

Speaker Christine C. Quinn

Testimony before the New York City Charter Revision Commission

June 10, 2010

Thank you for the opportunity to testify. Today I am testifying on behalf of the City Council.

Twenty years ago, the 1989 Charter Revision Commission rewrote the City's Charter and restructured City government. The Commission reassigned many of the powers of the Board of Estimate to the City Council. Indeed, the Chair, Fritz Schwartz described the decision to "empower and expand the Council" as the Commission's most important decision. At the time, the Council had a prescribed, limited role in the governing of the City.

The 1989 Charter Commission envisioned a Council that would:

- Be an effective check and balance on the executive branch;
- Truly represent the City's residents and ensure minority rights;
- Control the City's purse strings by having the final say on how tax dollars should be spent;
- Tackle the City's basic problems;
- And effectively combine legislative, land use, and budget powers.

Well, over the past 20 years the Council has shown that we are up to this job. We have met this challenge.

We work as a partner to the Mayor and the executive branch, but we also are a check on the Mayor. Sometimes this counter-balance to executive power comes in the form of a veto override. But quite often this check on Mayoral power comes in a less confrontational manner – by reaching an agreement with an agency in the wake of an oversight or budget hearing, or working out joint legislation with the administration.

I think this all shows that the 1989 charter reforms have been largely successful. But that does not mean there is not room for improvement. We can still make government better and more responsive to the needs of New Yorkers. We believe we must always strive to further three important goals: (1) Providing communities with greater opportunity for input into government decisions; (2) making each branch or office of government more accountable; and (3) increasing transparency in government. In a Report that we have provided to the Commission, we have laid out over 30 specific proposals to meet these goals with changes in the balance of power between the executive and other offices in City government, and by reforming the City budget and land use procedures.

Council Member Brewer, Chair of our Committee on Governmental Operations, and I would like to give you a brief overview of these proposals.

The 1989 Commission sought and achieved a governmental structure in which the Mayor is responsible for managing government operations and implementing policy, and the Council is responsible for setting policy and conducting oversight. Some agencies and offices are afforded more independence under this system because of their function, oversight, and unique responsibilities. Today, however, there are certain oversight functions and governmental processes with policy implications that are too dominated by Mayoral appointees. Our first proposals are to enhance the independence of certain City entities and offices that are central to the oversight of government.

Just as the State Attorney General is an officer responsible for representing the legal interests of the State, the Corporation Counsel is charged with being the lawyer for the City and all its offices and agencies. The head of the City's Law Department should be accountable to a wider range of City officials. To accomplish this, we recommend that this appointment be subject to Council advice and consent

Additionally, the Civilian Complaint Review Board should have the power and budget to prosecute its own cases and send its findings to the Police Commissioner for final determination on whether or how to discipline police officers. A weak, understaffed CCRB serves neither the public nor the police.

Finally, we believe that the Conflicts of Interest Board, made up entirely of Mayoral appointees, should have Council appointees and some degree of budget independence as well. This Board oversees conduct of all City officials and employees – the vast majority of whom are Mayoral employees. It is important that the public and all City officials perceive the Board to be impartial and even-handed as it performs its vital functions.

Second, we are proposing reforms to make the land use process more representative of community perspectives. We recommend that the City's Franchise Concession Review Committee, the Board of Standards and Appeals and the Landmarks Preservation Commission have greater Borough President and community representation. We recommend expanding the Board of Standards and Appeals to 13 members, and giving one appointment to each borough president and one to the Council, expanding the LPC to give the Borough Presidents a voice in the landmarking process, and eliminating vote sharing by the borough presidents on city-wide concessions and franchises on the FCRC.

Additionally, there are some zoning challenges we are seeing all over the City that are not easily addressed by the Zoning Resolution. It has been nearly 50 years since the City last undertook a compressive, soup to nuts, review of zoning. A lot has changed in that time. Businesses that used to use chemicals and machinery now use computers. Other uses, such as outdoor entertainment establishments abutting residents and fast food restaurants near schools are posing quality of life issues in neighborhoods. Without mandated periodic reviews of the relevance of the Zoning Resolution's use groups to

current uses and neighborhood issues, our ability to deal with new issues diminishes over time.

Third, we are proposing a series of reforms to the budget process, which Council Member Brewer will explain. Some of these proposals I would label as corrective measures. They would ensure that Mayor does not misuse revenue estimate or impoundment powers. These powers are intended to help balance the City budget, but have been used by prior administrations to undermine the Council's powers of setting spending priorities.

Central to many of our other budget proposals is the need for greater budget transparency, which in and of itself provides a check on the powers of all government officials and makes us all more accountable to the public. We have been working for the last several years to apply the principles of transparency to the relatively small portion of the budget that deals with discretionary funding. Now, we would like to work with the Commission and the administration to bring that same transparency to the rest of the budget. The public and the Council need more information in the budget that links funding to specific programs so that we know whether we are getting enough bang out of our buck. Chairperson Brewer will enumerate highlights of our additional 10 budgetary proposals and our report will provide you with additional details.

Finally, another key reform we are proposing is that the duty of the Mayor to enforce laws enacted by the Council be made clear and explicit in the Charter. If a mayor believes that a law is not valid, the Charter should place the burden on the executive to go to court and have the law declared invalid. Anything less renders the Council's power to enact legislation over a mayor's veto meaningless.

In closing, I would like to thank the Chair, the Members, and the staff of the Commission. I know that your work is challenging, highly technical, and hugely time consuming. As a participant in City government, and a resident of New York City, I appreciate the time and care that you are putting into studying our government and working to ensure that we have the best system possible for the residents of this City.

Yours is a significant undertaking. The proposals that we are presenting to you today, and the many meritorious proposals that you have received from members of the public and other elected official, including those on borough control raised by many residents and officials in Staten Island, deserve your thoughtful consideration. I urge you to take the time that you need to comprehensively review the Charter and make those recommendations that you believe will best serve our City for years to come. We understand that it will be difficult for you to complete this comprehensive review this year, and hope that your work will continue in one form or another beyond this year.

I very much appreciate your considering these proposals. My colleague, Council Member Gail Brewer, Chair of our Governmental Operations Committee, will elaborate on our proposals on changing the budget and land use processes.

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Again I wish to thank you all for taking time tonight to hear our proposals. Our report goes through these proposals, as well as others not mentioned here, in more detail. Chair Brewer and I would be happy to answer some questions tonight, and make ourselves available to you if you have questions after reviewing our proposals.

Finally, staff to the Commission has requested that I address the issues of term limits and non-partisan elections. I would like to share my personal views on these issues with you.

In 2008, the Council voted to change term limits from two to three terms for all City elected officials. That change reflected the position of the last Council on this issue. This was a difficult issue that divided us. I have always believed in a strong legislative branch of government and that two-term limits on a legislature weakens the very branch that is supposed to be a check on executive power. That was my position when term limits was first imposed, when the Mayor put the question to us in his term limits legislation last session, and it remains my position today.

I understand that this Commission may consider not only the issue of term limits but also the manner in which any future changes to these provisions would be made. I strongly advocate against any attempt to isolate these provisions from the legislative process. First, our State laws expressly provide that referenda – with very few enumerated exceptions – could and should be subject to change by elected representatives. This was the basis of the Law Department’s advice to us on this issue when the term limits legislation was introduced in 2008. Second, any attempt to punish the Council for utilizing its legislative power and approving an unpopular measure introduced by the Mayor would set a dangerous precedent. Such an action would damage our system of representative democracy.

Finally, I strongly oppose non-partisan elections. In the last 17 years, we have elected two Republican mayors and an independent -- and our city is eight to one registered Democrats. Second, voters want information on candidates’ party affiliations. Affiliation tells a lot about a candidate’s position on a vast range of social and economic issues. I believe that non-partisan elections would weaken, rather than strengthen our electoral process.

I know you have a panel of distinguished speakers on Government Structure Reforms waiting to address you tonight. We would be happy to take a few questions now or respond to any and all questions you may have at another time.