



THE COUNCIL OF
THE CITY OF NEW YORK

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NYC Council Speaker Adrienne E. Adams’ Testimony to the Charter Revision Commission

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Thank you Chair Scissura and members of the Charter Revision Commission for the opportunity to provide testimony.

The Commission Should Proceed Deliberately and Ensure Public Engagement

A Charter Revision Commission is a significant effort, and the objective of any such commission should be to improve good governance in our city through comprehensive review of the entire City Charter, as it is mandated to do by state law. A thoughtful and thorough process can yield positive, balanced proposed changes to the Charter to make government more responsive, transparent, and effective.

This serious undertaking, while daunting, should be accomplished with ample, sufficient time and energy. For example, the 2019 Charter Revision Commission (CRC) held multiple rounds of public hearings across the city, and over 150 New Yorkers testified in person regarding hundreds of ideas for Charter amendments. It was established in December 2018 and issued its final report eight months later in August 2019. The Commission convened expert forums that were open to the public to more closely examine many of these proposals and heard expert testimony from around the country on the experiences of other cities and states on ideas being considered, wherever relevant. The 2019 CRC held hearings on its preliminary report to ensure the public was engaged at every step of the process.

Fortunately, there is still sufficient time for this Commission to do its critical work—the law permits that the Commission can continue to operate until the General Election in 2025, at which time ballot proposals could be considered by voters. There is no sound reason to short-circuit this process and submit one or more questions to the voters before that time, which would be hurried and underdeveloped. A rushed process would only undermine the Commission’s ability to successfully carry out its stated mission of reviewing the entire City Charter and put forward thoughtful proposals. I urge the Commission to avoid this detrimental outcome that would risk significant harm to good governance and democracy in New York City.

I also want to address reports and assertions about the purported origin of the Commission. It has been reported and confirmed that the idea for the Commission emerged from complaints voiced during a May 2, 2024 meeting regarding purported lack of ability for the public to provide input on City Council legislation. This is unequivocally incorrect and ignores the reality of long-established policies and procedures for city legislation. The City

Council's process for legislation always includes formal pathways for the public to provide input. Every bill has a public hearing, where any member of the public can either testify in-person or virtually; they can also submit written testimony without attending. Translation is often provided to members of the public upon their request. All hearings are webcast and all testimony received is added to a public record that is readily available through the Council's website, along with the archived webcast and transcript of the hearing. The public is always encouraged to provide its testimony, because the Council utilizes hearings to inform lawmaking and policy decisions. In fact, the bill that was specifically referenced in that meeting was the subject of a hearing that extended to nearly five hours of testimony by Administration officials and members of the public with a diverse array of perspectives. There are reasons to establish a Charter Revision Commission, but the rationale asserted is not a credible one.

The Commission Should Allow Voters the Opportunity to Vote on Advice and Consent

In addition to providing the time necessary for the Commission to properly review the entire Charter and thoughtfully consider public ideas for its amendment, the Commission should not simply advance a rushed proposal to deny voters the ability to decide whether to expand City Council advice-and-consent of additional agency commissioners.

On June 6, the Council passed Introduction 908-A (Int. 908), which would subject 20 additional agency commissioners to advice and consent for appointment. The Council has a record of effectively working with the Administration on appointments that require advice and consent, including during the current Administration, where over 35 appointments have been approved. Given that there are more than 80 such positions in which advice and consent could be extended, the addition of these 20 agency commissioners to the existing process would be an incremental change that increases transparency and enhances good governance.

State law requires that Int. 908 be approved in a referendum before it can become operative. As such, the legislation stipulates it to be submitted for approval at this year's General Election. The 2019 New York City Charter Revision Commission submitted five questions at the General Election that year, one of which included a proposal to subject the Corporation Counsel to the advice and consent of the Council. That proposal was approved by the voters with 77.4% voting in favor.

However, state law also holds that a mayor-created Charter Revision Commission proposal "bumps" a referendum question derived from a local law. This means that, if this Commission chooses to rush its process of reviewing the entirety of the Charter, engaging with the public, and making a submission of one or more questions to the voters by submitting for this year's General Election, it will deny New Yorkers the opportunity to vote on Int. No. 908.

New Yorkers deserve the right to vote on Int. 908 and denying their ability to exercise it would be undemocratic. It would raise the question of what the Administration and Commission fear in allowing voters to determine this through the democratic process. The Commission has the power to ensure this doesn't happen and should utilize these powers to do so. Taking more time to consider ideas for Charter revisions comes with the additional benefits of allowing additional time for the public and experts to engage, thoroughly review, and complete public education on the eventual proposals.

Charter Revision Proposals for the Commission

A Charter Revision Commission that considers improvements to the important issues of fiscal responsibility and public safety should conduct a comprehensive assessment. In doing so, it would be difficult to ignore the lack of transparency in how agencies spend money as a problem to address, given that these funds are taxpayers' dollars. Additionally, there is a lack of confidence that there will be accountability when civilians are harmed by incidents of misconduct committed by individual members of the New York City Police Department, despite a small proportion of officers within the department being responsible for most incidents. In considering ways to achieve improvements in these areas of city government, the Council recommends consideration of the following ideas:

Proposed Unit of Appropriation Amendment

The Council recommends amending the Charter to ensure adherence to its mandate that units of appropriation correspond more closely to the various functions, activities or programs of each agency as the framers of the Charter intended.

Under current law, the Charter states that each unit of appropriation (U/A) represents an amount requested for "a particular program, purpose, activity, or institution." The Charter also says that a single U/A may only represent amounts "for more than one particular program, purpose, activity or institution" if the Council has passed a resolution on the inclusion of multiple programs, purposes, activities or institutions in a single U/A (Charter § 100(c)).

Current budgeting practices are not in compliance with these standards in the City Charter and undermine transparency for the taxpayers whose money is being spent and the Council's ability to perform its Charter-mandated budget responsibilities.

According to the Charter, the units of appropriation are the legal "building blocks" which comprise the budget and are intended to be highly descriptive in order to facilitate the Council's and the public's understanding of agency spending and performance. However, the units of appropriation set forth in the Expense Budget submitted by the Mayor are generally broad and wide-ranging. Multiple agency programs may be contained in one or a handful of units of appropriation and funds are transferred between programs without the required oversight or accountability. The Charter expressly prohibits large, multi-purpose U/As without a resolution adopted by the Council and such a resolution has never been submitted by the Mayor or adopted by the Council.

When the units of appropriation do not properly reflect the programmatic activities of the agency, the budget becomes a less honest representation of the City's priorities. As intended by the 1989 Charter Revision Commission -- smaller, programmatic units of appropriation enable the Council and the public to conduct more in-depth oversight of City agencies and better understand the Mayor's priorities and to adjust program funding levels.

A Charter amendment clarifying definitions and/or creating restrictions on having a majority of an agency's spending in a single unit of appropriation would reform the current U/A structure so that the U/As would actually reflect substantive, programmatic functions of each agency --ensuring compliance with the Charter requirement that a unit of appropriation (whether for personal or other-than-personal services) could not extend

beyond a single program, purpose, activity, or institution, unless the Council adopted a resolution (either on the recommendation or with the approval of the Mayor).

Proposed Civilian Complaint Review Board Amendment

The Civilian Complaint Review Board (CCRB) was created to ensure accountability when police officers abuse their authority or engage in misconduct, but currently, they do not have enough funding to investigate all the complaints within their jurisdiction. This Administration has repeatedly resisted providing the agency with the resources it needs within the city budget to perform its mission and core responsibilities, despite the Council's advocacy. It is crucial to shift the CCRB's guaranteed budget model from a "guaranteed headcount" model to a "guaranteed dollar amount" model based on the NYPD budget. This change will allow CCRB to better address their specific staffing and operational needs, providing the necessary flexibility to adapt to the evolving demands of their work.

The 2019 Charter Revision Commission led to the adoption of an amendment that mandated CCRB's personnel budget be at minimum sufficient to fund CCRB personnel headcount at least equal in number to 0.65% budgeted headcount of uniformed members of the Police Department, as determined to be consistent with published budgeted headcount documents of the Office of Management and Budget (OMB). As we've learned, this funding structure has failed to provide CCRB with adequate funding to keep up with an increasing workload. The problem is a disconnect between the number of positions that CCRB is theoretically able to fill and the amount of money OMB allocates for salaries for available positions. For example, CCRB has an extremely high turnover rate of investigators, a position that requires a four-year degree, and has a starting salary of \$46,000/year. At that pay scale, CCRB is unable to retain talented staff members. The agency is reliant on OMB to approve promotions and raises which are regularly delayed or denied.

Amending CCRB's funding structure to guarantee a total overall budget amount instead of a minimum headcount would resolve this operational problem and make New York City's funding for civilian police oversight comparable with other major cities. In both Miami and Chicago, the funding for civilian oversight is guaranteed to be at least 1% of the budget for the police department they oversee. In Fiscal Year 2025 (FY25), the NYPD's proposed budget is \$5.4 billion with 35,000 uniformed officers. If New York City were to adopt the Miami/Chicago model, CCRB's projected budget would be \$54 million, more than double what Mayor Adams' proposed in his FY25 Executive Budget.