



THE COUNCIL
OF
THE CITY OF NEW YORK
250 BROADWAY
NEW YORK, N.Y. 10007

GALE A. BREWER
COUNCIL MEMBER, DISTRICT 6

TEL: (212) 873-0282
GBREWER@COUNCIL.NYC.GOV

Testimony Before the NYC Commission to Strengthen Local Democracy

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My name is Gale Brewer and I represent the Upper West Side, parts of Clinton and all of Central Park in the New York City Council. I offer the following proposals for the Commission to consider.

- 1. Expanding Advice and Consent.** There were many debates throughout the 2018-2019 charter revision process, which I initiated with then Public Advocate Leticia James. Members of the Commission had very different viewpoints from one another—from the Republicans representing Staten Island to Sal Albanese, who represented then-Brooklyn Borough President Eric Adams—but they reached an agreement. One of the consensus outcomes was that the mayor's pick for Corporation Counsel should be determined through advice and consent, and it has proven to be valuable. There is no reason other agencies should not go through the same process. Other major cities, like Los Angeles and Chicago, have been using advice-and-consent for many years. When you have extra public scrutiny, you end up with the best people.
- 2. Protections for DOI Commissioner.** The City Charter says the mayor has the power to remove the Department of Investigation commissioner, as long as he or she gives an accounting of reasons for the firing and allows the commissioner “an opportunity of making a public explanation.” This Commission should explore strengthening protections to prevent the mayor from removing the DOI commissioner singlehandedly.
- 3. Implementation of Local Laws.** In all Administrations, laws that are passed are sometimes not implemented. For example, the Council passed reforms to CityFHEPS July 2023 that went into effect on January 9, 2024, but have not been implemented. Former Council Member Lou Fidler, may he rest in peace, said to the 2010 Bloomberg commission that the charter should

require all laws passed by the City Council go into effect unless the Mayor is sued to stop them. His recommendation would go a long way toward communities knowing that what passed into law was implemented.

4. **Revenue Estimates.** There is a lack of trust in the Administration's revenue estimates and no consequences for getting it wrong. This Charter Commission should recommend joint revenue estimates, also known as consensus estimates, between the City Council and the Mayor. For the new Fiscal Year, the Council and other entities such as the Independent Budget Office (IBO) were correct in their analysis as to a higher revenue estimate than that of the Administration. That is how budget cuts were restored, but they were not needed in the first place. Libraries did not have to relinquish the Sunday service. That was not an example of transparency in government.
5. **Review the Unit of Appropriation Structure.** U/As should be more particularized to make budgetary decisions more transparent and less broad. Today, the Department of Education (DOE) puts \$8 billion—over 23% of its \$33 billion budget—in a single U/A entitled “general education instruction and school leadership.” The Police Department mixes the budgets for all 123 police precincts, along with boroughwide offices and such divisions such as detectives, forensic investigation, narcotics, and strategic response into a single “operations” U/A. That single U/A accounts for a quarter of the \$6.4 billion departmental budget. One way to improve the structure would be to study each agency and their UAs and create a comprehensively revised UA approach, balancing accountability with transparency and fiscal management.
6. **Funding Formulas for Oversight Agencies.** Unless the City Council increases the Citizen Complaint Review Board (CCRB) budget year after year, they do not have enough funding to investigate all of the complaints within their jurisdiction. It is crucial to shift the CCRB's budget model from a “guaranteed headcount” to a “guaranteed dollar amount” based on the NYPD budget. In some cities, the funding for oversight is guaranteed to be at least 1% of the budget for the police department that they oversee. This model has been successful with the Independent Budget Office (IBO) whose budget is tied to the budget of the Office of Management and Budget (OMB). Similar funding models should be considered for all other oversight agencies such as Department of Investigation, Board of Correction, and Special Commissioner for Investigation for the city school system.

7. **Destruction of Landmarked Buildings.** The Landmarks Law includes an unfortunate loophole which allows the Landmarks Preservation Commission, without any City Council oversight, to grant permission to developers to destroy existing, individually- designated landmarks based on alleged hardship. This is inconsistent with the intent of the Landmarks Law. The loophole should be closed.
8. **Mayoral Appointments to Boards and Panels.** The mayor has too much control over the makeup of boards such as the Rent Guidelines Board, the Board of Correction, and the Advisory Committee on the Judiciary. The City Council, Borough Presidents, and/or Public Advocate should have more spots to fill so these bodies are not simply pass-throughs for the mayor.
9. **Law Department Representation and Settlements.** Corporation Counsel has too much discretion to represent current and former members of the NYPD, including the mayor and members of the administration, when they are accused of wrongdoing. Further, the voters should decide if the city enables bad policing by aggressively defending against misconduct claims instead of demanding changes to NYPD practices.