

CHARTER REVIEW

July 2005

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NEW YORK CITY charter REVISION COMMISSION

MESSAGE FROM THE CHAIR



Since our last edition, the Commission held three public hearings — June 15, June 22, and June 27 — on its *PRELIMINARY RECOMMENDATIONS FOR CHARTER REVISION*. The Commission received many comments from the public during the public hearings and also by correspondence, confirming our expressed commitment to a dynamic public conversation. We have had both the stimulating informed discussions at our expert forums and the wide-ranging civic discussion on how to improve municipal operations that we hoped for in March.

At the first public meeting on July 5, that followed this series of public hearings, the Commission discussed the public comments and made revisions to its proposed recommendations to reflect some of these comments. These revisions are summarized in this newsletter. We remain committed to examining a range of opinions and options to arrive at a consensus.

The Commission will be discussing the conclusion of its work and I expect that it will adopt its final recommendations at two public meetings scheduled for August 1 and 2. We look forward to fulfilling our commitment to improving City government through the charter revision process. On behalf of the entire 2004-2005 New York City Charter Revision Commission, I thank all New Yorkers who have participated in our process for the past year for your continuing efforts and interest in matters of importance to all of us.

Ester Fuchs, Ph.D.
Chair

COMMISSION'S UPCOMING PUBLIC MEETINGS

AUGUST 1

Monday 6:00 pm

New York City Economic
Development Corporation
4th Floor Conference Room
110 William Street, Manhattan

AUGUST 2

Tuesday 6:00 pm

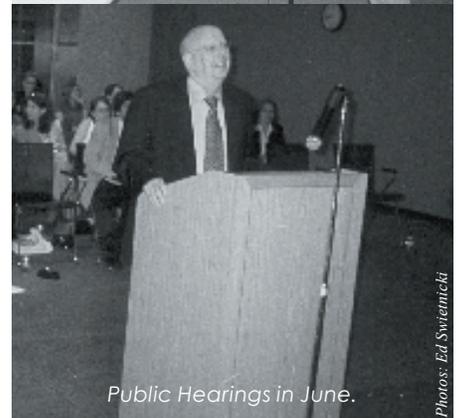
New York City Economic
Development Corporation
4th Floor Conference Room
110 William Street, Manhattan

As these are public meetings and not public hearings, the public will have the opportunity to observe, but not to testify.

Individuals requesting spoken or sign language interpreters for any of these public meetings should contact commission staff member Brian Geller at (212) 788-2952 five (5) business days prior to the Public Meeting. TDD users should call Verizon Relay Services.

Ester R. Fuchs, Chair
Dall Forsythe, Vice Chair
Stephen J. Fiala, Secretary

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



Public Hearings in June.

Photos: Ed Swietnicki

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RESPONDING TO PUBLIC COMMENT

At its June 9, public meeting, the Commission approved three preliminary recommendations for Charter revision, as described in its *PRELIMINARY RECOMMENDATIONS FOR CHARTER REVISION*, released on June 10, seeking public comment on these recommendations. At the Commission's series of public hearings held on June 15, June 22, and June 27, the Commission heard a wide range of comments and alternative proposals from the public. At the first public meeting on July 5, following these public hearings, the Commission made revisions to its proposed recommendations to reflect certain comments and arrive at a general consensus.

Importing Financial Management Tools into Charter.

Since the expert forum in March, the Commission has witnessed a general consensus that the City should import certain salutary financial planning practices mandated by the State Financial Emergency Act (FEA) that are not currently in the Charter. The Commission sought public comment on whether the City should import permanently into the Charter certain important provisions of the FEA that may otherwise expire in order to ensure continuing the sound financial practices that have been essential to the City's financial stability. Anticipating a State-level discussion before important FEA provisions expire, 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.

A consensus began forming around importing the salutary provisions of the FEA into the Charter during the expert forum in March and has continued during the series of public hearings in June. At the same time, the Commission made revisions to its preliminary proposals to reflect comments. First, the Commission eliminated a monthly reporting require-

ment to make clear that existing powers of access to financial information 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. The Commission also added language to make clear that the Mayor is required to use his or her powers under applicable law to ensure the City ends its fiscal year without a deficit. Finally, after consultation with the City Comptroller's Office, the Commission has removed certain language that the Comptroller and OMB both deemed to be excessively detailed for permanent codification. We are now specifically proposing amend the Charter to require the City:

- end each fiscal year so that the results of its operations do not show a deficit when reported in accordance with GAAP
- continue preparation of the four-year financial plan documents, with quarterly modifications during the year
- conduct an annual audit in accordance with generally accepted auditing standards
- continue the stricter limits on short-term indebtedness

Administrative Justice Code of Ethics.

At the expert forum there was support for creating a separate code of ethics for administrative law judges and hearing officers and an administrative judicial coordinator. In early June, the Commission sent a letter requesting the Mayor to create the position of coordinator by executive order, but it sought public comment on whether the City should require that a code of conduct or ethics, tailored to the quasi-judicial work at the City's administrative tribunals, apply uniformly to all the City's administrative law judges and hearing officers. The consensus for a code of ethics continued. The Commission agreed, in response to a request for clarification, to make clear that certain provisions apply to both promulgation of the code of ethics and any future amendment.

Better Information.

As a result of the discussion that began at the expert forum on this topic, the Commission identified a need for an institutional mechanism where all stakeholders can consider the value of existing reporting requirements and how to produce more useful information for agencies and the public. The purpose of this commission would be 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.

The Commission sought public comment on whether the creation of a commission on public reporting, involving all stakeholders and working alongside both executive and legislative branches, would benefit agency management as well as increase public accountability. We received much helpful comment and the Commission made changes to the initial proposal to address some concerns raised by the public. In response to concerns that the composition was tilted toward the Mayor, the Commission has added that the Mayor's appointment of the three private members be subject to Council advice and consent. To make clearer the intent not to restrict the ability of the Council to override any individual determination by this proposed commission, the Commission deleted a 90-day requirement for Council action, so that the Council can act by local law at any time to restore a waived requirement, and added a three-year "hands-off" period before the proposed commission could waive a new or restored requirement to prepare reports or establish an advisory body. The Commission also added a novel feature to require that the proposed commission evaluate its effectiveness every eight years and, should it determine it has not been effective, it may dissolve itself.