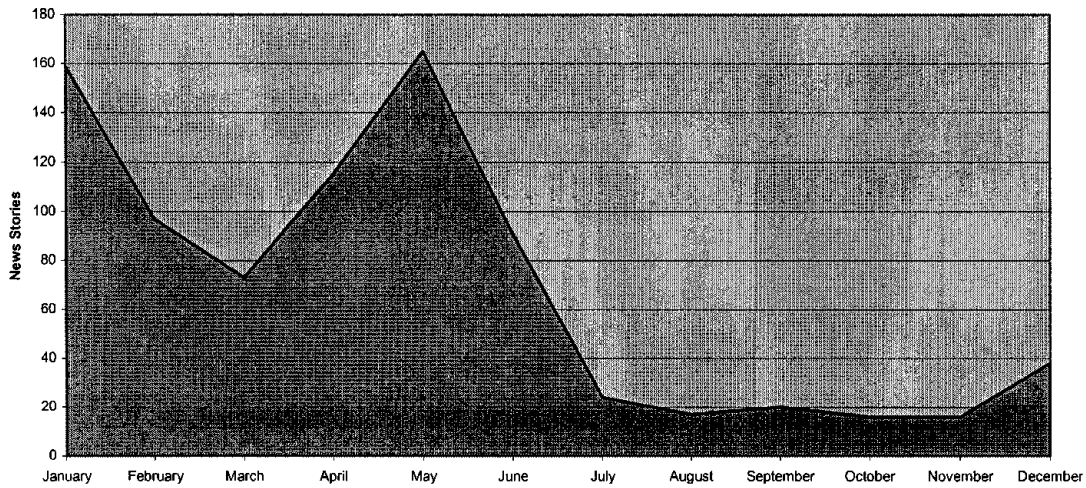
## Charter Mandated Reports in the News (1990-present)



Monthly Frequency -- MMR  
(1976-present)



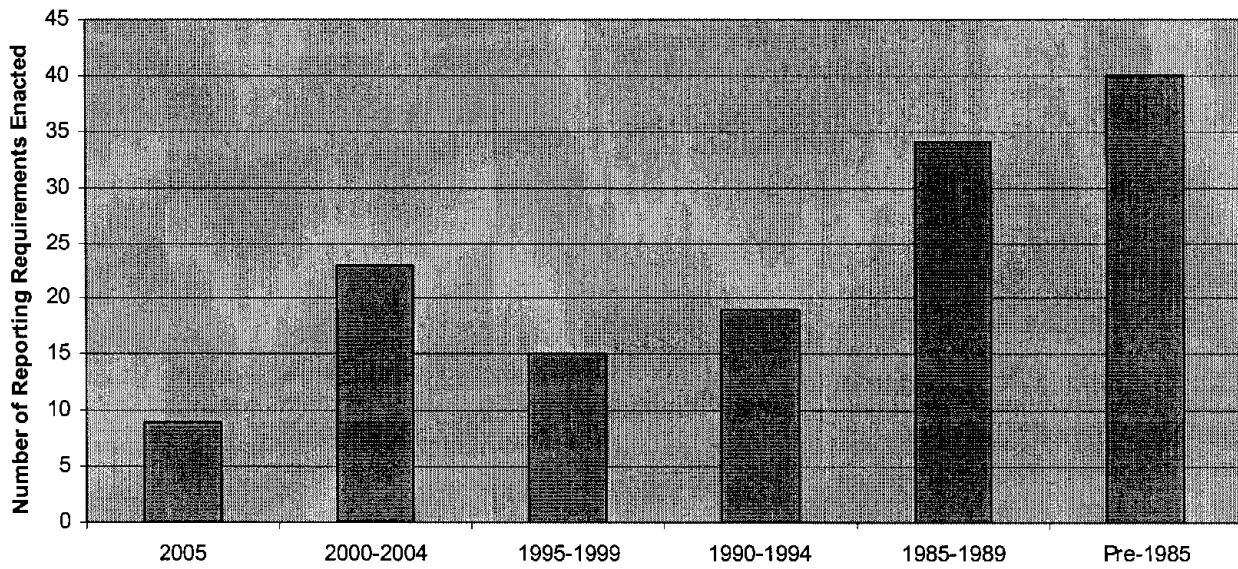
Monthly Frequency -- Executive Budget  
(1976-present)



SOURCE: LEXIS-NEXIS

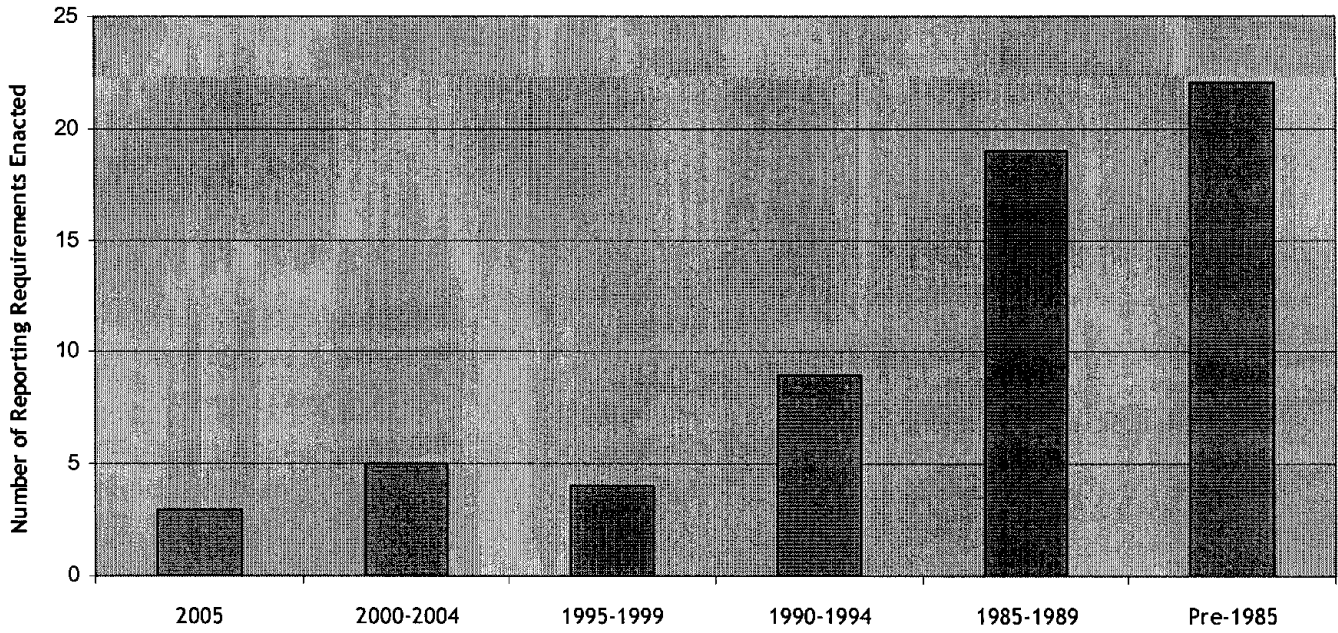
### Reporting Requirements by Date of Enactment

#### Reporting Requirements by Date of Enactment: Charter and Administrative Code



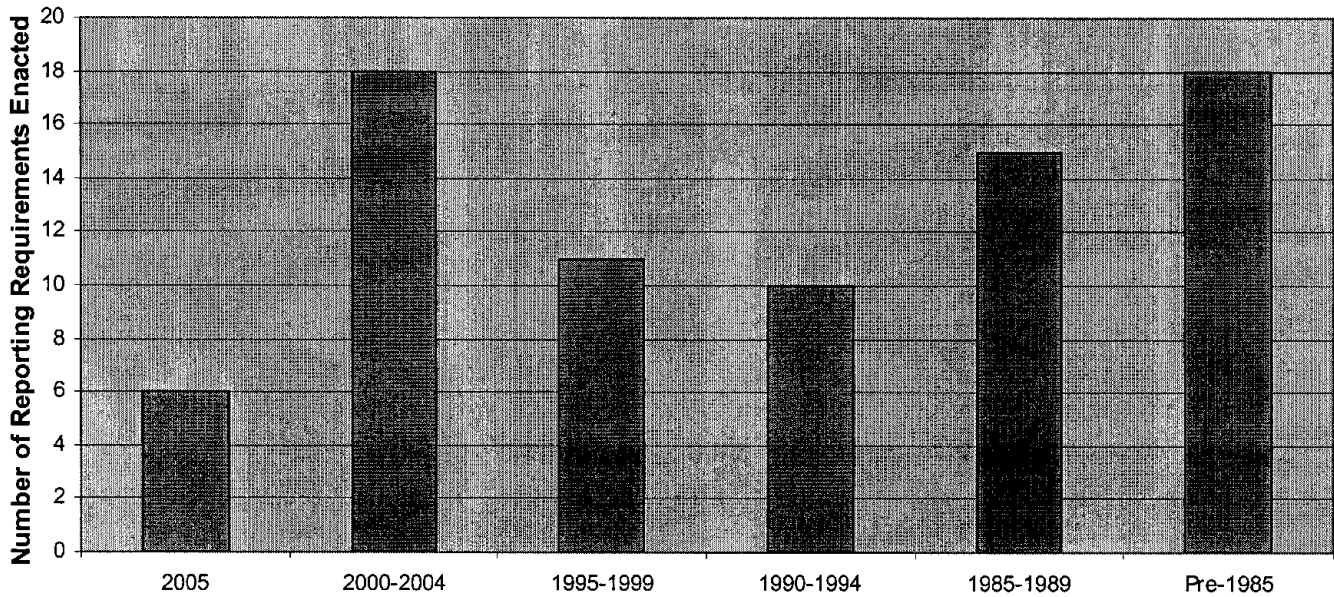
Source: LEXIS, local laws, previous editions of the Charter and Administrative Code

### Reporting Requirements in the NYC Charter: Dates of Enactment



Source: LEXIS, local laws, previous editions of the Charter and Administrative Code

### Reporting Requirements in the Administrative Code: Dates of Enactment



Source: LEXIS, local laws, previous editions of the Charter and Administrative Code

Excerpt from Survey Instrument

**Planning Document Survey**

**Survey Instructions**

Each section of the survey provides the name of a planning/reporting document, followed by a series of questions. All questions are highlighted in yellow.

Answer choices are provided for most of the questions. To answer a question, click on the box to the right of the question. A small arrow will appear to the right of the answer box. Click on the arrow to scroll down to select your answer.

The first question asks whether or not you are familiar with the report. **If you are not familiar with a particular report, please select “no” and skip to the next section of the survey.**

If you are familiar with the report, please select “yes” and then answer the series of following questions concerning how useful this report is to you as a user; how you use the report (for planning, management, budgeting, or research); and what changes to the report you would recommend. In the answer box for “Recommended Changes,” you can type in your own answer. Your answer can be as long as you’d like. In this box, please let us know what changes might make this report more useful to you.

<b>Name of Organization (Please type in next box)</b>	
<b>Name of Respondent (Please type in next box)</b>	
<b>Type of Respondent</b>	

<b>Report on Social Indicators</b>	
<b>Are you familiar with this report?</b>	
<b>Relevance or Usefulness to You as a User</b> 1 = low 5 = high	
<b>Use for Planning?</b>	
<b>Use for Budgeting?</b>	
<b>Use for Management?</b>	
<b>Use for Research?</b>	
<b>Use for other?</b>	

Would this report be any more useful to you if it were available on the Internet?	
Recommended Changes	

<b>Borough Strategic Policy Statements</b>	
Are you familiar with this report?	
Relevance or Usefulness to You as a User 1 = low 5 = high	
Use for Planning?	
Use for Budgeting?	
Use for Management?	
Use for Research?	
Use for other?	
Would this report be any more useful to you if it were available on the Internet?	
Recommended Changes	

<b>Mayor's Management Report (MMR)</b>	
Are you familiar with this report?	
Relevance or Usefulness to You as a User 1 = low 5 = high	
Use for Planning?	
Use for Budgeting?	
Use for Management?	
Use for Research?	
Use for other?	
Would this report be any more useful to you if it were available on the Internet?	
Recommended Changes	

<b>Capital Plant Inventory and Maintenance Estimates</b>	
Are you familiar with this report?	
Relevance or Usefulness to You as a User 1 = low 5 = high	
Use for Planning?	
Use for Budgeting?	
Use for Management?	
Use for Research?	
Use for other?	
Would this report be any more useful to you if it were available on the Internet?	
Recommended Changes	

<b>Annual Audits</b>	
Are you familiar with this report?	
Relevance or Usefulness to You as a User 1 = low 5 = high	
Use for Planning?	
Use for Budgeting?	
Use for Management?	
Use for Research?	
Use for other?	
Would this report be any more useful to you if it were available on the Internet?	
Recommended Changes	

<b>Comptroller's Revenue Report</b>	
Are you familiar with this report?	
Relevance or Usefulness to You as a User 1 = low 5 = high	
Use for Planning?	
Use for Budgeting?	
Use for Management?	
Use for Research?	
Use for other?	
Would this report be any more useful to you if it were available on the Internet?	
Recommended Changes	

<b>Draft 10-Year Capital Strategy</b>	
Are you familiar with this report?	
Relevance or Usefulness to You as a User 1 = low 5 = high	
Use for Planning?	
Use for Budgeting?	
Use for Management?	
Use for Research?	
Use for other?	
Would this report be any more useful to you if it were available on the Internet?	
Recommended Changes	

<b>Comparison of Actual Revenues to Estimated Revenues</b>	
Are you familiar with this report?	



Relevance or Usefulness to You as a User 1 = low 5 = high	
Use for Planning?	
Use for Budgeting?	
Use for Management?	
Use for Research?	
Use for other?	
Would this report be any more useful to you if it were available on the Internet?	
Recommended Changes	

<b>Preliminary City Strategic Policy Statement</b>	
Are you familiar with this report?	
Relevance or Usefulness to You as a User 1 = low 5 = high	
Use for Planning?	
Use for Budgeting?	
Use for Management?	
Use for Research?	
Use for other?	
Would this report be any more useful to you if it were available on the Internet?	
Recommended Changes	

<b>Citywide Statement of Needs</b>	
<b>A. Community District Needs Statements</b>	
Are you familiar with this report?	
Relevance or Usefulness to You as a User 1 = low 5 = high	
Use for Planning?	
Use for Budgeting?	
Use for Management?	
Use for Research?	
Use for other?	
Would this report be any more useful to you if it were available on the Internet?	
Recommended Changes	
<b>B. Departmental Statement of Needs for City Facilities**</b>	
Are you familiar with this report?	

Relevance or Usefulness to You as a User 1 = low 5 = high	
Use for Planning?	
Use for Budgeting?	
Use for Management?	
Use for Research?	
Use for other?	
Would this report be any more useful to you if it were available on the Internet?	
Recommended Changes	

<b>Comptroller's Report on Capital Debt and Obligations</b>	
Are you familiar with this report?	
Relevance or Usefulness to You as a User 1 = low 5 = high	
Use for Planning?	
Use for Budgeting?	
Use for Management?	
Use for Research?	
Use for other?	
Would this report be any more useful to you if it were available on the Internet?	
Recommended Changes	

<b>Report on State of City's Finances</b>	
Are you familiar with this report?	
Relevance or Usefulness to You as a User 1 = low 5 = high	
Use for Planning?	
Use for Budgeting?	
Use for Management?	
Use for Research?	
Use for other?	
Would this report be any more useful to you if it were available on the Internet?	
Recommended Changes	

<b>Preliminary Certificate on Capital Debt and Obligations</b>	
Are you familiar with this report?	

Relevance or Usefulness to You as a User 1 = low 5 = high	
Use for Planning?	
Use for Budgeting?	
Use for Management?	
Use for Research?	
Use for other?	
Would this report be any more useful to you if it were available on the Internet?	
Recommended Changes	

### Preliminary Budget

<b>A. Community Board Budget Priorities</b>	
Are you familiar with this report?	
Relevance or Usefulness to You as a User 1 = low 5 = high	
Use for Planning?	
Use for Budgeting?	
Use for Management?	
Use for Research?	
Use for other?	
Would this report be any more useful to you if it were available on the Internet?	
Recommended Changes	

<b>B. Departmental Estimates</b>	
Are you familiar with this report?	
Relevance or Usefulness to You as a User 1 = low 5 = high	
Use for Planning?	
Use for Budgeting?	
Use for Management?	
Use for Research?	
Use for other?	
Would this report be any more useful to you if it were available on the Internet?	
Recommended Changes	

### Comments on Draft 10-Year Capital Strategy

Are you familiar with this report?	
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<b>Relevance or Usefulness to You as a User</b> 1 = low 5 = high	
<b>Use for Planning?</b>	
<b>Use for Budgeting?</b>	
<b>Use for Management?</b>	
<b>Use for Research?</b>	
<b>Use for other?</b>	
<b>Would this report be any more useful to you if it were available on the Internet?</b>	
<b>Recommended Changes</b>	

<b>Preliminary Mayor's Management Report (PMMR)</b>	
<b>Are you familiar with this report?</b>	
<b>Relevance or Usefulness to You as a User</b> 1 = low 5 = high	
<b>Use for Planning?</b>	
<b>Use for Budgeting?</b>	
<b>Use for Management?</b>	
<b>Use for Research?</b>	
<b>Use for other?</b>	
<b>Would this report be any more useful to you if it were available on the Internet?</b>	
<b>Recommended Changes</b>	

<b>Final Strategic Policy Statement</b>	
<b>Are you familiar with this report?</b>	
<b>Relevance or Usefulness to You as a User</b> 1 = low 5 = high	
<b>Use for Planning?</b>	
<b>Use for Budgeting?</b>	
<b>Use for Management?</b>	
<b>Use for Research?</b>	
<b>Use for other?</b>	
<b>Would this report be any more useful to you if it were available on the Internet?</b>	
<b>Recommended Changes</b>	

<b>Report of Independent Budget Office on Revenues and Expenditures</b>	
<b>Are you familiar with this report?</b>	
<b>Relevance or Usefulness to You as a User</b> 1 = low 5 = high	

Use for Planning?	
Use for Budgeting?	
Use for Management?	
Use for Research?	
Use for other?	
Would this report be any more useful to you if it were available on the Internet?	
Recommended Changes	

<b>Community Board Statements on Preliminary Budget</b>	
Are you familiar with this report?	
Relevance or Usefulness to You as a User 1 = low 5 = high	
Use for Planning?	
Use for Budgeting?	
Use for Management?	
Use for Research?	
Use for other?	
Would this report be any more useful to you if it were available on the Internet?	
Recommended Changes	

<b>Borough/Community Board Comment on Citywide Statement of Needs</b>	
Are you familiar with this report?	
Relevance or Usefulness to You as a User 1 = low 5 = high	
Use for Planning?	
Use for Budgeting?	
Use for Management?	
Use for Research?	
Use for other?	
Would this report be any more useful to you if it were available on the Internet?	
Recommended Changes	

<b>Tax Benefit Report***</b>	
Are you familiar with this report?	
Relevance or Usefulness to You as a User 1 = low 5 = high	
Use for Planning?	
Use for Budgeting?	
Use for Management?	

Use for Research?	
Use for other?	
Would this report be any more useful to you if it were available on the Internet?	
Recommended Changes	

<b>Borough Board Budget Priorities</b>	
Are you familiar with this report?	
Relevance or Usefulness to You as a User 1 = low 5 = high	
Use for Planning?	
Use for Budgeting?	
Use for Management?	
Use for Research?	
Use for other?	
Would this report be any more useful to you if it were available on the Internet?	
Recommended Changes	

<b>Comptroller Statement of Debt Service</b>	
Are you familiar with this report?	
Relevance or Usefulness to You as a User 1 = low 5 = high	
Use for Planning?	
Use for Budgeting?	
Use for Management?	
Use for Research?	
Use for other?	
Would this report be any more useful to you if it were available on the Internet?	
Recommended Changes	

<b>Borough President Proposed Modifications of Preliminary Budget</b>	
Are you familiar with this report?	
Relevance or Usefulness to You as a User 1 = low 5 = high	
Use for Planning?	
Use for Budgeting?	
Use for Management?	
Use for Research?	
Use for other?	

Would this report be any more useful to you if it were available on the Internet?	
Recommended Changes	

<b>Report of Independent Budget Office on Preliminary Budget</b>	
Are you familiar with this report?	
Relevance or Usefulness to You as a User 1 = low 5 = high	
Use for Planning?	
Use for Budgeting?	
Use for Management?	
Use for Research?	
Use for other?	
Would this report be any more useful to you if it were available on the Internet?	
Recommended Changes	

<b>Council Response on Preliminary Budget</b>	
Are you familiar with this report?	
Relevance or Usefulness to You as a User 1 = low 5 = high	
Use for Planning?	
Use for Budgeting?	
Use for Management?	
Use for Research?	
Use for other?	
Would this report be any more useful to you if it were available on the Internet?	
Recommended Changes	

<b>Council Report on PMMR</b>	
Are you familiar with this report?	
Relevance or Usefulness to You as a User 1 = low 5 = high	
Use for Planning?	
Use for Budgeting?	
Use for Management?	
Use for Research?	
Use for other?	
Would this report be any more useful to you if it were available on the Internet?	

Recommended Changes	
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<b>Executive Budget</b>	
Are you familiar with this report?	
Relevance or Usefulness to You as a User 1 = low 5 = high	
Use for Planning?	
Use for Budgeting?	
Use for Management?	
Use for Research?	
Use for other?	
Would this report be any more useful to you if it were available on the Internet?	
Recommended Changes	

<b>Contract Budget*</b>	
Are you familiar with this report?	
Relevance or Usefulness to You as a User 1 = low 5 = high	
Use for Planning?	
Use for Budgeting?	
Use for Management?	
Use for Research?	
Use for other?	
Would this report be any more useful to you if it were available on the Internet?	
Recommended Changes	

<b>Ten Year Capital Strategy</b>	
Are you familiar with this report?	
Relevance or Usefulness to You as a User 1 = low 5 = high	
Use for Planning?	
Use for Budgeting?	
Use for Management?	
Use for Research?	
Use for other?	
Would this report be any more useful to you if it were available on the Internet?	
Recommended Changes	



<b>Borough President Response to Executive Budget</b>	
Are you familiar with this report?	
Relevance or Usefulness to You as a User 1 = low 5 = high	
Use for Planning?	
Use for Budgeting?	
Use for Management?	
Use for Research?	
Use for other?	
Would this report be any more useful to you if it were available on the Internet?	
Recommended Changes	

<b>Report of Independent Budget Office on Executive Budget</b>	
Are you familiar with this report?	
Relevance or Usefulness to You as a User 1 = low 5 = high	
Use for Planning?	
Use for Budgeting?	
Use for Management?	
Use for Research?	
Use for other?	
Would this report be any more useful to you if it were available on the Internet?	
Recommended Changes	

<b>Adopted Budget</b>	
Are you familiar with this report?	
Relevance or Usefulness to You as a User 1 = low 5 = high	
Use for Planning?	
Use for Budgeting?	
Use for Management?	
Use for Research?	
Use for other?	
Would this report be any more useful to you if it were available on the Internet?	
Recommended Changes	

<b>Comparison of Adopted Budget and 10-Year Capital Strategy</b>	
Are you familiar with this report?	

<b>Relevance or Usefulness to You as a User</b> 1 = low 5 = high	
<b>Use for Planning?</b>	
<b>Use for Budgeting?</b>	
<b>Use for Management?</b>	
<b>Use for Research?</b>	
<b>Use for other?</b>	
<b>Would this report be any more useful to you if it were available on the Internet?</b>	
<b>Recommended Changes</b>	

\* The Contract Budget appears three times: once with the Departmental Estimates, once with the Executive Budget, and once with Adopted Budget.

\*\* City Facilities are facilities (1) used or occupied/to be used or occupied to meet City needs that are located on real property owned or leased by City or (2) operated by City pursuant to written agreement on behalf of City.

\*\*\*Tax Benefit Report comes out on same day Commissioner of Finance submits, to Mayor, estimate of assessed valuation and statement of taxes due and uncollected. Local Law 69 of 1993 requires the City's Economic Development Corporation to report annually on its business retention/economic development agreements.

Summaries<sup>78</sup> of Other Significant Recommendations Deferred

## From Public Hearings

Proposer(s)	Proposal(s)	Comments
<i>Proposals Deferred to Future Charter Revision Commissions</i>		
Queens Borough President Helen Marshall March 7, 2005	In order to provide sufficient resources to permit the office of the Borough President to fulfill its Charter mandates, link Borough President's budget to another stated appropriation, in manner similar to that of the Independent Budget Office.	This Commission recommends deferring this proposal to a charter revision commission focusing more specifically on the distribution of powers among elected officials, particularly the re-arrangement of functions accomplished by the 1989 Charter Revision Commission.
Brooklyn Borough President Marty Markowitz March 23, 2005		
Bronx Borough President Adolfo Carrion March 16, 2005	Add to the function of Borough President roles with respect to site selection for school capital projects similar to the role it has for other City capital projects; add to the function of community boards a role with respect to individualized educational plans (special needs).	The ability to accomplish these proposals is limited by state law that governs local education. In addition, as discussed above, balancing the needs for centralization and decentralization of Borough President functions requires additional study and public discussion; expanding the functions of community boards also requires additional study and public discussion.
Melanie Schoen, Community Liaison, Municipal Art Society Planning Center, on behalf of the Community Based Planning Task Force June 15, 2005	Give the Public Advocate an oversight role in community board appointment process and responsibility for public-awareness campaign to promote community board membership; mandate adequate resources at community board level for training, technical and planning expertise to enable them to perform charter-mandated functions; mandate regularly-updated comprehensive citywide plan that uses community-based plans as building	This proposal, like other proposals deferred, concerns important City government issues. This Commission has deferred several proposals concerning the 1989 re-structuring of government and land use to a charter revision commission focusing more specifically on the distribution of powers among elected officials, particularly the rearrangement of functions accomplished by the 1989 Charter Revision Commission. Such a commission would be likely to review, in particular, the land use
Irene Janner, First Vice- Chairperson,		

<sup>78</sup> These charts contain summaries of recommendations to the Commission, prepared by Commission staff, for purposes of ease of review and future consideration. The summaries are not verbatim transcriptions of the recommendations.

Brooklyn Community Board 2 and representative on the Community Based Planning Task Force June 22, 2005	blocks.	review process and the role of community boards in that process.
Alonzo Meyers April 4, 2005	Consolidate the Commission on Human Rights, the Equal Employment Practices Commission (EEPC) and the Department of Citywide Administrative Services' (DCAS) Equal Employment Opportunities Division into an independent agency.	Since these three entities have different purposes, powers and constituencies and arguably serve as checks on each other, a consolidation may be inappropriate and would at a minimum require additional review.
<b><i>Proposals related to Area of Administrative Judicial Reform Deferred to Review by Administrative Judicial Coordinator</i></b>		
Bert Irons March 7, 2005	Create an independent panel to be responsible for the various agencies' code compliance practice and policies and adjudication practices and policies. Parties in an administrative tribunal may not feel that hearing staff from an agency would be receptive to considering alleged procedural errors committed by enforcement staff from the same agency in deciding a particular case.	The Commission defers this proposal for review by the administrative judicial coordinator that the Commission proposes should be created by executive order.
Steve Seltzer March 7, 2005	Restrict information about a party in an administrative tribunal to the matter before the tribunal for purposes of making the initial decision about the case; other information could be admitted for purposes of assessing the penalty. Open up TLC hearings to the public.	The Commission defers this proposal for review by the administrative judicial coordinator that the Commission proposes should be created by executive order.
<b><i>Proposals, in Whole or in Part, Beyond Commission's Scope</i></b>		
Stanley Lave March 23, 2005	Amend Charter to require Council approval of spending of PILOT funds	Since receipt of this proposal, the Mayor and Council have expressed their intention to make cooperative arrangements with respect to use of PILOT payments.
John Zaccone, Counsel to Staten Island Borough President March 30, 2005	Create borough-based community preservation commissions, funded by additional real estate transfer fee of 1.5%, to purchase land for open space and historic purposes.	Additional real estate transfer fee, which would fund the commissions, requires State legislation. This Commission also recommends deferring proposals related to land use to a charter revision commission focusing more specifically on emerging issues of land conservation and development as they relate to

		the City's land use process.
Anita Lerman March 30, 2005  Teresa Hamel April 4, 2005	Require the City to continue to use mechanical voting machines instead of moving toward computer-based systems as a way to minimize voter fraud.	This matter is presently under review by other bodies at the State and local levels.
Douglas Israel, Advocacy Director, Citizens Union April 4, 2005  Erik Strangeways April 4, 2005  Gene Russianoff, Senior Attorney, New York Public Interest Research Group June 22, 2005	Reform the process of creating and/or operating charter revision commissions to insure that the executive branch cannot monopolize the use of this tool.	The process for creating charter revision commissions is set forth in state, not local, law.
Alonzo Jordan, Volunteer Liaison to State Senator Malcolm H. Smith March 7, 2005 and March 23, 2005	Made reference to problems with the grand jury process.	The grand jury process is not subject of local legislation.
Charles Moore March 7, 2005  Leonard Silver March 23, 2005	Make the transportation systems governed by the Port Authority and the Metropolitan Transportation Authority subject to the authority of the City.	The ability to accomplish such a proposal is limited by the various state laws that govern the transportation systems governed by the Port Authority and the Metropolitan Transportation Authority.
<b><i>Proposals related to Area of Fiscal Stability Deferred to Legislation/Future Charter Commissions</i></b>		
Allison Sesso, Senior Policy Analyst, Human Services Council March 23, 2005  Leonard Silver March 23, 2005  Chaplain Hernandez March 23, 2005	As part of enhancing the City's budget planning and management practices before the FEA expires, require the City's budget presentation to integrate the budget figures with agency programs and that the out years of the financial plan assume the baseline level of services in the adopted budget. In addition, an automatic program adjustment, subject to a mayoral opt out, would ensure contracted levels of services from the providers of publicly funded social services.	As with rainy day funds, there is no consensus yet about mechanisms such as program performance budgeting and current services budgeting. These proposals relate to the City's fiscal stability and should be the subject of further study and public discussion and this Commission recommends deferring this proposal to local legislation or a future charter revision commission.
Charles Brecher, Executive Vice President and	Include presentation of certain "off budget" agencies in city budget and financial plan	This recommendation should be reviewed in light of the Public Authorities Accountability Act of

Research Director, Citizens Budget Commission June 27, 2005	documents.	2005, recently passed by the Legislature, and in light of the fact that the FEA applies to "covered organizations" (which are generally created or regulated by State law) in part because it constitutes State legislation.
<b>Miscellaneous Proposals</b>		
Allan Bortnick March 23, 2005, April 4, 2005	Eliminate public funding from the City's campaign finance board for campaigns of incumbents running for the same or a different office.	This would be a fundamental change in a program that has covered incumbents since its initiation. More deliberation would be required to ensure that such a change would have a positive effect upon the City's electoral system.
Council Member Eric Gioia April 4, 2005	CM Gioia discussed legislation he has introduced in the Council with respect to agency reporting.	The proposed reporting commission has been deferred for future review; specific issues related to reporting can be raised when proposed commission is discussed again in future.
Craig Gurian, Executive Director, Anti-Discrimination Center of Metro New York April 4, 2005  Lindsey Weinstock, Urban Justice Center, Human Rights Project June 27, 2005	Amend the Charter to create an affirmative obligation of the City with respect to fair housing and require the Planning Commission to take this obligation into consideration in developing land use plans.	While presented as a general principle for inclusion in the Charter, such a principle operating as a mandate would significantly affect the powers of all elected officials throughout the Charter, especially in the budget and land use processes. This proposal, like other proposals deferred, concerns important City government issues. This Commission has deferred several proposals concerning the 1989 re-structuring of government and land use to a charter revision commission focusing more specifically on the distribution of powers among elected officials, particularly the rearrangement of functions accomplished by the 1989 Charter Revision Commission. Such a commission would be likely to review, in particular, the land use review process.
Tom Lowenhaupt, Member, Queens Community Board 3 June 15, 2005	Consider use of Wiki technology for to increase citizen involvement in city government.	A relatively recent application, Wiki technology would need to be in use for longer period of time for in order to permit evaluate about whether it would be appropriate for government use.

## From Correspondence

Proposer(s)	Proposal(s)	Comments
<b><i>Proposals Deferred to Future Charter Revision Commissions</i></b>		
Betsy Gotbaum, Public Advocate	In order to provide sufficient resources to permit the office of the Public Advocate to fulfill its Charter mandates, link Borough President's budget to another stated appropriation, in manner similar to that of the Independent Budget Office.	This Commission recommends deferring this proposal to a charter revision commission focusing more specifically on the distribution of powers among elected officials, particularly the re-arrangement of functions accomplished by the 1989 Charter Revision Commission.
Michael Gerrard, Partner, Arnold & Porter Correspondence	Create expert review board to review environmental impact documents required by City's environmental quality review process as a way to reduce litigation and, thus, not discourage development.	This proposal, like other proposals deferred, concern important City government issues. This Commission has deferred several proposals concerning the 1989 re-structuring of government and land use to a charter revision commission focusing more specifically on the distribution of powers among elected officials, particularly the rearrangement of functions accomplished by the 1989 Charter Revision Commission. Such a commission would be likely to review, in particular, the land use review process, and could examine the environmental review provision currently set forth in the City Planning Commission provisions of the Charter.
Patrick Hyland, Director of Government Affairs, Staten Island Chamber of Commerce Correspondence	Resolve issue of City Planning interpreting the zoning resolution as part of Department of Buildings permit process, which has the effect of delaying commercial development, by giving authority to Buildings to interpret the zoning resolution as part of the permit process and propose related zoning resolution changes; create an interagency strategic land use planning process, with	This Commission has deferred several proposals concerning the 1989 re-structuring of government and land use to a future charter revision commission focusing more specifically on the distribution of powers among elected officials, particularly the rearrangement of functions accomplished by the 1989 Charter Revision Commission. Such a commission would be likely to review, in particular, the land

	Department of City Planning focusing on city-wide planning instead of site-specific zoning changes.	use review process.
Alan Braverman, Brooklyn resident Correspondence	Amend Charter to subject all mayoral appointments to the Council's power of advice and consent.	This Commission recommends deferring these proposals to a charter revision commission focusing more specifically on the distribution of powers among elected officials, particularly the re-arrangement of functions accomplished by the 1989 Charter Revision Commission
Barry Popick, Manhattan resident	Either increase powers of Public Advocate and Borough Presidents to make them more effective or abolish the positions.	This Commission recommends deferring this issue to a charter revision commission focusing more specifically on the distribution of powers among elected officials, particularly the rearrangement of functions accomplished by the 1989 Charter Revision Commission.
<b><i>Proposals, in Whole or in Part, Beyond Commission's Scope</i></b>		
Corey Bearak, Queens resident	Require all PILOTS to be contained in the revenue budget, require a referendum for all PILOT expenditures outside the budget; require expenditures by off-budget authorities above a certain amount be included as a separate unit of appropriation in the expense and/or capital budget; require separate presentation of state and federal grants; require Mayor's appointment of a charter revision commission appointment to Council approval, or by limiting a mayor to one Charter Revision Commission per term; require that prospective and existing community board members should certify involvement in a community group to gain appointment or reappointment; change date of charter-mandated meeting of Council so that it does not conflict with Governor's State of the State speech.	Since receipt of this proposal, the Mayor and Council have expressed their intention to make cooperative arrangements with respect to use of PILOT payments; state-created off-budget authorities generally cannot be subjected to local legislative restrictions absent authority by state law creating them; the process for creating charter revision commissions is created by state, not local, law; other ideas require further input from affected entities, such as Council and community boards.
Kathy Dodd, District Manager,	Create borough-based	Additional real estate transfer



Staten Island Community Board 2	community preservation commissions, funded by additional real estate transfer fee of 1.5%, to purchase land for open space and historic purposes.	fee, which would fund the commissions, requires State legislation.
Gifford Miller, Speaker of the Council	Place the question of whether to construct the West Side Stadium on the ballot.	There is no legal authority to place such question on the ballot; additionally, the role of a charter revision commission is to consider systemic issues concerning operation and administration of city government, not specific development projects. In addition, the Public Authorities Control Board rejected the public financing for the stadium project. Since receipt of this proposal, the Mayor and Council have expressed their intention to make cooperative arrangements with respect to use of PILOT payments.
David Moog, President, Local 1757 of D.C. 37, New York Assessors, Appraisers and Mortgage Analysts	Remove the tax collection function or the assessment function from the Department of Finance as one agency should not perform both functions.	Assuming that this change could be accomplished by local law, insufficient public policy justification has been presented for fragmentation of real property tax functions.
Daniel Schaffer, Brooklyn resident	Require a home rule message from the Council for future charter revision commissions; require bi-partisan commissions	The process for creating charter revision commissions is created by state, not local, law.
<b><i>Proposals related to Area of Administrative Judicial Reform Deferred to Review by Administrative Judicial Coordinator</i></b>		
Bert Irons, Administrator, Evangelical Church of God, Bronx	Create an independent panel to be responsible for the various agencies' code compliance practice and policies and adjudication practices and policies. Parties in an administrative tribunal may not feel that hearing staff from an agency would be receptive to considering alleged procedural errors committed by enforcement staff from the same agency in deciding a particular case.	The Commission defers this proposal for review by the administrative judicial coordinator that the Commission recommends be created by executive order.
Tara Rice, President, Lesbian,	Create an independent panel	The Commission defers this

Gay, Bisexual and Transgender Law Association	to be responsible for the various agencies' code compliance practice and policies and adjudication practices and policies. Parties in an administrative tribunal may not feel that hearing staff from an agency would be receptive to considering alleged procedural errors committed by enforcement staff from the same agency in deciding a particular case.	proposal for review by the administrative judicial coordinator that the Commission recommends be created by executive order.
<b><i>Proposals related to Area of Fiscal Stability that Are Deferred to Legislation/Future Charter Commissions</i></b>		
Randi Weingarten, Chair Municipal Labor Committee	Increase the time period, from one year to three years, of repayment of a deficit incurred in any particular year in order to regain budget stability without unduly burdening the City's future budgets; also vest the power to make the binding revenue estimate with an independent third party	The repayment of the deficit over a three-year period is closely related to the rainy day fund mechanism. Both of these ideas provide for smoothing out variations in the economy; the Commission has deferred the creation of a rainy day fund to future local consideration.
Bonnie Brower, Executive Director, City Project	Reformulate budget as a programmatic and services document; link budget information with non-financial information; include tax expenditures in budget, expand time between release of executive budget and adoption or increase level of programmatic information in the preliminary budget; mandate that a majority of Council members be present during the public testimony part of budget hearings; increase operating deficit from \$100 million to \$200 million; require a rainy day fund; better integrate expense and capital budgets; create a financial control board at the City level with statutory access to financial information; vest the power to make the binding revenue estimate with an independent third party, such as the IBO.	There is no consensus yet about mechanisms such as rainy day funds, program performance budgeting and current services budgeting; these topics are appropriate for further discussion between the Mayor and the Council or in future Charter Revision Commissions; there is no consensus about the value of a financial control board that can impose sanctions on the city for failing to comply with financial requirements to the extent tax expenditures are granted pursuant to state law, state law would limit the ability to subject them to locally legislated processes; changing the party making the binding revenue estimate would require significant input from all participants in the budget process as well as outside fiscal monitors.

Sean Walsh, President, and Patricia Dolan, co-Executive Director, Queens Civic Congress	Set up a mechanism that devolves resources and service delivery to the appropriate borough or local level; expand the role for the borough presidents in land-use planning, allocation of agency resources within the boroughs, overseeing local implementation of the capital budget and overseeing the delivery of local services; require authorities and mayoral rate-setting boards, including the Water Board, to prepare budgets approved by the Council; allocate budget for certain city services delivery where appropriate by borough and community board.	The Commission recommends deferring consideration of this issue to a charter revision commission focusing more specifically on the distribution of powers among elected officials, particularly the rearrangement of functions accomplished by the 1989 Charter Revision Commission. Such a commission would be likely to review, in particular, the land use review process, and may also review the relationship between the budget and local needs.
<b><i>Proposals related to Area of Public Reporting and Accountability that are Deferred to Local Legislation/Future Charter Commissions</i></b>		
Frank Mauro, Executive Director, Fiscal Policy Institute	Create charter revision commission to perform comprehensive review of charter-mandated documents and recommend changes it deems appropriate for voter approval in 2006 or 2007.	The charter revision commission process is limited in duration by law. Thus, any attempt by a charter revision commission to improve reporting by changing the document requirements themselves will be a necessarily limited solution, informed by then-present circumstances and successful for so long as such external circumstances do not change.
Jack Krauskopf, Professor, Baruch College, School of Public Affairs Correspondence	Add a requirement for the reporting commission to work with non-profit sector to review the reports agencies require of non-profit contract service providers in order to streamline non-financial data reporting and include more meaningful non-financial indicators.	The proposed reporting commission has been deferred for future review; specific issues related to reporting can be raised when proposed commission is discussed again in future.
<b><i>Miscellaneous Proposals</i></b>		
Thomas Bornemann, Queens resident	Require that Council member districts be within a single borough	Redistricting just occurred in 2003, and will not occur again for eight years. This issue may be reviewed by future charter commissions or districting commissions.
Steven DiMarco, Shirley, New York resident	Reduce or eliminate Charter requirement that City	Although there are significant exceptions to the current

	employees live in the City.	requirement, it reflects an arguably sound public policy that, where no special public policy considerations apply, those who are on the City payroll should participate directly in the City's economy and culture as residents.
Christian DiPalermo, Executive Director, New Yorkers for Parks	Earmark moneys from Parks Department concessions for Parks Department budget for benefit of parks system	Fiscal consequences of this proposal for the City budget would require additional review.
Joshua Kahr, Kahr Real Estate, New York	Create an independent oversight body to monitor the Department of Finance's real property assessment practices.	Integrity and practices of the real property assessment system, to the extent that they may be addressed locally, have been and will continue to be the subject of review by the Administration and the Council.
Gary Kaskel, Chair and President, Executive Director, United Action for Animals	Create an ombuds position within Mayor's Office to coordinate animal welfare and control policy.	The Commission has received no additional evidence of a systemic problem in this area and defers the recommendation to future administrative or legislative action.
Walter McCaffrey, former Council Member from Queens	Expressly prohibit the payment of public funds to Council Members in excess of the Charter mandated level as compensation for additional duties such as chairing committees and performing leadership functions (known as "lulus"); make the position of Council Speaker a full-time position and establish a specific salary, as Charter does for other elected officials, commensurate with duties; consider establishing specific salaries for majority and minority leaders.	The practice of distributing lulus is not common among state and local legislatures across the country and neither Congress nor the Senate engages in this practice; further this practice might be seen as undermining the Charter provisions setting forth the salaries of elected officials. However, further study and discussion with those public officials affected by the practice of distributing lulus would be required before making such a change.
Lillian Rodriguez-Lopez, Chairperson, New Yorkers for Smaller Classes	Include, along with Commission's proposals, a proposal to amend Charter to require the City to use a portion of funds from pending Campaign for Fiscal Equity judgment to reduce public school class size to levels comparable to those found in the rest of the State.	This request came to the Commission after the stated deadline for proposals. Like many other proposals deferred by this Commission, this proposal reflects concern with important government issues. The Commission deferred these suggestions primarily as a result of a

		policy preference to focus on broad systemic issues concerning the operation and administration of the entire City government about which there is a considerable consensus. Further, some fiscal experts consider mandated spending mechanisms such as this to be bad fiscal policy.
Maria Thompson, Queens resident	Change the removal provisions of Charter section 2800(b) relating to community boards to make it harder to remove community board members	The Commission has received no additional evidence of a systemic problem with the community board removal process.
Sean Walsh, President, and Patricia Dolan, co-Executive Director, Queens Civic Congress	Revise charter to eliminate illegal occupancies; expand the role for the borough presidents in land-use planning, allocation of agency resources within the boroughs, overseeing local implementation of the capital budget and overseeing the delivery of local services; empower the Council to review Board of Standards and Appeals dispositions; empower the Civilian Complaint Review Board to be a fully independent board with each appointment subject to Council confirmation and a budget a percent of the Police Department budget ;increase community participation in city approval of "major concessions" for private use of public spaces, including parkland.	This Commission recommends deferring proposals related to land use to a charter revision commission focusing more specifically on the distribution of powers among elected officials, particularly the rearrangement of functions accomplished by the 1989 Charter Revision Commission. Such a commission would be likely to review, in particular, the land use review process. Further, formal restructuring of the CCRB to distance it from the executive branch could have a substantial impact upon executive power and should be reviewed by such a commission.

## From Outreach Meetings

Idea
<i>Generally Deferred for Consideration in the Legislative Process or Future Charter Revision Commissions</i>
Create an Early Childhood Education Department, merging Head Start programs, universal pre-kindergarten programs and early intervention services, to coordinate better with Department of Education.
Move the home attendant program from HRA to DFTA to create continuum of care for elderly and let HRA focus on its central mission as engine for access to benefits.
Create a position within the Office of the Mayor to look at opportunities, using the Out-of-School-Time RFP process as a model, to combine individual programs and related funding streams at different agencies that cover a particular policy area and design integrated multi-agency RFPs for programs at different agencies supporting a particular policy.
Expand the scope of agency inspections to cover sweatshop conditions, predatory loan practices.
Reconfigure the City's performance-based reporting process to engage citizens and enhance problem solving and governance at the community level.
Reform the MMR and related performance-based reports to reflect their initial emphasis on management by objectives
Articulate in the Charter, a principle of competition, similar to those in Phoenix, AZ, and Charlotte, NC, that requires a periodic determination as to the most efficient and effective manner of providing municipal services.
Change the actuary's audit of pension assumptions from every two years to every four or five years to match more closely when actuarial assumptions change.
As an economic development initiative, create a local bid preference so that for certain procurements, small locally-based companies receive a priority.
Require EDC and IDA to report on projects by Community District and Borough.
Create mechanism for independent evaluation/audit of non-financial data in City reports.
Create independent entity to review agency denial of information requests from public.
Explicitly prohibit local laws that effect social policies via the procurement process.
Engage the public to discuss how to make government indicators more meaningful to them and to discuss indicators of interest to the public that are not necessarily the direct result of government action.
Change timing of PMMR to 6 weeks after Preliminary Budget release
Create position of Health Coordinator
Enact 311 in Charter
Look at Administrative Conference of the United States as model for interaction of government, private sector and academia on a particular policy area.
Create data warehouse for research purposes; create searchable database, including past and present reports and capturing future reports
Create an interagency task force to focus on language access issues.
Modify concept of GAAP budgeting to permit rainy day fund.
Change operating deficit and general reserve amounts from \$100 million to a percentage of budget (e.g., 1% of city tax levy)
Reconstitute Control Board as a local board with access to financial information.
Include outstanding debt, debt service and revenues of certain City off-budget agencies in the budget and financial planning documents in order to show the City's effective debt burden.
Create a Deputy Mayor for Infrastructure to facilitate coordination of City's capital program with those of the State and other State off-budget agencies within the metropolitan region
Revise the Ten-Year Capital Strategy to make it work as intended as a planning tool
Instead of a rainy day fund, limit the City spending surplus funds to paying down principal on outstanding debt due in a future year, paying for capital projects or reducing taxes.

Strengthen the office of borough president by enhancing their roles in land use and infrastructure planning as way to focus on local development issues, budgeting and in allocating and directing service delivery within the boroughs; in land use and budgeting
Create percentage requirement for pay-as-you-go capital funded, supplemented by one-shot revenues such as proceeds from sale of city assets and one-shot expenditure savings.
Restrict the effective date of pay raises for elected officials to the term after the approval takes place
Restructure term limits for the Council to permit 3 staggered 4-year terms.

## From Agency Heads

Agency	Idea	Comments
<b><i>Proposals Deferred to Administration's Local or State Legislative Agendas or to Future Charter Revision Commissions</i></b>		
City Planning/Buildings	Eliminate role of Borough Presidents in City map and address processes	While centralization of these functions at City Planning makes sense, the issue of the role/functions of the borough presidents requires further study and public discussion. This Commission recommends deferring these proposals to a charter revision commission focusing more specifically on the distribution of powers among elected officials, particularly the re-arrangement of functions accomplished by the 1989 Charter Revision Commission.
Buildings, Transportation, Human Resources Administration, Environmental Protection, Fire	Eliminate specific reference to number and designation of deputy commissioners	While this proposal enjoys widespread support among City agencies with these Charter restrictions, this Commission recommends deferring this proposal for future consideration, and for possible inclusion in the Administration's local legislative package.
Buildings/Small Business Services/Environmental Protection	Resolve waterfront coordination issues relating to the dissolution of Department of Ports and Terminals in 1991.	A proposal to resolve these coordination issues was presented to the Council in the mid-1990s, but no action was taken. This Commission defers this proposal to administrative action and/or the Administration's legislative agenda in the future.
Buildings	Amend section governing appeals to the Board of Standards and Appeals to state that it has no jurisdiction over the Department of Buildings licensing matters.	Given the broad systemic focus of the Commission as described in the text of <i>ADVANCING ACCOUNTABILITY: BALANCED BUDGETS AND ADMINISTRATIVE ETHICS</i> , proposals such as this one were deferred to future consideration.
Human Resources Administration	Replace power of borough presidents to request response from agency within 10 days when borough president has reason to believe term or condition of service contract is not being	While eliminating this one detailed time requirement for contractor evaluation and monitoring to permit more thorough investigations may appear to make sense, the issue



	followed with general provision for accountability for evaluation and monitoring of contractor performance.	of the role/functions of the borough presidents requires further study and public discussion. This Commission recommends deferring these proposals to a charter revision commission focusing more specifically on the distribution of powers among elected officials, particularly the rearrangement of functions accomplished by the 1989 Charter Revision Commission.
Parks	Amend Charter to create process that would make "Forever Wild" conservation designation more permanent.	This Commission recommends deferring proposals related to land use to a charter revision commission focusing more specifically on emerging issues of land conservation and development as they relate to the City's land use process.
Transportation	Strengthen relationship between Taxi and Limousine Commission (TLC) staff and Department of Transportation staff, perhaps in the manner similar to that of the Board of Health and the Department of Health and Mental Hygiene.	When the City created an independent commission regulating this mode of public transportation, it moved away from the model still used in other large cities of locating this regulatory function within a city agency under a single department head. The effects of such operational and policy decentralization require further study and public discussion. Thus, and this Commission recommends deferring this proposal to a future charter revision commission.
Buildings	Eliminate specificity of requirements for inspectors	Given the broad systemic focus of the Commission as described in the text of <i>ADVANCING ACCOUNTABILITY: BALANCED BUDGETS AND ADMINISTRATIVE ETHICS</i> , proposals such as this one were deferred to future consideration.
Buildings	Premium for service on weekends like Fire Department	Given the broad systemic focus of the Commission as described in the text of <i>ADVANCING ACCOUNTABILITY: BALANCED BUDGETS AND ADMINISTRATIVE ETHICS</i> , proposals such as this one were deferred to future consideration.
Transportation	Delete Local Law 67 references to sidewalk complaints that are	Given the broad systemic focus of the Commission as described in

	no longer relevant	the text of <i>ADVANCING ACCOUNTABILITY: BALANCED BUDGETS AND ADMINISTRATIVE ETHICS</i> , proposals such as this one were deferred to future consideration.
Transportation	Clarify that maintenance functions for arterials exclude trees which should be done by Parks	Given the broad systemic focus of the Commission as described in the text of <i>ADVANCING ACCOUNTABILITY: BALANCED BUDGETS AND ADMINISTRATIVE ETHICS</i> , proposals such as this one were deferred to future consideration.
Human Resources Administration	Transfer responsibility of identifying additional public burial places for the poor and strangers from the Department of Social Services to the Department of Citywide Administrative Services, which has Charter responsibility to manage, purchase and lease real property within the City.	Given the broad systemic focus of the Commission as described in the text of <i>ADVANCING ACCOUNTABILITY: BALANCED BUDGETS AND ADMINISTRATIVE ETHICS</i> , proposals such as this one were deferred to future consideration.
Environmental Protection	Transfer power to collect water and sewer charges and power to enter into contracts with collection agencies for water and sewer charges from Finance to DEP	Given the broad systemic focus of the Commission as described in the text of <i>ADVANCING ACCOUNTABILITY: BALANCED BUDGETS AND ADMINISTRATIVE ETHICS</i> , proposals such as this one were deferred to future consideration.
Environmental Protection	Delete references to private water companies as they no longer exist	Given the broad systemic focus of the Commission as described in the text of <i>ADVANCING ACCOUNTABILITY: BALANCED BUDGETS AND ADMINISTRATIVE ETHICS</i> , proposals such as this one were deferred to future consideration.
Environmental Protection	Add the power to permit with respect to sewage control	Given the broad systemic focus of the Commission as described in the text of <i>ADVANCING ACCOUNTABILITY: BALANCED BUDGETS AND ADMINISTRATIVE ETHICS</i> , proposals such as this one were deferred to future consideration.
Information Technology and Telecommunications	Revise telecommunications franchise language to conform to federal Telecommunications Act of 1996	The relationship of the Charter to federal law, and the best means of harmonizing them, should be subject to further review.
<b><i>Proposals related to Area of Administrative Judicial Reform Deferred to Review by Administrative Judicial Coordinator</i></b>		
Consumer Affairs	Use full-time judges in	The Commission defers this

	administrative tribunals.	proposal for review by the administrative judicial coordinator that the Commission recommends be created by executive order.
Consumer Affairs	Improving administrative tribunal predictability.	The Commission defers this proposal for review by the administrative judicial coordinator that the Commission recommends be created by executive order.
Consumer Affairs	Mandating pre-hearing settlement conferences.	The Commission defers this proposal for review by the administrative judicial coordinator that the Commission recommends be created by executive order.
Consumer Affairs	Consider eliminating default inquest hearings.	The Commission defers this proposal for review by the administrative judicial coordinator that the Commission recommends be created by executive order.
Consumer Affairs	Consider periodic audits of tribunals by an outside entity (e.g., DOI, Corp. Counsel, Office of Operations) to ensure that tribunals remain independent.	The Commission defers this proposal for review by the administrative judicial coordinator that the Commission recommends be created by executive order.
Taxi and Limousine Commission	Amend charter restriction on docketing to permit docketing as authorized in State law.	The Commission defers this proposal for review by the administrative judicial coordinator that the Commission recommends be created by executive order.
Environmental Protection	Add Parks and Transportation commissioners to ECB Board now that notices of their violations are answerable to ECB.	The Commission defers this proposal for review by the administrative judicial coordinator that the Commission recommends be created by executive order.
Environmental Protection	Increase compensation for private members of ECB Board	The Commission defers this proposal for review by the administrative judicial coordinator that the Commission recommends be created by executive order.
Environmental Protection	Extend life of ECB judgments from 8 years to 20 years	The Commission defers this proposal for review by the administrative judicial coordinator that the Commission recommends be created by executive order.
Environmental Protection	Revise procedures for serving notices of violation to include	The Commission defers this proposal for review by the

	mail to last known address as acceptable means of service and permit ECB to directly docket violations; also revise procedures for serving notices by Transportation that are answerable at ECB	administrative judicial coordinator that the Commission recommends be created by executive order.
<b><i>Proposals related to Area of Fiscal Stability Deferred to Legislation/Future Charter Commissions</i></b>		
OMB/OLR	Subject home rule messages to requirement that fiscal impact statements be completed by City actuary	This proposal relates to the City's fiscal stability and should be the subject of further study and public discussion, and this Commission recommends deferring this proposal.