

Chapter 76: Civic Engagement Commission

Section 3200. Civic engagement commission.

There shall be a civic engagement commission, the purpose of which is to enhance civic participation in order to enhance civic trust and strengthen democracy in New York city, including through the commission's own initiatives and partnership with public and private entities related to civic service, volunteerism, stewardship of public spaces, civic education, participatory budgeting, participation in community boards, civic organizations and community groups, and other related activities, and to support and encourage New Yorkers to meaningfully participate in civic life.

(L.L. 2018/211, 12/3/2018, eff. 4/1/2019)

Section 3201. Membership of the commission.

a. The commission shall consist of 15 members. The mayor shall appoint eight members, one of whom shall be designated by the mayor as its chair and shall serve as such at the pleasure of the mayor, and provided further that at least one of the mayor's appointees shall be enrolled in the political party that, based on the most recent data available as of 30 days before the initial date of the term for which the member is serving, had the highest total number of registered voters in the city, and at least one shall be enrolled in the political party that, based on the most recent data available as of 30 days before the initial date of the term for which the member is serving, had the next highest total number of registered voters in the city. The speaker of the city council shall appoint two members. Each borough president shall appoint one member. In appointing members to the commission, the mayor, speaker and borough presidents shall consider individuals who are representative of, or who have experience working with, immigrants, limited English proficient individuals, people with disabilities, students, youth, seniors, veterans, community groups, advocacy groups that seek to promote transparency and accountability in government or protect civil rights, and groups or categories of residents that have been historically underrepresented in or underserved by city government and its processes.

b. The first members, other than the chair, shall be appointed to serve as follows:

1. Three members appointed by the mayor for a term of two years;

2. Four members appointed by the mayor for a term of four years. Such members shall include at least one member who is enrolled in the political party that, based on the most recent data available thirty days before the initial date of the term for which the member is serving, had the highest total number of registered voters in the city, and at least one member who is enrolled in the political party that, based on the most recent data available thirty days before the initial date of the term for which the member is serving, had the next highest total number of registered voters in the city;

3. One member appointed by the speaker for a term of two years;

4. One member appointed by the speaker for a term of four years;

5. One member appointed by each of the borough presidents for a term of three years.

The first term shall commence on April 1, 2019. Thereafter, each member other than the chair shall be appointed by the mayor, the speaker, or a borough president, according to the original manner of appointment, for a term of four years. Upon expiration of the term of a member, if the appointing official shall fail to appoint a member within 120 days of the expiration of such term, the member whose term has expired shall be deemed appointed for an additional term of four years. In case of a vacancy, a member shall be appointed to serve for the remainder of the unexpired term according to the original manner of appointment of the member whose seat has become vacant. Each member shall be a resident of the city. No member shall serve as an officer of a political party, or be a candidate for nomination for election or election to the office of mayor, public advocate, comptroller, borough president or member of the city council. Except with respect to the position of chair, no person shall be ineligible for membership on the commission because such person holds any other public office, employment or trust, nor shall any person be made ineligible to hold or forfeit such person's right to hold any public office, employment or trust by reason of such appointment.

c. The chair shall also serve as executive director. The chair and executive director shall have charge of the organization of the commission's office and 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 chapter. The chair and executive director shall devote his or her full time to the position and shall be entitled to compensation for the position.

d. The other members of the commission shall not be entitled to compensation for their service to the commission but shall be compensated for expenses actually and necessarily incurred in the performance of their duties, and provided further that a city employee may continue to receive regular compensation for city employment.

e. A majority of the whole number of members of the commission then in office shall constitute a quorum for the transaction of any business. The commission shall have power to act by a majority of its members.

(L.L. 2018/211, 12/3/2018, eff. 4/1/2019)

Section 3202. Jurisdiction, powers and duties of the commission.

a. The commission shall, subject to appropriation, have the power and duty to:

1. *Citywide participatory budgeting.* Implement any program established by the mayor acting in accordance with section 225-a to promote the participation of residents in identifying and expressing preferences among recommendations for local projects to be considered for inclusion in the executive budget. In developing a plan for implementation of such program, the commission shall:

(a) Provide opportunities for public participation throughout the city;

(b) Coordinate with borough presidents, community boards and other city agencies and elected officials to the extent practicable, in the development and implementation of such program;

(c) Establish a participatory budgeting advisory committee, which shall provide recommendations to the commission regarding the development and implementation of such program, which may include recommendations regarding best practices for outreach and education, use of technological tools to promote participation by a wide range of residents, reporting of demographic information, and methods to promote efficiency and equity in the administration of such program. In selecting the members of such committee, the commission shall consider whether individuals have knowledge and experience in the planning and management of city projects or in participatory budgeting; or are representative of or have experience working with immigrant communities, limited English proficient individuals, people with disabilities, youth, students, seniors, veterans, community groups, or groups or categories of residents that have been historically underrepresented in or underserved by city government and its processes. Any action or recommendation of the participatory budgeting advisory committee shall be solely advisory in nature and shall have no binding effect on the commission or any other city agency.

(d) Establish multiple methods of public participation, which shall include but need not be limited to public meetings, online tools and other forms of community involvement;

(e) Establish that any resident of New York city at least 16 years of age shall be eligible for participation in such program regardless of immigration status, provided that the commission may promulgate rules establishing a minimum age requirement lower than 16 years and any restrictions the commission deems appropriate for the protection of minors;

(f) In consultation with the mayor's office of immigrant affairs, the mayor's office for people with disabilities, the department of youth and community development, the department for the aging, and the department of veteran services, identify and implement measures, including but not limited to staff training, community outreach, and language assistance tools, to promote participation in the program by a wide range of residents, including non-citizens, members of immigrant communities, residents under the age of 18 that are eligible to participate in the program pursuant to this section and the rules of the commission, students, seniors, veterans, people with disabilities, and limited English proficient individuals.

2. *Community partnerships.* Develop new initiatives to support and partner with community-based organizations, institutions and civic leaders in the public and private sectors in their civic engagement efforts, which may include, among other activities, leadership skills development, stewardship of public spaces, youth and student engagement, civic education, and outreach to seniors, veterans, immigrant communities, groups or categories of residents that have been historically underrepresented in or underserved by city government and its processes, and communities and neighborhoods throughout the city.

3. *Language access.* Develop a plan to consider the language access needs of limited English proficient individuals in the development and implementation of the commission's programs and services, consistent with the requirements of section 23-1102 of the administrative code. Except with respect to services provided pursuant to paragraph 4 of this subdivision, the commission shall be deemed a covered agency pursuant to section 23-1101 of the administrative code.

4. *Poll site language assistance program.*

(a) Subject to appropriation and after consultation with the mayor's office of immigrant affairs and the department of city planning, establish a program for providing language interpreters at poll sites throughout New York city for the purpose

of facilitating participation by limited English proficient individuals in voting in elections held in the city. To the extent practicable, the commission shall consult and coordinate with the board of elections of the city of New York in the development and implementation of the program established pursuant to this paragraph.

(b) The commission shall establish a language assistance advisory committee to provide recommendations for the development and implementation of the program established pursuant to this paragraph and assist the commission's efforts to promote public education and awareness regarding the program. To the extent practicable, there shall be at least one member of the committee with fluency in each of the designated citywide languages. In selecting the members of such committee, the commission shall also consider whether individuals have expertise in language accessibility or experience working with limited English proficient individuals within the city, and shall seek out individuals from diverse backgrounds. Any action or recommendation of the language assistance advisory committee shall be solely advisory in nature and shall have no binding effect on the commission or any other city agency.

(c) On or before January 1, 2020, the commission shall develop and make available on its website a proposed methodology, or proposed methodologies, to determine the poll sites and languages covered by such program, consistent with the following:

i. The commission shall determine which poll sites are likely to have a significant concentration of limited English proficient speakers of designated citywide languages, as such term is defined in section 23-1101 of the administrative code, based on neutral criteria, which shall include consideration of the following information, where available, provided that the commission shall not be required to include any particular category of information in its methodology if, after consideration, it determines that such category should not be included:

- A. Relevant data from the most recent American Community Survey from the United States census bureau;
- B. The locations of poll sites and the boundaries of election districts;
- C. Information related to voter turnout;
- D. Such other information as deemed appropriate by the commission, which may include the results of a surname analysis of registered voters;

ii. Notwithstanding any other provision of this paragraph, the commission shall not provide interpreter assistance in a language covered by the voting rights act in a jurisdiction where such language has been determined to be a covered language pursuant to such law;

iii. Notwithstanding any other provision of this paragraph, the commission shall not provide interpreter assistance at a poll site where the board of elections of the city of New York has stated an intention to provide the same service in the same language;

iv. The commission may make a determination to provide interpreters in any language that is not deemed a designated city wide language, as such term is defined in section 23-1101 of the administrative code, where: (A) the number of limited English proficient speakers of such language within New York city is greater than the number of limited English proficient speakers of the lowest ranking designated citywide language, based on United States census data, as determined by the department of city planning and the office of the language services coordinator, and (B) at least one poll site is likely to have a significant concentration of limited English proficient speakers of such language.

(d) On or before April 1, 2020, the commission shall publish a final methodology to determine the poll sites and languages covered by such program after accepting public comments for at least 30 days and conducting at least one public hearing on the methodology proposed pursuant to subparagraph (c) of this paragraph.

(e) Subject to appropriation, the commission shall implement such program no later than the general election held in 2020.

(f) On or before September 1, 2022 and at least every five years thereafter, the commission shall review the final methodology established pursuant to subparagraph (d) of this paragraph and the poll sites and languages covered by such program and, after consultation with the mayor's office of immigrant affairs and the department of city planning, shall update such methodology and such poll sites and languages as deemed appropriate by the commission in accordance with the criteria described in clauses i through iv of subparagraph (c) of this paragraph, after consideration of newly available United States census data or other relevant data, provided that the commission shall also consider the degree to which interpreter services provided pursuant to this paragraph were utilized at each covered poll site in previous elections. The commission shall publish any updates to such methodology or to the poll sites and languages covered by such program on the commission's website.

(g) In consultation with the mayor's office of immigrant affairs, the commission shall promulgate rules establishing

minimum standards and training requirements for individuals who provide interpreter assistance pursuant to this paragraph, which shall include at a minimum, a requirement that such individuals shall comply with all applicable laws, including prohibitions on electioneering, and shall comply with all lawful orders from staff of the board of elections of the city of New York.

(h) The commission shall develop a plan to notify the public of the languages and poll sites covered by the program established pursuant to this paragraph in advance of each election at which such services will be offered and shall utilize strategies to promote public education and awareness regarding the program.

(i) The commission shall develop a process to monitor and timely respond to public complaints regarding the program.

(j) Any interpreter services performed by the commission or agent thereof pursuant to this paragraph shall not be construed to supplant, replace, or satisfy any obligations or responsibilities of the board of elections of the city of New York.

(k) Nothing in this paragraph or the administration or application thereof shall be construed to create a private right of action on the part of any person or entity against the city or any agency, official, or employee thereof;

5. *Partnerships with city agencies.* Conduct programming in partnership with other city agencies to increase awareness of and access to city services and public engagement processes, create tools to assist city agencies in developing and promoting civic engagement initiatives, and develop strategies to centralize public information about opportunities for civic engagement in the city and to make such information accessible to all city residents, including strategies for outreach to groups or categories of residents that have been historically underrepresented in or underserved by city government and its processes;

b. *Reporting.* No later than September 30, 2021, and by September 30 of each year thereafter, the commission shall submit to the mayor and the speaker of the council and shall make available on the commission's website a report that shall include the following information for the previous fiscal year, or as otherwise specified:

1. With respect to the citywide participatory budgeting program established pursuant to section 225-a and paragraph 1 of subdivision a of this section:

(a) The number of individuals who participated in the program, disaggregated by borough, and any voluntarily disclosed demographic information about participants, as deemed appropriate by the commission, reported in aggregate and anonymized form;

(b) The number of projects selected for recommendation, disaggregated by borough;

(c) A description of the public outreach tools employed to promote participation in the program;

(d) Any recommendations for changes to enhance participation or other aspects of the program;

(e) Such other information that the commission deems relevant.

2. The locations of poll sites at which interpreters were provided pursuant to paragraph 4 of subdivision a of this section, the languages provided, and the number of individuals who utilized such language interpretation services, disaggregated by poll site, as well as any recommended changes to better serve the needs of limited English proficient voters; and

3. Any other information the commission deems relevant.

c. Nothing in this chapter shall be construed to limit the authority or powers of the voter assistance advisory committee, the campaign finance board or the board of elections of the city of New York or the enforcement of applicable laws or rules promulgated or enforced by such agencies.

d. *Additional powers and duties.* Notwithstanding any inconsistent provision of law, the mayor shall be authorized to assign by executive order any powers and duties performed by the executive office of the mayor, any other office of the mayor or any department the head of which is appointed by the mayor to the civic engagement commission, where such powers and duties are directly related to the mission of the civic engagement commission as described in section 3200 or otherwise in this chapter. The mayor may withdraw or modify any such order at any time.

(L.L. 2018/211, 12/3/2018, eff. 4/1/2019)

Section 3203. Assistance to community boards.

a. Subject to appropriation, the civic engagement commission shall provide assistance and training to community boards, in consultation and coordination with the department of city planning and other relevant city agencies and with borough presidents to the extent practicable, including but not limited to:

1. Identifying qualified firms, professional staff members or consultants to provide urban planning or other technical assistance related to land use who do not otherwise have an interest in land use proposals with respect to which they are providing assistance, and administering a program for providing such services to community boards upon request. In administering such a program, the commission shall, to the extent practicable: seek to ensure that available resources are accessible to all community boards and that such resources are administered in a neutral and impartial manner; seek to ensure that such resources are provided in a manner that allows community boards to direct any provider of professional services in a manner that is consistent with their needs and objectives; and provide a mechanism for community boards to provide feedback regarding resources provided pursuant to this paragraph;

2. To the extent practicable, in consultation with the mayor's office of immigrant affairs, identifying and providing services requested by Community boards to address the needs of limited English proficient individuals, including but not limited to staff training, community outreach, and language assistance tools; and

3. Developing and providing training and other assistance to community boards, which may include but need not be limited to assistance in utilizing technological tools and assistance in developing uniform meeting procedures.

b. *Reporting.* The commission shall include in its annual report a description of the categories of resources made available to community boards pursuant to this section and the number of community boards that utilized each category of resources, disaggregated by borough, as well as any recommended changes to better serve the needs of community boards.

(L.L. 2018/211, 12/3/2018, eff. 4/1/2019)

Section 3204. Cooperation of mayoral agencies.

Heads of mayoral agencies shall cooperate to the extent practicable with the civic engagement commission in the development and implementation of its initiatives to strengthen civic engagement in New York city and shall offer assistance as practicable to the commission in the carrying out of the functions stated in this chapter.

(L.L. 2018/211, 12/3/2018, eff. 4/1/2019)