**State Committee Report:**

**Another City Charter Revision Commission?**

By Daniel Marks Cohen

The City Charter is essentially the city’s constitution. It is the rules that govern the city, and it is amended from time to time. I know, I know, didn’t we JUST vote on some revisions to the city charter last year? We did, in fact, and all three ballot measures passed. Refresher: those three measures increased the NYC campaign financing ratio from $6 to 1 to $8 to 1, created a (likely pointless) Mayoral Civic Engagement Commission, and imposed 10-year term limits for all Community Boards beginning in 2029. But that was the MAYOR’s charter revision. This year we get to vote on the CITY COUNCIL’s take on revising the charter. The council tried to get their version on the ballot last year, but there is a provision that if the Mayor proposes a charter revision, then the Mayor’s version, and only the Mayor’s, goes on the ballot, essentially knocking the Council off. So the City Council is back, and it is trying to propose some changes to the Charter for voters to decide on this November.

There are preliminary hearings in all five boroughs on the proposals from the Charter Revision Commission (“CRC”). Manhattan’s hearing is on Thursday, May 9, at City Hall starting at 6:00 pm, and there are a lot of potential changes afoot. The staff of the CRC has issued a report of the areas under consideration. You can read the full version here: <https://www.charter2019.nyc/> but I have summarized them briefly below. (Source: “Charter 2019 NYC Prelim Staff Report 2-Pager April 2019”)

**Ranked Choice Voting**: New York City elections currently allow for a winner who gets only a small share of the vote. When a runoff is necessary, elections can be costly and produce low voter turnout. One way to fix these issues is with Ranked Choice Voting (“RCV”). The CRC staff is recommending implementing RCV, a voting system in which voters rank the candidates by preference order. The candidate who ranks first on the fewest ballots is removed until, after multiple rounds, one candidate has the majority of votes.

**Civilian Complaint Review Board:** The Civilian Complaint Review Board (CCRB) investigates complaints by the public against NYC police officers. Critics say much reform is needed to make the NYPD and discipline process more accountable to the public. The CRC is recommending the following changes: (1) *Appointments*: Empower the City Council to appoint CCRB members directly rather than as designees subject to mayoral approval, and give the Public Advocate the power to appoint or designate one or more members of the CCRB. Currently the Mayor appoints all 13 members of the CCRB, with some members designated or recommended by the Council and the Police Commissioner. (2) *Disciplinary Guidelines*: Require the Police Commissioner to establish disciplinary guidelines that create clear penalties for misconduct. (3) *Police Commissioner Deviation*: If the Police Commissioner does not follow disciplinary recommendations, require the Commissioner to provide a memo to the CCRB and the Deputy Commissioner of Trials (DCT) with a comprehensive explanation. Currently, the Police Commissioner often deviates from the CCRB’s and DCT’s penalty recommendations. (4) *False Official Statements*: Empower the CCRB to investigate and recommend discipline when there is evidence that an officer has given a false statement during a CCRB investigation. Currently, the CCRB indicates when there is evidence that an officer has made a false statement, but does not investigate or prosecute the case, and the NYPD rarely disciplines the officers. (5) *Subpoena Power*: Delegate subpoena power to high-ranking CCRB staff. Currently, only the board has subpoena power, which can result in inefficient investigations and lost evidence.

**Public Advocate**: The role of Public Advocate (PA) is to be a watchdog and check on the Mayor, but the office has no real mechanism to do so. Establish a method for the PA to require officials and agencies to answer questions posed by the PA. This may be in the form of subpoena power or another legal mechanism. In addition, a guaranteed budget may protect the PA from punitive cuts.

**Borough Presidents**: Borough Presidents are responsible for coordinating agency services in their respective boroughs. Presently, Borough Presidents do not have the power to require information from agencies. Require agencies to provide Borough Presidents with certain documents and records related to their budget and land use responsibilities and strengthen agency engagement with borough service cabinets.

**Budget**: The City’s expense budget funds important social services, but it is difficult to know how much the City spends on various programs. Create more specificity in the City’s budget, which may improve transparency and accountability over New Yorkers’ dollars. In addition, require that the Mayor may not unilaterally refuse to spend money on certain Council-approved funds except for a financial and economic reason.

**Corporation Counsel**: Presently, the Mayor appoints the Corporation Counsel, who is the head of the NYC Law Department. That person acts as the attorney and counsel for the City as a whole. Require the Council’s advice and consent for the Mayor’s appointment of the Corporation Counsel and establish a set term for the Corporation Counsel to serve.

**Diversity in Procurement**: Support the minority- and women-owned business enterprise (MWBE) program by legally requiring that its program director be a Deputy Mayor or another senior official who reports directly to the Mayor and that this director be supported by an Office of MWBEs.

**Land Use**: Improve community engagement in the land use process by (1) providing more time and an earlier opportunity for Community Boards and Borough Presidents to review and comment on applications before the ULURP clock begins, and (2) extending the time for CBs to review applications in July and August.

**Planning**: Critics say the many reports required by the Charter related to city planning are inconsistent and difficult to follow. Clarify how the various city plans and projections should relate to and impact each other. These plans should address future planning challenges, such as neighborhood rezonings. Also, ensure that the public and other stakeholders are involved in these plans.